

US Laws, statutes, Etc.

UNITED STATES STATUTES AT LARGE

CONTAINING THE

LAWS AND CONCURRENT RESOLUTIONS
ENACTED DURING THE SECOND SESSION OF THE
EIGHTY-FIFTH CONGRESS
OF THE UNITED STATES OF AMERICA

1958

AND

REORGANIZATION PLAN AND PROCLAMATIONS

VOLUME 72

IN TWO PARTS

PART 1

PUBLIC LAWS AND REORGANIZATION PLAN



UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1959

UNITED STATES
STATUTES AT LARGE
OF THE UNITED STATES OF AMERICA

Law
KF50
145
844
vol 72
Cpt. 1
115 2

PUBLISHED BY AUTHORITY OF LAW UNDER THE DIRECTION OF THE
ADMINISTRATOR OF GENERAL SERVICES BY THE OFFICE OF THE
FEDERAL REGISTER, NATIONAL ARCHIVES AND RECORDS SERVICE

VOLUME 72
PART 1

4 - JAN 27
COPY 1960

For sale by the
Superintendent of Documents
U.S. Government Printing Office, Washington 25, D.C.
Price \$11.25 (Buckram)

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85-724	<i>Department of Defense Appropriation Act, 1959.</i> AN ACT Making appropriations for the Department of Defense for the fiscal year ending June 30, 1959, and for other purposes.	Aug. 22, 1958	711
85-725	<i>Alaska, public lands settlement.</i> AN ACT To provide for settlement and entry of public lands in Alaska containing coal, oil, or gas under section 10 of the Act of May 14, 1898, as amended.	Aug. 23, 1958	730
85-726	<i>Federal Aviation Act of 1958.</i> AN ACT To continue the Civil Aeronautics Board as an agency of the United States, to create a Federal Aviation Agency, to provide for the regulation and promotion of civil aviation in such manner as to best foster its development and safety, and to provide for the safe and efficient use of the airspace by both civil and military aircraft, and for other purposes.	Aug. 23, 1958	731
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85-729	<i>Armed Forces, settlement of claims.</i> AN ACT To amend title 10, United States Code, to authorize the Secretaries of the military departments to settle certain claims in the amount of \$5,000, or less, and to partially pay certain claims which are certified to Congress.	Aug. 23, 1958	813
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85-733	<i>Hawaiian Homes Commission Act, amendment.</i> AN ACT Amending the Hawaiian Homes Commission Act to permit the establishment of a post office on Hawaiian homelands, and for other purposes.	Aug. 23, 1958	822
85-734	<i>Tennessee River Basin Water Pollution Control Compact.</i> AN ACT Granting the consent and approval of Congress to the Tennessee River Basin Water Pollution Control Compact.	Aug. 23, 1958	823
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85-736	<i>Mining claims.</i> AN ACT To amend section 2324 of the Revised Statutes, as amended, to change the period for doing annual assessment work on unpatented mineral claims so that it will run from September 1 of one year to September 1 of the succeeding year, and to make such change effective with respect to the assessment work year commencing in 1959.	Aug. 23, 1958	829

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85-747	<i>Vessels, naval contracts.</i> AN ACT To subject naval ship construction to the Act of June 30, 1936 (49 Stat. 2036), as amended	Aug. 25, 1958	839
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85-853	<i>Mutual Security Appropriation Act, 1959.</i> AN ACT Making appropriations for Mutual Security for the fiscal year ending June 30, 1959, and for other purposes	Aug. 28, 1958	1100
85-854	<i>D. C. Redevelopment Act of 1945, amendments.</i> AN ACT To amend the District of Columbia Redevelopment Act of 1945, as amended	Aug. 28, 1958	1102
85-855	<i>Armed Forces, disability retirement pay.</i> AN ACT To amend Public Law 85-422	Aug. 28, 1958	1104
85-856	<i>U. S. Marshals, bonds.</i> AN ACT To amend section 544 of title 28, United States Code, relating to the bonds of United States marshals	Sept. 2, 1958	1104
85-857	<i>U. S. Code, title 38.</i> AN ACT To consolidate into one Act all of the laws administered by the Veterans' Administration, and for other purposes	Sept. 2, 1958	1105
85-858	<i>Federal employees, travel expenses outside U. S.</i> AN ACT To amend section 7 of the Administrative Expenses Act of 1946, as amended, relating to travel expenses of civilian officers and employees assigned to duty posts outside the continental United States	Sept. 2, 1958	1274
85-859	<i>Excise Tax Technical Changes Act of 1958.</i> AN ACT To make technical changes in the Federal excise tax laws, and for other purposes	Sept. 2, 1958	1275
85-860	<i>Indians.</i> AN ACT Directing the Secretary of the Army to transfer certain buildings to the Crow Creek Sioux Indian Tribe	Sept. 2, 1958	1436
85-861	<i>U. S. Code, titles 10, 14, and 32, amendments.</i> AN ACT To amend titles 10, 14, and 32, United States Code, to codify recent military law, and to improve the Code	Sept. 2, 1958	1437
85-862	<i>National forests lands.</i> AN ACT To facilitate administration and management by the Secretary of Agriculture of certain lands of the United States within national forests	Sept. 2, 1958	1571

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85-863	<i>Public Works Appropriation Act, 1959.</i> AN ACT Making appropriations for civil functions administered by the Department of the Army, certain agencies of the Department of the Interior, and the Tennessee Valley Authority, for the fiscal year ending June 30, 1959, and for other purposes	Sept. 2, 1958	1572
85-864	<i>National Defense Education Act of 1958.</i> AN ACT To strengthen the national defense and to encourage and assist in the expansion and improvement of educational programs to meet critical national needs; and for other purposes	Sept. 2, 1958	1580
85-865	<i>Watershed Protection and Flood Prevention Act, amendment.</i> AN ACT To amend the Watershed Protection and Flood Prevention Act	Sept. 2, 1958	1605
85-866	<i>Technical Amendments Act of 1958; Small Business Tax Revision Act of 1958.</i> AN ACT To amend the Internal Revenue Code of 1954 to correct unintended benefits and hardships and to make technical amendments, and for other purposes	Sept. 2, 1958	1606
85-867	<i>Agriculture, livestock protection.</i> AN ACT To provide further protection against the introduction and dissemination of livestock diseases, and for other purposes	Sept. 2, 1958	1685
85-868	<i>Indians, Navajo Tribe.</i> AN ACT To provide for the exchange of lands between the United States and the Navajo Tribe, and for other purposes	Sept. 2, 1958	1686
85-869	<i>Armed Forces, overpayments made to certain officers.</i> AN ACT To validate overpayments of pay and allowances made to certain officers of the Army, Navy, Naval Reserve, and Air Force, while undergoing training at civilian hospitals, and for other purposes	Sept. 2, 1958	1690
85-870	<i>Big Brothers of America, incorporation.</i> AN ACT To incorporate the Big Brothers of America	Sept. 2, 1958	1691
85-871	<i>War Orphans Educational Assistance Act of 1956, amendments.</i> AN ACT To amend the War Orphans' Educational Assistance Act of 1956 to permit the Administrator of Veterans' Affairs to make payments with respect to special restorative training, or specialized courses of vocational training, for younger persons than those with respect to whom the Administrator may now make such payments, and for other purposes	Sept. 2, 1958	1695
85-872	<i>Wage board employees, compensation increase.</i> AN ACT Relating to effective dates of increases in compensation granted to wage board employees	Sept. 2, 1958	1696
85-873	<i>El Paso, Tex., property exchange.</i> AN ACT To authorize the exchange of certain real property heretofore conveyed to the city of El Paso, Texas, by the United States, for other real property of equal value, and for other purposes	Sept. 2, 1958	1697
85-874	<i>National Cultural Center Act.</i> AN ACT To provide for a National Cultural Center which will be constructed, with funds raised by voluntary contributions, on a site made available in the District of Columbia	Sept. 2, 1958	1698
85-875	<i>Science clubs.</i> AN ACT To require the Commissioner of Education to encourage, foster, and assist in the establishment of clubs for boys and girls especially interested in science	Sept. 2, 1958	1700
85-876	<i>Mining claims, labor requirements.</i> AN ACT To clarify the requirements with respect to the performance of labor imposed as a condition for the holding of mining claims on Federal lands pending the issuance of patents therefor	Sept. 2, 1958	1701
85-877	<i>Compact, Minnesota and Canada.</i> AN ACT To authorize the negotiation of a compact between the State of Minnesota and the Province of Manitoba, Canada, for the development of a highway to provide access to the northwest angle in such State	Sept. 2, 1958	1701
85-878	<i>Indians, Pine Ridge Sioux Tribe.</i> AN ACT To amend section 1 of the Act of July 24, 1956 (70 Stat. 625), entitled "To provide that payments be made to certain members of the Pine Ridge Sioux Tribe of Indians as reimbursement for damages suffered as the result of the establishment of the Pine Ridge aerial gunnery range"	Sept. 2, 1958	1702

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85-879	<i>Walter Reed associate, Roger P. Ames.</i> AN ACT To amend the Act entitled "An Act to recognize the high public service rendered by Major Walter Reed and those associated with him in the discovery of the cause and means of transmission of yellow fever", approved February 28, 1929, by including therein the name of Roger P. Ames	Sept. 2, 1958	1702
85-880	<i>World Science-Pan Pacific Exposition, Seattle, Wash.</i> AN ACT To provide for participation of the United States in the World Science-Pan Pacific Exposition to be held at Seattle, Washington, in 1961, and for other purposes	Sept. 2, 1958	1703
85-881	<i>Army and Navy Surgeons General.</i> AN ACT To relieve the Surgeons General of the Army and Navy of certain responsibilities outside the Department of Defense	Sept. 2, 1958	1704
85-882	<i>Foreign Service, retirement.</i> AN ACT To provide for adjustments in the annuities under the Foreign Service retirement and disability system	Sept. 2, 1958	1705
85-883	<i>Saline water research.</i> JOINT RESOLUTION Providing for the construction of demonstration plants for the production, from saline or brackish waters, of water suitable for agricultural, industrial, municipal, and other beneficial consumptive uses	Sept. 2, 1958	1706
85-884	<i>Trading With the Enemy Act, amendment.</i> AN ACT To amend section 39 of the Trading With the Enemy Act of October 6, 1917, as amended	Sept. 2, 1958	1708
85-885	<i>Rama Road, Nicaragua.</i> AN ACT To authorize appropriations for continuing the construction of the Rama Road in Nicaragua	Sept. 2, 1958	1709
85-886	<i>Federal Property and Administrative Services Act of 1949, amendment.</i> AN ACT To amend the Federal Property and Administrative Services Act of 1949 to extend the authority to lease out Federal building sites until needed for construction purposes and the Act of June 24, 1948 (62 Stat. 644), and for other purposes	Sept. 2, 1958	1709
85-887	<i>Dogfish sharks, eradication.</i> AN ACT Authorizing and directing the Secretary of the Interior to investigate and eradicate the predatory dogfish sharks to control the depredations of this species on the fisheries of the Pacific coast, and for other purposes	Sept. 2, 1958	1710
85-888	<i>Fish and Wildlife Act of 1956, amendment.</i> AN ACT To amend the Fish and Wildlife Act of 1956 in order to increase the authorization for the fisheries loan fund established under such Act	Sept. 2, 1958	1710
85-889	<i>Heart Mountain Irrigation District, Wyo.</i> AN ACT To approve a repayment contract negotiated with the Heart Mountain Irrigation District, Wyoming, and to authorize its execution	Sept. 2, 1958	1711
85-890	<i>National Bureau of Standards, field sites.</i> AN ACT To amend the Act of March 3, 1901 (31 Stat. 1449), as amended, to incorporate in the Organic Act of the National Bureau of Standards the authority to acquire land for field sites, to undertake construction and improvement of buildings and for other activities	Sept. 2, 1958	1711
85-891	<i>Hawaiian Nene goose, preservation.</i> AN ACT To authorize a program for the conservation, restoration, and management of the rare Hawaiian Nene goose	Sept. 2, 1958	1712
85-892	<i>Nationals of Portugal and the Netherlands, relief.</i> AN ACT For the relief of certain distressed aliens	Sept. 2, 1958	1712
85-893	<i>Postal service.</i> AN ACT To amend that part of the Act of June 9, 1896 (29 Stat. 313), relating to the establishment of postal stations and branch post offices, so as to permit them to be established within ten miles of the boundary of the adjoining city	Sept. 2, 1958	1713
85-894	<i>Puerto Rico, Adjutant General, appointment.</i> AN ACT To amend title 32 of the United States Code to permit the appointment of the Adjutant General of Puerto Rico as provided by the laws of the Commonwealth of Puerto Rico	Sept. 2, 1958	1713
85-895	<i>Capitol Power Plant, improvements.</i> AN ACT To provide for certain improvements relating to the Capitol Power Plant and its distribution systems	Sept. 2, 1958	1714

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85-896	<i>Veterans, term insurance.</i> AN ACT To amend title 38 of the United States Code to authorize the conversion or exchange, under certain conditions, of term insurance issued under section 621 of the National Service Life Insurance Act of 1940, and for other purposes	Sept. 2, 1958	1716
85-897	<i>Textile Fiber Products Identification Act.</i> AN ACT To protect producers and consumers against misbranding and false advertising of the fiber content of textile fiber products, and for other purposes	Sept. 2, 1958	1717
85-898	<i>Rochester Fish-Cultural Station, Ind., conveyance.</i> AN ACT To authorize an exchange of lands at the Rochester Fish-Cultural Station, Indiana	Sept. 2, 1958	1724
85-899	<i>Federal-Aid Highway Acts, amendments.</i> AN ACT To amend the Federal-Aid Highway Acts of 1956 and 1958 by advancing the date for submission of the revised estimate of cost of completing the Interstate System and to extend the approval of such estimate for an additional year	Sept. 2, 1958	1725
85-900	<i>Boulder City Act of 1958.</i> AN ACT To provide for the disposal of certain Federal property in the Boulder City area, to provide assistance in the establishment of a municipality incorporated under the laws of Nevada, and for other purposes	Sept. 2, 1958	1726
85-901	<i>D. C. school lunches, payment.</i> AN ACT To amend the District of Columbia Public School Food Services Act	Sept. 2, 1958	1735
85-902	<i>Vessels.</i> AN ACT To amend section 27 of the Merchant Marine Act of 1920	Sept. 2, 1958	1736
85-903	<i>Jewish War Veterans, U. S. A., National Memorial, Inc.</i> AN ACT To incorporate the Jewish War Veterans, U. S. A., National Memorial, Inc.	Sept. 2, 1958	1738
85-904	<i>National Farm-City Week, 1958, designation.</i> JOINT RESOLUTION Designating the week of November 21-27, 1958, as National Farm-City Week	Sept. 2, 1958	1741
85-905	<i>Deaf, loan service of films.</i> AN ACT To provide in the Department of Health, Education, and Welfare for a loan service of captioned films for the deaf	Sept. 2, 1958	1742
85-906	<i>Commission and Advisory Committee on International Rules of Judicial Procedure.</i> AN ACT To establish a Commission and Advisory Committee on International Rules of Judicial Procedure	Sept. 2, 1958	1743
85-907	<i>Naval employees.</i> AN ACT For the relief of certain employees of the Department of the Navy	Sept. 2, 1958	1745
85-908	<i>White House Conference on Aging Act.</i> AN ACT To provide for holding a White House Conference on Aging to be called by the President of the United States in January 1961, to be planned and conducted by the Secretary of Health, Education, and Welfare with the assistance and cooperation of other departments and agencies represented on the Federal Council on Aging; to assist the several States in conducting similar conferences on aging prior to the White House Conference on Aging; and for related purposes	Sept. 2, 1958	1746
85-909	<i>Packers and Stockyards Act, 1921, amendments.</i> AN ACT To amend the Packers and Stockyards Act, 1921, as amended, and for other purposes	Sept. 2, 1958	1749
85-910	<i>Grand Portage National Monument, Minn.</i> AN ACT To provide for the establishment of Grand Portage National Monument in the State of Minnesota, and for other purposes	Sept. 2, 1958	1751
85-911	<i>Federal Boating Act of 1958.</i> AN ACT To promote boating safety on the navigable waters of the United States, its Territories, and the District of Columbia; to provide coordination and cooperation with the States in the interest of uniformity of boating laws; and for other purposes	Sept. 2, 1958	1754
85-912	<i>Public debt.</i> AN ACT To increase the public debt limit	Sept. 2, 1958	1758
85-913	<i>Virgin Islands Corporation Act, amendments.</i> AN ACT To amend the Virgin Islands Corporation Act (63 Stat. 350), and for other purposes	Sept. 2, 1958	1759
85-914	<i>Federal employees.</i> AN ACT To provide for the lump-sum payment of all accumulated and current accrued annual leave of deceased employees	Sept. 2, 1958	1761

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85-915	<i>Oahe Dam and Reservoir Project, Mo.</i> AN ACT To provide for the acquisition of lands by the United States required for the reservoir created by the construction of Oahe Dam on the Missouri River and for rehabilitation of the Indians of the Standing Rock Sioux Reservation in South Dakota and North Dakota, and for other purposes	Sept. 2, 1958	1762
85-916	<i>Crow Creek Sioux Indians.</i> AN ACT To provide for additional payments to the Indians of the Crow Creek Sioux Reservation, South Dakota, whose lands have been acquired for the Fort Randall Dam and Reservoir project, and for other purposes	Sept. 2, 1958	1766
85-917	<i>D. C. teachers' retirement annuities.</i> AN ACT To increase annuities payable to certain annuitants from the District of Columbia teachers retirement and annuity fund, and for other purposes	Sept. 2, 1958	1768
85-918	<i>Civil War Centennial Commission.</i> JOINT RESOLUTION To amend the Act of September 7, 1957 (71 Stat. 626), providing for the establishment of a Civil War Centennial Commission	Sept. 2, 1958	1769
85-919	<i>Courts, interlocutory orders.</i> AN ACT To amend section 1292 of title 28 of the United States Code relating to appeals from interlocutory orders	Sept. 2, 1958	1770
85-920	<i>Corporations, tax refund suits.</i> AN ACT Relating to venue in tax refund suits by corporations	Sept. 2, 1958	1770
85-921	<i>U. S. Code, title 18, amendment.</i> AN ACT To permit illustrations and films of United States and foreign obligations and securities under certain circumstances, and for other purposes	Sept. 2, 1958	1771
85-922	<i>Yosemite National Park, Calif.</i> AN ACT To authorize the Secretary of the Interior to provide an administrative site for Yosemite National Park, California, on lands adjacent to the park, and for other purposes	Sept. 2, 1958	1772
85-923	<i>Sioux Indians.</i> AN ACT To provide for additional payments to the Indians of the Lower Brule Sioux Reservation, South Dakota, whose lands have been acquired for the Fort Randall Dam and Reservoir project, and for other purposes	Sept. 2, 1958	1773
85-924	<i>California International Trade Fair and Industrial Exposition.</i> JOINT RESOLUTION Authorizing and requesting the President to invite the countries of the free world to participate in the California International Trade Fair and Industrial Exposition to be held in Los Angeles, California, from April 1 to 12, 1959	Sept. 2, 1958	1775
85-925	<i>Minnesota State Fair and Centennial Exposition.</i> AN ACT To permit articles imported from foreign countries for the purpose of exhibition at the Minnesota State Fair and Centennial Exposition to be held at Saint Paul, Minnesota, to be admitted without payment of tariff, and for other purposes	Sept. 2, 1958	1775
85-926	<i>Education of mentally retarded children.</i> AN ACT To encourage expansion of teaching in the education of mentally retarded children through grants to institutions of higher learning and to State educational agencies	Sept. 6, 1958	1777
85-927	<i>Railroad retirement, unemployment insurance, etc.</i> AN ACT To amend the Railroad Retirement Act of 1937, the Railroad Unemployment Insurance Act, and the Social Security Act	Sept. 6, 1958	1778
85-928	<i>Board of Parole.</i> AN ACT To amend section 4201 of title 18, United States Code, with respect to the annual rate of compensation of members of the Board of Parole	Sept. 6, 1958	1783
85-929	<i>Food Additives Amendment of 1958.</i> AN ACT To protect the public health by amending the Federal Food, Drug, and Cosmetic Act to prohibit the use in food of additives which have not been adequately tested to establish their safety	Sept. 6, 1958	1784
85-930	<i>Renegotiation Act of 1951, extension.</i> AN ACT To extend the Renegotiation Act of 1951 for six months, and for other purposes	Sept. 6, 1958	1789
85-931	<i>Agricultural Trade Development and Assistance Act of 1954, amendments.</i> AN ACT To extend and amend the Agricultural Trade Development and Assistance Act of 1954	Sept. 6, 1958	1790

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85-932	<i>Portsmouth, R. I.</i> AN ACT For the relief of the town of Portsmouth, Rhode Island	Sept. 6, 1958	1792
85-933	<i>Patent Office.</i> AN ACT To authorize an increase in the membership of the Board of Appeals of the Patent Office; to provide increased salaries for certain officers and employees of the Patent Office; and for other purposes	Sept. 6, 1958	1793
85-934	<i>Science research, funds.</i> AN ACT To authorize the expenditure of funds through grants for support of scientific research, and for other purposes	Sept. 6, 1958	1793
85-935	<i>National Air Museum.</i> AN ACT To authorize the preparation of plans and specifications for the construction of a building for a National Air Museum for the Smithsonian Institution, and all other work incidental thereto	Sept. 6, 1958	1794
85-936	<i>Jefferson National Expansion Memorial.</i> AN ACT To amend the Act of May 17, 1954 (68 Stat. 98), providing for the construction of the Jefferson National Expansion Memorial at the site of old Saint Louis, Missouri, and for other purposes	Sept. 6, 1958	1794

PUBLIC LAWS

Public Laws

ENACTED DURING THE
SECOND SESSION OF THE EIGHTY-FIFTH CONGRESS
OF THE
UNITED STATES OF AMERICA

Begun and held at the City of Washington on Tuesday, January 7, 1958, and adjourned sine die on Sunday, August 24, 1958. DWIGHT D. EISENHOWER, President; RICHARD M. NIXON, Vice President; SAM RAYBURN, Speaker of the House of Representatives.

Public Law 85-317

JOINT RESOLUTION

Authorizing the President to issue a proclamation calling upon the people of the United States to commemorate with appropriate ceremonies the one hundredth anniversary of the admission of the State of Oregon into the Union.

February 4, 1958
[S. J. Res. 131]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized and requested to issue, on or before February 14, 1959 (the one hundredth anniversary of the date on which the State of Oregon was admitted into the Union), a proclamation calling upon the people of the United States to commemorate with appropriate ceremonies the one hundredth anniversary of the admission of Oregon into the Union.

Oregon, 100th
anniversary.

Approved February 4, 1958.

Public Law 85-318

AN ACT

To amend section 812 (e) (1) (D) of the Internal Revenue Code of 1939 with respect to certain decedents who were adjudged incompetent before April 2, 1948.

February 11, 1958
[H. R. 5938]

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

Incompetent de-
cedents.

62 Stat. 117.
26 USC 812.

812 (e) (1) (D) of the Internal Revenue Code of 1939 (relating to bequests of an interest to a surviving spouse conditional on survival for a limited period) is amended by adding at the end thereof the following:

“For the purposes of subparagraph (B), an event or contingency shall not be considered an event or contingency upon the occurrence of which an interest passing to the surviving spouse will terminate or fail if—

“(iii) within six months after the date of the decedent's death, such event or contingency becomes impossible of occurrence; and

“(iv) the decedent was adjudged incompetent before April 2, 1948, and was not restored to competency before his death.”

Effective date.

SEC. 2. The amendment made by this Act shall apply with respect to decedents dying after April 2, 1948.

SEC. 3. No interest shall be allowed or paid on any overpayment resulting from the amendment made by this Act.

Approved February 11, 1958.

Public Law 85-319

AN ACT

February 11, 1958
[H. R. 7762]

To amend section 223 of the Revenue Act of 1950 so that it will apply to taxable years ending in 1954 to which the Internal Revenue Code of 1939 applies.

64 Stat. 947.
26 USC app. 502
note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 223 of the Revenue Act of 1950 (relating to use of corporation property by a shareholder) is amended by striking out “and before January 1, 1954,” and inserting in lieu thereof “to which the Internal Revenue Code of 1939 applies.”

SEC. 2. No interest shall be allowed or paid on any overpayment resulting from the amendment made by the first section of this Act.

Approved February 11, 1958.

Public Law 85-320

AN ACT

February 11, 1958
[H. R. 9035]

To amend the Internal Revenue Code of 1954 with respect to the basis of stock acquired by the exercise of restricted stock options after the death of the employee.

Taxes.
Stock options.
68A Stat. 143.
26 USC 421.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 421 (d) (6) of the Internal Revenue Code of 1954 (relating to restricted stock options exercised by estate) is amended by adding at the end thereof the following new subparagraph:

“(C) BASIS OF SHARES ACQUIRED.—In the case of a share of stock acquired by the exercise of an option to which subparagraph (A) applies—

“(i) the basis of such share shall include so much of the basis of the option as is attributable to such share; except that the basis of such share shall be reduced by the excess (if any) of the amount, which would have been includible in gross income under subsection (b) if the employee had exercised the option and held such share

at the time of his death, over the amount which is includible in gross income under subsection (b); and

“(ii) the last sentence of subsection (b) shall apply only to the extent that the amount includible in gross income under such subsection exceeds so much of the basis of the option as is attributable to such share.”

SEC. 2. Subsection (d) of section 1014 of the Internal Revenue Code of 1954 (relating to basis of restricted stock options) is hereby repealed.

SEC. 3. The amendments made by this Act shall apply with respect to taxable years ending after December 31, 1956, but only in the case of employees dying after such date.

Approved February 11, 1958.

Repeal.
68A Stat. 298.
26 USC 1014(d).

Effective date.

Public Law 85-321

AN ACT

Relating to the administration of certain collected taxes.

February 11, 1958
[H. R. 8855]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 77 of the Internal Revenue Code of 1954 (relating to miscellaneous administrative provisions) is amended by adding at the end thereof the following new section:

Collected taxes.
Administration.
68A Stat. 395.
26 USC ch. 77.

“SEC. 7512. SEPARATE ACCOUNTING FOR CERTAIN COLLECTED TAXES, ETC.

“(a) GENERAL RULE.—Whenever any person who is required to collect, account for, and pay over any tax imposed by subtitle C or by chapter 33—

“(1) at the time and in the manner prescribed by law or regulations (A) fails to collect, truthfully account for, or pay over such tax, or (B) fails to make deposits, payments, or returns of such tax, and

“(2) is notified, by notice delivered in hand to such person, of any such failure,

then all the requirements of subsection (b) shall be complied with. In the case of a corporation, partnership, or trust, notice delivered in hand to an officer, partner, or trustee, shall, for purposes of this section, be deemed to be notice delivered in hand to such corporation, partnership, or trust and to all officers, partners, trustees, and employees thereof.

“(b) REQUIREMENTS.—Any person who is required to collect, account for, and pay over any tax imposed by subtitle C or by chapter 33, if notice has been delivered to such person in accordance with subsection (a), shall collect the taxes imposed by subtitle C or chapter 33 which become collectible after delivery of such notice, shall (not later than the end of the second banking day after any amount of such taxes is collected) deposit such amount in a separate account in a bank (as defined in section 581), and shall keep the amount of such taxes in such account until payment over to the United States. Any such account shall be designated as a special fund in trust for the United States, payable to the United States by such person as trustee.

68A Stat. 415,
497.
26 USC 3101 et
seq., 4231-4293.

68A Stat. 202.
26 USC 581.

“(c) RELIEF FROM FURTHER COMPLIANCE WITH SUBSECTION (b).—Whenever the Secretary or his delegate is satisfied, with respect to any notification made under subsection (a), that all requirements of law and regulations with respect to the taxes imposed by subtitle C or chapter 33, as the case may be, will henceforth be complied with,

he may cancel such notification. Such cancellation shall take effect at such time as is specified in the notice of such cancellation."

68A Stat. 851.
26 USC ch. 75.

SEC. 2. Part I of subchapter A of chapter 75 of such Code (relating to general provisions concerning crimes, other offenses, and forfeitures) is amended by adding at the end thereof the following new section:

"SEC. 7215. OFFENSES WITH RESPECT TO COLLECTED TAXES.

"(a) PENALTY.—Any person who fails to comply with any provision of section 7512 (b) shall, in addition to any other penalties provided by law, be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than \$5,000, or imprisoned not more than one year, or both, together with the costs of prosecution.

"(b) EXCEPTIONS.—This section shall not apply—

"(1) to any person, if such person shows that there was reasonable doubt as to (A) whether the law required collection of tax, or (B) who was required by law to collect tax, and

"(2) to any person, if such person shows that the failure to comply with the provisions of section 7512 (b) was due to circumstances beyond his control.

For purposes of paragraph (2), a lack of funds existing immediately after the payment of wages (whether or not created by the payment of such wages) shall not be considered to be circumstances beyond the control of a person."

68A Stat. 895.

SEC. 3. (a) The table of sections for chapter 77 of such Code is amended by adding at the end thereof the following:

"Sec. 7512. Separate accounting for certain collected taxes, etc."

68A Stat. 851.

(b) The table of sections for part I of subchapter A of chapter 75 of such Code is amended by adding at the end thereof the following:

"Sec. 7215. Offenses with respect to collected taxes."

SEC. 4. Notification may be made under section 7512 (a) of the Internal Revenue Code of 1954 (as added by the first section of this Act)—

(1) in the case of taxes imposed by subtitle C of such Code, only with respect to pay periods beginning after the date of the enactment of this Act; and

(2) in the case of taxes imposed by chapter 33 of such Code, only with respect to taxes so imposed after the date of the enactment of this Act.

Approved February 11, 1958.

Public Law 85-322

AN ACT

February 11, 1958
[H. R. 10146]

Making supplemental appropriations for the Department of Defense for the fiscal year ending June 30, 1958, and for other purposes.

Supplemental
Defense Appropriation
Act, 1958.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1958, for military functions administered by the Department of Defense, and for other purposes, namely:

TITLE I

OFFICE OF THE SECRETARY OF DEFENSE

SALARIES AND EXPENSES

The Secretary of Defense is authorized to transfer not exceeding \$10,000,000, to remain available until expended, from any appropriation available to the Department of Defense for the current fiscal year for such advanced research projects as he may designate and determine: *Provided*, That such amounts as may be determined by the Secretary of Defense to have been made available for related programs in other appropriations available to the Department of Defense during the current fiscal year may be transferred to and merged with this appropriation to be available for the same purposes and time period: *Provided further*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to carry out the purposes of advanced research to those appropriations for military functions under the Department of Defense which are being utilized for related programs to be merged with and to be available for the same time period as the appropriation to which transferred.

TITLE II

INTERSERVICE ACTIVITIES

EMERGENCY FUND

For an additional amount for "Emergency fund", \$100,000,000, to be derived by transfer from such appropriations available to the Department of Defense for obligation during the current fiscal year as the Secretary of Defense may designate.

TITLE III

DEPARTMENT OF THE ARMY

RESEARCH AND DEVELOPMENT

For an additional amount for "Research and development", to remain available until expended, \$20,000,000, to be derived by transfer from the appropriation for "Military personnel, 1958".

PROCUREMENT AND PRODUCTION

For an additional amount for "Procurement and production", to remain available until expended, \$20,000,000, to be derived by transfer from the appropriation for "Military personnel, 1958".

TITLE IV

DEPARTMENT OF THE NAVY

SHIPBUILDING AND CONVERSION

For an additional amount for "Shipbuilding and conversion", \$296,000,000, to remain available until expended.

PROCUREMENT OF ORDNANCE AND AMMUNITION

For an additional amount for "Procurement of ordnance and ammunition", \$31,800,000, to remain available until expended.

RESEARCH AND DEVELOPMENT

For an additional amount for "Research and development", \$22,200,000, to remain available until expended.

TITLE V

DEPARTMENT OF THE AIR FORCE

PROCUREMENT OTHER THAN AIRCRAFT

For an additional amount for "Procurement other than aircraft", \$360,000,000, to remain available until expended.

RESEARCH AND DEVELOPMENT

For an additional amount for "Research and development", \$30,000,000, to remain available until expended.

MILITARY CONSTRUCTION

For an additional amount for "Military construction", including such construction as may be authorized by law during the second session of the Eighty-fifth Congress, \$520,000,000, to remain available until expended.

TITLE VI

GENERAL PROVISIONS

SEC. 601. In order to more effectively administer the programs relating to advanced research activities, the Secretary of Defense may authorize the creation of fifteen positions in the professional and scientific service in accordance with the provisions of Public Law 313, Eightieth Congress, as amended, and to place ten positions in grades 16, 17, or 18 of the General Schedule, in accordance with the procedures prescribed in the Classification Act of 1949, as amended. These positions shall be in addition to those now authorized by law.

SEC. 602. This Act may be cited as the "Supplemental Defense Appropriation Act, 1958".

Approved February 11, 1958.

Public Law 85-323

AN ACT

To amend the Internal Revenue Code of 1954 to prevent unjust enrichment by precluding refunds of alcohol and tobacco taxes to persons who have not borne the ultimate burden of the tax.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subchapter B of chapter 65 of the Internal Revenue Code of 1954 (relating to rules of special application for abatements, credits, and refunds) is amended by adding at the end thereof the following new section:

63 Stat. 410.
5 USC 171p note.

63 Stat. 954.
5 USC 1071 note.

Short title.

February 11, 1958
[H. R. 8216]

Alcohol and tobacco tax refund.
68A Stat. 795.
26 USC 6411-6422.

“SEC. 6423. CONDITIONS TO ALLOWANCE IN THE CASE OF ALCOHOL AND TOBACCO TAXES.

“(a) **CONDITIONS.**—No credit or refund shall be allowed or made, in pursuance of a court decision or otherwise, of any amount paid or collected as an alcohol or tobacco tax unless the claimant establishes (under regulations prescribed by the Secretary or his delegate)—

“(1) that he bore the ultimate burden of the amount claimed; or

“(2) that he has unconditionally repaid the amount claimed to the person who bore the ultimate burden of such amount; or

“(3) that (A) the owner of the commodity furnished him the amount claimed for payment of the tax, (B) he has filed with the Secretary or his delegate the written consent of such owner to the allowance to the claimant of the credit or refund, and (C) such owner satisfies the requirements of paragraph (1) or (2).

“(b) **FILING OF CLAIMS.**—No credit or refund of any amount to which subsection (a) applies shall be allowed or made unless a claim therefor has been filed by the person who paid the amount claimed, and, except as hereinafter provided in this subsection, unless such claim is filed after April 30, 1958, and within the time prescribed by law, and in accordance with regulations prescribed by the Secretary or his delegate. All evidence relied upon in support of such claim shall be clearly set forth and submitted with the claim. Any claimant who has on or before April 30, 1958, filed a claim for any amount to which subsection (a) applies may, if such claim was not barred from allowance on April 30, 1958, file a superseding claim after April 30, 1958, and on or before April 30, 1959, conforming to the requirements of this section and covering the amount (or any part thereof) claimed in such prior claim. No claim filed before May 1, 1958, for the credit or refund of any amount to which subsection (a) applies shall be held to constitute a claim for refund or credit within the meaning of, or for purposes of, section 7422 (a); except that any claimant who instituted a suit before June 15, 1957, for recovery of any amount to which subsection (a) applies shall not be barred by this subsection from the maintenance of such suit as to any amount claimed in such suit on such date if in such suit he establishes the conditions to allowance required under subsection (a) with respect to such amount.

68A Stat. 876.
26 USC 7422.

“(c) **PERIOD NOT EXTENDED.**—Any suit or proceeding, with respect to any amount to which subsection (a) applies, which is barred on April 30, 1958, shall remain barred. No claim for credit or refund of any such amount which is barred from allowance on April 30, 1958, shall be allowed after such date in any amount.

“(d) **APPLICATION OF SECTION.**—This section shall apply only if the credit or refund is claimed on the grounds that an amount of alcohol or tobacco tax was assessed or collected erroneously, illegally, without authority, or in any manner wrongfully, or on the grounds that such amount was excessive. This section shall not apply to—

“(1) any claim for drawback,

“(2) any claim made in accordance with any law expressly providing for credit or refund where a commodity is withdrawn from the market, returned to bond, or lost or destroyed, and

“(3) any amount claimed with respect to a commodity which has been lost, where a suit or proceeding was instituted before June 15, 1957.

“(e) **MEANING OF TERMS.**—For purposes of this section—

“(1) **ALCOHOL OR TOBACCO TAX.**—The term ‘alcohol or tobacco tax’ means—

“(A) any tax imposed by chapter 51 (other than part II of subchapter A, relating to occupational taxes) or by chapter

68A Stat. 595.
26 USC ch. 51.

68A Stat. 705.
26 USC ch. 52.

52 or by any corresponding provision of prior internal revenue laws, and

“(B) in the case of any commodity of a kind subject to a tax described in subparagraph (A), any tax equal to any such tax, any additional tax, or any floor stocks tax.

“(2) TAX.—The term ‘tax’ includes a tax and an exaction denominated a ‘tax’, and any penalty, addition to tax, additional amount, or interest applicable to any such tax.

“(3) ULTIMATE BURDEN.—The claimant shall be treated as having borne the ultimate burden of an amount of an alcohol or tobacco tax for purposes of subsection (a) (1), and the owner referred to in subsection (a) (3) shall be treated as having borne such burden for purposes of such subsection, only if—

“(A) he has not, directly or indirectly, been relieved of such burden or shifted such burden to any other person,

“(B) no understanding or agreement exists for any such relief or shifting, and

“(C) if he has neither sold nor contracted to sell the commodities involved in such claim, he agrees that there will be no such relief or shifting, and furnishes such bond as the Secretary or his delegate may require to insure faithful compliance with his agreement.”

SEC. 2. The table of sections for subchapter B of chapter 65 of such Code is amended by adding at the end thereof the following:

“Sec. 6423. Conditions to allowance in the case of alcohol and tobacco taxes.”

SEC. 3. The amendments made by this Act shall not apply to any credit or refund allowed or made before May 1, 1958.

Approved February 11, 1958.

Public Law 85-324

JOINT RESOLUTION

February 12, 1958
[H. J. Res. 533]

Making supplemental appropriations for the Department of Labor for the fiscal year 1958, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Labor for the fiscal year ending June 30, 1958, namely:

DEPARTMENT OF LABOR

BUREAU OF EMPLOYMENT SECURITY

UNEMPLOYMENT COMPENSATION FOR VETERANS

For an additional amount for “Unemployment compensation for veterans”, \$25,000,000.

UNEMPLOYMENT COMPENSATION FOR FEDERAL EMPLOYEES

For an additional amount for “Unemployment compensation for Federal employees”, \$18,400,000.

Approved February 12, 1958.

Public Law 85-325

AN ACT

To authorize the Secretary of the Air Force to establish and develop certain installations for the national security, and to confer certain authority on the Secretary of Defense, and for other purposes.

February 12, 1958
[H. R. 9739]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Air Force may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including site preparation, appurtenances, utilities, and equipment, for the following projects: *Provided,* That with respect to the authorizations pertaining to the dispersal of the Strategic Air Command Forces, no authorization for any individual location shall be utilized unless the Secretary of the Air Force or his designee has first obtained, from the Secretary of Defense and the Joint Chiefs of Staff, approval of such location for dispersal purposes.

Air Force installations.

SEMIAUTOMATIC GROUND ENVIRONMENT SYSTEM (SAGE)

Grand Forks Air Force Base, Grand Forks, North Dakota: Administrative facilities, \$270,000.

Post, p. 659.

K. I. Sawyer Airport, Marquette, Michigan: Administrative facilities, \$277,000.

Larson Air Force Base, Moses Lake, Washington: Utilities, \$50,000.

Luke Air Force Base, Phoenix, Arizona: Operational and training facilities, and utilities, \$11,582,000.

Malmstrom Air Force Base, Great Falls, Montana: Operational and training facilities, and utilities, \$6,901,000.

Minot Air Force Base, Minot, North Dakota: Operational and training facilities, and utilities, \$10,338,000.

Norton Air Force Base, San Bernadino, California: Utilities, \$172,000.

Syracuse Air Force Station, Syracuse, New York: Troop housing facilities, \$80,000.

BALLISTIC MISSILE DETECTION SYSTEM

Various locations: Operational and training facilities, maintenance and production facilities, research, development, and test facilities, supply facilities, hospital and medical facilities, administrative facilities, housing and community facilities, utilities, land acquisition, and ground improvements, \$189,000,000.

BALLISTIC MISSILES

Various locations: Operational and training facilities, maintenance and production facilities, research, development, and test facilities, supply facilities, hospital and medical facilities, administrative facilities, housing and community facilities, utilities, land acquisition, and ground improvements, \$112,400,000.

ALERT AND DISPERSAL OF STRATEGIC AIR COMMAND FORCES

Ellsworth Air Force Base, Rapid City, South Dakota: Operational and training facilities, \$3,194,000.

Fairchild Air Force Base, Spokane, Washington: Operational and training facilities, \$1,461,000.

Grand Forks Air Force Base, Grand Forks, North Dakota: Operational and training facilities, and utilities, \$895,000.

Griffiss Air Force Base, Rome, New York: Operational and training facilities, and utilities, \$664,000.

Larson Air Force Base, Moses Lake, Washington: Operational and training facilities, \$2,603,000.

Lockbourne Air Force Base, Columbus, Ohio: Operational and training facilities, and utilities, \$1,089,000.

Loring Air Force Base, Limestone, Maine: Operational and training facilities, \$1,524,000.

Malmstrom Air Force Base, Great Falls, Montana: Operational and training facilities, \$872,000.

Minot Air Force Base, Minot, North Dakota: Operational and training facilities, and utilities, \$867,000.

Mountain Home Air Force Base, Mountain Home, Idaho: Operational and training facilities, and utilities, \$4,380,000.

Offutt Air Force Base, Omaha, Nebraska: Operational and training facilities, and utilities, \$690,000.

Pease Air Force Base, Portsmouth, New Hampshire: Operational and training facilities, and utilities, \$1,668,000.

Plattsburg Air Force Base, Plattsburg, New York: Operational and training facilities, and utilities, \$1,116,000.

Westover Air Force Base, Chicopee Falls, Massachusetts: Operational and training facilities, and utilities, \$2,368,000.

Eglin Air Force Base, Valparaiso, Florida: Operational and training facilities, maintenance and production facilities, supply facilities, and utilities and ground improvements, \$8,958,000.

Glasgow Air Force Base, Glasgow, Montana: Operational and training facilities, maintenance and production facilities, supply facilities, housing and community facilities, and utilities, \$29,644,000.

Kinross Air Force Base, Sault Sainte Marie, Michigan: Operational and training facilities, supply facilities, housing and community facilities, and utilities, \$23,762,000.

K. I. Sawyer Airport, Marquette, Michigan: Operational and training facilities, supply facilities, housing and community facilities, and utilities, \$27,233,000.

Robins Air Force Base, Macon, Georgia: Operational and training facilities, maintenance and production facilities, supply facilities, and utilities, \$3,667,000.

Wright-Patterson Air Force Base, Dayton, Ohio: Operational and training facilities, maintenance and production facilities, supply facilities, utilities, and ground improvements, \$22,632,000.

Wurtsmith Air Force Base, Oscoda, Michigan: Operational and training facilities, maintenance and production facilities, supply facilities, housing and community facilities, and utilities, \$22,349,000.

Clinton County Air Force Base, Wilmington, Ohio: Operational and training facilities, maintenance and production facilities, supply facilities, housing and community facilities, and utilities, \$8,776,000.

Dover Air Force Base, Dover, Delaware: Operational and training facilities, maintenance and production facilities, supply facilities, and utilities, \$4,715,000.

Ernest Harmon Air Force Base, Stephenville, Newfoundland: Operational and training facilities, and maintenance and production facilities, \$2,217,000.

Goose Air Base, Labrador: Operational and training facilities, and maintenance and production facilities, \$2,007,000.

McChord Air Force Base, Tacoma, Washington: Operational and training facilities, supply facilities, and utilities, \$4,995,000.

McGuire Air Force Base, Wrightstown, New Jersey: Operational and training facilities, maintenance and production facilities, supply facilities, housing and community facilities, and utilities, \$6,979,000.

Otis Air Force Base, Falmouth, Massachusetts: Operational and training facilities, maintenance and production facilities, and utilities, \$7,079,000.

Selfridge Air Force Base, Mount Clemens, Michigan: Operational and training facilities, maintenance and production facilities, supply facilities, and utilities, \$17,487,000.

Various locations: Land acquisition as required for the stations listed above, \$2,709,000.

SEC. 2. The Secretary of the Air Force may proceed to establish or develop installations and facilities under this Act without regard to sections 3648 and 3734 of the Revised Statutes, as amended, and sections 4774 (d) and 9774 (d) of title 10, United States Code. The authority to place permanent or temporary improvements on land includes authority for surveys, administration, overhead, planning and supervision incident to construction. That authority may be exercised before title to the land is approved under section 355 of the Revised Statutes, as amended, and even though the land is held temporarily. The authority to acquire real estate or land includes authority to make surveys and to acquire land, and interests in land (including temporary use), by gift, purchase, exchange of Government-owned land, or otherwise.

SEC. 3. There are authorized to be appropriated such sums as may be necessary for the purposes of sections 1 and 2 of this Act but appropriations for public works projects authorized by those sections may not exceed \$549,670,000.

SEC. 4. Whenever—

(1) the President determines that compliance with section 2313 (b) of title 10, United States Code, for contracts made under this Act for the establishment or development of military installations and facilities in foreign countries would interfere with the carrying out of this Act; and

(2) the Secretary of Defense and the Comptroller General have agreed upon alternative methods for adequately auditing those contracts; the President may exempt those contracts from the requirements of that section.

SEC. 5. Contracts made by the United States under this Act shall be awarded, insofar as practicable, on a competitive basis to the lowest responsible bidder, if the national security will not be impaired and the award is consistent with chapter 137 of title 10, United States Code, and section 15 of the Act of August 9, 1955 (69 Stat. 547, 551). The Secretary of the Air Force shall report semi-annually to the President of the Senate and the Speaker of the House of Representatives with respect to all contracts awarded on other than a competitive basis to the lowest responsible bidder.

SEC. 6. Any of the amounts named in section 1 of this Act may, in the discretion of the Secretary of the Air Force, be increased by 15 per centum. However, the total cost of all projects may not be more than the total amount authorized to be appropriated by section 3 of this Act.

SEC. 7. The Secretary of Defense or his designee is authorized to engage in such advanced projects essential to the Defense Department's responsibilities in the field of basic and applied research and development which pertain to weapons systems and military requirements as the Secretary of Defense may determine after consultation with the Joint Chiefs of Staff; and for a period of one year from the

Land improve-
ments, etc.

40 USC 259, 267.

70A Stat. 269,
590.

33 USC 733 and
note.

Appropriation.

Post, p. 659.

Contracts.

70A Stat. 133.

70A Stat. 127.
41 USC 152.
Report to Con-
gress.

Increase in proj-
ect amount.

Advanced proj-
ects, etc.

effective date of this Act, the Secretary of Defense or his designee is further authorized to engage in such advanced space projects as may be designated by the President.

Nothing in this provision of law shall preclude the Secretary of Defense from assigning to the military departments the duty of engaging in research and development of weapons systems necessary to fulfill the combatant functions assigned by law to such military departments.

The Secretary or his designee is authorized to perform assigned research and development projects: by contract with private business entities, educational or research institutions, or other agencies of the Government, through one or more of the military departments, or by utilizing employees and consultants of the Department of Defense.

The Secretary of Defense shall assign any weapons systems developed to such military department or departments for production and operational control as he may determine.

Approved February 12, 1958.

Public Law 85-326

AN ACT

February 12, 1958
[S. 1408]

To provide allowances for transportation of house trailers to civilian employees of the United States who are transferred from one official station to another.

Transportation
allowances, trail-
ers.
60 Stat. 806.
5 USC 73b-1.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 (b) of the Act entitled "An Act to authorize certain administrative expenses in the Government service, and for other purposes", approved August 2, 1946, as amended, is amended by adding at the end thereof the following: "Under such regulations as the President may prescribe, any civilian officer or employee who transports a house trailer or mobile dwelling within the continental United States, within Alaska, or between the continental United States and Alaska, for use as a residence and who would otherwise be entitled to transportation of household goods and personal effects under subsection (a) shall be entitled to a reasonable allowance, not to exceed 20 cents per mile, in lieu of such transportation."

Approved February 12, 1958.

Public Law 85-327

AN ACT

February 15, 1958
[H. R. 3770]

To rename the Strawn Dam and Reservoir project in the State of Kansas as the John Redmond Dam and Reservoir.

John Redmond
Dam and Reser-
voir, Kans.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Strawn Dam and Reservoir project on the Neosho River near Burlington, Kansas, shall be known and designated as the John Redmond Dam and Reservoir. Any law, regulation, document, or record of the United States in which such dam and reservoir is referred to under any other name or designation shall be held to refer to such dam and reservoir as John Redmond Dam and Reservoir.

Approved February 15, 1958.

Public Law 85-328

AN ACT

To amend the District of Columbia Hospital Center Act in order to extend the time and increase the authorization for appropriations for the purposes of such Act, and to provide that grants under such Act may be made to certain organizations organized to construct and operate hospital facilities in the District of Columbia.

February 15, 1958
[S. 1908]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the last sentence of the first section of the Act entitled "An Act to provide for the establishment of a modern, adequate, and efficient hospital center in the District of Columbia, to authorize the making of grants for hospital facilities to private agencies in the District of Columbia, to provide a basis for repayment to the Government by the Commissioners of the District of Columbia, and for other purposes", approved August 7, 1946 (60 Stat. 896), as amended, is amended by inserting after "operating" a comma and "or organized to construct and operate,".

SEC. 2. Section 5 of such Act of August 7, 1946, is amended to read as follows:

D. C. Hospital
Center.

65 Stat. 657.

60 Stat. 897; 65
Stat. 657.

Expenditures
charged against
D. C.

Percentages of
sale price and
rentals.

"SEC. 5. Thirty per centum of the net amount expended by the Administrator of General Services under this Act shall be charged against the District of Columbia and shall be repaid to the Government by the Commissioners of the District of Columbia at the annual rate, without interest, of 3 per centum of such 30 per centum. The District of Columbia shall be entitled to 30 per centum of the sale price of any of the properties sold by the Administrator of General Services under section 2 of this Act, other than properties the value of which is deducted from the gross amount expended to determine the net amount upon which the 30 per centum to be charged against the District of Columbia is computed, and the District of Columbia shall also be entitled to receive 30 per centum of any rentals received from the leasing of any of the hospital facilities acquired or constructed by the Administrator of General Services under this Act. The amounts which may be due the District hereunder shall be credited on the amount owed the Government by the District of Columbia until such obligation of the District is discharged in full."

SEC. 3. Section 6 of such Act of August 7, 1946, is amended (1) by striking out "1958" and inserting in lieu thereof "1959", and (2) by striking out "\$36,710,000" and inserting in lieu thereof "\$39,710,000".

Appropriation.
71 Stat. 243.

SEC. 4. The amendment made by this Act to section 5 of such Act of August 7, 1946, shall apply only with respect to grants from funds authorized by amendments made by this Act.

Applicability.

Approved February 15, 1958.

Public Law 85-329

AN ACT

To provide that the lock and dam referred to as the Tuscaloosa Lock and Dam on the Black Warrior River, Alabama, shall hereafter be known and designated as the William Bacon Oliver Lock and Dam.

February 15, 1958
[H. R. 6660]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in honor of the late William Bacon Oliver, and in recognition of his long and outstanding service as a member of Congress from Alabama's Sixth Congressional District, the Tuscaloosa Lock and Dam on the Black Warrior River, Alabama, shall hereafter be known and designated as

William Bacon
Oliver Lock and
Dam, Ala.

the William Bacon Oliver Lock and Dam, and shall be dedicated as a monument to his distinguished public service. Any law, regulation, map, document, or record of the United States in which such lock and dam is referred to shall be held and considered to refer to such lock and dam by the name of the "William Bacon Oliver Lock and Dam".

Approved February 15, 1958.

Public Law 85-330

AN ACT

February 15, 1958
[H. R. 6078]

To provide for the erection of suitable markers at Fort Myer, Virginia, to commemorate the first flight of an airplane on an Army installation, and for other purposes.

Ft. Myer, Va.
Marker for first
airplane flight.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army shall provide for the erection of a suitable marker at Fort Myer, Virginia, to commemorate the first flight of an airplane on an Army installation, which occurred on September 3, 1908, when Wilbur and Orville Wright demonstrated their "flying machine" for possible purchase by the Army. Such marker shall be unveiled with appropriate military ceremonies on September 3, 1958, the fiftieth anniversary of such flight.

Plaque for first
crash.

SEC. 2. The Secretary of the Army shall also provide for the erection of a suitable bronze plaque at Fort Myer, Virginia, to mark the approximate site of the first crash of an airplane on an Army installation, which occurred on September 17, 1908. As a result of such crash, Lieutenant Thomas E. Selfridge subsequently lost his life and became the first Army officer to pay the supreme sacrifice in an effort to aid man's endeavor to fly.

Approved February 15, 1958.

Public Law 85-331

AN ACT

February 20, 1958
[H. R. 7052]

To amend section 216 (b) of the Merchant Marine Act, 1936, as amended, to provide for appointments of cadets from the District of Columbia, Guam, American Samoa, Virgin Islands, and the Canal Zone.

Merchant Marine
Academy.

Cadets, appoint-
ments, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 216 (b) of the Merchant Marine Act, 1936, as amended (70 Stat. 25; U. S. Code, title 46, sec. 1126 (b)), is amended as follows:

(1) Paragraph (1) is amended (a) by inserting before the period at the end of the second sentence thereof a comma and the words: "and by the Governors of the Canal Zone, Guam, American Samoa, and the Virgin Islands, and the Commissioners of the District of Columbia", and (b) by inserting before the period at the end of the third sentence thereof a semicolon and the following: "but two vacancies shall be allocated each year to the Canal Zone, to be filled by qualified candidates nominated by the Governor of the Canal Zone from among the sons of residents of the Canal Zone and the sons of personnel of the United States Government and the Panama Canal Company residing in the Republic of Panama, one vacancy each shall be allocated each year to Guam, American Samoa, and the Virgin Islands, to be filled by qualified candidates nominated by the Governors of Guam, American Samoa, and the Virgin Islands, and four

vacancies shall be allocated each year to the District of Columbia, to be filled by qualified candidates nominated by the Commissioners thereof”.

(2) Paragraph 5 (b) is amended to read as follows:

“(b) ‘State’ as used in this Act shall include the Territories of Alaska and Hawaii, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, American Samoa, and the Virgin Islands.”

“State”.

Approved February 20, 1958.

Public Law 85-332

AN ACT

To amend section 510 (a) (1) of the Merchant Marine Act, 1936, as amended, to accelerate the trade-in of old vessels with replacement by modern vessels.

February 20, 1958
[H. R. 3210]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proviso in section 510 (a) (1) of the Merchant Marine Act, 1936, as amended (46 U. S. C. 1160), is amended to read as follows: “*Provided*, That until June 30, 1962, the term ‘obsolete vessel’ shall mean a vessel or vessels each of which (A) is of not less than one thousand three hundred and fifty gross tons, (B) is not less than twelve years old, and (C) is owned by a citizen or citizens of the United States and has been owned by such citizen or citizens for at least three years immediately prior to the date of acquisition hereunder.”

Merchant Marine Act, 1936, amendment.
66 Stat. 762.
“Obsolete vessel”.

Approved February 20, 1958.

Public Law 85-333

JOINT RESOLUTION

To authorize the construction of certain water conservation projects to provide for a more adequate supply of water for irrigation purposes in the Pecos River Basin, New Mexico and Texas.

February 20, 1958
[S. J. Res. 39]

Whereas there has been an inadequate supply of water for beneficial consumptive uses in the Pecos River Basin, New Mexico and Texas, for a number of years; and

Whereas in recent years the shortage of water for beneficial consumptive uses in such basin has been aggravated by reason of the non-beneficial consumptive use of water by salt cedars in such basin and by reason of the infiltration of brine into such river; and

Whereas the States of New Mexico and Texas, with the consent of Congress, entered into a compact in 1948 with respect to the Pecos River and one of the principal purposes of such compact was to provide for cooperation between the Federal Government and the States of New Mexico and Texas in studies and projects designed to make available a greater supply of water for beneficial consumptive uses in such basin; and

Whereas the Bureau of Reclamation and the Geological Survey, after investigation of certain conditions causing the shortage of water in the Pecos River Basin, have made reports in which they have respectively considered, for the purpose of alleviating such shortage, engineering and other aspects of the construction of a water salvage channel in such basin and the construction of works for the alleviation of salinity in such basin; and

Whereas the construction of such channel and works are estimated to cost \$2,600,000 and \$150,000, respectively, and the annual operation and maintenance costs for such channel and such works are estimated to be \$55,300 and \$4,300 a year, respectively; and

Whereas the States of New Mexico and Texas are ready and willing to make substantial contributions to the cost of construction of such channel and works if the United States will join with them in bearing such costs; and

Whereas State and local agencies in New Mexico and Texas are ready and willing to undertake equitably the financial burden of operating and maintaining such channel and works, and State and local agencies of Texas are ready and willing to undertake the financial burden of operating and maintaining the works for the alleviation of salinity in the Pecos River; and

Whereas the Legislature of the State of New Mexico has authorized the appropriation of \$290,000 to meet that State's share of the construction costs of the works; and

Whereas the value of benefits which will accrue to the United States from the construction of such channel and works, including restoration of the ability of water users in such basin to pay their contractual obligation of approximately \$3,500,000 to the United States, are substantially in excess of the share of the costs of construction of such channel and works to be borne by the United States: Now, therefore, be it

Pecos River Basin, New Mexico and Texas.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to construct a one thousand five hundred cubic foot per second water salvage channel, levee, cleared floodway, and spur drains sufficient to drain McMillan Delta in the Pecos Basin in New Mexico substantially in accordance with the plans described in the report of the Secretary of the Interior entitled "McMillan Delta Project, Pecos River Basin, New Mexico", House Document 429, Eighty-fourth Congress, but with such modifications of, additions to, and deletions from said plans as the Secretary may find appropriate to accomplish the purposes of this joint resolution: *Provided, however,* That no money shall be appropriated for, and no work commenced on the clearing of the floodway called for in said report unless provisions shall have been made to replace any Carlsbad irrigation district terminal storage which might be lost by the clearing of the floodway: *Provided further,* That prior to construction of the water salvage channel the Secretary shall, unless clearance of the floodway is then assured, analyze the adequacy of the designed floodway levee and make such new designs therefor as will assure substantially the same standards of flood protection as would be achieved by the presently contemplated levee with a cleared floodway. The Secretary shall not proceed with the construction of such channel until (1) he has adequate assurance from the State of New Mexico that it will, as its share of the costs of construction of such channel, acquire such rights-of-way, complete such highway changes, and construct such bridges as may be necessitated by the construction of such channel and that it will build an access road to such channel, (2) he has adequate assurance from the Pecos River Commission or other State and local agencies in New Mexico and Texas that such commission or agencies in New Mexico and Texas will operate and maintain such channel and other works authorized in this section, and (3) he has adequate assurance in the form of contracts with the Carlsbad Irrigation District, New Mexico, and the Red Bluff Water Power Control District, Texas, that they will return to the United States each year during a fifty-year period from the date of completion of the works authorized by this

section, under terms and conditions satisfactory to the Secretary, such portion of the cost of constructing those works as is within their repayment ability, said repayment ability to be determined by the Secretary from time to time, but not more often than every five years, after consultation with said districts.

SEC. 2. The Secretary of the Interior is authorized to construct upon a nonreimbursable basis, works for the alleviation of salinity in the Pecos River Basin, New Mexico, substantially in accordance with the report entitled "Possible Improvement of Quality of Water of the Pecos River by Diversion of Brine, Malaga Bend, Eddy County, New Mexico," prepared by the Water Resources Division, Geological Survey, and dated December 1954, but with such modifications of, additions to, and deletions from said plans as the Secretary may find appropriate to accomplish the purposes of this joint resolution. The Secretary shall not proceed with the construction of such works until (1) he has adequate assurance from the State of New Mexico that it will, as its share of the costs of construction of such works, acquire such rights-of-way for wells, pipelines, and disposal areas as may be necessitated by the construction of such works, and (2) he has adequate assurance from the Pecos River Commission or other State and local agencies in Texas that Texas or local agencies therein will operate and maintain such works.

Alleviation of salinity.

SEC. 3. The projects constructed under the authority of this joint resolution shall, except as otherwise provided herein, be governed by the Federal Reclamation Laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), to which laws this Act shall be a supplement.

43 USC 371 note.

SEC. 4. Nothing contained in this joint resolution shall be construed to abrogate, amend, modify, or be in conflict with any provisions of the Pecos River Compact.

SEC. 5. There are hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, such sums as may be required to carry out the purpose of this joint resolution.

Appropriation.

Approved February 20, 1958.

Public Law 85-334

AN ACT

To amend the Acts known as the "Life Insurance Act", approved June 19, 1934, and the "Fire and Casualty Act", approved October 9, 1940.

February 22, 1958
[S. 1646]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 of chapter II of the Life Insurance Act (sec. 35-404, D. C. Code, 1951 edition), is amended to read as follows:

D.C., Life Insurance Act, amendments.
48 Stat. 1131.

"SEC. 5. It shall be the duty of the Superintendent to issue a certificate of authority to a company when it shall have complied with the requirements of the laws of the District so as to be entitled to do business therein. The Superintendent may, however, satisfy himself by such investigation as he may deem proper or necessary that such company is duly qualified under the laws of the District to transact business therein, and may refuse to issue or renew any such certificate to a company if the issuance or renewal of such certificate would adversely affect the public interest. In each case the certificate shall be issued under the seal of the Superintendent, authorizing and empowering the company to transact the kind or kinds of business specified in the certificate, and each such certificate shall be made to expire on the thirtieth day of April next succeeding the date of its issuance. No

Certificate of authority.

company shall transact any business of insurance in or from the District until it shall have received a certificate of authority as authorized by this section and no company shall transact any business of insurance not specified in such certificate of authority."

SEC. 2. That section 6 of chapter II of the Life Insurance Act (sec. 35-405, D. C. Code, 1951 edition) is amended to read as follows:

Revocation of
certificates.

"SEC. 6. The Superintendent shall have power to revoke or suspend the certificate of authority to transact business in the District of any company which has failed or refused to comply with any provision or requirement of this Act, or which—

"(a) is impaired in capital or surplus;

"(b) is insolvent;

"(c) is in such a condition that its further transaction of business in the District would be hazardous to its policyholders or creditors or to the public;

"(d) has refused or neglected to pay a valid final judgment against such company within thirty days after such judgment shall have become final either by expiration without appeal within the time when such appeal might have been perfected, or by final affirmance on appeal;

"(e) has violated any law of the District or has in the District violated its charter or exceeded its corporate powers;

"(f) has refused to submit its books, papers, accounts, records, or affairs to the reasonable inspection or examination of the Superintendent, his deputies, or duly appointed examiners;

"(g) has an officer who has refused upon reasonable demand to be examined under oath touching its affairs;

"(h) fails to file with the Superintendent a copy of an amendment to its charter or articles of association within thirty days after the effective date of such amendment;

"(i) has had its corporate existence dissolved or its certificate of authority revoked in the State in which it was organized;

"(j) has had all its risks reinsured in their entirety in another company, without prior approval of the Superintendent; or

"(k) has made, issued, circulated, or caused to be issued or circulated any estimate, illustration, circular, or statement of any sort misrepresenting either its status or the terms of any policy issued or to be issued by it, or the benefits or advantages promised thereby, or the dividends or shares of the surplus to be received thereon, or has used any name or title of any policy or class of policies misrepresenting the true nature thereof.

Notice.

"The Superintendent shall not revoke or suspend the certificate of authority of any company until he has given the company not less than thirty days' notice of the proposed revocation or suspension and of the grounds alleged therefor, and has afforded the company an opportunity for a full hearing: *Provided*, That if the Superintendent shall find upon examination that the further transaction of business by the company would be hazardous to the public or to the policyholders or creditors of the company in the District, he may suspend such authority without giving notice as herein required: *Provided further*, That in lieu of revoking or suspending the certificate of authority of any company for causes enumerated in this section, after hearing as herein provided, the Superintendent may subject such company to a penalty of not more than \$200 when in his judgment he finds that the public interest would be best served by the continued operation of the company. The amount of any such penalty shall be paid by the company through the office of the Superintendent to the Collector of Taxes of the District of Columbia. At any hearing provided by this section, the Superintendent shall have authority to administer oaths to wit-

nesses. Anyone testifying falsely after having been administered such an oath shall be subject to the penalties of perjury."

SEC. 3. That section 27 of chapter II of the Life Insurance Act (sec. 35-426, D. C. Code, 1951 edition) is amended to read as follows:

"SEC. 27. The Superintendent of Insurance may suspend or revoke the license of any life insurance general agent, agent, solicitor, or broker when and if, after investigation, it appears to the Superintendent that any license issued to such person was obtained by fraud or misrepresentation; or that the general agent, agent, solicitor, or broker has violated any insurance law of the District; or has made any misleading representations or incomplete or fraudulent comparison of any policies or companies or concerning any companies to any person for the purpose or with the intention of inducing such person to lapse, forfeit, surrender, or exchange his insurance then in force; or has made any misleading estimate of the dividends or share of surplus to be received on a policy; or has failed or refused to pay or to deliver to the company or to his principal any money or other property in the hands of said general agent, agent, solicitor, or broker belonging to such company or principal when requested so to do; or has violated any lawful ruling of the insurance department; or has been convicted of a felony; or has otherwise shown himself untrustworthy or incompetent to act as a life insurance general agent, agent, solicitor, or broker. Before the Superintendent of Insurance shall revoke or suspend the license of any such person he shall give to such person an opportunity to be fully heard, and to introduce evidence in his behalf. Within thirty days after the revocation or suspension of license or the refusal of the Superintendent to grant a license, the general agent, agent, solicitor, or broker, or applicant aggrieved may appeal from the ruling of the Superintendent of Insurance to the court of competent jurisdiction designated in section 28. Appeals may be taken from the judgment of said court as prescribed in section 28. At any hearing provided by this section, the Superintendent shall have authority to administer oaths to witnesses. Anyone testifying falsely after having been administered such an oath shall be subject to the penalties of perjury.

Licenses.
Suspension or
revocation.

Hearing.

D. C. Code 35-
427.

"No individual whose license as a general agent, agent, solicitor, or broker is revoked shall be entitled to any license under this Act for a period of one year after revocation.

"Any person who violates any provision of this section upon conviction shall be fined not exceeding \$100 for each and every violation: *Provided*, That in lieu of revoking or suspending the license of any such general agent, agent, solicitor, or broker for causes enumerated in this section after hearing as herein provided, the Superintendent may subject such person to a penalty of not more than \$200 when in his judgment he finds that the public interest would be best served by the continuation of the license of such person. The amount of any such penalty shall be paid by such person through the office of the Superintendent to the Collector of Taxes of the District of Columbia."

Violation; pen-
alty.

SEC. 4. That section 3 of chapter II of the Fire and Casualty Act (sec. 35-1306, D. C. Code, 1951 edition) is amended to read as follows:

"SEC. 3. The Superintendent shall have power to revoke or suspend the certificate of authority to transact business in the District of any company which has failed or refused to comply with any provision or requirement of this Act, or which—

"(a) is impaired in capital or surplus;

"(b) is insolvent;

"(c) is in such a condition that its further transaction of business in the District would be hazardous to its policyholders or creditors, or to the public;

D. C., Fire and
Casualty Act, a-
mendments.
54 Stat. 1066.
Certificates of
authority.
Revocation.

"(d) has refused or neglected to pay a valid final judgment against such company within thirty days after such judgment shall have become final either by expiration without appeal within the time when such appeal might have been perfected, or by final affirmation on appeal;

"(e) has violated any law of the District or has in the District violated its charter or exceeded its corporate powers;

"(f) has refused to submit its books, papers, accounts, records, or affairs to the reasonable inspection or examination of the Superintendent, his deputies, or duly appointed examiners;

"(g) has an officer who has refused upon reasonable demand to be examined under oath touching its affairs;

"(h) fails to file with the Superintendent a copy of an amendment to its charter or articles of association within thirty days after the effective date of such amendment;

"(i) has had its corporate existence dissolved or its certificate of authority revoked in the State in which it was organized;

"(j) has had all its risks reinsured in their entirety in another company, without prior approval of the Superintendent; or

"(k) has made, issued, circulated, or caused to be issued or circulated any estimate, illustration, circular, or statement of any sort misrepresenting either its status or the terms of any policy issued or to be issued by it, or the benefits or advantages promised thereby, or the dividends or shares of the surplus to be received thereon, or has used any name or title of any policy or class of policies misrepresenting the true nature thereof.

Notice.

"The Superintendent shall not revoke or suspend the certificate of authority of any company until he has given the company not less than thirty days' notice of the proposed revocation or suspension and of the grounds alleged therefor, and has afforded the company an opportunity for a full hearing: *Provided*, That if the Superintendent shall find upon examination that the further transaction of business by the company would be hazardous to the public or to the policyholders or creditors of the company in the District, he may suspend such authority without giving notice as herein required: *Provided further*, That in lieu of revoking or suspending the certificate of authority of any company for causes enumerated in this section after hearing as herein provided, the Superintendent may subject such company to a penalty of not more than \$200 when in his judgment he finds that public interest would be best served by the continued operation of the company. The amount of any such penalty shall be paid by the company through the office of the Superintendent to the Collector of Taxes, District of Columbia. At any hearing provided by this section, the Superintendent shall have authority to administer oaths to witnesses. Anyone testifying falsely after having been administered such an oath shall be subject to the penalties of perjury."

Penalty.

SEC. 5. That section 30 of chapter II of the Fire and Casualty Act (sec. 35-1334, D. C. Code, 1951 edition) is amended to read as follows:

Contracts.

"SEC. 30. No company authorized to do business in the District shall, by its representatives or otherwise, make, write, issue, or deliver any contract of insurance, surety, or indemnity, except title and ocean marine insurance, on any person, property, business activity, or insurable interest within the District except through regularly constituted policy-writing agents or authorized salaried employees licensed in the District as provided in this Act.

"No such contract covering persons, property, business activities, or insurable interests in the District, except contracts of title and ocean marine insurance, shall be written, issued, or delivered by any author-

ized company or by any of its representatives unless such contract is duly countersigned in writing by a person who is licensed as provided in this Act to countersign such contracts, and no salaried officer, manager, or other salaried employee of any authorized company, unless he be licensed as provided in this Act, shall write, issue, or countersign any such contract.

"No company, agent, or salaried company employee shall make any agreement as to a policy other than that which is plainly expressed in the policy issued.

"No company, agent, salaried company employee, or broker shall pay or offer to pay or allow as an inducement to any person to insure any rebate of premium or any special favor or advantage whatever in the dividends to accrue thereon, or any inducement whatever not specified in the policy.

"Every company authorized by this Act to do business in the District shall file annually with the Superintendent on or before the fifteenth day of April, and at such other times as they may be appointed, a list of agents and salaried employees of said company who are authorized to solicit, write, effect, issue, or deliver policies for such company in the District, except that the names of soliciting agents may be filed either by the company or by the policy-writing agent.

"Any policy-writing agent or salaried company employee authorized by any company to solicit, negotiate, bind, write, or issue policies or applications therefor shall, in any controversy between the insured or his representative and the said company, be held to be the agent of the company which issued or effected the policy solicited or so applied for, anything in the application or policy to the contrary notwithstanding.

"Any payment made by or on behalf of the insured to any broker for policies issued to such broker for delivery to the insured or issued directly to the insured on the order of such broker, shall, in controversies between the insured and the company, be deemed to have been paid to the company.

"No soliciting agent shall have any authority to countersign any policy."

SEC. 6. That section 32 of chapter II of the Fire and Casualty Act (sec. 35-1336, D. C. Code, 1951 edition) is amended to read as follows:

"SEC. 32. Any person hereafter desiring to engage in business in the District as a policy-writing agent, soliciting agent, broker, or salaried company employee, as defined by this Act shall, before engaging in such business, secure from the Superintendent a license authorizing him to engage in such business. The person to whom the license may be issued shall file sworn answers to such interrogatories as the Superintendent may require. Before the Superintendent shall issue or renew a license to any policy-writing agent, soliciting agent, or salaried company employee, he shall require the company or policy-writing agent desiring the appointment of such person to certify—

"(a) that the person to be appointed, if not a salaried company employee, is a resident of this District, or that his principal office for the conduct of such business is in or will be maintained in the District;

"(b) that he is personally known to the person making the certification;

"(c) that he has had experience or instructions necessary to the proper conduct of the kind or kinds of business to which the license is to extend;

"(d) that he has a good business reputation, is trustworthy, and is worthy of a license.

"Resident and nonresident brokers shall, as a prerequisite to the issuance of a license, file with the Superintendent a corporate surety

58 Stat. 192.

Insurance agents;
licenses.

Bond.

bond in an amount not less than \$1,000 for the benefit of any person who may suffer loss resulting from fraud or dishonesty on the part of said resident or nonresident broker. Before the Superintendent shall issue a license to any policy-writing agent, soliciting agent, salaried company employee, or resident broker, who has not previously been licensed under this Act, he shall personally, or through his deputy or any person regularly employed in the department, within a reasonable time, and in a designated place within the District, subject each such person to a personal written examination relating to such person's knowledge of the kind or kinds of business to which the license may extend and his competency to act as such policy-writing agent, soliciting agent, broker, or salaried company employee. The Superintendent may in his discretion limit the scope of such examination to such particular kind or kinds of business in which the person to be licensed is to be principally engaged. The Superintendent shall issue or renew such license as may be applied for when he is satisfied that the person to be licensed is (a) competent and trustworthy and intends to act in good faith in the capacity involved by the license applied for, and that not more than 25 per centum of his commission income from business to which the license applies will result from policies the premiums on which are paid or are to be paid in the manner set forth in paragraph (f) of section 36 and (b) that he has a good business reputation and has had experience, training, or education, or is otherwise qualified in the line or lines of business in which the license would entitle him to engage, and, except in the case of a nonresident broker or salaried company employee, is a resident of the District, or maintains his principal office for the conduct of such business in the District; and (c) is reasonably familiar with the insurance laws of the District, and with the provisions, terms, and conditions of the policies he is proposing to solicit, negotiate, or effect, and is worthy of a license. In the case of a nonresident applying for a broker's license, the Superintendent may waive the examination requirement and accept in lieu thereof evidence that the applicant holds a license as broker or agent in the State where his principal business is conducted. The Superintendent may also waive the examination requirement in the case of any person who has been licensed in the District prior to the effective date of this Act. The examination requirement shall be waived in the case of any applicant for a license under this section who holds a license under section 26 of the Life Insurance Act (D. C. Code, sec. 35-425), if the company desiring the appointment of such applicant certifies in writing to the Superintendent that such applicant will solicit only accident and health insurance on its behalf. Licenses may be issued in the names of individuals, or in the names of firms, partnerships, or corporations, including banks, trust companies, real-estate offices, and building and loan associations: *Provided*, That on such licenses in addition to the name of the applicant, there shall be listed the name of every member or officer of such firm, partnership, or corporation who solicits insurance or who countersigns policies: *Provided further*, That such named persons as well as the licensee shall be subject to all requirements of this Act, and that the Superintendent shall have authority at any time to require the applicant fully to disclose the identity of all stockholders, partners, officers, and employees, and he may in his discretion refuse to issue or renew a license in the name of any firm, partnership, or corporation if he is not satisfied that any officer, employee, stockholder, or partner thereof who may materially influence the applicant's conduct, meets the standards of this section applicable to persons applying as individuals. No person shall be licensed as agent, broker, or salaried company employee when

it appears to the Superintendent that said license is sought primarily for the purpose of obtaining commissions on policies on which he on his own account pays or is to pay the premiums, or on which the premiums are paid or are to be paid by any person who receives or is to receive any benefit, direct or indirect, from the commissions obtained, or on which the premiums are paid or are to be paid by any partnership, association, or corporation of which he is a member."

SEC. 7. That section 35 of chapter II of the Fire and Casualty Act (sec. 35-1339, D. C. Code, 1951 edition) is amended to read as follows:

"SEC. 35. Upon application for renewal of an expiring license and the payment of the applicable fee prescribed in section 41, the Superintendent shall issue the license applied for when he is satisfied that the applicant therefor meets the conditions set forth in sections 32 and 36. Before the Superintendent shall refuse to renew any such license he shall give to the applicant an opportunity to be fully heard and to introduce evidence in his behalf. If the Superintendent shall refuse to renew any such license he shall give the applicant written notice thereof and he shall not, for a period of ten days from the date of that notice, take any action to stop the applicant from continuing in business, within which period the applicant may apply to any court as provided in section 45 hereof, for leave, in the discretion of the court, to continue in business until an appeal from such refusal is decided."

Renewal of licenses.

SEC. 8. That section 36 of chapter II of the Fire and Casualty Act (sec. 35-1340, D. C. Code, 1951 edition) is amended to read as follows:

"SEC. 36. The Superintendent may revoke or suspend the license of any policy-writing agent, soliciting agent, broker, or salaried company employee when and if, after investigation, it appears to the Superintendent that any license issued to such person was obtained by fraud or misrepresentation, or that such person has otherwise shown himself untrustworthy or incompetent to act in any of the foregoing capacities, or that such person has—

Licenses; revocation or suspension.

"(a) violated any of the provisions of the insurance laws of the District; or

"(b) has failed within a reasonable time to remit to any company all moneys which he has collected, and to which the company is entitled; or

"(c) has been guilty of rebating or has misrepresented the provisions of the policies which he is selling, or the policies of other companies; or

"(d) has countersigned policies in blank; or that

"(e) more than 25 per centum of his commission income from business to which the license applies results from policies the premiums on which are paid or are to be paid in the manner set forth in paragraph (f) of this section; or that

"(f) said license is being used primarily for the purpose of obtaining commissions on policies on which he, on his own account, pays or is to pay the premiums, or on which the premiums are paid or are to be paid by any person who receives or is to receive any benefit, direct or indirect, from the commissions obtained, or on which the premiums are paid or are to be paid by any partnership, association, or corporation of which he is a member.

"Before the Superintendent shall revoke or suspend the license of any such person he shall give to such person an opportunity to be fully heard, and to introduce evidence in his behalf: *Provided*, That in lieu of revoking or suspending the license of any policy-writing agent, soliciting agent, broker, or salaried company employee for causes enumerated in this section after hearing as herein provided, the Superintendent may subject such person to a penalty of not more

Hearing.

than \$200 when in his judgment he finds that public interest would be best served by the continued operation of such person. The amount of any such penalty shall be paid by such person through the office of the Superintendent to the Collector of Taxes, District of Columbia. At any hearing provided by this section, the Superintendent shall have authority to administer oaths to witnesses. Anyone testifying falsely after having been administered such an oath shall be subject to the penalties of perjury."

SEC. 9. That section 38 of chapter II of the Fire and Casualty Act (sec. 35-1342, D. C. Code, 1951 edition) is amended to read as follows:

Licenses; ex-
emptions.

"SEC. 38. The provisions of this Act relating to the licensing of policy-writing agents, soliciting agents, salaried company employees, and brokers shall not apply to the sale of personal accident insurance in the ticket offices of railroad companies or other common carriers, or in the offices of travel bureaus, nor to the business of ocean marine insurance, nor to insurance covering the property of railroad companies and other common carriers engaged in interstate commerce."

SEC. 10. That section 39 of chapter II of the Fire and Casualty Act (sec. 35-1343, D. C. Code, 1951 edition) is amended to read as follows:

Unauthorized
companies.

"SEC. 39. Except as provided in section 40, no person shall act as agent in the District for any company which is not authorized to do business in the District, nor shall any person directly or indirectly negotiate for or solicit applications for policies of, or for membership in, any company which is not authorized to do business in the District. The term 'company' as used in this section shall include any association, society, company, corporation, joint-stock company, individual, partnership, trustee, or receiver engaged in the business of assuming risks of insurance, surety, or indemnity, and any Lloyd's organization, assessment, or cooperative fire company, or any reciprocal or interinsurance exchange, and any company, association, or society, whether organized for profit or not, conducting a business, including any of the principles or features of insurance, surety, or indemnity. Any person who violates any provision of this section upon conviction shall be fined not less than \$100 nor more than \$1,000 for each offense, or be imprisoned for not more than twelve months, or both, and any such person shall be personally liable to any resident of the District having claim against any such unauthorized company under any policy which said person has solicited or negotiated, or has aided in soliciting or negotiating: *Provided*, That the provisions of this section shall not apply to any person who negotiates with an unauthorized company for policies covering his own property or interests, nor shall the provisions of this section apply to the officers, agents, or representatives of any company which is in process of organization under the laws of the District, and which is authorized temporarily to solicit or secure memberships or applications for policies for the purpose of completing such organization. Prosecutions for violations of this section shall be upon information filed in the Municipal Court for the District of Columbia by the corporation counsel or any of his assistants."

Violation; pen-
alty.

Responsibility.

D.C. Code, title
1, app.

SEC. 11. Where any provision of this Act or any amendment made by this Act refers to an office or agency abolished by Reorganization Plan Numbered 5 of 1952 (66 Stat. 824), such provision or amendment shall be deemed to refer to the Commissioners of the District of Columbia or to the office, officer, or agency which the Commissioners have heretofore designated or may hereafter designate to perform the functions of the office or agency so abolished.

Approved February 22, 1958.

Public Law 85-335

AN ACT

To provide for small-business disaster loans in areas affected by excessive rainfall.

February 22, 1958
[S. 2920]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 207 (b) (1) of the Small Business Act of 1953, as amended, is amended (1) by deleting the words "where a drought is occurring" and inserting in lieu thereof the words "affected by a drought or excessive rainfall", and (2) by inserting after the word "drought" where it occurs elsewhere the words "or excessive rainfall".

70 Stat. 10.
15 USC 636.

Approved February 22, 1958.

Public Law 85-336

AN ACT

To provide for a temporary increase in the public debt limit.

February 26, 1958
[H. R. 9955]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, during the period beginning on the date of the enactment of this Act and ending on June 30, 1959, the public debt limit set forth in the first sentence of section 21 of the Second Liberty Bond Act, as amended, shall be temporarily increased by \$5,000,000,000.

49 Stat. 21; 70
Stat. 519.
31 USC 757b.

Approved February 26, 1958.

Public Law 85-337

AN ACT

To provide that withdrawals, reservations, or restrictions of more than five thousand acres of public lands of the United States for certain purposes shall not become effective until approved by Act of Congress, and for other purposes.

February 28, 1958
[H. R. 5538]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provisions of law, except in time of war or national emergency hereafter declared by the President or the Congress, on and after the date of enactment of this Act the provisions hereof shall apply to the withdrawal and reservation for, restriction of, and utilization by, the Department of Defense for defense purposes of the public lands of the United States, including public lands in the Territories of Alaska and Hawaii: *Provided,* That—

Military public
land withdrawals.

(1) for the purposes of this Act, the term "public lands" shall be deemed to include, without limiting the meaning thereof, Federal lands and waters of the Outer Continental Shelf, as defined in section 2 of the Outer Continental Shelf Lands Act (67 Stat. 462), and Federal lands and waters off the coast of the Territories of Alaska and Hawaii;

"Public lands".

(2) nothing in this Act shall be deemed to be applicable to the withdrawal or reservation of public lands specifically as naval petroleum, naval oil shale, or naval coal reserves;

43 USC 1331.

(3) nothing in this Act shall be deemed to be applicable to the warning areas over the Federal lands and waters of the Outer Continental Shelf and Federal lands and waters off the coast of

the Territory of Alaska reserved for use of the military departments prior to the enactment of the Outer Continental Shelf Lands Act (67 Stat. 462); and

(4) nothing in sections 1, 2, or 3 of this Act shall be deemed to be applicable either to those reservations or withdrawals which expired due to the ending of the unlimited national emergency of May 27, 1941, and which subsequent to such expiration have been and are now used by the military departments with the concurrence of the Department of the Interior, or to the withdrawal of public domain lands of the Marine Corps Training Center, Twentynine Palms, California, and the naval gunnery ranges in the State of Nevada designated as Basic Black Rock and Basic Sahwawe Mountain.

Restrictions.

SEC. 2. No public land, water, or land and water area shall, except by Act of Congress, hereafter be (1) withdrawn from settlement, location, sale, or entry for the use of the Department of Defense for defense purposes; (2) reserved for such use; or (3) restricted from operation of the mineral leasing provisions of the Outer Continental Shelf Lands Act (67 Stat. 462), if such withdrawal, reservation, or restriction would result in the withdrawal, reservation, or restriction of more than five thousand acres in the aggregate for any one defense project or facility of the Department of Defense since the date of enactment of this Act or since the last previous Act of Congress which withdrew, reserved, or restricted public land, water, or land and water area for that project or facility, whichever is later.

Application specifications.

SEC. 3. Any application hereafter filed for a withdrawal, reservation, or restriction, the approval of which will, under section 2 of this Act, require an Act of Congress, shall specify—

(1) the name of the requesting agency and intended using agency;

(2) location of the area involved, to include a detailed description of the exterior boundaries and excepted areas, if any, within such proposed withdrawal, reservation, or restriction;

(3) gross land and water acreage within the exterior boundaries of the requested withdrawal, reservation, or restriction, and net public land, water, or public land and water acreage covered by the application;

(4) the purpose or purposes for which the area is proposed to be withdrawn, reserved, or restricted, or if the purpose or purposes are classified for national security reasons, a statement to that effect;

(5) whether the proposed use will result in contamination of any or all of the requested withdrawal, reservation, or restriction area, and if so, whether such contamination will be permanent or temporary;

(6) the period during which the proposed withdrawal, reservation, or restriction will continue in effect;

(7) whether, and if so to what extent, the proposed use will affect continuing full operation of the public land laws and Federal regulations relating to conservation, utilization, and development of mineral resources, timber and other material resources, grazing resources, fish and wildlife resources, water resources, and scenic, wilderness, and recreation and other values; and

(8) if effecting the purpose for which the area is proposed to be withdrawn, reserved, or restricted, will involve the use of water in any State, whether, subject to existing rights under law, the intended using agency has acquired, or proposes to acquire, rights to the use thereof in conformity with State laws and procedures relating to the control, appropriation, use, and distribution of water.

SEC. 4. Chapter 159 of title 10, United States Code, is amended as follows:

70A Stat. 147.
10 USC 2661-
2671.

(1) By adding the following new section at the end:

“§ 2671. Military reservations and facilities: hunting, fishing, and trapping

“(a) The Secretary of Defense shall, with respect to each military installation or facility under the jurisdiction of any military department in a State or Territory—

“(1) require that all hunting, fishing, and trapping at that installation or facility be in accordance with the fish and game laws of the State or Territory in which it is located;

“(2) require that an appropriate license for hunting, fishing, or trapping on that installation or facility be obtained, except that with respect to members of the Armed Forces, such a license may be required only if the State or Territory authorizes the issuance of a license to a member on active duty for a period of more than thirty days at an installation or facility within that State or Territory, without regard to residence requirements, and upon terms otherwise not less favorable than the terms upon which such a license is issued to residents of that State or Territory; and

“(3) develop, subject to safety requirements and military security, and in cooperation with the Governor (or his designee) of the State or Territory in which the installation or facility is located, procedures under which designated fish and game or conservation officials of that State or Territory may, at such time and under such conditions as may be agreed upon, have full access to that installation or facility to effect measures for the management, conservation, and harvesting of fish and game resources.

“(b) The Secretary of Defense shall prescribe regulations to carry out this section.

“(c) Whoever is guilty of an act or omission which violates a requirement prescribed under subsection (a) (1) or (2), which act or omission would be punishable if committed or omitted within the jurisdiction of the State or Territory in which the installation or facility is located, by the laws thereof in effect at the time of that act or omission, is guilty of a like offense and is subject to a like punishment.

“(d) This section does not modify any rights granted by treaty or otherwise to any Indian tribe or to the members thereof.”

(2) By adding the following new item at the end of the analysis:

“2671. Military reservations and facilities: hunting, fishing, and trapping.”

SEC. 5. The Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, is hereby further amended by revising section 3 (d) to read as follows:

40 USC 472.

“(d) The term ‘property’ means any interest in property except (1) the public domain; lands reserved or dedicated for national forest or national park purposes; minerals in lands or portions of lands withdrawn or reserved from the public domain which the Secretary of the Interior determines are suitable for disposition under the public land mining and mineral leasing laws; and lands withdrawn or reserved from the public domain except lands or portions of lands so withdrawn or reserved which the Secretary of the Interior, with the concurrence of the Administrator, determines are not suitable for return to the public domain for disposition under the general public-land laws because such lands are substantially changed in character by improvements or otherwise; (2) naval vessels of the following categories: Battleships, cruisers, aircraft carriers, destroyers, and submarines; and (3) records of the Federal Government.”

“Property”.

Mineral re-
sources.

SEC. 6. All withdrawals or reservations of public lands for the use of any agency of the Department of Defense, except lands withdrawn or reserved specifically as naval petroleum, naval oil shale, or naval coal reserves, heretofore or hereafter made by the United States, shall be deemed to be subject to the condition that all minerals, including oil and gas, in the lands so withdrawn or reserved are under the jurisdiction of the Secretary of the Interior and there shall be no disposition of, or exploration for, any minerals in such lands except under the applicable public land mining and mineral leasing laws: *Provided*, That no disposition of, or exploration for, any minerals in such lands shall be made where the Secretary of Defense, after consultation with the Secretary of the Interior, determines that such disposition or exploration is inconsistent with the military use of the lands so withdrawn or reserved.

Approved February 28, 1958.

Public Law 85-338

AN ACT

March 4, 1958
[S. 969]

To prescribe the weight to be given to evidence of tests of alcohol in the blood, urine, or breath of persons tried in the District of Columbia for certain offenses committed while operating vehicles.

D. C. alcohol
tests, evidence.

43 Stat. 1124.

49 Stat. 385.

31 Stat. 1321.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) if as a result of the operation of a vehicle, any person is tried in any court of competent jurisdiction within the District of Columbia for (1) operating such vehicle while under the influence of any intoxicating liquor in violation of section 10 (b) of the District of Columbia Traffic Act, 1925, approved March 3, 1925, as amended (D. C. Code, title 40, sec. 609), (2) negligent homicide in violation of section 802 (a) of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901, as amended (D. C. Code, title 40, sec. 606), or (3) manslaughter committed in the operation of such vehicle in violation of section 802 of such Act approved March 3, 1901 (D. C. Code, title 22, sec. 2405), and in the course of such trial there is received in evidence, based upon a chemical test, competent proof to the effect that at the time of such operation—

(1) defendant's blood contained five one-hundredths of 1 per centum or less, by weight, of alcohol, or that an equivalent quantity of alcohol was contained in two thousand cubic centimeters of his breath (true breath or alveolar air having 5½ per centum of carbon dioxide), or that defendant's urine contained eight one-hundredths of 1 per centum or less, by weight, of alcohol, such proof shall be deemed prima facie proof that defendant at such time was not under the influence of any intoxicating liquor;

(2) defendant's blood contained more than five one-hundredths of 1 per centum, but less than fifteen one-hundredths of 1 per centum, by weight, of alcohol, or that an equivalent quantity of alcohol was contained in two thousand cubic centimeters of his breath (true breath or alveolar air having 5½ per centum of carbon dioxide), or that defendant's urine contained more than eight one-hundredths of 1 per centum, but less than twenty one-hundredths of 1 per centum, by weight, of alcohol, such proof shall constitute relevant evidence, but shall not constitute prima facie proof that defendant was or was not at such time under the influence of any intoxicating liquor; and

(3) defendant's blood contained fifteen one-hundredths of 1 per centum or more, by weight, of alcohol, or that an equivalent quantity of alcohol was contained in two thousand cubic centimeters of his breath (true breath or alveolar air having 5½ per centum of carbon dioxide), or that defendant's urine contained twenty one-hundredths of 1 per centum or more, by weight, of alcohol, such proof shall constitute prima facie proof that defendant at such time was under the influence of intoxicating liquor.

(b) Upon the request of the person who was tested, the results of such test shall be made available to him.

(c) Only a physician acting at the request of a police officer can withdraw blood for the purpose of determining the alcoholic content therein. This limitation shall not apply to the taking of a urine specimen or the breath test.

(d) The person tested shall be permitted to have a physician of his own choosing administer a chemical test in addition to the one administered at the direction of the police officer.

SEC. 2. Nothing in this Act shall be construed to require any person to submit to the withdrawal of blood, the taking of a urine specimen from him, or to a breath test.

Approved March 4, 1958.

Tests not required.

Public Law 85-339

AN ACT

To direct the Secretary of the Interior to convey certain public lands in the State of Nevada to the Colorado River Commission of Nevada acting for the State of Nevada.

March 6, 1958
[S. 1558]

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

(a) The term "Secretary" shall mean the Secretary of the Interior.

(b) The term "Commission" shall mean the Colorado River Commission of the State of Nevada.

(c) The term "State" shall mean the State of Nevada.

(d) The term "transfer area" shall mean all lands or interests in lands owned by the United States and located within the exterior boundaries of the area described in section 2 of this Act.

SEC. 2. The Secretary is hereby authorized and directed to segregate from all forms of entry under the public land laws of the United States, during a period of five years from and after the effective date of this Act, the following described lands, situated in the State of Nevada and comprising approximately 126,775 acres:

(1) All of south half, township 23 south, range 63 east, with the exception of the following areas: east half section 22; four five-acre tracts located in section 26 and described as follows: south half southeast quarter northwest quarter northwest quarter, north half northeast quarter southwest quarter northwest quarter, north half southwest quarter northeast quarter northwest quarter and south half southwest quarter northwest quarter northwest quarter; and those portions of the northeast quarter section 23, and north half section 24, within the Lake Mead national recreation area.

(2) Fractional sections 25 and 36, township 23 south, range 63½ east.

(3) All of sections 27, 28, 29, 30, 31, 32, 33, and 34, township 23 south, range 64 east.

(4) Fractional sections 31, 32, 33, 34, and 35, township 23½ south, range 64 east.

Colorado River
Commission, Nev.
Conveyance.
Definitions.

- (5) All of southeast quarter of township 24 south, range 62 east.
 - (6) All of township 24 south, range 63 east.
 - (7) All of township 24 south, range 64 east, except sections 1, 12, 13, 24, 25, and 36.
 - (8) All of township 25 south, range 62 east.
 - (9) All of township 25 south, range 63 east.
 - (10) All of sections 1, 2, 3, 4, 5, and 6, township 25 south, range 64 east.
 - (11) All of sections 1, 2, 11, 12, 13, and 14, township 26 south, range 62 east.
 - (12) All of northwest quarter, township 26 south, range 63 east.
- All range references contained in the foregoing refer to the Mount Diablo base and meridian.

Option.

SEC. 3. The Commission, acting on behalf of the State, is hereby given the option, after compliance with all of the provisions of this Act and any regulations promulgated hereunder, of having patented to the State by the Secretary all or portions of the lands within the transfer area. Such option may be exercised at any time during the five-year period of segregation established in section 2, but the filing of any application for the conveyance of title to any lands within the transfer area, if received by the Secretary from the Commission prior to the expiration of such period, shall have the effect of extending the period of segregation of such lands from all forms of entry under the public land laws until such application is finally disposed of by the Secretary.

Requirements.

SEC. 4. Prior to conveying any lands or interests in lands of the United States to the State, the Commission and the Secretary shall comply with the requirements set out following:

Plan of development.

(a) The Commission, within three years after the effective date of this Act, shall submit to the Secretary a proposed plan of development for the entire transfer area, which plan shall include but need not be limited to the general terms and conditions under which individuals, governmental agencies or subdivisions, corporations, associations or other legal entities may acquire rights, title, or interests in and to lands within the transfer area.

Selections; applications for transfer.

(b) At any time after submission of a proposed plan for the entire transfer area, as required by the preceding subsection, the Commission may select for transfer from Federal to State ownership such land units within the transfer area as contain not less than eighteen sections of land in reasonably compact tracts, taking into account the situation and potential uses of the land involved. All applications for transfer of title to any such land unit shall be made to the Secretary and shall be accompanied by a development and acquisition planning report containing such information relative to any proposed development and acquisition payment plan as may by regulation be required by the Secretary. No acquisition payment plan shall be considered by the Secretary unless such plan provides for payment by the State into the Treasury of the United States, within five years of the delivery of patent to the Commission, of an amount equal to the appraised fair market value of the lands conveyed.

Appraisal.

(c) At the earliest practicable date following the effective date of this Act, the Secretary shall cause an appraisal to be made of the fair market value of the lands within the entire transfer area, including mineral and material values, if any; such appraisal when completed shall constitute the only basis for determining the compensation to be paid to the United States by the Commission for the transfer of any or all of the lands to which this Act is applicable.

(d) As soon as a proposed unit development and acquisition planning report is found by the Secretary to comply with the provisions of this Act and with such regulations as the Secretary may prescribe as to the contents thereof, the Secretary is hereby authorized and directed to negotiate a contract of sale with the Commission and to prepare appropriate conveyancing instruments for the lands involved.

Contract of sale.

Thereafter, the Secretary shall submit to the Congress, for reference to the appropriate committees of the House of Representatives and the Senate, copies of the Commission application, proposed unit development and acquisition planning report, and proposed contract of sale and conveyancing instruments, together with his comments and recommendations, if any.

Report to Congress.

(e) No contract of sale or instrument of conveyance shall be executed by the Secretary with respect to any lands applied for by the Commission prior to sixty calendar days (which sixty days, however, shall not include days on which either the House of Representatives or the Senate is not in session because of an adjournment of more than three calendar days to a day certain) from the day on which the Secretary makes the submissions required by the preceding subsection, unless the Congress, prior to the expiration of said sixty days, approves the execution of such contract of sale and instrument of conveyance.

SEC. 5. The conveyance or conveyances authorized by this Act shall be made subject to any existing valid rights pertaining to the lands included within the transfer area.

Rights.

SEC. 6. If the State selects and purchases under this Act any lands which are subject on the date the purchase by the State becomes effective to a lease, permit, license, or contract issued under the Mineral Leasing Act of February 25, 1920 (41 Stat. 437), as amended (39 U. S. C. 181 and the following), the State shall be required to purchase all the lands subject to that lease, permit, license, or contract which are included within the boundaries of the transfer area. The purchase of lands subject to a lease, permit, license, or contract shall neither affect the validity nor modify the terms of the lease, permit, license, or contract in any way, or affect any rights thereunder, except that the State shall assume the position of the United States thereunder, including any right to rental, royalties, and other payments accruing on or after the date on which the purchase by the State becomes effective, and any right to modify the terms or conditions of such leases, permits, licenses, or contracts.

Leases, permits, etc.

30 USC 181 et seq.

SEC. 7. The Secretary is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary or proper in carrying out the provisions of this Act. He shall give particular attention in so doing to including in any conveyancing instruments executed under the authority of this Act such provisions as will in his judgment protect existing or future uses by the United States of lands within the transfer area, including, but not limited to, provision for reversion of title therein to the United States upon failure of the State or its successors in interest to strictly comply with the terms and conditions of any such conveyancing instrument: *Provided*, That the Secretary, after consultation with the Commission, shall determine the amount and location of all lands within the transfer area which may be required for future use by the United States, and he shall have until the filing by the Commission of the proposed plan of development provided by section 4 (a), to define and describe all such lands.

Rules and regulations, etc.

Approved March 6, 1958.

Public Law 85-340

AN ACT

March 15, 1958
[S. 916]

To provide for the issuance of checks and continuation of accounts when there is a vacancy in the office of the disbursing officer for the Post Office Department, and for other purposes.

Postal Service.
Disbursing officer,
vacancy.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in case of the death, resignation, or separation from office of the disbursing officer for the Post Office Department the accounts of such disbursing officer may be continued and payments made in his name by the assistant disbursing officers designated by the Postmaster General or designated by any official of the Post Office Department authorized by the Postmaster General to make such designation, for a period of time not to extend beyond the last day of the second month following the month in which such death, resignation, or separation shall occur. Such accounts and payments shall be allowed, audited, and settled, and the checks signed in the name of the former disbursing officer for the Post Office Department shall be honored in the same manner as if the former disbursing officer for the Post Office Department had continued in office. The former disbursing officer for the Post Office Department, his estate, or the surety on his official bond, shall not be subject to any legal liability or penalty for the official accounts and defaults of the assistant disbursing officers acting in the name or in the place of the former disbursing officer, but such assistant disbursing officers and their sureties shall be responsible therefor.

Responsibility
for accounts.

Approved March 15, 1958.

Public Law 85-341

AN ACT

March 15, 1958
[H. R. 8795]

To amend section 507 and subsection 602 (a) of the Federal Property and Administrative Services Act of 1949, as amended.

Franklin D. Roosevelt Library.
64 Stat. 587, 583;
63 Stat. 399,
44 USC 397.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 507 and subsection 602 (a) of the Federal Property and Administrative Services Act of 1949, as amended, are hereby further amended as follows:

(1) (a) By redesignating present subsections (g), (h), and (i) of section 507 as subsections (h), (i), and (j), respectively; and

(b) By inserting, immediately after paragraph (7) of subsection (f) of section 507 the following new subsection:

“(g) The Franklin D. Roosevelt Library shall be considered a ‘Presidential archival depository’ within the meaning of this section, and it and its contents shall be administered in accordance with the applicable provisions of the Federal Property and Administrative Services Act of 1949, as amended, subject to section 401 of Reorganization Plan Numbered 3 of 1946 (60 Stat. 1097; 5 U. S. C. 133y-16) transferring certain functions with respect to the Franklin D. Roosevelt Library to the Secretary of the Interior.”

Repeal.

(2) By adding a paragraph (34) to subsection 602 (a) to read as follows:

“(34) Sections 1 (c); 205 (a), (b), (c), (d), (e), and (f); 206, 207, 208, and 209; and the second proviso contained in section 203 of the joint resolution of July 18, 1939 (53 Stat. 1062).”

Approved March 15, 1958.

Public Law 85-342

AN ACT

March 15, 1958
[S. 1552]

To authorize the Secretary of the Interior to establish a program for the purpose of carrying on certain research and experimentation to develop methods for the commercial production of fish on flooded rice acreage in rotation with rice field crops, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to establish an experiment station or stations for the purpose of carrying on a program of research and experimentation—

Fish.
Research for
rice areas.

- (1) to determine species of fishes most suitable for culture on a commercial basis in shallow reservoirs and flooded rice lands;
- (2) to determine methods for production of fingerling fishes for stocking in commercial reservoirs;
- (3) to develop methods for the control of parasites and diseases of brood fishes and of fingerlings prior to stocking;
- (4) to develop economical methods for raising the more desirable species of fishes to a marketable size;
- (5) to determine, in cooperation with the Department of Agriculture, the effects of fish-rice rotations, including crops other than rice commonly grown on rice farms, upon both the fish and other crops; and
- (6) to develop suitable methods for harvesting the fish crop and preparing it for marketing, including a study of sport fishing as a means of such harvest.

SEC. 2. For the purpose of carrying out the provisions of this Act, the Secretary of the Interior is authorized (1) to acquire by purchase, condemnation, or otherwise such suitable lands, to construct such buildings, to acquire such equipment and apparatus, and to employ such officers and employees as he deems necessary; (2) to cooperate with State and other institutions and agencies upon such terms and conditions as he determines to be appropriate; and (3) to make public the results of such research and experiments conducted pursuant to the first section of this Act.

Authority.

SEC. 3. The Department of Agriculture is authorized to cooperate in carrying out the provisions of this Act by furnishing such information and assistance as may be requested by the Secretary of the Interior.

Cooperation with
Agriculture.

SEC. 4. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

Appropriation.

Approved March 15, 1958.

Public Law 85-343

AN ACT

March 15, 1958
[S. 1828]

To retrocede to the State of Montana concurrent police jurisdiction over the Blackfeet Highway and its connections with the Glacier National Park road system, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby retroceded to the State of Montana such concurrent police jurisdiction as has been ceded to the United States of America over the rights-of-way of the Blackfeet Highway, including the highway itself, and over the rights-of-way of its connections with the Glacier National Park road system on the Blackfeet Indian Reservation, including the high-

Blackfeet High-
way, Mont.
Police jurisdic-
tion.

ways themselves, the same being the jurisdiction ceded by the act of the Legislature of Montana, approved February 27, 1929 (laws of Montana, 1929, page 63), and accepted by Act of Congress approved May 2, 1932 (47 Stat. 144).

SEC. 2. Following acceptance by the State of Montana of the retrocession provided herein, the laws and regulations of the United States pertaining to Glacier National Park shall cease to apply to the territory of said rights-of-way and highways.

Approved March 15, 1958.

16 USC 181,
181a.
Nonapplicability.

Public Law 85-344

March 15, 1958
[H. R. 5809]

AN ACT

To authorize construction of a United States Ship Arizona Memorial at Pearl Harbor.

Memorial; Pearl
Harbor.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy may—

(1) accept contributions for the construction of a memorial and museum to be located on the hulk of the United States ship Arizona or adjacent United States property in Pearl Harbor, Territory of Hawaii;

(2) authorize Navy activities to furnish material to the Pacific War Memorial Commission for use in national promotion of a public subscription campaign to raise funds for a United States Ship Arizona Memorial;

(3) authorize Navy activities to assist in conceiving a design and in determining the construction cost for the memorial;

(4) undertake construction of the memorial and museum when sufficient funds have been subscribed for completion of the structure; and

(5) provide for maintenance of the memorial and museum when completed.

Approved March 15, 1958.

Public Law 85-345

March 17, 1958
[H. R. 10021]

AN ACT

To provide that the 1955 formula for taxing income of life insurance companies shall also apply to taxable years beginning in 1957.

Taxes.
Life-insurance
companies.

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

SECTION 1. EXTENSION OF 1955 FORMULA TO 1957.

Subsections (a) and (c) of section 802 of the Internal Revenue Code of 1954 (relating to tax on income of life-insurance companies) are each amended by striking out "beginning in 1955 or in 1956" and inserting in lieu thereof "beginning after December 31, 1954, and before January 1, 1958."

SEC. 2. TECHNICAL AMENDMENTS.

(a) The heading of section 802 of the Internal Revenue Code of 1954 is amended to read as follows:

70 Stat. 38.
26 USC 802.

"SEC. 802. TAX IMPOSED."

(b) The table of sections for subpart A of part I of subchapter L of the Internal Revenue Code of 1954 is amended by striking out

"Sec. 802. Tax imposed for 1955 and 1956."

and inserting in lieu thereof

"Sec. 802. Tax imposed."

(c) Section 811 (a) of the Internal Revenue Code of 1954 (relating to tax under 1942 formula) is amended by striking out "December 31, 1956" and inserting in lieu thereof "December 31, 1957".

70 Stat. 44.
26 USC 811.

Approved March 17, 1958.

Public Law 85-346

AN ACT

Relating to Canal Zone money orders which remain unpaid.

March 17, 1958
[H. R. 6710]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 14 of title 2 of the Canal Zone Code, as amended by section 2 of the Act of June 13, 1940 (ch. 358, 54 Stat. 389), is amended by adding at the end thereof a new section numbered 282 and reading as follows:

Canal Zone.
Money orders.

"§ 282. Money orders unpaid after lapse of twenty years

"No money order heretofore or hereafter issued by the Canal Zone postal service shall be paid after twenty years from the last day of the month of original issue. Claims for unpaid money orders shall be forever barred unless received by the Canal Zone postal service within such twenty-year period. Funds accrued because of money orders remaining unpaid shall be treated as revenues of the Canal Zone postal service. The records of the Canal Zone postal service shall serve as the basis for adjudicating claims for payment of money orders."

SEC. 2. This Act shall take effect on the first day of the sixth calendar month beginning after the date of its enactment.

Effective date.

Approved March 17, 1958.

Public Law 85-347

AN ACT

To authorize, in case of the death of a member of the uniformed services, certain transportation expenses for his dependents.

March 17, 1958
[H. R. 7912]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the tenth sentence of the last proviso of section 303 (c) of the Career Compensation Act, as amended (37 U. S. C. 253 (c)), is further amended—

69 Stat. 691.

(1) by inserting immediately after the words "who transports" the words " , or in the case of his death his dependents who transport,"; and

(2) by inserting immediately after the words "whichever he" the words "or they".

Approved March 17, 1958.

Public Law 85-348

March 17, 1958
[S. 1086]

AN ACT

Granting the consent of Congress to a Bear River Compact, and for related purposes.

Bear River Compact.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, The consent of Congress is hereby given to the Bear River Compact entered into by the States of Idaho, Utah, and Wyoming. The compact reads as follows:

"BEAR RIVER COMPACT

"The State of Idaho, the State of Utah, and the State of Wyoming, acting through their respective Commissioners after negotiations participated in by a representative of the United States of America appointed by the President, have agreed to a Bear River Compact as follows:

"ARTICLE I

"A. The major purposes of this Compact are to remove the causes of present and future controversy over the distribution and use of the waters of the Bear River; to provide for efficient use of water for multiple purposes; to permit additional development of the water resources of Bear River; and to promote interstate comity.

"B. The physical and all other conditions peculiar to the Bear River constitute the basis for this Compact. No general principle or precedent with respect to any other interstate stream is intended to be established.

"ARTICLE II

"As used in this Compact the term

"1. 'Bear River' means the Bear River and its tributaries from its source in the Uinta Mountains to its mouth in Great Salt Lake;

"2. 'Bear Lake' means Bear Lake and Mud Lake;

"3. 'Upper Division' means the portion of Bear River from its source in the Uinta Mountains to and including Pixley Dam, a diversion dam in the Southeast Quarter of Section 25, Township 23 North, Range 120 West, Sixth Principal Meridian, Wyoming;

"4. 'Central Division' means the portion of the Bear River from Pixley Dam to and including Stewart Dam, a diversion dam in Section 34, Township 13 South, Range 44 East, Boise Base and Meridian, Idaho;

"5. 'Lower Division' means the portion of the Bear River between Stewart Dam and Great Salt Lake, including Bear Lake and its tributary drainage;

"6. 'Upper Utah Section Diversions' means the sum of all diversions in second-feet from the Bear River and the tributaries of the Bear River joining the Bear River upstream from the point where the Bear River crosses the Utah-Wyoming State line above Evanston, Wyoming; excluding the diversions by the Hilliard East Fork Canal, Lannon Canal, Lone Mountain Ditch, and Hilliard West Side Canal;

"7. 'Upper Wyoming Section Diversions' means the sum of all diversions in second-feet from the Bear River main stem from the point where the Bear River crosses the Utah-Wyoming State line above Evanston, Wyoming, to the point where the Bear River crosses the Wyoming-Utah State line east of Woodruff, Utah, and including the diversions by the Hilliard East Fork Canal, Lannon Canal, Lone Mountain Ditch, and Hilliard West Side Canal;

"8. 'Lower Utah Section Diversions' means the sum of all diversions in second-feet from the Bear River main stem from the point where

the Bear River crosses the Wyoming-Utah State line east of Woodruff, Utah, to the point where the Bear River crosses the Utah-Wyoming State line northeast of Randolph, Utah;

"9. 'Lower Wyoming Section Diversions' means the sum of all diversions in second-feet from the Bear River main stem from the point where the Bear River crosses the Utah-Wyoming State line northeast of Randolph to and including the diversion at Pixley Dam;

"10. 'Commission' means the Bear River Commission, organized pursuant to Article III of this Compact;

"11. 'Water user' means a person, corporation, or other entity having a right to divert water from the Bear River for beneficial use;

"12. 'Second-foot' means a flow of one cubic foot of water per second of time passing a given point;

"13. 'Acre-foot' means the quantity of water required to cover one acre to a depth of one foot, equivalent to 43,560 cubic feet;

"14. 'Biennium' means the 2-year period commencing on July 1 of the first odd numbered year after the effective date of this Compact and each 2-year period thereafter;

"15. 'Water year' means the period beginning October 1 and ending September 30 of the following year;

"16. 'Direct flow' means all water flowing in a natural watercourse except water released from storage or imported from a source other than the Bear River watershed;

"17. 'Border Gaging Station' means the stream flow gaging station in Idaho on the Bear River above Thomas Fork near the Wyoming-Idaho boundary line in the Northeast Quarter of the Northeast Quarter of Section 15, Township 14 South, Range 46 East, Boise Base and Meridian, Idaho;

"18. 'Smiths Fork' means a Bear River tributary which rises in Lincoln County, Wyoming and flows in a general southwesterly direction to its confluence with Bear River near Cokeville, Wyoming;

"19. 'Grade Creek' means a Smiths Fork tributary which rises in Lincoln County, Wyoming and flows in a westerly direction and in its natural channel is tributary to Smiths Fork in Section 17, Township 25 North, Range 118 West, Sixth Principal Meridian, Wyoming;

"20. 'Pine Creek' means a Smiths Fork tributary which rises in Lincoln County, Wyoming, emerging from its mountain canyon in Section 34, Township 25 North, Range 118 West, Sixth Principal Meridian, Wyoming, and in its natural channel is tributary to Smiths Fork in Section 36, Township 25 North, Range 119 West, Sixth Principal Meridian, Wyoming;

"21. 'Bruner Creek' and 'Pine Creek Springs' means Smiths Fork tributaries which rise in Lincoln County, Wyoming, in Sections 31 and 32, Township 25 North, Range 118 West, Sixth Principal Meridian, and in their natural channels are tributary to Smiths Fork in Section 36, Township 25 North, Range 119 West, Sixth Principal Meridian, Wyoming;

"22. 'Spring Creek' means a Smiths Fork tributary which rises in Lincoln County, Wyoming, in Sections 1 and 2, Township 24 North, Range 119 West, Sixth Principal Meridian, Wyoming, and flows in a general westerly direction to its confluence with Smiths Fork in Section 4, Township 24 North, Range 119 West, Sixth Principal Meridian, Wyoming;

"23. 'Sublette Creek' means the Bear River tributary which rises in Lincoln County, Wyoming and flows in a general westerly direction to its confluence with Bear River in Section 20, Township 24 North, Range 119 West, Sixth Principal Meridian, Wyoming;

"24. 'Hobble Creek' means the Smiths Fork tributary which rises in Lincoln County, Wyoming and flows in a general southwesterly

direction to its confluence with Smiths Fork in Section 35, Township 28 North, Range 118 West, Sixth Principal Meridian, Wyoming;

"25. 'Hilliard East Fork Canal' means that irrigation canal which diverts water from the right bank of the East Fork of Bear River in Summit County, Utah, at a point West 1,310 feet and North 330 feet from the Southeast corner of Section 16, Township 2 North, Range 10 East, Salt Lake Base and Meridian, Utah, and runs in a northerly direction crossing the Utah-Wyoming State line into the Southwest Quarter of Section 21, Township 12 North, Range 119 West, Sixth Principal Meridian, Wyoming;

"26. 'Lannon Canal' means that irrigation canal which diverts water from the right bank of the Bear River in Summit County, Utah, East 1,480 feet from the West Quarter corner of Section 19, Township 3 North, Range 10 East, Salt Lake Base and Meridian, Utah, and runs in a northerly direction crossing the Utah-Wyoming State line into the South Half of Section 20, Township 12 North, Range 119 West, Sixth Principal Meridian, Wyoming;

"27. 'Lone Mountain Ditch' means that irrigation canal which diverts water from the right bank of the Bear River in Summit County, Utah, North 1,535 feet and East 1,120 feet from the West Quarter corner of Section 19, Township 3 North, Range 10 East, Salt Lake Base and Meridian, Utah, and runs in a northerly direction crossing the Utah-Wyoming State line into the South Half of Section 20, Township 12 North, Range 119 West, Sixth Principal Meridian, Wyoming;

"28. 'Hilliard West Side Canal' means that irrigation canal which diverts water from the right bank of the Bear River in Summit County, Utah, at a point North 2,190 feet and East 1,450 feet from the South Quarter corner of Section 13, Township 3 North, Range 9 East, Salt Lake Base and Meridian, Utah, and runs in a northerly direction crossing the Utah-Wyoming State line into the South Half of Section 20, Township 12 North, Range 119 West, Sixth Principal Meridian, Wyoming;

"29. 'Francis Lee Canal' means that irrigation canal which diverts water from the left bank of the Bear River in Uinta County, Wyoming, in the Northeast Quarter of Section 30, Township 18 North, Range 120 West, Sixth Principal Meridian, Wyoming, and runs in a westerly direction across the Wyoming-Utah State line into Section 16, Township 9 North, Range 8 East, Salt Lake Base and Meridian, Utah;

"30. 'Chapman Canal' means that irrigation canal which diverts water from the left bank of the Bear River in Uinta County, Wyoming, in the Northeast Quarter of Section 36, Township 16 North, Range 121 West, Sixth Principal Meridian, Wyoming, and runs in a northerly direction crossing over the low divide into the Saleratus drainage basin near the Southeast corner of Section 36, Township 17 North, Range 121 West, Sixth Principal Meridian, Wyoming and then in a general westerly direction crossing the Wyoming-Utah State line;

"31. 'Neponset Reservoir' means that reservoir located principally in Sections 34 and 35, Township 8 North, Range 7 East, Salt Lake Base and Meridian, Utah, having a capacity of 6,900 acre-feet.

"ARTICLE III

"A. There is hereby created an interstate administrative agency to be known as the 'Bear River Commission' which is hereby constituted a legal entity and in such name shall exercise the powers hereinafter specified. The Commission shall be composed of nine Commissioners,

three Commissioners representing each signatory State, and if appointed by the President, one additional Commissioner representing the United States of America who shall serve as chairman, without vote. Each Commissioner, except the chairman, shall have one vote. The State Commissioners shall be selected in accordance with State law. Six Commissioners who shall include two Commissioners from each State shall constitute a quorum. The vote of at least two-thirds of the Commissioners when a quorum is present shall be necessary for the action of the Commission.

"B. The compensation and expenses of each commissioner and each adviser shall be paid by the Government which he represents. All expenses incurred by the Commission in the administration of this Compact, except those paid by the United States of America, shall be paid by the signatory States on an equal basis.

"C. The Commission shall have power to:

"1. Adopt by-laws, rules, and regulations not inconsistent with this Compact;

"2. Acquire, hold, convey or otherwise dispose of property;

"3. Employ such persons and contract for such services as may be necessary to carry out its duties under this Compact;

"4. Sue and be sued as a legal entity in any court of record of a signatory State, and in any court of the United States having jurisdiction of such action;

"5. Cooperate with State and Federal agencies in matters relating to water pollution of interstate significance;

"6. Perform all functions required of it by this Compact and do all things necessary, proper or convenient in the performance of its duties hereunder, independently or in cooperation with others, including State and Federal agencies.

"D. The Commission shall:

"1. Enforce this Compact and its orders made hereunder by suit or other appropriate action;

"2. Annually compile a report covering the work of the Commission for the water year ending the previous September 30 and transmit it to the President of the United States and to the Governors of the signatory States on or before April 1 of each year;

"3. Prepare and transmit to the Governors of the signatory States, and to the President of the United States on or before a date to be determined by the Commission, a report of expenditures during the current biennium, and an estimate of requirements for the following biennium.

"ARTICLE IV

"Rights to direct flow water shall be administered in each signatory State under State law, with the following limitations:

"A. When there is a water emergency, as hereinafter defined for each division, water shall be distributed therein as provided below.

"1. Upper Division

"a. When the divertible flow as defined below for the Upper Division is less than 1,250 second-feet, a water emergency shall be deemed to exist therein and such divertible flow is allocated for diversion in the river sections of the Division as follows:

"Upper Utah Section Diversions—0.6 percent,

"Upper Wyoming Section Diversions—49.3 percent,

"Lower Utah Section Diversions—40.5 percent,

"Lower Wyoming Section Diversions—9.6 percent.

"Such divertible flow shall be the total of the following five items:

- "(1) Upper Utah Section Diversions in second-feet,
- "(2) Upper Wyoming Section Diversions in second-feet,
- "(3) Lower Utah Section Diversions in second-feet,
- "(4) Lower Wyoming Section Diversions in second-feet,
- "(5) The flow in second-feet passing Pixley Dam.

"b. The Hilliard East Fork Canal, Lannon Canal, Lone Mountain Ditch, and Hilliard West Side Canal, which divert water in Utah to irrigate lands in Wyoming, shall be supplied from the divertible flow allocated to the Upper Wyoming Section Diversions.

"c. The Chapman, Bear River, and Francis Lee Canals, which divert water from the main stem of Bear River in Wyoming to irrigate lands in both Wyoming and Utah, shall be supplied from the divertible flow allocated to the Upper Wyoming Section Diversions.

"d. The Beckwith Quinn West Side Canal, which diverts water from the main stem of Bear River in Utah to irrigate lands in both Utah and Wyoming, shall be supplied from the divertible flow allocated to the Lower Utah Section Diversions.

"e. If for any reason the aggregate of all diversions in a river section of the Upper Division does not equal the allocation of water thereto, the unused portion of such allocation shall be available for use in the other river sections in the Upper Division in the following order: (1) In the other river section of the same State in which the unused allocation occurs; and (2) In the river sections of the other State. No permanent right of use shall be established by the distribution of water pursuant to this paragraph e.

"f. Water allocated to the several sections shall be distributed in each section in accordance with State law.

"2. Central Division

"a. When either the divertible flow as hereinafter defined for the Central Division is less than 870 second-feet, or the flow of the Bear River at Border Gaging Station is less than 350 second-feet, whichever shall first occur, a water emergency shall be deemed to exist in the Central Division and the total of all diversions in Wyoming from Grade Creek, Pine Creek, Bruner Creek and Pine Creek Springs, Spring Creek, Sublette Creek, Smiths Fork, and all the tributaries of Smiths Fork above the mouth of Hobbie Creek including Hobbie Creek, and from the main stem of the Bear River between Pixley Dam and the point where the river crosses the Wyoming-Idaho State line near Border shall be limited for the benefit of the State of Idaho, to not exceeding forty-three (43) percent of the divertible flow. The remaining fifty-seven (57) percent of the divertible flow shall be available for use in Idaho in the Central Division, but if any portion of such allocation is not used therein it shall be available for use in Idaho in the Lower Division.

"The divertible flow for the Central Division shall be the total of the following three items:

"(1) Diversions in second-feet in Wyoming consisting of the sum of all diversions from Grade Creek, Pine Creek, Bruner Creek and Pine Creek Springs, Spring Creek, Sublette Creek, and Smiths Fork and all the tributaries of Smiths Fork above the mouth of Hobbie Creek including Hobbie Creek, and the main stem of the Bear River between Pixley Dam and the point where the river crosses the Wyoming-Idaho State line near Border, Wyoming.

"(2) Diversions in second-feet in Idaho from the Bear River main stem from the point where the river crosses the Wyoming-Idaho State

line near Border to Stewart Dam including West Fork Canal which diverts at Stewart Dam.

"(3) Flow in second-feet of the Rainbow Inlet Canal and of the Bear River passing downstream from Stewart Dam.

"b. The Cook Canal, which diverts water from the main stem of the Bear River in Wyoming to irrigate lands in both Wyoming and Idaho, shall be considered a Wyoming diversion and shall be supplied from the divertible flow allocated to Wyoming.

"c. Water allocated to each State shall be distributed in accordance with State law.

"3. Lower Division

"A. When the flow of water across the Idaho-Utah boundary line is insufficient to satisfy water rights in Utah, any water user in Utah may file a petition with the Commission alleging that by reason of diversions in Idaho he is being deprived of water to which he is justly entitled, and that by reason thereof, a water emergency exists, and requesting distribution of water under the direction of the Commission. If the Commission finds a water emergency exists, it shall put into effect water delivery schedules based on priority of rights and prepared by the Commission without regard to the boundary line for all or any part of the Division, and during such emergency, water shall be delivered in accordance with such schedules by the State official charged with the administration of public waters.

"B. The Commission shall have authority upon its own motion (1) to declare a water emergency in any or all river divisions based upon its determination that there are diversions which violate this Compact and which encroach upon water rights in a lower State, (2) to make appropriate orders to prevent such encroachments, and (3) to enforce such orders by action before State administrative officials or by court proceedings.

"C. When the flow of water in an interstate tributary across a State boundary line is insufficient to satisfy water rights on such tributary in a lower State, any water user may file a petition with the Commission alleging that by reason of diversions in an upstream State he is being deprived of water to which he is justly entitled and that by reason thereof a water emergency exists, and requesting distribution of water under the direction of the Commission. If the Commission finds that a water emergency exists and that interstate control of water of such tributary is necessary, it shall put into effect water delivery schedules based on priority of rights and prepared without regard to the State boundary line. The State officials in charge of water distribution on interstate tributaries may appoint and fix the compensation and expenses of a joint water commissioner for each tributary. The proportion of the compensation and expenses to be paid by each State shall be determined by the ratio between the number of acres therein which are irrigated by diversions from such tributary, and the total number of acres irrigated from such tributary.

"D. In preparing interstate water delivery schedules the Commission, upon notice and after public hearings, shall make findings of fact as to the nature, priority and extent of water rights, rates of flow, duty of water, irrigated acreages, types of crops, time of use, and related matters; provided that such schedules shall recognize and incorporate therein priority of water rights as adjudicated in each of the signatory States. Such findings of fact shall, in any court or before any tribunal, constitute prima facie evidence of the facts found.

"E. Water emergencies provided for herein shall terminate on October 15 of each year unless terminated sooner or extended by the Commission.

"ARTICLE V

"A. Existing storage rights in reservoirs heretofore constructed above Stewart Dam are as follows:

"Idaho-----	324 acre-feet
"Utah-----	11,850 acre-feet
"Wyoming-----	2,150 acre-feet

Additional rights are hereby granted to store in any water year above Stewart Dam, 35,500 acre-feet of Bear River water and no more for use in Utah and Wyoming; and to store in any water year in Idaho or Wyoming on Thomas Fork 1,000 acre-feet of water for use in Idaho. Such additional storage rights shall be subordinate to, and shall not be exercised when the effect thereof will be to impair or interfere with (1) existing direct flow rights for consumptive use in any river division and (2) existing storage rights above Stewart Dam, but shall not be subordinate to any right to store water in Bear Lake or elsewhere below Stewart Dam. One-half of the 35,500 acre-feet of additional storage right above Stewart Dam so granted to Utah and Wyoming is hereby allocated to Utah, and the remaining one-half thereof is allocated to Wyoming, but in order to attain the most beneficial use of such additional storage consistent with the requirements of future water development projects, the three Commissioners for Utah and the three Commissioners for Wyoming are hereby authorized, subject to ratification by the legislature of Utah and the legislature of Wyoming, to modify by written agreement the allocations of such additional storage.

"B. The waters of Bear Lake below elevation 5,912.91 feet, Utah Power & Light Company Bear Lake datum (the equivalent of elevation 5,915.66 feet based on the sea level datum of 1929 through the Pacific Northwest Supplementary Adjustment of 1947) shall constitute a reserve for irrigation. The water of such reserve shall not be released solely for the generation of power, except in emergency, but after release for irrigation it may be used in generating power if not inconsistent with its use for irrigation. Any water in Bear Lake in excess of that constituting the irrigation reserve may be used solely for the generation of power or for other beneficial uses. As new reservoir capacity above the Stewart Dam is constructed to provide additional storage pursuant to paragraph A of this Article, the Commission shall make a finding in writing as to the quantity of additional storage and shall thereupon make an order increasing the irrigation reserve in accordance with the following table:

Additional storage acre-feet	Lake surface elevation Utah Power & Light Company Bear Lake datum
5,000	5,913.24
10,000	5,913.56
15,000	5,913.87
20,000	5,914.15
25,000	5,914.41
30,000	5,914.61
35,500	5,914.69
36,500	5,914.70

"C. Subject to existing rights, each State shall have the use of water for farm and ranch domestic, and stock watering purposes, and subject to State law shall have the right to impound water for such purposes in reservoirs having storage capacities not in excess, in any case, of 20 acre-feet, without deduction from the allocation made by paragraph A of this Article.

"D. The storage rights in Bear Lake are hereby recognized and confirmed subject only to the restrictions hereinbefore recited.

"ARTICLE VI

"It is the policy of the signatory States to encourage additional projects for the development of the water resources of the Bear River to obtain the maximum beneficial use of water with a minimum of waste, and in furtherance of such policy, authority is granted within the limitations provided by this Compact, to investigate, plan, construct, and operate such projects without regard to State boundaries, provided that water rights for each such project shall, except as provided in Article V, paragraph A thereof, be subject to rights theretofore initiated and in good standing.

"ARTICLE VII

"A. No State shall deny the right of the United States of America, and subject to the conditions hereinafter contained, no State shall deny the right of another signatory State, any person or entity of another signatory State, to acquire rights to the use of water or to construct or to participate in the construction and use of diversion works and storage reservoirs with appurtenant works, canals, and conduits in one State for use of water in another State, either directly or by exchange. Water rights acquired for out-of-state use shall be appropriated in the State where the point of diversion is located in the manner provided by law for appropriation of water for use within such State.

"B. Any signatory State, any person or any entity of any signatory State, shall have the right to acquire in any other signatory State such property rights as are necessary to the use of water in conformity with this Compact by donation, purchase, or, as hereinafter provided through the exercise of the power of eminent domain in accordance with the law of the State in which such property is located. Any signatory State, upon the written request of the Governor of any other signatory State for the benefit of whose water users property is to be acquired in the State to which such written request is made, shall proceed expeditiously to acquire the desired property either by purchase at a price acceptable to the requesting Governor, or if such purchase cannot be made, then through the exercise of its power of eminent domain and shall convey such property to the requesting State or to the person, or entity designated by its Governor provided, that all costs of acquisition and expenses of every kind and nature whatsoever incurred in obtaining such property shall be paid by the requesting State or the person or entity designated by its Governor.

"C. Should any facility be constructed in a signatory State by and for the benefit of another signatory State or persons or entities therein, as above provided, the construction, repair, replacement, maintenance and operation of such facility shall be subject to the laws of the State in which the facility is located.

"D. In the event lands or other taxable facilities are acquired by a signatory State in another signatory State for the use and benefit of the former, the users of the water made available by such facilities, as a condition precedent to the use thereof, shall pay to the political subdivisions of the State in which such facilities are located, each and every year during which such rights are enjoyed for such purposes a sum of money equivalent to the average of the amount of taxes annually levied and assessed against the land and improvements thereon during the ten years preceding the acquisition of such land. Said payments shall be in full reimbursement for the loss of taxes in such political subdivision of the State.

"E. Rights to the use of water acquired under this Article shall in all respects be subject to this Compact.

"ARTICLE VIII

"Stored water, or water from another watershed may be turned into the channel of the Bear River in one State and a like quantity, with allowance for loss by evaporation, transpiration, and seepage, may be taken out of the Bear River in another State either above or below the point where the water is turned into the channel, but in making such exchange the replacement water shall not be inferior in quality for the purpose used or diminished in quantity. Exchanges shall not be permitted if the effect thereof is to impair vested rights or to cause damage for which no compensation is paid.

"ARTICLE IX

"A. The following rights to the use of Bear River water carried in interstate canals are recognized and confirmed.

Name of canal	Date of priority	Primary right second-feet	Lands irrigated	
			Acres	State
Hilliard East Fork-----	1914	28. 00	2, 644	Wyoming
Chapman-----	8-13-86	16. 46	1, 155	Wyoming
	8-13-86	98. 46	6, 892	Utah
	4-12-12	. 57	40	Wyoming
	5- 3-12	4. 07	285	Utah
	5-21-12	10. 17	712	Utah
	2- 6-13	. 79	55	Wyoming
	8-28-05	¹ 134. 00	-----	-----
Francis Lee-----	1879	2. 20	154	Wyoming
	1879	7. 41	519	Utah

¹ Under the right as herein confirmed not to exceed 134 second-feet may be carried across the Wyoming-Utah State line in the Chapman Canal at any time for filling the Neponset Reservoir, for irrigation of land in Utah and for other purposes. The storage right in Neponset Reservoir is for 6,900 acre-feet which is a component part of the irrigation right for the Utah lands listed above.

"All other rights to the use of water carried in interstate canals and ditches, as adjudicated in the State in which the point of diversion is located, are recognized and confirmed.

"B. All interstate rights shall be administered by the State in which the point of diversion is located and during times of water emergency, such rights shall be filled from the allocations specified in Article IV hereof for the Section in which the point of diversion is located, with the exception that the diversion of water into the Hilliard East Fork Canal, Lannon Canal, Lone Mountain Ditch, and Hilliard West Side Canal shall be under the administration of Wyoming. During times of water emergency these canals and the Lone Mountain Ditch shall be supplied from the allocation specified in Article IV for the Upper Wyoming Section Diversions.

"ARTICLE X

"Applications for appropriation, for change of point of diversion, place and nature of use, and for exchange of Bear River water shall be considered and acted upon in accordance with the law of the State in which the point of diversion is located, but no such application shall be approved if the effect thereof will be to deprive any water user in another State of water to which he is entitled. The official of each State in charge of water administration shall, upon the filing of an application affecting Bear River water, transmit a copy thereof to the Commission.

"ARTICLE XI

"Nothing in this Compact shall be construed to prevent the United States, a signatory State or political subdivision thereof, person, corporation, or association, from instituting or maintaining any action or proceeding, legal or equitable, for the protection of any right under State or Federal law or under this Compact.

"ARTICLE XII

"Nothing contained in this Compact shall be deemed

"1. to affect the obligations of the United States of America to the Indian tribes;

"2. to impair, extend or otherwise affect any right or power of the United States, its agencies or instrumentalities involved herein; nor the capacity of the United States to hold or acquire additional rights to the use of the water of the Bear River;

"3. to subject any property or rights of the United States to the laws of the States which were not subject thereto prior to the date of this Compact;

"4. to subject any property of the United States to taxation by the States or any subdivision thereof, nor to obligate the United States to pay any State or subdivision thereof for loss of taxes.

"ARTICLE XIII

"At intervals not exceeding twenty years, the Commission shall review the provisions hereof, and after notice and public hearing, may propose amendments to any such provision, provided, however, that the provisions contained herein shall remain in full force and effect until such proposed amendments have been ratified by the legislatures of the signatory States and consented to by Congress.

"ARTICLE XIV

"This Compact may be terminated at any time by the unanimous agreement of the signatory States. In the event of such termination all rights established under it shall continue unimpaired.

"ARTICLE XV

"Should a court of competent jurisdiction hold any part of this Compact to be contrary to the constitution of any signatory State or to the Constitution of the United States, all other severable provisions of this Compact shall continue in full force and effect.

"ARTICLE XVI

"This Compact shall be in effect when it shall have been ratified by the Legislature of each signatory State and consented to by the Congress of the United States of America. Notice of ratification by the legislatures of the signatory States shall be given by the Governor of each signatory State to the Governor of each of the other signatory States and to the President of the United States of America, and the President is hereby requested to give notice to the Governor of each of the signatory States of approval by the Congress of the United States of America.

"IN WITNESS WHEREOF, The Commissioners and their advisers have executed this compact in five originals, one of which shall be deposited with the General Services Administration of the

United States of America, one of which shall be forwarded to the Governor of each of the signatory States, and one of which shall be made a part of the permanent records of the Bear River Commission.

“Done at Salt Lake City, Utah, this 4th day of February 1955.

“For the State of Idaho:

/s/ Fred M. Cooper
FRED M. COOPER

/s/ Melvin Lauridsen
MELVIN LAURIDSEN

/s/ Mark R. Kulp
MARK R. KULP

“For the State of Utah:

/s/ George D. Clyde
GEORGE D. CLYDE

/s/ J. Lorenzo Weidmann
J. LORENZO WEIDMANN

/s/ A. V. Smoot
A. V. SMOOT

/s/ Lawrence B. Johnson
LAWRENCE B. JOHNSON

/s/ Alonzo F. Hopkin
ALONZO F. HOPKIN

/s/ E. M. Van Orden
E. M. VAN ORDEN

/s/ Orson A. Christensen
ORSON A. CHRISTENSEN

“For the State of Wyoming:

/s/ L. C. Bishop
L. C. BISHOP

/s/ H. T. Person
H. T. PERSON

/s/ Howard B. Black
HOWARD B. BLACK

/s/ Emil C. Gradert
EMIL C. GRADERT

/s/ S. Reed Dayton
S. REED DAYTON

“Approved:

/s/ E. O. Larson
E. O. LARSON

Representative of the United
States of America

“Attest:

/s/ E. J. Skeen
Secretary of the Bear River
Compact Commission”.

Federal cooper-
ation.

SEC. 2. All officers, agencies, departments, and persons of and in the United States Government shall cooperate with the Bear River Commission, established pursuant to the compact consented to hereby, in any manner authorized by law other than this Act, it being the purpose of Congress that the United States Government shall assist in the furtherance of the objectives of a Bear River Compact and in the work of the commission created thereby.

SEC. 3. Any modification of the allocation of storage rights contained in Article V shall become effective only when consented to by the Congress.

SEC. 4. The right to alter, amend, or repeal this Act is expressly reserved.

Approved March 17, 1958.

Public Law 85-349

AN ACT

To amend Public Law 472, Eighty-first Congress, as amended, relative to the attendance of professional personnel of the National Advisory Committee for Aeronautics in graduate schools.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6 of Public Law 472, Eighty-first Congress, as amended by Public Law 352, Eighty-third Congress, is amended to read “The total of the sums

March 17, 1958
[H. R. 6744]

expended each year pursuant to this Act shall not exceed two percent of the total salaries paid to NACA professional employees during the fiscal year."

Approved March 17, 1958.

Public Law 85-350

AN ACT

March 28, 1958
[H. R. 7226]

To clarify the application of navigation rules for the Great Lakes and their connecting and tributary waters, and for other purposes.

Great Lakes,
navigation rules.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Act of February 8, 1895, entitled "An Act to regulate navigation on the Great Lakes and their connecting and tributary waters" (ch. 64, 28 Stat. 645; 33 U. S. C. 241), is amended by deleting the first sentence and substituting the following: "The following rules for preventing collisions shall be followed in the navigation of all public and private vessels of the United States upon the Great Lakes and their connecting and tributary waters as far east as Montreal and in the navigation of all other vessels upon such lakes and waters while within the territorial waters of the United States."

SEC. 2. Section 2 of the Act of February 8, 1895 (ch. 64, 28 Stat. 649; 33 U. S. C. 244), is amended to read as follows:

"(a) Every licensed or unlicensed pilot, engineer, mate, or master of any vessel subject to section 1 of this Act who neglects or refuses to observe the provisions of this Act or the regulations established pursuant hereto shall be liable to a penalty not exceeding \$500.

"(b) Every private vessel subject to section 1 of this Act that shall be navigated without complying with the provisions of this Act or the regulations established pursuant hereto shall be liable to a penalty of \$500, for which sum such vessel may be seized and proceeded against by way of libel in any district court of the United States of any district within which such vessel may be found."

Repeal.

SEC. 3. Sections 4412 and 4413 of the Revised Statutes of the United States, as amended (46 U. S. C. 381) are hereby repealed.

Approved March 28, 1958.

Public Law 85-351

AN ACT

March 28, 1958
[S. 235]

To increase from \$50 to \$75 per month the amount of benefits payable to widows of certain former employees of the Lighthouse Service.

Lighthouse Service.
Widows benefits;
increase.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section and section 2 of the Act entitled "An Act to provide benefits for widows of certain persons who were retired or are eligible for retirement under section 6 of the Act entitled 'An Act to authorize aids to navigation and for other works in the Lighthouse Service, and for other purposes', approved June 20, 1918, as amended", approved August 19, 1950 (33 U. S. C. 771 and 772) are each amended by striking out "\$50 per month" and inserting in lieu thereof "\$75 per month".

64 Stat. 465.

SEC. 2. The amendments made by this Act shall take effect on the first day of the first month which begins after the date of the enactment of this Act.

Effective date.

Approved March 28, 1958.

Public Law 85-352

AN ACT

March 28, 1958
[H. R. 10881]

Making supplemental appropriations for the fiscal year ending June 30, 1958, and for other purposes.

Second Supplemental Appropriation Act, 1958.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to supply supplemental appropriations (this Act may be cited as the "Second Supplemental Appropriation Act, 1958") for the fiscal year ending June 30, 1958, and for other purposes, namely:

CHAPTER I

DEPARTMENT OF AGRICULTURE

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

RESEARCH

For an additional amount for "Salaries and Expenses", for "research", \$6,250.

REIMBURSEMENT TO COMMODITY CREDIT CORPORATION FOR ADVANCES FOR ANIMAL DISEASE ERADICATION ACTIVITIES

For an additional amount for "Reimbursement to Commodity Credit Corporation for advances for animal disease eradication activities", to reimburse the Commodity Credit Corporation for authorized transfers through June 30, 1957 (including interest through March 31, 1958), as follows: (1) \$1,393,490 for sums transferred to the appropriation "Diseases of animals and poultry", fiscal year 1957, for eradication activities, pursuant to authority contained under such head in the Department of Agriculture and Farm Credit Administration Appropriation Act, 1957, and (2) \$17,548,923 for sums transferred to the appropriation "Salaries and expenses, Agricultural Research Service", fiscal year 1957, for brucellosis eradication, pursuant to section 204 (e) of the Act of August 28, 1954, as amended (7 U. S. C. 397).

70 Stat. 230.

70 Stat. 87.

AGRICULTURAL MARKETING SERVICE

REIMBURSEMENT TO COMMODITY CREDIT CORPORATION FOR ADVANCES FOR GRADING AND CLASSING ACTIVITIES

For an additional amount for "Reimbursement to Commodity Credit Corporation for advances for grading and classing activities", to reimburse Commodity Credit Corporation for amounts transferred to the appropriation "Marketing research and service" through June 30, 1957 (including interest through March 31, 1958), pursuant to the Act of August 31, 1951 (7 U. S. C. 414a), for grading tobacco and classing cotton without charge to producers, as authorized by law (7 U. S. C. 473a, 511d), \$1,139,982.

65 Stat. 239.
50 Stat. 62; 49
Stat. 732.

SOIL BANK PROGRAMS

REIMBURSEMENT TO COMMODITY CREDIT CORPORATION FOR COSTS INCURRED
UNDER SOIL BANK PROGRAMS

To reimburse the Commodity Credit Corporation for costs incurred under the soil bank programs in accordance with the provisions of title I of the Act approved May 28, 1956 (7 U. S. C. 1801-1837), \$567,500,000, of which \$78,000,000 shall be derived by transfer from the appropriation "Acreage reserve program", fiscal year 1958.

70 Stat. 188.

ACREAGE RESERVE PROGRAM

For an additional amount for "Acreage Reserve Program", fiscal year 1958, \$250,000, which shall be available to formulate and administer an acreage reserve program in accord with the provisions of subtitles A and C of the Soil Bank Act (7 U. S. C. 1821-1824 and 1802-1814), with respect to the 1958 crops, in an amount not to exceed \$250,000,000 in addition to the amount specified for such purposes in Public Law 85-118: *Provided*, That the same \$3,000 limitation which was applicable to the original \$500,000,000 authorization shall also apply to the additional \$250,000,000 authorized herein.

70 Stat. 189, 196

71 Stat. 338.

COMMODITY STABILIZATION SERVICE

SPECIAL COMMODITY DISPOSAL PROGRAMS

For an additional amount for "Special commodity disposal programs", to reimburse the Commodity Credit Corporation for authorized costs (including interest through March 31, 1958), as follows: (1) \$89,996,331 under the International Wheat Agreement Act of 1949, as amended (7 U. S. C. 1641-1642); (2) \$125,761,388 for commodities disposed of for emergency famine relief to friendly peoples pursuant to title II of the Act of July 10, 1954, as amended (7 U. S. C. 1703, 1721-1724); (3) \$1,290,841,000 for the sale of surplus agricultural commodities for foreign currencies pursuant to title I of the Act of July 10, 1954, as amended (7 U. S. C. 1701-1709); (4) \$4,609 for grain made available to the Secretary of the Interior to prevent crop damage by migratory waterfowl pursuant to the Act of July 3, 1956 (7 U. S. C. 442-446); and (5) \$218,946,145 for strategic and other materials acquired by the Commodity Credit Corporation as a result of barter or exchange of agricultural commodities or products and transferred to the supplemental stockpile pursuant to the Act of May 28, 1956 (7 U. S. C. 1856).

63 Stat. 945.

68 Stat. 457.

68 Stat. 455.

70 Stat. 492.

70 Stat. 200.

CHAPTER II

DEPARTMENT OF COMMERCE

MARITIME ACTIVITIES

SALARIES AND EXPENSES

The limitation under this head in the Department of Commerce and Related Agencies Appropriation Act, 1958, on the amount available for "Administrative expenses", is increased from "\$7,045,000" to "\$7,057,800"; and the limitation thereunder on the amount available for "Reserve fleet expenses", is decreased from "\$6,850,000" to "\$6,837,200".

71 Stat. 73.

FEDERAL SHIP MORTGAGE INSURANCE FUND

65 Stat. 59.

52 Stat. 971.

The Secretary of Commerce is authorized to advance to this account from the "Vessel operations revolving fund" (46 U. S. C. 1241a), such amounts as may be required for the payment, pursuant to section 1105 of the Merchant Marine Act, 1936, as amended (46 U. S. C. 1275), of unpaid principal amounts of defaulted mortgages and loans and of unpaid interest thereon: *Provided*, That such advances shall be repaid to the "Vessel operations revolving fund" as soon as practicable consistent with the status of this account: *Provided further*, That the total advances outstanding at any one time shall not exceed \$10,000,000.

PANAMA CANAL

CANAL ZONE GOVERNMENT

Operating Expenses

For an additional amount for "Operating expenses", \$320,400.

GENERAL PROVISIONS—THE PANAMA CANAL

71 Stat. 79.
41 USC 6b.

60 Stat. 810.

The limitation contained in section 203 of the Department of Commerce and Related Agencies Appropriation Act, 1958, on the amount available for services authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), is increased from "\$15,000" to "\$30,000".

CHAPTER III

INDEPENDENT OFFICES

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$65,000.

FEDERAL POWER COMMISSION

SALARIES AND EXPENSES

71 Stat. 229.

For an additional amount for "Salaries and expenses", \$136,000, of which \$3,000 shall be available for payment of compensation to the present incumbent of the position of Chairman of the Commission for the period June 23, 1957, to August 15, 1957, not heretofore paid: *Provided*, That the limitation under this head in the Independent Offices Appropriation Act, 1958, on the amount available for expenses of travel, is increased from "\$300,000" to "\$316,300", and the limitation thereunder on the amount available for investigations relating to Federal river development projects is increased from "\$335,000" to "\$342,000".

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

71 Stat. 229.

The limitation under this head in the Independent Offices Appropriation Act, 1958, on the amount available for expenses of travel, is increased from "\$1,600,000" to "\$1,850,000".

GENERAL SERVICES ADMINISTRATION

OPERATING EXPENSES, PUBLIC BUILDINGS SERVICE

For an additional amount for "Operating expenses, Public Buildings Service", \$2,350,000.

OPERATING EXPENSES, NATIONAL ARCHIVES AND RECORDS SERVICE

The limitation under this head in the Independent Offices Appropriation Act, 1958, on the amount available for expenses of travel, is increased from "\$48,400" to "\$53,400".

71 Stat. 231.

OPERATING EXPENSES, TRANSPORTATION AND PUBLIC UTILITIES SERVICE

For an additional amount for "Operating expenses, Transportation and Public Utilities Service", including services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), at rates not to exceed \$75 per diem for individuals, \$75,000; and the limitation under this head in the Independent Offices Appropriation Act, 1958, on the amount available for expenses of travel, is increased from "\$27,500" to "\$39,500".

60 Stat. 810.

71 Stat. 231.

HOUSING AND HOME FINANCE AGENCY

FEDERAL HOUSING ADMINISTRATION

The limitation under this head in title II of the Independent Offices Appropriation Act, 1958, on certain nonadministrative expenses, is increased from "\$36,000,000" to "\$38,000,000".

71 Stat. 241.

NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$3,720,000, none of which shall be for additional employees.

CONSTRUCTION AND EQUIPMENT

For an additional amount for "Construction and equipment", \$6,200,000, to remain available until expended.

NATIONAL SCIENCE FOUNDATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$8,750,000, to remain available until expended; and the limitation under this head in the Independent Offices Appropriation Act, 1958, on the amount available for expenses of travel, is increased from "\$175,000" to "\$185,000".

71 Stat. 234.

INTERNATIONAL GEOPHYSICAL YEAR

For an additional amount for "International Geophysical Year", \$2,000,000, to remain available until June 30, 1960.

VETERANS ADMINISTRATION

INPATIENT CARE

For an additional amount for "Inpatient care", \$6,000,000; and the limitation under this head in the Independent Offices Appropriation Act, 1958, on the amount available for expenses of travel, is increased from "\$366,500" to "\$416,500": *Provided*, That, notwithstanding the last proviso under that head, inpatient care and treatment may be furnished to an average of 140,490 beneficiaries during the current fiscal year without any proportionate reduction in expenditures.

71 Stat. 236.

MAINTENANCE AND OPERATION OF SUPPLY DEPOTS

For an additional amount for "Maintenance and operation of supply depots", \$37,800.

COMPENSATION AND PENSIONS

For an additional amount for "Compensation and pensions", \$256,000,000, to remain available until expended.

READJUSTMENT BENEFITS

For an additional amount for "Readjustment benefits", \$30,000,000, to remain available until expended.

SERVICEMEN'S INDEMNITIES

For an additional amount for "Servicemen's indemnities", \$2,250,000, to remain available until expended.

CHAPTER IV

DEPARTMENT OF THE INTERIOR

OFFICE OF TERRITORIES

TRUST TERRITORY OF THE PACIFIC ISLANDS

For an additional amount for "Trust Territory of the Pacific Islands", \$1,350,000, to be derived by transfer from any other definite annual appropriations available to the Department of the Interior for the fiscal year 1958.

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For an additional amount for "Management of lands and resources", \$700,000, to be derived by transfer from any other definite annual appropriations available to the Department of the Interior for the fiscal year 1958.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST PROTECTION AND UTILIZATION

For an additional amount for "Forest protection and utilization", for "Forest land management", \$3,850,000.

INDEPENDENT OFFICES

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES, WASHINGTON REGIONAL MASS TRANSPORTATION SURVEY

For necessary expenses to enable the National Capital Planning Commission and the National Capital Regional Planning Council to jointly complete a survey of the present and future mass transportation needs of the National Capital region as defined in the National Capital Planning Act of 1952 (66 Stat. 781), and to report their findings and recommendations to the President, including transportation expenses and not to exceed \$15 per diem in lieu of subsistence, as authorized by section 5 of the Act of August 2, 1946, as amended (5 U. S. C. 73b-2), for the members of the Commission and Council serving without compensation, \$50,000 to remain available until June 30, 1959: *Provided*, That the unobligated balance of \$400,000 of appropriations heretofore granted under this head shall remain available until said date and shall be merged with this appropriation.

60 Stat. 808; 69 Stat. 394.

HISTORICAL AND MEMORIAL COMMISSIONS

CIVIL WAR CENTENNIAL COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the period December 1, 1957 to June 30, 1958, to carry out the provisions of the Act of September 7, 1957 (71 Stat. 626), \$37,000.

36 USC 741.

LINCOLN SESQUICENTENNIAL COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the period December 1, 1957 to June 30, 1958, to carry out the provisions of the Act of September 2, 1957 (71 Stat. 587), \$37,500.

CHAPTER V

DEPARTMENT OF LABOR

BUREAU OF EMPLOYMENT SECURITY

GRANTS TO STATES FOR UNEMPLOYMENT COMPENSATION AND EMPLOYMENT SERVICE ADMINISTRATION

For an additional amount for "Grants to States for unemployment compensation and employment service administration", \$33,000,000.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

OFFICE OF EDUCATION

ASSISTANCE FOR SCHOOL CONSTRUCTION

For an additional amount for "Assistance for school construction", \$56,950,000, of which \$50,000 shall be available for necessary expenses of technical services rendered by other agencies: *Provided*, That the amounts heretofore appropriated under this head shall be merged

with this appropriation and shall remain available until expended: *Provided further*, That payments from such merged appropriation may be made with respect to applications under title III of the Act of September 23, 1950, as amended, filed on or before November 18, 1957, prior to any subsequent cutoff date established under such title III, and without including such applications in an order of priority with those filed after November 18, 1957.

67 Stat. 522; 71
Stat. 593.
20 USC 291-302.

OFFICE OF VOCATIONAL REHABILITATION

GRANTS TO STATES AND OTHER AGENCIES

For an additional amount for "Grants to States and other agencies", for vocational rehabilitation services under section 2 of the Vocational Rehabilitation Act, as amended, \$1,400,000.

68 Stat. 652.
29 USC 31-42.

SOCIAL SECURITY ADMINISTRATION

LIMITATION ON SALARIES AND EXPENSES, BUREAU OF OLD-AGE AND SURVIVORS INSURANCE

The amount authorized by the Department of Health, Education, and Welfare Appropriation Act, 1958, to be expended from the Federal old-age and survivors insurance trust fund for "Salaries and expenses, Bureau of Old-Age and Survivors Insurance", is increased from "\$130,000,000" to "\$138,690,000".

71 Stat. 210.

GRANTS TO STATES FOR PUBLIC ASSISTANCE

For an additional amount for "Grants to States for public assistance", \$170,600,000.

CHAPTER VI

LEGISLATIVE BRANCH

SENATE

For payment to Alberta R. Neely, widow of Matthew M. Neely, late a Senator from the State of West Virginia, \$22,500.

HOUSE OF REPRESENTATIVES

For payment to Gladys S. Dempsey, widow of John J. Dempsey, late a Representative from the State of New Mexico, \$22,500.

For payment to Jewell T. Long, widow of George S. Long, late a Representative from the State of Louisiana, \$22,500.

SENATE

SALARIES, OFFICERS AND EMPLOYEES

Administrative and clerical assistants to Senators: For an additional amount for administrative and clerical assistants for Senators, to provide additional clerical assistants for each Senator from the States of Florida and Pennsylvania so that the allowance of each Senator from the State of Florida will be equal to that allowed Senators from States having a population of over four million, the population of said State having exceeded four million inhabitants, and so that the allowance of each Senator from the State of Pennsylvania will be equal to that allowed Senators from States having a population of over eleven million, the population of said State having exceeded eleven million inhabitants, \$8,000.

Office of Sergeant at Arms and Doorkeeper: For an additional amount for Office of Sergeant at Arms and Doorkeeper, \$21,480, to include, from April 1, 1958, twenty additional privates, police force at \$2,160 basic per annum each.

CONTINGENT EXPENSES OF THE SENATE

Joint Economic Committee: For an additional amount for salaries and expenses of the Joint Economic Committee, \$13,000.

Inquiries and investigations: For an additional amount for expenses of inquiries and investigations, fiscal year 1957, \$285,000.

Inquiries and investigations: For an additional amount for expenses of inquiries and investigations, \$510,000.

HOUSE OF REPRESENTATIVES

For payment to Julia L. Slappey, daughter of Henderson Lanham, late a Representative from the State of Georgia, \$22,500.

For payment to Ella M. B. Kelley, widow of Augustine B. Kelley, late a Representative from the State of Pennsylvania, \$22,500.

For payment to Lee Ruby Jones, Anna L. Bradshaw, Mary F. Fuller, sisters, and Fowler F. Cooper, brother of Jere Cooper, late a Representative from the State of Tennessee, \$22,500.

For payment to Marge L. Keeney, widow of Russell W. Keeney, late a Representative from the State of Illinois, \$22,500.

For payment to Carl M. Andresen, brother of August H. Andresen, late a Representative from the State of Minnesota, \$22,500.

For payment to Eleanor J. Smith, widow of Lawrence H. Smith, late a Representative from the State of Wisconsin, \$22,500.

CONTINGENT EXPENSES OF THE HOUSE

For an additional amount for expenses of "Special and select committees", \$475,000.

CAPITOL POLICE

GENERAL EXPENSES

For an additional amount for expenses of uniforms and equipment for the Capitol Police Board, for the fiscal year ending June 30, 1958, \$5,920.

LIBRARY OF CONGRESS

DISTRIBUTION OF CATALOG CARDS

For an additional amount for "Distribution of catalog cards, salaries and expenses", \$48,000.

BOOKS FOR THE BLIND

For an additional amount for "Books for the blind", \$75,000.

CHAPTER VII
PUBLIC WORKS

DEPARTMENT OF THE INTERIOR

SOUTHEASTERN POWER ADMINISTRATION

OPERATION AND MAINTENANCE

For an additional amount for "Operation and maintenance", \$359,000, to be derived by transfer from appropriations to the Department of the Interior which are available for obligation in the current fiscal year only.

BUREAU OF RECLAMATION

For an additional amount for the "Upper Colorado River Basin Fund" for the Glen Canyon project, \$10,000,000; and for the Trinity River Division of the Central Valley Project, \$10,000,000. The unobligated balance of the \$1,800,000 previously appropriated for the Navajo Unit and the unobligated balance of the \$6,100,000 previously appropriated for the Flaming Gorge unit of the Upper Colorado Storage Basin are to be used to initiate construction on these units in the current fiscal year: *Provided*, That the funds appropriated in this paragraph for the Trinity River Division of the Central Valley project shall be transferred to the appropriation entitled "Construction and Rehabilitation, Bureau of Reclamation".

CHAPTER VIII

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$375,000.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for "Contributions to international organizations", \$9,690,563.

INTERNATIONAL CONTINGENCIES

For an additional amount for "International contingencies", \$250,000.

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES AND GENERAL ADMINISTRATION

FEES AND EXPENSES OF WITNESSES

For an additional amount for "Fees and expenses of witnesses", \$250,000; and the limitation under this head in the Department of Justice Appropriation Act, 1958, on the amount available for compensation and expenses of witnesses or informants, is increased from "\$225,000" to "\$250,000".

FEDERAL PRISON SYSTEM

SUPPORT OF UNITED STATES PRISONERS

For an additional amount for "Support of United State prisoners", \$250,000.

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES OF JUDGES

For an additional amount for "Salaries of judges", \$275,000.

FEES OF JURORS AND COMMISSIONERS

For an additional amount for "Fees of jurors and commissioners", \$675,000.

TRAVEL AND MISCELLANEOUS EXPENSES

For an additional amount for "Travel and miscellaneous expenses", \$59,000.

SALARIES OF REFEREES

For an additional amount for "Salaries of referees", \$46,000, to be derived from the referees' salary fund established in pursuance of the Act of June 28, 1946, as amended (11 U. S. C. 68).

60 Stat. 326; 66 Stat. 438; 70 Stat. 151.

EXPENSES OF REFEREES

For an additional amount for "Expenses of referees", \$71,000, to be derived from the referees' expense fund established in pursuance of the Act of June 28, 1946, as amended (11 U. S. C. 68 (c) (4)).

60 Stat. 326.

FUNDS APPROPRIATED TO THE PRESIDENT

PRESIDENT'S SPECIAL INTERNATIONAL PROGRAM

Not to exceed \$1,100,000 of the funds previously appropriated under this head for the trade fair exhibit in Gorki Park, Moscow, may be used for the Universal and International Exhibition of Brussels, 1958, and the limitation thereon as contained in the Supplemental Appropriation Act, 1958, is increased from "\$7,045,000" to "\$8,145,000".

71 Stat. 436.

Not to exceed \$750,000 of the funds previously appropriated under this head for the trade fair exhibit in Gorki Park, Moscow, may be used for the international trade fair program.

CHAPTER IX

DISTRICT OF COLUMBIA

(Out of District of Columbia funds)

OPERATING EXPENSES

METROPOLITAN POLICE

For an additional amount for "Metropolitan Police", \$192,000, to be paid out of the general fund of the District of Columbia.

CHAPTER X

CLAIMS FOR DAMAGES, AUDITED CLAIMS, AND
JUDGMENTS

For payment of claims for damages as settled and determined by departments and agencies in accord with law, audited claims certified to be due by the General Accounting Office, and judgments rendered against the United States by the United States Court of Claims, as set forth in House Document Numbered 321, Eighty-fifth Congress, \$6,900,276, together with such amounts as may be necessary to pay interest (as and when specified in such judgments or in certain of the settlements of the General Accounting Office or provided by law) and such additional sums due to increases in rates of exchange as may be necessary to pay claims in foreign currency: *Provided*, That no judgment herein appropriated for shall be paid until it shall have become final and conclusive against the United States by failure of the parties to appeal or otherwise: *Provided further*, That, unless otherwise specifically required by law or by the judgment, payment of interest wherever appropriated for herein shall not continue for more than thirty days after the date of approval of this Act.

For payment of claims for damages as settled and determined by departments and agencies in accord with law, audited claims certified to be due by the General Accounting Office, and judgments rendered against the United States by the United States Court of Claims, as set forth in Senate Document Numbered 80, Eighty-fifth Congress, \$1,423,236, together with such amounts as may be necessary to pay interest (as and when specified in such judgments or in certain of the settlements of the General Accounting Office or provided by law) and such additional sums due to increases in rates of exchange as may be necessary to pay claims in foreign currency: *Provided*, That no judgment herein appropriated for shall be paid until it shall have become final and conclusive against the United States by failure of the parties to appeal or otherwise: *Provided further*, That, unless otherwise specifically required by law or by judgment, payment of interest wherever appropriated for herein shall not continue for more than thirty days after the date of approval of this Act.

Approved March 28, 1958.

Public Law 85-353

JOINT RESOLUTION

March 28, 1958
[H. J. Res. 483]

To amend the Act of August 20, 1954, establishing a commission for the celebration of the two hundredth anniversary of the birth of Alexander Hamilton.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8 of the joint resolution entitled "Joint resolution to establish a commission for the celebration of the two hundredth anniversary of the birth of Alexander Hamilton," approved August 20, 1954, as amended by Public Laws 358 and 855, Eighty-fourth Congress, and section 3 of Public Law 1002, Eighty-fourth Congress, is further amended by deleting "January 11, 1958" and substituting therefor "April 30, 1958".

SEC. 2. Notwithstanding approval of this Act after January 11, 1958, the Commission shall be deemed to have continued its existence to the date of approval of this Act.

Approved March 28, 1958.

68 Stat. 747.

70 Stat. 1067.

Public Law 85-354

AN ACT

Making appropriations for the Treasury and Post Office Departments and the Tax Court of the United States for the fiscal year ending June 30, 1959, and for other purposes.

March 28, 1958
[H. R. 11085]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Treasury and Post Office Departments and the Tax Court of the United States for the fiscal year ending June 30, 1959, namely:

Treasury-Post
Office Appropria-
tion Act, 1959.

TITLE I—TREASURY DEPARTMENT

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses in the Office of the Secretary, including the operation and maintenance of the Treasury Building and Annex thereof; services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), at rates for individuals not to exceed \$50 per diem; and the purchase of uniforms for elevator operators; \$3,068,000.

60 Stat. 810.

BUREAU OF ACCOUNTS

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Accounts, \$3,110,000.

SALARIES AND EXPENSES, DIVISION OF DISBURSEMENT

For necessary expenses of the Division of Disbursement, \$17,300,000.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States, \$44,500,000.

OFFICE OF THE TREASURER

SALARIES AND EXPENSES

For necessary expenses of the Office of the Treasurer, \$17,950,000.

BUREAU OF CUSTOMS

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Customs, including purchase of seventy-five passenger motor vehicles for replacement only; uniforms or allowances therefor, as authorized by the Act of September 1, 1954, as amended (5 U. S. C. 2131); services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); and awards of compensation to informers as authorized by the Act of August 13, 1953 (22 U. S. C. 401); \$48,000,000.

68 Stat. 1114.

60 Stat. 810.

67 Stat. 577.

INTERNAL REVENUE SERVICE

SALARIES AND EXPENSES

60 Stat. 810.

For necessary expenses of the Internal Revenue Service, including purchase (not to exceed one hundred for replacement only) and hire of passenger motor vehicles; and services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), and of expert witnesses at such rates as may be determined by the Commissioner; \$325,500,000: *Provided*, That not to exceed \$200,000 of the amount appropriated herein shall be available for expenses of instruction and facilities for the training of employees by contract, subject to such regulations as may be prescribed by the Secretary of the Treasury.

BUREAU OF NARCOTICS

SALARIES AND EXPENSES

60 Stat. 810.

For necessary expenses of the Bureau of Narcotics, including services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); and hire of passenger motor vehicles; \$3,780,000.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase (not to exceed twenty-six for replacement only) and hire of passenger motor vehicles, \$3,461,000.

SALARIES AND EXPENSES, WHITE HOUSE POLICE

For necessary expenses of the White House Police, including uniforms and equipment, \$865,000.

SALARIES AND EXPENSES, GUARD FORCE

For necessary expenses of the guard force for Treasury Department buildings in the District of Columbia, including purchase, repair, and cleaning of uniforms, \$293,000.

BUREAU OF THE MINT

SALARIES AND EXPENSES

For necessary expenses of the Bureau of the Mint, including purchase and maintenance of uniforms and accessories for guards; and not to exceed \$1,000 for the expenses of the annual assay commission; \$4,300,000.

COAST GUARD

OPERATING EXPENSES

60 Stat. 810.

68 Stat. 1114.

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for, including hire of passenger motor vehicles; services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); purchase of not to exceed thirty-two passenger motor vehicles for replacement only; maintenance, operation, and repair of aircraft; recreation and welfare; and uniforms or allowances therefor, as authorized by the Act of September 1, 1954, as amended (5 U. S. C. 2131); \$171,700,000: *Provided*, That the number

of aircraft on hand at any one time shall not exceed one hundred and twenty-eight exclusive of planes and parts stored to meet future attrition: *Provided further*, That amounts equal to the obligated balances against the appropriations for "Operating expenses" for the two preceding years, shall be transferred to and merged with this appropriation, and such merged appropriation shall be available as one fund, except for accounting purposes of the Coast Guard, for the payment of obligations properly incurred against such prior year appropriations and against this appropriation: *Provided further*, That except as otherwise authorized by the Act of September 30, 1950 (20 U. S. C. 236-244), this appropriation shall be available for expenses of primary and secondary schooling for dependents of Coast Guard personnel stationed outside the continental United States in amounts not exceeding an average of \$250 per student, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of such dependents, and the Coast Guard may provide for the transportation of said dependents between such schools and their places of residence when the schools are not accessible to such dependents by regular means of transportation.

64 Stat. 1100.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, rebuilding, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto; and services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); \$18,000,000, including \$2,000,000 for new dormitory facilities at the Coast Guard Academy, to remain available until expended.

60 Stat. 810.

RETIRED PAY

For retired pay, including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose, and payments under the Uniformed Services Contingency Option Act of 1953, \$27,800,000.

67 Stat. 501.
37 USC 371 note.

RESERVE TRAINING

For all necessary expenses for the Coast Guard Reserve, as authorized by law (14 U. S. C. 751-762; 37 U. S. C. 231-319), including direct expenses and repayment to other Coast Guard appropriations for indirect expenses, for regular personnel, or reserve personnel while on active duty, engaged primarily in administration and operation of the reserve program; purchase of not to exceed six passenger motor vehicles, of which four shall be for replacement only; and the maintenance, operation, and repair of aircraft; \$15,000,000: *Provided*, That amounts equal to the obligated balances against the appropriations for "Reserve training", for the two preceding years shall be transferred to and merged with this appropriation, and such merged appropriation shall be available as one fund, except for accounting purposes of the Coast Guard, for the payment of obligations properly incurred against such prior year appropriations and against this appropriation.

63 Stat. 551, 804.

FUND FOR PAYMENT OF GOVERNMENT LOSSES IN SHIPMENT

(REVOLVING FUND)

To increase the capital of the "Fund for payment of Government losses in shipment," in accordance with section 2 of the Act approved July 8, 1937 (5 U. S. C. 134a), \$50,000, to remain available until

50 Stat. 479.

expended, and to be derived by transfer from the account "Unclaimed Partial Payments on United States Savings Bonds".

LIQUIDATION OF CORPORATE ASSETS

The Secretary of the Treasury is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available therefor and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Budget for the fiscal year 1959 for the following functions, except as hereinafter provided:

61 Stat. 584.
31 USC 849.

LIMITATION ON ADMINISTRATIVE EXPENSES, RECONSTRUCTION FINANCE CORPORATION LIQUIDATION FUND

Not to exceed \$160,000 (to be computed on an accrual basis) of the funds derived from functions transferred to the Secretary of the Treasury pursuant to Reorganization Plan No. 1 of 1957 (22 Federal Register 4633) shall be available during the current fiscal year for administrative expenses incident to the liquidation of said functions, including use of the services and facilities of the Federal Reserve banks: *Provided*, That as used herein the term "administrative expenses" shall be construed to include all salaries and wages, services performed on a contract or fee basis, and travel and other expenses, including the purchase of equipment and supplies, of administrative offices: *Provided further*, That the limiting amount heretofore stated for administrative expenses shall be increased by an amount which does not exceed the expenses of services performed on a contract or fee basis in connection with the termination of contracts or in the performance of legal services; and all administrative expenses, reimbursable from other Government agencies: *Provided further*, That the distribution of administrative expenses to the accounts shall be made in accordance with generally recognized accounting principles and practices.

71 Stat. 647.
5 USC 133z-15
note.

TITLE II—POST OFFICE DEPARTMENT

CONTRIBUTION TO THE POSTAL FUND

For administration and operation of the Post Office Department and the postal service, there is hereby appropriated the aggregate amount of postal revenues for the fiscal year ending June 30, 1959, as authorized by law (39 U. S. C. 786, 794a), together with an amount equal to the difference between such revenues and the total of the appropriations hereinafter specified and the sum needed may be advanced to the Post Office Department upon requisition of the Postmaster General, for the following purposes, namely:

64 Stat. 461.

CURRENT AUTHORIZATIONS OUT OF POSTAL FUND

ADMINISTRATION, REGIONAL OPERATION, AND RESEARCH

For expenses, not otherwise provided for, necessary for administration of the postal service, operation of the inspection service and regional offices, uniforms or allowances therefor, as authorized by the Act of September 1, 1954, as amended (5 U. S. C. 2131), and conduct of a research and development program, including services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a);

68 Stat. 1114.

60 Stat. 810.

management studies; not to exceed \$25,000 for miscellaneous and emergency expenses; rewards for information and services concerning violations of postal laws and regulations, current and prior fiscal years, in accordance with regulations of the Postmaster General in effect at the time the services are rendered or information furnished; expenses of delegates designated by the Postmaster General to attend meetings and congresses for the purpose of making postal arrangements with foreign governments pursuant to law, and not to exceed \$15,000 of such expenses to be accounted for solely on the certificate of the Postmaster General; and not to exceed \$20,000 for rewards for information and services, as provided for herein, shall be paid in the discretion of the Postmaster General and accounted for solely on his certificate; and settlement of claims, pursuant to law, current and prior fiscal years, for damages, and for losses resulting from unavoidable casualty; \$62,000,000.

OPERATIONS

For expenses necessary for postal operations, not otherwise provided for, including uniforms or allowances therefor, as authorized by the Act of September 1, 1954, as amended (5 U. S. C. 2131); for repair of vehicles owned by, or under control of, units of the National Guard and departments and agencies of the Federal Government where repairs are made necessary because of utilization of such vehicles in the postal service, and for other activities conducted by the Post Office Department pursuant to law; \$2,690,000,000: *Provided*, That not to exceed 5 per centum of any appropriation available to the Post Office Department for the current fiscal year may be transferred, with the approval of the Bureau of the Budget, to any other such appropriation or appropriations; but the appropriation "Administration, regional operation, and research", shall not be increased by more than \$2,000,000 as a result of such transfers: *Provided further*, That functions financed by the appropriations available to the Post Office Department for the current fiscal year and the amounts appropriated therefor, may be transferred, in addition to the appropriation transfers otherwise authorized in this Act and with the approval of the Bureau of the Budget, between such appropriations to the extent necessary to improve administration and operations: *Provided further*, That Federal Reserve banks and branches may be reimbursed for expenditures as fiscal agents of the United States on account of Post Office Department operations.

68 Stat. 1114.

TRANSPORTATION

For payments for transportation of domestic and foreign mails by air, land, and water transportation facilities, including current and prior fiscal years settlements with foreign countries for handling of mail, \$475,000,000.

FACILITIES

For expenses necessary for the operation of postal facilities, buildings, and field postal communication service; uniforms or allowances therefor, as authorized by the Act of September 1, 1954, as amended (5 U. S. C. 2131); procurement of stamps and accountable paper, postal supplies, and equipment; and storage of vehicles owned by, or under control of, units of the National Guard and departments and agencies of the Federal Government; \$175,000,000: *Provided*, That the aggregate of annual payments for amortization of principal and

68 Stat. 1114.

39 USC 901 note,
902.

interest thereon required by all purchase contracts entered into prior to July 1, 1959, pursuant to the Post Office Department Property Act of 1954 (68 Stat. 521), shall not exceed the \$3,000,000 limitation under section 202 (i) of said Act.

GENERAL PROVISIONS—POST OFFICE DEPARTMENT

Training pro-
grams.

SEC. 202. During the current fiscal year, and under such regulations as may be prescribed by the Postmaster General, not to exceed an aggregate of \$100,000 shall be available from any funds available to the Post Office Department, as may be determined by him, for expenses necessary to enable the Department to participate in Federal or non-Federal training programs and for necessary expenses of training officers and employees (both departmental and field postal services) in such subjects or courses of instruction in either Federal or non-Federal facilities as will contribute to the improved performance of their official duties: *Provided*, That not more than forty-five of such officers and employees may participate in any training program in a non-Federal facility which is of more than ninety days duration.

Property im-
provement.

SEC. 203. Not exceeding \$50,000 of appropriations in this title shall be available for the repair, alteration, and improvement of the mail equipment shops at Washington, District of Columbia.

SEC. 204. Not exceeding \$22,000,000 of appropriations in this title shall be available for payment to the General Services Administration of such additional sums as may be necessary for the repair, alteration, preservation, renovation, improvement, and equipment of federally owned property used for postal purposes, of which not to exceed \$20,000,000 shall be available for improving lighting, color, and ventilation for the specialized conditions in space occupied for postal purposes.

TITLE III

TAX COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For necessary expenses, including contract stenographic reporting services, \$1,481,000: *Provided*, That travel expenses of the judges shall be paid upon the written certificate of the judge.

Short title.

This Act may be cited as the "Treasury-Post Office Appropriation Act, 1959".

Approved March 28, 1958.

Public Law 85-355

March 28, 1958
[H. R. 7696]

AN ACT

To authorize certain persons to wear the uniform of a reserve officers' training corps.

Reserve officers.
Uniforms.
70A Stat. 35.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 773 of title 10, United States Code, is amended by adding the following new subsection at the end thereof:

"(c) Under such regulations as the Secretary of the military department concerned may prescribe, any person who is permitted to attend a course of instruction prescribed for members of a reserve officers' training corps, and who is not a member of that corps, may, while attending that course of instruction, wear the uniform of that corps."

Approved March 28, 1958.

Public Law 85-356

AN ACT

To provide that the Uniform Simultaneous Death Act shall apply in the District of Columbia.

March 28, 1958
[H. R. 3486]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act, providing for the disposition of property where there is no sufficient evidence that persons have died otherwise than simultaneously and to make uniform the law with reference thereto, shall be in effect in the District of Columbia on and after the date of the enactment of this Act.

District of Columbia.
Uniform Simultaneous Death Act.

NO SUFFICIENT EVIDENCE OF SURVIVORSHIP

SEC. 2. Where the title to property or the devolution thereof depends upon priority of death and there is no sufficient evidence that the persons have died otherwise than simultaneously, the property of each person shall be disposed of as if he had survived, except as provided otherwise in this Act.

SURVIVAL OF BENEFICIARIES

SEC. 3. If property is so disposed of that the right of a beneficiary to succeed to any interest therein is conditional upon his surviving another person, and both persons die, and there is no sufficient evidence that the two have died otherwise than simultaneously, the beneficiary shall be deemed not to have survived. If there is no sufficient evidence that two or more beneficiaries have died otherwise than simultaneously and property has been disposed of in such a way that at the time of their death each of such beneficiaries would have been entitled to the property if he had survived the others, the property shall be divided into as many equal portions as there were such beneficiaries and these portions shall be distributed respectively to those who would have taken in the event that each of such beneficiaries had survived.

JOINT TENANTS OR TENANTS BY THE ENTIRETY

SEC. 4. Where there is no sufficient evidence that two joint tenants or tenants by the entirety have died otherwise than simultaneously the property so held shall be distributed, or descend as the case may be, one-half as if one had survived and one-half as if the other had survived. If there are more than two joint tenants and all of them have so died the property thus distributed or descended shall be in the proportion that one bears to the whole number of joint tenants.

The term "joint tenants" includes owners of property held under circumstances which entitled one or more to the whole of the property on the death of the other or others.

INSURANCE POLICIES

SEC. 5. Where the insured and the beneficiary in a policy of life or accident insurance have died and there is no sufficient evidence that they have died otherwise than simultaneously, the proceeds of the policy shall be distributed as if the insured had survived the beneficiary.

ACT DOES NOT APPLY IF DECEDENT PROVIDES OTHERWISE

SEC. 6. This Act shall not apply in the case of wills, living trusts, deeds, or contracts of insurance, or any other situation where provision is made for distribution of property different from the provisions of this Act, or where provision is made for a presumption as to survivor-

ship which results in a distribution of property different from that here provided.

ACT NOT RETROACTIVE

SEC. 7. This Act shall not apply to the distribution of the property of a person who has died before it takes effect.

UNIFORMITY OF INTERPRETATION

SEC. 8. This Act shall be so construed and interpreted as to effectuate its general purpose to make uniform the law in those States which enact it.

SHORT TITLE

SEC. 9. This Act may be cited as the "District of Columbia Uniform Simultaneous Death Act".

REPEAL

SEC. 10. All laws or parts of laws inconsistent with the provisions of this Act are hereby repealed.

SEVERABILITY

SEC. 11. If any of the provisions of this Act or the application thereof to any persons or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provisions or application, and to this end the provisions of this Act are declared to be severable.

Approved March 28, 1958.

Public Law 85-357

AN ACT

To provide for the transfer of the Civil Service Commission Building in the District of Columbia to the Smithsonian Institution to house certain art collections of the Smithsonian Institution.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Administrator of General Services shall transfer the Civil Service Commission Building (formerly known as the Patent Office Building), and the site thereof located between Seventh and Ninth Streets and F and G Streets Northwest in the District of Columbia, to the Smithsonian Institution without reimbursement, for the use of certain art galleries of the Smithsonian Institution.

(b) The transfer provided for by subsection (a) shall be made at such time as the Administrator of General Services determines that the use of the building by the Federal Government for office purposes is no longer essential.

(c) The Administrator of General Services, in consultation with the Smithsonian Institution, is authorized to enter into such contracts and take such other action as may be necessary to make it suitable to house certain art galleries of the Smithsonian Institution upon transfer of funds available to the Smithsonian Institution for such purposes.

Approved March 28, 1958.

March 28, 1958
[S. 1984]

Civil Service
Commission Building
Transfer.

Public Law 85-358

AN ACT

March 28, 1958
[H. R. 8250]

To authorize the establishment of the Petrified Forest National Park in the State of Arizona, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to permit the establishment of the Petrified Forest National Monument, Arizona, and other lands as provided for herein, as the Petrified Forest National Park, such national park shall be established (a) after title to all of the lands described in section 2 of this Act shall have been vested in the United States, with the exception of such easements and rights-of-way for railroad, public utilities, and highway purposes as may be acceptable to the Secretary of the Interior, and (b) when notification of the effective date of such establishment of the park, as determined by the said Secretary, is published in the Federal Register. Disestablishment of the Petrified Forest National Monument shall be effected concurrently with the establishment of the park.

Petrified Forest
National Park,
Ariz.
Establishment.

Publication in
F. R.

The Petrified Forest National Park shall be preserved and administered in its natural condition by the Secretary of the Interior for the public benefit in accordance with the general laws governing areas of the National Park System and in accordance with the basic policies relating thereto as prescribed by the Act of August 25, 1916 (39 Stat. 535; 16 U. S. C., 1952 edition, secs. 1-3).

The exchange authority prescribed for the Petrified Forest National Monument in the Act of May 14, 1930 (46 Stat. 278; 16 U. S. C., 1952 edition, secs. 444, 444a), is hereby extended to all the lands within the Petrified Forest National Park as herein authorized.

For the purposes of this Act, the Secretary is authorized to acquire, in such manner as he shall consider to be in the public interest, any non-Federal land or interests in land within the area hereby authorized to be established as the Petrified Forest National Park. In acquiring any State-owned land or interests therein within the aforesaid area, such property may be procured by the United States without regard to any limitations heretofore prescribed by the Congress relating to the disposal of State-owned properties.

Upon establishment of the Petrified Forest National Park, as authorized by this Act, any remaining balance of funds that may be available for purposes of the Petrified Forest National Monument shall thereafter be available for expenditure for purposes of the Petrified Forest National Park.

SEC. 2. The Petrified Forest National Park, authorized to be established pursuant to section 1 of this Act, shall comprise the following described lands:

GILA AND SALT RIVER MERIDIAN

Township 20 north, range 23 east: Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, 36, all.

Township 20 north, range 24 east: All.

Township 20 north, range 25 east: Sections 4, 5, 6, 7, 8, 9, 16, 17, 18, all.

Township 19 north, range 23 east: Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, all.

Township 19 north, range 24 east: Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, all; section 11, northwest quarter and north half northeast quarter; sections 16, 17, 18, 21, 28, 33, all.

Township 18 north, range 24 east: Sections 4, 9, all; section 10, southwest quarter; sections 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35, 36, all.

Township 17 north, range 24 east: Sections 2, 11, 14, 23, 26, west halves; sections 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, all.

Township 17 north, range 23 east: Sections 34, 35, 36, all.

Township 16 north, range 24 east: Sections 3 and 10, west halves; sections 4, 5, 6, 7, 8, 9, all.

Township 16 north, range 23 east: Sections 1, 2, 11, 12, all; sections 3, 10, east halves.

Approved March 28, 1958.

Public Law 85-359

AN ACT

March 28, 1958
[S. 2042]

To authorize the conveyance of a fee simple title to certain lands in the Territory of Alaska underlying war housing project Alaska-50083, and for other purposes.

Alaska.
Conveyance.

54 Stat. 1125.
42 USC 1521.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Housing and Home Finance Administrator is hereby authorized to convey, pursuant to the terms of the Act entitled "An Act to expedite the provision of housing in connection with national defense, and for other purposes", approved October 14, 1940, as amended, and notwithstanding any limitations or requirements of section 2 of the Act of May 14, 1898 (30 Stat. 409; 48 U. S. C. 411) or of any other law with respect to the use or disposition of lands of the United States in Alaska, a fee simple title to the lands or any part thereof underlying war housing project Alaska-50083 located in Juneau, Alaska, together with such easements in, over, through, or upon the adjacent tidal flats as may be necessary to continue the existing main sewer line to deep water.

Approved March 28, 1958.

Public Law 85-360

JOINT RESOLUTION

March 28, 1958
[H. J. Res. 509]

Authorizing the President to invite the States of the Union and foreign countries to participate in the Second Annual United States World Trade Fair to be held in New York City, New York, from May 7 to May 17, 1958.

U.S. World Trade
Fair, N.Y.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized, by proclamation or in such other manner as he may deem proper, to invite the States of the Union and foreign countries to participate in the Second Annual United States World Trade Fair to be held at the Coliseum, New York City, New York, from May 7 to May 17, 1958, inclusive, for the purpose of exhibiting merchandise and articles of trade and production; and the promotion of travel, tourism, and transportation; and for the purpose of bringing together buyers and sellers for the promotion of foreign and domestic trade and commerce.

Approved March 28, 1958.

Public Law 85-361

AN ACT

March 28, 1958
[H. R. 10242]

To permit articles imported from foreign countries for the purpose of exhibition at the Chicago International Fair and Exposition, to be held in July 1959 at Chicago, Illinois, to be admitted without payment of tariff, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any article which is imported from a foreign country for the purpose of exhibition at the Chicago International Fair and Exposition (hereinafter in this Act referred to as the "exposition") to be held at Chicago, Illinois, from July 1, 1959, to July 19, 1959, inclusive, by the Chicagoland Commerce and Industry Exposition, Incorporated, or for the use in constructing, installing, or maintaining foreign exhibits at the exposition, upon which article there is a tariff or customs duty, shall be admitted without payment of such tariff or customs duty or any fees or charges under such regulations as the Secretary of the Treasury shall prescribe.

Chicago International Fair and Exposition.
Free entry for exhibits.

SEC. 2. It shall be lawful at any time during or within three months after the close of the exposition to sell within the area of the exposition any articles provided for in this Act, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury shall prescribe. All such articles, when withdrawn for consumption or use in the United States, shall be subject to the duties, if any, imposed upon such articles by the revenue laws in force at the date of their withdrawal; and on such articles which shall have suffered diminution or deterioration from incidental handling or exposure, the duties, if payable, shall be assessed according to the appraised value at the time of withdrawal from entry under this Act for consumption or entry under the general tariff law.

Sale, etc.

SEC. 3. Imported articles provided for in this Act shall not be subject to any marking requirements of the general tariff law, except when such articles are withdrawn for consumption or use in the United States, in which case they shall not be released from customs custody until properly marked, but no additional duty shall be assessed because such articles were not sufficiently marked when imported into the United States.

Marking requirements.

SEC. 4. At any time during or within three months after the close of the exposition, any article entered under this Act may be abandoned to the United States or destroyed under customs supervision, whereupon any duties on such articles shall be remitted.

Abandonment of articles.

SEC. 5. Articles which have been admitted without payment of duty for exhibition under any tariff law and which have remained in continuous customs custody or under a customs exhibition bond and imported articles in bonded warehouses under the general tariff law may be accorded the privilege of transfer to and entry for exhibition at the exposition, under such regulations as the Secretary of the Treasury shall prescribe.

Transfers.

SEC. 6. The Chicagoland Commerce and Industry Exposition, Incorporated, shall be deemed, for customs purposes only, to be the sole consignee of all merchandise imported under this Act. The actual and necessary customs charges for labor, services, and other expenses in connection with the entry, examination, appraisement, release, or custody, together with the necessary charges for salaries of customs officers and employees in connection with the supervision, custody of,

Chicagoland Commerce and Industry Exposition, Inc.
Payment of customs charges, etc.

and accounting for, articles imported under this Act, shall be reimbursed by the Chicago and Commerce and Industry Exposition, Incorporated, to the United States, under regulations to be prescribed by the Secretary of the Treasury. Receipts from such reimbursement shall be deposited as refunds to the appropriation from which paid, in the manner provided for in section 524 of the Tariff Act of 1930, as amended (19 U. S. C. 1524).

Approved March 28, 1958.

52 Stat. 1087.

Public Law 85-362

JOINT RESOLUTION

March 28, 1958
[H. J. Res. 439]

To permit articles imported from foreign countries for the purpose of exhibition at the Washington State Seventh International Trade Fair, Seattle, Washington, to be admitted without payment of tariff, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That any article which is imported from a foreign country for the purpose of exhibition at the Washington State Seventh International Trade Fair (hereinafter in this joint resolution referred to as the "exposition") to be held at Seattle, Washington, from April 11 to April 20, 1958, inclusive, by the International Trade Fair, Incorporated, a corporation, or for the use in constructing, installing, or maintaining foreign exhibits at the exposition, upon which article there is a tariff or customs duty, shall be admitted without payment of such tariff or customs duty or any fees or charges under such regulations as the Secretary of the Treasury shall prescribe.

Washington State
Seventh International
Trade Fair.
Free entry for
exhibits.

Sale, etc.

SEC. 2. It shall be lawful at any time during or within three months after the close of the exposition to sell within the area of the exposition any articles provided for in this joint resolution, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury shall prescribe. All such articles, when withdrawn for consumption or use in the United States, shall be subject to the duties, if any, imposed upon such articles by the revenue laws in force at the date of their withdrawal; and on such articles which shall have suffered diminution or deterioration from incidental handling or exposure, the duties, if payable, shall be assessed according to the appraised value at the time of withdrawal from entry under this joint resolution for consumption or entry under the general tariff law.

Marking requirements.

SEC. 3. Imported articles provided for in this joint resolution shall not be subject to any marking requirements of the general tariff laws, except when such articles are withdrawn for consumption or use in the United States, in which case they shall not be released from customs custody until properly marked, but no additional duty shall be assessed because such articles were not sufficiently marked when imported into the United States.

Abandonment of articles.

SEC. 4. At any time during or within three months after the close of the exposition, any article entered under this joint resolution may be abandoned to the United States or destroyed under customs supervision, whereupon any duties on such articles shall be remitted.

Transfers.

SEC. 5. Articles which have been admitted without payment of duty for exhibition under any tariff law and which have remained in continuous customs custody or under a customs exhibition bond and imported articles in bonded warehouses under the general tariff law may be accorded the privilege of transfer to and entry for exhibition at the exposition, under such regulations as the Secretary of the Treasury shall prescribe.

SEC. 6. The International Trade Fair, Incorporated, shall be deemed, for customs purposes only, to be the sole consignee of all merchandise imported under this joint resolution. The actual and necessary customs charges for labor, services, and other expenses in connection with the entry, examination, appraisal, release, or custody, together with the necessary charges for salaries of customs officers and employees in connection with the supervision, custody of, and accounting for, articles imported under this joint resolution, shall be reimbursed by the International Trade Fair, Incorporated, to the United States under regulations to be prescribed by the Secretary of the Treasury. Receipts from such reimbursement shall be deposited as refunds to the appropriation from which paid, in the manner provided for in section 524 of the Tariff Act of 1930, as amended (19 U. S. C., sec. 1524).

Approved March 28, 1958.

International
Trade Fair, Inc.
Payment of cus-
toms charges, etc.

52 Stat. 1087.

Public Law 85-363

AN ACT

To provide that the Fort Gaines lock and dam on the Chattahoochee River shall hereafter be known and designated as the Walter F. George lock and dam.

March 28, 1958
[H. R. 9653]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in honor of the late Senator Walter F. George, the name of the Fort Gaines lock and dam on the Chattahoochee River north of Fort Gaines, Georgia, shall hereafter be known and designated as the Walter F. George lock and dam, and shall be dedicated as a monument to his distinguished public service. Any law, regulation, map, document, or record of the United States in which such lock and dam is referred to as the Fort Gaines lock and dam shall be held and considered to refer to such lock and dam by the name of the Walter F. George lock and dam.

Fort Gaines, Ga.
Walter F. George
lock and dam.

Approved March 28, 1958.

Public Law 85-364

AN ACT

To stimulate residential construction.

April 1, 1958
[S. 3418]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 203 (b) (2) of the National Housing Act is amended by striking out "\$10,000" wherever it appears and inserting in lieu thereof "\$13,500".

(b) Section 220 (d) (3) of such Act is amended by striking out "\$10,000" wherever it appears and inserting in lieu thereof "\$13,500".

SEC. 2. Section 305 (c) of the National Housing Act is amended by striking out "\$450,000,000" and inserting in lieu thereof "\$950,000,000".

SEC. 3. (a) Section 305 (f) of the National Housing Act is amended by striking out all that follows the first colon and inserting in lieu thereof the following: "Provided, That the total amount of purchases and commitments authorized by this subsection shall not exceed \$500,000,000 outstanding at any one time: *Provided further*, That of the amount authorized in the preceding proviso not less than \$58,750,000 shall be available for such purchases and commitments with respect to mortgages insured under section 809."

(b) The last paragraph of section 803 (b) of the National Housing Act is amended by striking out "4" and inserting in lieu thereof "4½".

Housing.
Residential con-
struction.
71 Stat. 295.
12 USC 1709.
71 Stat. 296.
12 USC 1515k.
71 Stat. 299.
12 USC 1720.

Military housing.

12 USC 1748h-1.
12 USC 1748b.

12 USC 1720.

SEC. 4. Section 305 of the National Housing Act is amended by adding at the end thereof a new subsection as follows:

12 USC 1716.

“(g) With a view to further carrying out the purposes set forth in section 301 (b), and notwithstanding any other provision of this Act, the Association is authorized to make commitments to purchase and to purchase, service, or sell any mortgages which are insured under title II of this Act or guaranteed under the Servicemen’s Readjustment Act of 1944, if the original principal obligation thereof does not exceed \$13,500: *Provided*, That the total amount of purchases and commitments authorized by this subsection shall not exceed \$1,000,000,000 outstanding at any one time: *Provided further*, That applicants for such commitments shall be required to certify that construction of the housing to be covered by the mortgages has not commenced.”

58 Stat. 294.
38 USC 693 note.

SEC. 5. (a) Section 512 of the Servicemen’s Readjustment Act of 1944 (38 U. S. C., sec. 694 (1)) is amended to read as follows:

64 Stat. 75.
38 USC 694f.

“DIRECT LOANS TO VETERANS

39 USC 694a.

“SEC. 512. (a) The Congress finds that housing credit under section 501 of this title is not and has not been generally available to veterans living in rural areas, or in small cities and towns not near large metropolitan areas. It is therefore the purpose of this section to provide housing credit for veterans living in such rural areas and such small cities and towns.

Housing credit
shortage area.

“(b) Whenever the Administrator finds that private capital is not generally available in any rural area or small city or town for the financing of loans guaranteed under section 501 of this title, he shall designate such rural area or small city or town as a ‘housing credit shortage area’, and shall make, or enter into commitments to make, loans for any or all of the following purposes in such area—

“(1) For the purchase or construction of a dwelling to be owned and occupied by a veteran as his home;

“(2) For the purchase of a farm on which there is a farm residence to be owned and occupied by a veteran as his home;

“(3) For the construction on land owned by a veteran of a farm residence to be occupied by him as his home; or

“(4) For the repair, alteration, or improvement of a farm residence or other dwelling owned by a veteran and occupied by him as his home.

Lien.
Liquidation.

If there is an indebtedness which is secured by a lien against land owned by a veteran, the proceeds of a loan made under this section for the construction of a dwelling or farm residence on such land may be expended also to liquidate such lien, but only if the reasonable value of the land is equal to or in excess of the amount of the lien.

Requirements.

“(c) No loan may be made under this section to a veteran unless he shows to the satisfaction of the Administrator that—

“(1) he is a satisfactory credit risk;

“(2) the payments to be required under the proposed loan bear a proper relation to his present and anticipated income and expenses;

“(3) he is unable to obtain from a private lender in such housing credit shortage area, at an interest rate not in excess of the rate authorized for guaranteed home loans, a loan for such purpose for which he is qualified under section 501 of this title; and

39 USC 694a.

“(4) he is unable to obtain a loan for such purpose from the Secretary of Agriculture under the Bankhead-Jones Farm Tenant Act or under the Housing Act of 1949.

50 Stat. 522; 63
Stat. 413.
42 U S C 1441
note; 7 USC 1000.

“(d) (1) Loans made under this section shall bear interest at a rate determined by the Administrator, not to exceed the rate authorized for guaranteed home loans, and shall be subject to such requirements or limitations prescribed for loans guaranteed under this title as may be applicable.

Interest rate.

“(2) The original principal amount of any loan made under this section shall not exceed an amount which bears the same ratio to \$13,500 as the amount of guaranty to which the veteran is entitled under section 501 at the time the loan is made bears to \$7,500; and the guaranty entitlement of any veteran who heretofore or hereafter has been granted a loan under this section shall be charged with an amount which bears the same ratio to \$7,500 as the amount of the loan bears to \$13,500.

Loan amount.

38 USC 694a.

“(3) In connection with any loan under this section, the Administrator is authorized to make advances in cash to pay the taxes and assessments on the real estate, to provide for the purpose of making repairs, alterations, and improvements, and to meet the incidental expenses of the transaction. The Administrator shall determine the expenses incident to origination of loans made under this section, which expenses, or a reasonable flat allowance in lieu thereof, shall be paid by the veteran in addition to the loan closing costs.

Improvements.
Cash advances.

“(4) Loans made under this section shall be repaid in monthly installments; except that in the case of loans made for any of the purposes described in paragraph (2), (3), or (4) of subsection (b), the Administrator may provide that such loans shall be repaid in quarterly, semiannual, or annual installments.

Installments.

“(5) The Administrator may sell, and shall offer for sale, to any person or entity approved for such purpose by him, any loan made under this section at a price not less than par; that is, the unpaid balance plus accrued interest, and shall guarantee any loan thus sold subject to the same conditions, terms, and limitations which would be applicable were the loan guaranteed under section 501 of this title.

Guaranty.

38 USC 694a.

“(6) No veteran may obtain loans under this section aggregating more than \$13,500.

Limitation.

“(e) (1) If any builder or sponsor proposes to construct one or more dwellings in a housing credit shortage area, the Administrator may enter into commitment with such builder or sponsor, under which funds available for loans under this section will be reserved for a period not in excess of three months, or such longer period as the Administrator may authorize to meet the needs in any particular case, for the purpose of making loans to veterans to purchase such dwellings. Such commitment may not be assigned or transferred except with the written approval of the Administrator. The Administrator shall not enter into any such commitment unless such builder or sponsor pays a nonrefundable commitment fee to the Administrator in an amount determined by the Administrator, not to exceed 2 per centum of the funds reserved for such builder or sponsor.

Commitments.

Fee.

“(2) Whenever the Administrator finds that a dwelling with respect to which funds are being reserved under this subsection has been sold, or contracted to be sold, to a veteran eligible for a direct loan under this section, the Administrator shall enter into a commitment to make the veteran a loan for the purchase of such dwelling. With respect to any loan made to an eligible veteran under this subsection, the Administrator may make advances during the construction of the dwelling, up to a maximum in advances of (A) the cost of the land plus (B) 80 per centum of the value of the construction in place.

Post, p. 1274.
Maximum advances.

Loan referral for private lenders.

"(3) After the Administrator has entered into a commitment to make a veteran a loan under this subsection, he may refer the proposed loan to the Voluntary Home Mortgage Credit Committee, in order to afford a private lender the opportunity to acquire such loan subject to guaranty as provided in paragraph (5) of subsection (d) of this section. If, before the expiration of sixty days after the loan made to the veteran by the Administrator is fully disbursed, a private lender agrees to purchase such loan, all or any part of the commitment fee paid to the Administrator with respect to such loan may be paid to such private lender when such loan is so purchased.

"If a private lender has not purchased or agreed to purchase such loan before the expiration of sixty days after the loan made by the Administrator is fully disbursed, the commitment fee paid with respect to such loan shall become a part of the special deposit account referred to in subsection (c) of section 513 of this title. If a loan is not made to a veteran for the purchase of a dwelling, the commitment fee paid with respect to such dwelling shall become a part of such special deposit account.

38 USC 694m.

Exemptions and requirements.

"(4) The Administrator may exempt dwellings constructed through assistance provided by this subsection from the minimum land planning and subdivision requirements prescribed pursuant to subsection (b) of section 504 of this title, and with respect to such dwellings may prescribe special minimum land planning and subdivision requirements which shall be in keeping with the general housing facilities in the locality but shall require that such dwellings meet minimum requirements of structural soundness and general acceptability.

38 USC 694d.

Expiration date.

"(f) The authority to make loans under this section shall expire July 25, 1960, except that if a commitment to a veteran to make such a loan was issued by the Administrator before that date the loan may be completed after that date.

Processing of application.

"(g) (1) The Administrator shall commence the processing of any application for a loan under this section upon the receipt of such application, and shall continue such processing notwithstanding the fact that the assistance of the Voluntary Home Mortgage Credit Committee has been requested by the Administrator for the purpose of ascertaining whether or not such loan can be placed with a private lender.

"(2) If the assistance of such Committee has been requested by the Administrator in connection with any such application, and the Administrator is not notified by such Committee within (A) twenty working days after such assistance has been requested, or (B) twenty working days after the date of enactment of this subsection, whichever is the later, that it has been successful in enabling the applicant to place such loan with a private lender or expects to do so within ten additional working days, the Administrator shall proceed forthwith to complete any part of the processing of such application remaining unfinished, and to grant or deny the application in accordance with the provisions of this section.

"(3) As used in this subsection, the term 'working days' means calendar days exclusive of Saturdays, Sundays, and legal holidays."

Availability of funds, etc. 69 Stat. 168.

(b) (1) Subsection (a) of section 513 of such Act (38 U. S. C., sec. 694m) is amended (1) by striking out "June 30, 1957" and inserting "July 25, 1960", and (2) by inserting immediately before the period at the end of the second sentence thereof the following: "retaining, however, a reasonable reserve for making loans with respect to which he has entered into commitments with veterans before such last day".

(2) Subsection (c) of such section is amended by striking out "June 30, 1958" and inserting "June 30, 1961".

(3) Subsection (d) of such section 513 is amended by striking out "1957" and inserting "1960".

(c) (1) The fourth sentence of subsection (a) of section 500 of such Act (38 U. S. C., sec. 694) is amended by striking out all that follows "in this title," and inserting "is automatically guaranteed by the Government by this title in an amount not exceeding 60 per centum of the loan if the loan is made for any of the purposes specified in section 501 of this title and not exceeding 50 per centum of the loan if made for any of the purposes specified in section 502, 503, or 507 of this title: *Provided*, That unless the loan is made for one of the purposes specified in section 501 of this title the aggregate amount guaranteed shall not exceed \$2,000 in the case of non-real-estate loans, nor \$4,000 in the case of real-estate loans, or a prorated portion thereof on loans of both types or combination thereof."

Loans guaranty.

(2) Subsection (b) of section 501 of such Act (38 U. S. C., sec. 694a) is amended by striking out all that follows "(b)" to the colon immediately preceding the first proviso and inserting: "Any loan made to a veteran for any of the purposes specified in subsection (a) or subsection (c) of this section 501 is automatically guaranteed, if otherwise made pursuant to the provisions of this title, in an amount not exceeding 60 per centum of the loan".

69 Stat. 162.

(3) Subsection (c) of such section 501 is amended by striking out "may be guaranteed" and inserting "is automatically guaranteed".

69 Stat. 161.

(d) (1) Section 500 (a) of the Servicemen's Readjustment Act of 1944 (38 U. S. C. 694) is amended by striking out "eleven" and inserting in lieu thereof "thirteen".

70 Stat. 913.

(2) Subsection (g) of such section is amended to read as follows:

70 Stat. 914.

"(g) Notwithstanding any other provision of this title, if a loan report or an application for loan guaranty relating to a loan under this title has been received by the Administrator on or before July 25, 1960, such loan may be guaranteed or insured under the provisions of this title on or before July 25, 1961."

(3) Section 507 of such Act (38 U. S. C. 694h) is amended by striking out "eleven" and inserting in lieu thereof "thirteen".

70 Stat. 914.

(e) (1) Section 500 (b) of the Servicemen's Readjustment Act of 1944 is amended by striking out the last proviso and inserting in lieu thereof the following: "And provided further, That the Administrator, with the approval of the Secretary of the Treasury, may prescribe by regulation from time to time such rate of interest as he may find the loan market demands, but the rate of interest so prescribed by the Administrator shall not exceed at any time the rate of interest (exclusive of premium charges for insurance, and service charges if any), established by the Federal Housing Commissioner under section 203 (b) (5) of the National Housing Act, less one-half of 1 per centum per annum; except that such rate shall in no event exceed 4¾ per centum per annum."

Interest.
67 Stat. 136.
38 USC 694.68 Stat. 591.
12 USC 1709.

(2) The provisions of the Servicemen's Readjustment Act of 1944 with respect to the interest chargeable on loans made or guaranteed under such Act which were in effect prior to the date of enactment of this Act shall, notwithstanding the amendment made by this subsection, continue to be applicable (1) to any loan made or guaranteed prior to such date of enactment, and (2) to any loan with respect to which a commitment to guarantee has been entered into by the Veterans' Administration prior to such date.

Interest rate applicable.

SEC. 6. Section 605 of the Housing Act of 1957 is hereby repealed.
Approved April 1, 1958.

Repeal.

Public Law 85-365

AN ACT

April 3, 1958
[S. 3262]

To authorize certain activities by the Armed Forces in support of the VIII Olympic Winter Games, and for other purposes.

VIII Olympic
Winter Games,
1960.

Armed Forces
activities.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, (a) notwithstanding any other provision of law, the Secretary of a military department may, with respect to the VIII Olympic Winter Games—

(1) permit personnel of the Armed Forces under his jurisdiction to prepare courses, fields, and rinks, maintain avalanche control, and provide communications;

(2) lend necessary equipment; and

(3) provide such other support as he considers appropriate.

(b) The Secretary of the military department concerned may spend such funds for the purposes of this section as Congress may specifically appropriate for those purposes. He may acquire and utilize such supplies, material, and equipment as he determines to be necessary to provide the support authorized by this section.

(c) The authority provided to the Secretaries of the military departments by this section is permissive and not mandatory.

Arena.

SEC. 2. Out of moneys appropriated by Congress for the specific purpose, the Secretary of Defense is authorized to advance to the Organizing Committee, VIII Olympic Winter Games, Squaw Valley, California, U. S. A. 1960, Incorporated, a nonprofit corporation of the State of California, at its request, funds to construct, on land of the United States in Squaw Valley, Placer County, California, a sports arena suitable for the conduct of sports and appropriate ceremonies in connection with the VIII Olympic Winter Games. Funds so advanced by the Secretary of Defense shall not exceed estimated requirements for expenditures for the ensuing two-month period from the date of the request. As completed, the arena becomes the property of the United States. The expenditure of such funds by the Committee is subject to such audit and control as the Comptroller General of the United States may prescribe.

SEC. 3. On or before April 1, 1960, any lease by the United States of the property on which the arena authorized by section 2 is located shall be reviewed and lease occupancy thereafter shall include a fair and appropriate rental reflecting the added value and utility represented by the arena.

Appropriation.

SEC. 4. There is authorized to be appropriated not to exceed \$500,000 to carry out the purposes of section 1 and not to exceed \$3,500,000 to carry out the purposes of section 2 of this Act.

Approved April 3, 1958.

Public Law 85-366

AN ACT

April 4, 1958
[H. R. 11086]

To amend the Agricultural Adjustment Act of 1938, as amended, with respect to wheat acreage history.

Wheat acreage
allotments.
67 Stat. 151.
7 USC 1334(a).

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 334 of the Agricultural Adjustment Act of 1938, as amended, is amended—

(1) by changing the period at the end of the first sentence of subsection (a) to a colon and adding a proviso as follows: "Provided, That in establishing State acreage allotments the acreage seeded for the production of wheat plus the acreage diverted for

1959 and any subsequent year for any farm on which the entire amount of the farm marketing excess is delivered to the Secretary or stored in accordance with applicable regulations to avoid or postpone payment of the penalty shall be the base acreage of wheat determined for the farm under the regulations issued by the Secretary for determining farm wheat acreage allotments for such year, but if any part of the amount of wheat so stored is later depleted and penalty becomes due by reason of such depletion, for the purpose of establishing State wheat acreage allotments subsequent to such depletion the seeded plus diverted acreage of wheat for the farm for the year in which the excess was produced shall be reduced to the farm wheat acreage allotment for such year."

(2) By changing the period at the end of the first sentence of subsection (b) to a colon and adding a proviso as follows: "*Provided*, That in establishing county acreage allotments the acreage seeded for the production of wheat plus the acreage diverted for 1959 and any subsequent year for any farm on which the entire amount of the farm marketing excess is delivered to the Secretary or stored in accordance with applicable regulations to avoid or postpone payment of the penalty shall be the base acreage of wheat determined for the farm under the regulations issued by the Secretary for determining farm wheat acreage allotments for such year, but if any part of the amount of wheat so stored is later depleted and penalty becomes due by reason of such depletion, for the purpose of establishing county acreage allotments subsequent to such depletion the seeded plus diverted acreage of wheat for the farm for the year in which the excess was produced shall be reduced to the farm wheat acreage allotment for such year."

7 USC 1334(b).

(3) by adding at the end of subsection (c) thereof a new sentence as follows: "For the purpose of establishing farm acreage allotments—(i) the past acreage of wheat on any farm for 1958 shall be the base acreage determined for the farm under the regulations issued by the Secretary for determining 1958 farm wheat acreage allotments; (ii) if subsequent to the determination of such base acreage the 1958 wheat acreage allotment for the farm is increased through administrative, review, or court proceedings, the 1958 farm base acreage shall be increased in the same proportion; and (iii) the past acreage of wheat for 1959 and any subsequent year shall be the wheat acreage on the farm which is not in excess of the farm wheat acreage allotment, plus, in the case of any farm which is in compliance with its farm wheat acreage allotment, the acreage diverted under such wheat allotment programs: *Provided*, That for 1959 and subsequent years in the case of any farm on which the entire amount of the farm marketing excess is delivered to the Secretary or stored in accordance with applicable regulations to avoid or postpone payment of the penalty, the past acreage of wheat for the year in which such farm marketing excess is so delivered or stored shall be the farm base acreage of wheat determined for the farm under the regulations issued by the Secretary for determining farm wheat acreage allotments for such year, but if any part of the amount of wheat so stored is later depleted and penalty becomes due by reason of such depletion, for the purpose of establishing farm wheat acreage allotments subsequent to such depletion the past acreage of wheat for the farm for the year in which the excess was produced shall be reduced to the farm wheat acreage allotment for such year."; and

7 USC 1334(c).

71 Stat. 477.
7 USC 1334(h).

(4) by striking out in subsection (h) thereof the language "future State, county, and farm acreage allotments" and inserting in lieu thereof "future State and county acreage allotments except as prescribed in the provisos to the first sentence of subsections (a) and (b), respectively, of this section".

Approved April 4, 1958.

Public Law 85-367

AN ACT

To amend section 512 of the Internal Revenue Code of 1954.

April 7, 1958
[H. R. 8268]

Taxes.
Unrelated busi-
ness taxable in-
come.
68A Stat. 171.
26 USC 512(b).

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 512 (b) of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new paragraph:

"(13) In the case of a trust—

"(A) created by virtue of the provisions of the will of an individual who died after August 16, 1954, and before January 1, 1957,

"(B) which, by virtue of the provisions of such will, is a limited partner in a partnership created under the laws of a State (i) providing for the creation of limited partnerships, and (ii) under which a limited partner has no right to take part in the control of the business without becoming liable as a general partner,

"(C) which, at no time before or during a taxable year of the partnership ending within or with the taxable year of the trust, was (or was liable as) a general partner in such partnership, and

"(D) which is required to distribute all of its income (within the meaning of section 643 (b)) currently exclusively for religious, charitable, scientific, literary, or educational purposes, and which is required to distribute all of the corpus exclusively for such purposes,

there shall be excluded its share (determined under subsection (c) without regard to this paragraph and paragraph (11)) of gross income of the partnership as such limited partner and of the partnership deductions directly connected with such income, but, if such share of gross income exceeds such share of deductions, only to the extent that the partnership makes distributions during its taxable year which are attributable to such gross income. For purposes of the preceding sentence (i) any distribution made after the close of a partnership taxable year and on or before the 15th day of the fourth calendar month after the close of such taxable year shall be treated as made on the last day of such taxable year, and (ii) distributions shall be treated as attributable first to gross income other than gross income described in the preceding sentence, and shall be properly adjusted (under regulations prescribed by the Secretary or his delegate) to the extent necessary to reflect capital contributions to the partnership made by the trust, income of the partnership exempt from tax under this title, and other items."

(b) The amendment made by subsection (a) shall apply to taxable years of trusts beginning after December 31, 1955.

Approved April 7, 1958.

Effective date.

Public Law 85-368

AN ACT

Relating to contracts for the conduct of contract postal stations, and for other purposes.

April 7, 1958
[H. R. 7907]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 15 of the Act entitled "An Act to amend the Act approved June twenty-fifth, nineteen hundred and ten, authorizing the postal savings system, and for other purposes", approved May 18, 1916 (39 Stat. 163; 39 U. S. C. 161), is hereby amended to read as follows:

Postal service.

"SEC. 15. The Postmaster General may enter into contracts for the conduct of contract stations for a term not exceeding three years. Any such contract may be renewed by the Postmaster General, at the same or a lower contract price, for additional terms not exceeding three years each unless (1) the Postmaster General finds that such renewal is not in the interest of the United States, or (2) not later than ninety days before the end of any contract term the Post Office Department receives a request in writing that the contract be opened for competitive bidding at the end of such term. Upon any such finding by the Postmaster General, or upon receipt of any such request, the Postmaster General shall terminate the contract, with respect to which such finding has been made or such request has been received, at the end of the current term and shall advertise for bids thereon in accordance with existing laws relating to the advertising of public contracts and the award thereof on the basis of competitive bidding."

Contract stations.

Approved April 7, 1958.

Public Law 85-369

AN ACT

To amend section 114 of the Soil Bank Act with respect to compliance with corn acreage allotments.

April 7, 1958
[H. R. 10843]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 114 of the Soil Bank Act is amended by adding at the end thereof the following:

Corn acreage allotments.
71 Stat. 478.
7 USC 1802.

"Notwithstanding any other provision of this section—(1) no person shall be ineligible to receive payments or compensation under an acreage reserve contract for 1958 by reason of the fact that the corn acreage on the farm exceeds the farm acreage allotment for corn if the county in which such farm is located is included in the commercial corn producing area for the first time in 1958; (2) no person shall be ineligible to receive payments or compensation under an acreage reserve contract for any year subsequent to 1958 or a conservation reserve contract by reason of the fact that the corn acreage on the farm exceeds the farm acreage allotment for corn if such contract was entered into prior to January 1 of the first year for which the county is included in the commercial corn producing area: *Provided*, That the foregoing provisions of this sentence shall apply only to a farm for which an 'old farm' corn allotment is established for such first year. For purposes of this provision, a contract which has been terminated by the producer under the program regulations by reason of the fact that the county in which the farm is located was included in the commercial corn-producing area for the first time in 1958, and which is reinstated, shall be deemed to have been entered into as of the original date of execution of such contract."

Approved April 7, 1958.

Public Law 85-370

AN ACT

April 7, 1958
[S. 2129]

To authorize the Secretary of the Interior to construct, rehabilitate, operate, and maintain the lower Rio Grande rehabilitation project, Texas, Mercedes division.

Rio Grande reclamation project.
Mercedes division.
43 USC 371 and note; 421a-421d.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior, acting pursuant to the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388 and Acts amendatory thereof or supplementary thereto, including particularly the Act of July 4, 1955 (69 Stat. 244), but subject to exceptions herein contained) is authorized to undertake the rehabilitation and betterment of the works of the Hidalgo and Cameron Counties Water Control and Improvement District Numbered 9, Texas, and to operate and maintain the same. Such undertaking which shall be known as the Mercedes division of the lower Rio Grande reclamation project, shall not be commenced until a repayment contract has been entered into by said district under the Federal reclamation laws, subject to exceptions herein contained, which contract shall provide for payment, in accordance with the district's repayment ability, of the capital cost of the Mercedes division over a period of not more than forty years or as near thereto as is consistent with the adoption and operation of a variable payment formula which, being based on full repayment within said period under average conditions, permits variance in the required annual payments in the light of economic factors pertinent to the ability of the organization to pay, and shall, in addition, require the payment of interest on that pro rata share of the capital cost, which is attributable to furnishing benefits in each particular year to land held in private ownership by any one owner in excess of one hundred and sixty irrigable acres, said interest to be at a rate determined by the Secretary of the Treasury by estimating the average annual yield to maturity, on the basis of daily closing market bid quotations or prices during the month of May preceding the fiscal year in which the repayment contract is entered into, on all outstanding marketable obligations of the United States having a maturity date of fifteen or more years from the first day of such month of May, and by adjusting such estimated average annual yield to the nearest one-eighth of 1 per centum.

SEC. 2. Title to all lands and works of the division, to the extent an interest has been vested in the United States, shall pass to the Hidalgo-Cameron Counties Water Control and Improvement District Numbered 9 or its designee or designees upon payment to the United States of all obligations arising under this Act or incurred in connection with this division of the project.

SEC. 3. The excess-land provisions of the Federal reclamation laws shall not be applicable to lands in this project which now have an irrigation water supply from sources other than a Federal reclamation project, and for which no new waters are being developed.

Appropriation.

SEC. 4. There is hereby authorized to be appropriated for the work to be undertaken pursuant to the first section of this Act the sum of \$10,100,000 (January 1957 costs), plus such amount, if any, as may be required by reason of changes in costs of work of the types involved as shown by engineering indices.

Approved April 7, 1958.

Public Law 85-371

AN ACT

To revise the laws relating to the handling of short paid and undeliverable mail, and for other purposes.

April 9, 1958
[H. R. 7910]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Postmaster General shall prescribe by regulation the conditions for delivery to the addressee, return to the sender, or other disposition, of matter mailed without prepayment of the postage required by law to be paid, or without prepayment of the full amount of the postage required by law to be paid.

Postal service.
Undeliverable
mail; disposition.

(b) The Postmaster General shall prescribe by regulation from time to time the charges to be collected on delivery for any matter mailed without prepayment of any lawfully required postage or without prepayment of the full amount of the lawfully required postage. Such charges (1) shall be in addition to the payment of lawfully required postage, (2) shall not be adjusted more frequently than once every two years, and (3) when adjusted shall equal, as nearly as is practicable, the approximate cost incurred by the Post Office Department with respect to the delivery of such matter and the collection of postage and other lawful charges thereon. The Postmaster General may waive the collection of any charges when he deems such waiver to be in the best interest of the Government.

SEC. 2. Section 12 (a) of the Act of October 30, 1951 (65 Stat. 676; 39 U. S. C. 246f (a)), is amended by inserting before the period at the end thereof a semicolon and the following new paragraph:

“(9) for returning undeliverable letters and parcels from the dead-letter office to the senders”.

SEC. 3. Section 26 of the Act of March 3, 1879 (20 Stat. 361), as amended (39 U. S. C. 275), is further amended to read as follows:

45 Stat. 940.

“SEC. 26. (a) The Postmaster General may issue postage due stamps of such special design and denomination as he deems necessary to be affixed to short paid mail, and such stamps shall be canceled in the same manner as other postage stamps.

Postage due
stamps.

“(b) Postage due stamps may not be sold by any postmaster nor received by him in prepayment of postage or fees for special services.

“(c) The Postmaster General may designate agencies of the Department where postage due stamps may be sold for philatelic purposes only.”

SEC. 4. Section 3936 of the Revised Statutes, as amended (39 U. S. C. 406), is further amended by striking out the second sentence and inserting, in lieu thereof, the following:

49 Stat. 333.

“The Postmaster General shall return to the senders by registered mail all ordinary dead letters containing \$10 or more in cash, and parcels of the first class which apparently contain matter valued at \$10 or more, under such rules and regulations as he may prescribe. The minimum registry fee, in addition to such other fees as the Postmaster General may prescribe, shall be collected at the time of delivery.”

SEC. 5. The first section of the Act of May 9, 1930 (39 U. S. C. 261), is amended by striking out “15 cents” and by inserting in lieu thereof “25 cents”.

46 Stat. 264.

SEC. 6. All laws or parts of laws inconsistent with the provisions of this Act are hereby repealed. Such repeal shall include, but shall not be limited to, the following laws and parts of laws which are hereby repealed:

Repeals.

(a) Section 3937 of the Revised Statutes, as amended (39 U. S. C. 407);

- (b) Section 3898 of the Revised Statutes (39 U. S. C. 274);
 (c) Section 3900 of the Revised Statutes (39 U. S. C. 272);
 (d) The semicolon and the clause "but if the publisher of any refused or uncalled-for newspaper or other periodical shall pay the postage due thereon, such newspaper or other periodical shall be excepted from the operation of such regulations", in section 4061 of the Revised Statutes (39 U. S. C. 411);
 (e) The second proviso of section 29 of the Act of March 3, 1879 (20 Stat. 362), as added by the amendment to such section contained in section 3 of the Act of July 5, 1884 (23 Stat. 158; 39 U. S. C. 321); and
 (f) The proviso added to section 3 of the Act of March 3, 1885 (23 Stat. 387), as amended by the Act of January 16, 1889 (25 Stat. 650; 39 U. S. C. 165).

Effective date.

SEC. 7. This Act shall be effective on the first day of the third month following the month in which enacted.

Approved April 9, 1958.

Public Law 85-372

AN ACT

April 9, 1958
 [H. R. 4815]

To provide permanent authority for the Postmaster General to establish postal stations at camps, posts, or stations of the Armed Forces, and at defense or other strategic installations, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act of March 10, 1952 (66 Stat. 23, 39 U. S. C. 160, note), is hereby amended by striking out the second sentence.

Approved April 9, 1958.

Public Law 85-373

AN ACT

April 9, 1958
 [H. R. 5822]

To amend section 406 (b) of the Civil Aeronautics Act of 1938 with respect to the reinvestment by air carriers of the proceeds from the sale or other disposition of certain operating property and equipment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 406 (b) of the Civil Aeronautics Act of 1938, as amended, is hereby amended by adding at the end thereof the following new paragraph:

"In determining the need of an air carrier for compensation for the transportation of mail, and such carrier's 'other revenue' for the purpose of this section, the Board shall not take into account—

"(1) gains derived from the sale or other disposition of flight equipment if (A) the carrier notifies the Board in writing that it has invested or intends to reinvest the gains (less applicable expenses and taxes) derived from such sale or other disposition in flight equipment, and (B) submits evidence in the manner prescribed by the Board that an amount equal to such gains (less applicable expenses and taxes) has been expended for purchase of flight equipment or has been deposited in a special reequipment fund, or

"(2) losses sustained from the sale or other disposition of flight equipment.

Any amounts so deposited in a reequipment fund as above provided shall be used solely for investment in flight equipment either through

Air carriers.
 52 Stat. 998.
 49 USC 486.

Reinvestment of
 gains.

payments on account of the purchase price or construction of flight equipment or in retirement of debt contracted for the purchase or construction of flight equipment, and unless so reinvested within such reasonable time as the Board may prescribe, the carrier shall not have the benefit of this paragraph. Amounts so deposited in the reequipment fund shall not be included as part of the carrier's used and useful investment for purposes of section 406 until expended as provided above: *Provided*, That the flight equipment in which said gains may be invested shall not include equipment delivered to the carrier prior to April 6, 1956."

SEC. 2. The amendment made by this Act to such section 406 (b) shall be effective as to all capital gains or losses realized on and after April 6, 1956, with respect to the sale or other disposition of flight equipment whether or not the Board shall have entered a final order taking account thereof in determining all other revenue of the air carrier.

Approved April 9, 1958.

Retroactivity.

Public Law 85-374

JOINT RESOLUTION

Authorizing the President to invite the several States and foreign countries to take part in the Fourth International Automation Congress and Exposition to be held in the New York Coliseum at New York, New York, from June 9 to June 13, 1958.

April 11, 1958
[H. J. Res. 347]

Whereas the International Automation Congress and Exposition to be held in the New York Coliseum at New York, New York, from June 9 to June 13, 1958, is the fourth such congress and exposition of this kind; and

Whereas such congress and exposition is being arranged for the purpose of exhibiting products used in increasing production, decreasing cost, and improving the standard of living all over the world; and

Whereas our American goal of ever higher quality products at costs which permit ever wider use has caused our business and labor leaders to devote ever increasing attention to automation; and

Whereas automation has achieved recognition as the principal material means of attaining the more productive and enjoyable life all men seek, and offers the United States and the world the most practical means of abolishing the mental and physical drudgery which deadens appreciation of the finer things of life; and

Whereas the Nation's leading executives, engineers, labor leaders, and scientists, with many of their colleagues from abroad, assembled at the Third Automation Exposition and Congress at New York, New York, on November 1956 to inform themselves on the latest developments in automation, automatic control, electronic computers, and instrumentation and allied techniques: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized to invite the several States and foreign countries to take part in the Fourth International Automation Congress and Exposition to be held in the New York Coliseum at New York, New York, from June 9 to June 13, 1958.

Fourth International
Automation
Congress and Ex-
position, 1958.

Approved April 11, 1958.

Public Law 85-375

April 11, 1958
[S. 1386]

AN ACT

To authorize the Interstate Commerce Commission to prescribe rules, standards, and instructions for the installation, inspection, maintenance, and repair of power or train brakes.

Power or Train
Brakes Safety Ap-
pliance Act of
1958.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Power or Train Brakes Safety Appliance Act of 1958".

(b) Section 2 of the Safety Appliance Act of March 2, 1903 (32 Stat. 943, chapter 976, sec. 2; 45 U. S. C. 9), is amended (1) by changing the semicolon at the end of the third clause thereof to a period, (2) by striking the remaining language of the section, and (3) by adding at the end of that section the following new language: "One hundred and twenty days after the date of enactment of the Power or Train Brakes Safety Appliance Act of 1958, the Interstate Commerce Commission shall adopt and put into effect the rules, standards, and instructions of the Association of American Railroads, adopted in 1925 and revised in 1933, 1934, 1941, and 1953, with such revisions as may have been adopted prior to the enactment of such Act, for the installation, inspection, maintenance, and repair of all power or train brakes for common carriers engaged in interstate commerce by railroad. Such rules, standards, and instructions shall thereafter remain the rules, standards, and instructions for the installation, inspection, maintenance, and repair of all power or train brakes unless changed, after hearing, by order of the Interstate Commerce Commission: *Provided, however,* That such rules or standards or instructions or changes therein shall be promulgated solely for the purpose of achieving safety. The provisions and requirements of this section shall apply to all trains, locomotives, tenders, cars, and similar vehicles used, hauled, or permitted to be used or hauled, by any railroad engaged in interstate commerce. In the execution of this section, the Interstate Commerce Commission may utilize the services of the Association of American Railroads, and may avail itself of the advice and assistance of any department, commission, or board of the United States Government, and of State governments, but no official or employee of the United States shall receive any additional compensation for such service except as now permitted by law. Failure to comply with any rule, regulation, or requirement promulgated by the Interstate Commerce Commission pursuant to the provisions of this section shall be subject to the like penalty as failure to comply with any requirement of this section."

Approved April 11, 1958.

Public Law 85-376

April 11, 1958
[H. R. 1140]

AN ACT

To amend Public Law 85-56 to permit persons receiving retired pay for non-regular service to waive receipt of a portion of that pay to receive pensions or compensation under laws administered by the Veterans' Administration.

Veterans.
Waiver of retired
pay.
38 USC 3005.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1005 of Public Law 85-56, approved June 17, 1957 (71 Stat. 123), is amended to read as follows:

"SEC. 1005. Any person who is receiving retired or retirement pay under any provision of law providing retired or retirement pay to persons in any of the components of the Army, Navy, Marine Corps, Air Force, Coast Guard, Coast and Geodetic Survey, or Public Health Service, and who would be eligible to receive pension or compensation under the laws administered by the Veterans' Administration if he were not receiving such retired or retirement pay, shall be entitled to receive such pension or compensation upon the filing by such person with the department by which such retired or retirement pay is paid of a waiver of so much of this retired or retirement pay as is equal in amount to such pension or compensation. To prevent duplication of payments, the department with which any such waiver is filed shall notify the Veterans' Administration of the receipt of such waiver, the amount waived, and the effective date of the reduction in retired or retirement pay."

SEC. 2. This Act shall take effect on January 1, 1958, or the first day of the month following enactment, whichever is later.

Effective date.

Approved April 11, 1958.

Public Law 85-377

AN ACT

April 11, 1958
[S. 1740]

To authorize the payment from the Employees' Life Insurance Fund of expenses incurred by the Civil Service Commission in making certain beneficial association assumption agreements and to extend the time for making such agreements.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 (c) of the Federal Employees' Group Life Insurance Act of 1954 is amended by inserting before the colon preceding the proviso therein a comma and the following: "except that such fund shall be available, without regard to any such limitations, for payment of any such expenses incurred in assuming and maintaining the assets and liabilities of associations referred to in section 10".

Federal employ-
ees' life insur-
ance.
68 Stat. 739.
5 USC 2094.

SEC. 2. Section 10 (d) of the Federal Employees' Group Life Insurance Act of 1954 (5 U. S. C. 2099 (d)) is amended to read as follows:

63 Stat. 742.

"(d) The arrangements authorized by this section shall be made not later than three months following the date of enactment of this amendment. Such arrangements shall apply only to life insurance agreements existing on August 11, 1955, and on the date of the respective arrangement."

Restrictions.

Approved April 11, 1958.

Public Law 85-378

AN ACT

April 16, 1958
[H. R. 5005]

To suspend for two years the duty on crude chicory and to amend the Tariff Act of 1930 as it relates to chicory.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That effective with respect to articles entered, or withdrawn from warehouse, for consumption during the two-year period beginning the day following the date of enactment of this Act, no duty shall be imposed upon crude chicory (except endive).

Chicory.

46 Stat. 638,
19 U.S.C. 1001,
par. 776.

SEC. 2. Paragraph 776 of the Tariff Act of 1930 is amended—

(1) by inserting "ground, or otherwise prepared, 4 cents per pound;" before "chicory, crude"; and

(2) by striking out "any of the foregoing, ground, or otherwise prepared, 4 cents per pound;" and inserting in lieu thereof "ground, or otherwise prepared, 2 cents per pound;".

Effective date.

SEC. 3. The amendments made by section 2 of this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption after the date of the enactment of this Act and prior to the expiration of two years after such date.

Approved April 16, 1958.

Public Law 85-379

AN ACT

To permit temporary free importation of automobiles and parts of automobiles when intended solely for show purposes.

April 16, 1958
[H. R. 776]

Automobiles and
parts.
46 Stat. 690.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 308 of the Tariff Act of 1930, as amended (19 U. S. C. 1308), is amended by striking out "and" at the end of subdivision (11), by striking out the period at the end of subdivision (12) and inserting in lieu thereof "; and", and by adding after subdivision (12) the following:

"(13) Automobiles, automobile chassis, automobile bodies, cutaway portions of any of the foregoing, and parts for any of the foregoing, finished, unfinished, or cutaway, when intended solely for show purposes; except that (A) the privileges granted by this subdivision in respect of imports from a foreign country shall be allowed only if the Secretary of the Treasury shall have found that such foreign country allows, or will allow, substantially reciprocal privileges in respect of similar imports to such country from the United States, and if the Secretary of the Treasury finds that a foreign country has discontinued, or will discontinue, the allowance of such privileges, the privileges granted shall not apply thereafter in respect of imports from such foreign country; and (B) articles imported under this subdivision shall be admitted under bond for their exportation within six months from the date of importation, in lieu of the period specified above, and such six months period shall not be extended."

Approved April 16, 1958.

Public Law 85-380

AN ACT

To provide exemptions from the tax imposed on admissions for admissions to certain musical and dramatic performances and certain athletic events.

April 16, 1958
[H. R. 8794]

Admission tax.
68A Stat. 498.
26 USC 4233.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4233 (a) (3) of the Internal Revenue Code of 1954 is amended (1) by striking out the word "concerts" and inserting in lieu thereof "musical or dramatic performances" and (2) by striking out "CERTAIN CONCERTS.—" in the heading of such paragraph and inserting in lieu thereof "CERTAIN MUSICAL OR DRAMATIC PERFORMANCES.—".

SEC. 2. Section 4233 (a) (1) (C) of such Code is amended by inserting before the period at the end of the last sentence thereof "or to the benefit of hospitals for crippled children, or both".

SEC. 3. Section 4233 (a) of such Code is amended by adding at the end thereof the following new paragraph:

"(11) ATHLETIC GAMES FOR BENEFIT OF RETARDED CHILDREN.—

Any admissions to an athletic game between teams composed of students from elementary or secondary schools, or colleges, if the proceeds from such game inure exclusively to the benefit of an organization described in section 501 (c) (3) which is exempt from tax under section 501 (a) and which is operated exclusively for the purpose of aiding and advancing retarded children."

SEC. 4. The amendments made by this Act shall apply only with respect to amounts paid for admissions on or after the first day of the first month which begins more than 10 days after the date of the enactment of this Act.

Approved April 16, 1958.

Effective date.

Public Law 85-381

AN ACT

April 16, 1958
[H. R. 9821]

To amend and supplement the Federal-Aid Road Act approved July 11, 1916 (39 Stat. 355), as amended and supplemented, and the Act approved June 29, 1956 (70 Stat. 374), to authorize appropriations for continuing the construction of highways, and for other purposes.

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

SEC. 1. FEDERAL-AID HIGHWAYS.

(a) (1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out the provisions of the Federal-Aid Road Act approved July 11, 1916 (39 Stat. 355), and all Acts amendatory thereof and supplementary thereto, there is hereby authorized to be appropriated the sum of \$900,000,000 for the fiscal year ending June 30, 1960; and the sum of \$925,000,000 for the fiscal year ending June 30, 1961. The sums herein authorized for each fiscal year shall be available for expenditure as follows:

Federal-Aid
Highway Act of
1958.
23 USC 48 and
note.

(A) 45 per centum for projects on the Federal-aid primary highway system.

(B) 30 per centum for projects on the Federal-aid secondary highway system.

(C) 25 per centum for projects on extensions of these systems within urban areas.

(2) APPORTIONMENTS.—The sums authorized by this section shall be apportioned among the several States in the manner now provided by law and in accordance with the formulas set forth in section 4 of the Federal-Aid Highway Act of 1944, approved December 20, 1944 (58 Stat. 838).

58 Stat. 840.

(b) AVAILABILITY FOR EXPENDITURE.—Any sums apportioned to any State under this section shall be available for expenditure in that State for two years after the close of the fiscal year for which such sums are authorized, and any amounts so apportioned remaining unexpended at the end of such period shall lapse: *Provided*, That such funds shall be deemed to have been expended if a sum equal to the total of the sums herein and heretofore apportioned to the State is covered by formal agreements with the Secretary of Commerce for construction, reconstruction, or improvements of specific projects as provided in this Act and prior Acts: *Provided further*, That in the case of those sums heretofore, herein, or hereafter apportioned to

any State for projects on the Federal-aid secondary highway system, the Secretary of Commerce may, upon the request of any State, discharge his responsibility relative to the plans, specifications, estimates, surveys, contract awards, design, inspection, and construction of such secondary road projects by his receiving and approving a certified statement by the State highway department setting forth that the plans, design, and construction for such projects are in accord with the standards and procedures of such State applicable to projects in this category approved by him: *Provided further*, That such approval shall not be given unless such standards and procedures are in accordance with the objectives set forth in section 1 (b) of the Federal-Aid Highway Act of 1950: *And provided further*, That nothing contained in the foregoing provisos shall be construed to relieve any State of its obligation now provided by law relative to maintenance, nor to relieve the Secretary of Commerce of his obligation with respect to the selection of the secondary system or the location of projects thereon, to make a final inspection after construction of each project, and to require an adequate showing of the estimated and actual cost of construction of each project. Any Federal-aid primary, secondary, or urban funds released by the payment of the final voucher or by modification of the formal project agreement shall be credited to the same class of funds, primary, secondary, or urban, previously apportioned to the State and be immediately available for expenditure.

64 Stat. 785.

SEC. 2. ADDITIONAL AUTHORIZATION OF APPROPRIATION OF FEDERAL-AID PRIMARY, SECONDARY, AND URBAN FUNDS—(a) AMOUNT AND APPORTIONMENT.—For the purpose of carrying out the provisions of the Federal-Aid Road Act approved July 11, 1916 (39 Stat. 355), and all Acts amendatory thereof and supplementary thereto, there is hereby authorized to be appropriated for the fiscal year ending June 30, 1959, \$400,000,000 in addition to any sums heretofore authorized for such fiscal year. The sum herein authorized shall be apportioned: (A) 45 per centum for projects on the Federal-aid primary highway system, (B) 30 per centum for projects on the Federal-aid secondary highway system, and (C) 25 per centum for projects on extensions of these systems within urban areas among the several States immediately upon enactment of this Act in the manner now provided by law and in accordance with the formulas set forth in section 4 of the Federal-Aid Highway Act of 1944, approved December 20, 1944 (58 Stat. 838), using the same percentage distribution as was used in the apportionment of Federal-aid highway funds heretofore authorized for the fiscal year ending June 30, 1959.

58 Stat. 840.

(b) AVAILABILITY FOR EXPENDITURE.—The amounts authorized to be appropriated in section 2 (a) herein shall be available for expenditure pursuant to contracts awarded or work commenced by the State highway departments prior to December 1, 1958, for completion of construction prior to December 1, 1959, subject to delays caused by circumstances and conditions beyond the control of, and without the fault of any contractor on such contracts, and delays created by acts of God. Any amounts apportioned to a State under provisions of this section remaining unexpended on December 1, 1958, shall lapse: *Provided*, That such funds shall be deemed to have been expended when covered by contracts awarded or work commenced prior to December 1, 1958, and on account of which formal agreements with the Secretary of Commerce are entered into prior to January 1, 1959, for specific projects.

(c) EXPENDITURE WITHOUT LIMITATION AS TO SYSTEM.—The sums apportioned under this section shall be available for expenditure for projects on the primary or secondary Federal-aid systems, including extensions of these systems within urban areas, without limitation as

to the amount of any class of funds, primary, secondary, or urban, apportioned for projects on any system.

(d) **FEDERAL SHARE.**—The Federal share payable on account of any project provided for by funds made available under the provisions of this section shall not exceed $66\frac{2}{3}$ per centum of the total cost thereof plus, in any State containing unappropriated and unreserved public lands and nontaxable Indian lands, individual and tribal, exceeding 5 per centum of the total area of all lands therein, a percentage of the remaining $33\frac{1}{3}$ per centum of such cost equal to the percentage that the area of such lands in such State is of its total area: *Provided*, That such Federal share payable on any project in any State shall not exceed 95 per centum of the total cost of such project.

(e) **AUTHORIZATION OF APPROPRIATION FOR INCREASING FEDERAL SHARE.**—For the purpose of assisting any State in meeting the requirements for State funds to match any sums apportioned to such State under the provisions of this section, there is hereby authorized to be appropriated the sum of \$115,000,000, which sum may be used by the Secretary of Commerce upon the request of any State to increase the Federal share payable on account of any project provided for by funds made available under the provisions of this section: *Provided*, That the amount of such increase of the Federal share shall not exceed two-thirds of the State's share of the cost of such project.

(f) **REPAYMENT OF AMOUNTS USED TO INCREASE FEDERAL SHARE.**—The total amount of such increases in the Federal share as are made pursuant to subsection (e) above, shall be repaid to the Federal Government by making deductions of sums equal to the amounts so expended for projects on the Federal-aid primary highway system, the Federal-aid secondary highway system and extensions of such systems in urban areas in two equal annual installments from the amounts available to such State for expenditure on such highways under any apportionment of funds herein or hereafter authorized to be appropriated therefor for the fiscal years ending June 30, 1961, and June 30, 1962.

(g) **CONTRACT AUTHORITY.**—Approval by the Secretary of Commerce of any project on account of which the Federal share is increased under the provisions of this section shall be deemed a contractual obligation of the Federal Government for the payment of such increase in the Federal share, and its expenditure shall be governed by the provisions of subsection (b) of this section.

(h) **DECLARATION OF INTENT.**—It is hereby declared to be the intent of the Congress that the sum authorized under subsection (a) of this section shall be supplementary to, and not in lieu of, any other sum heretofore or herein authorized for expenditure on the Federal-aid primary or secondary systems, including extensions of these systems within urban areas, and is made available for the purpose of immediate acceleration of the rate of highway construction on these systems beyond that being accomplished with funds heretofore authorized.

SEC. 3. FOREST HIGHWAYS AND FOREST DEVELOPMENT ROADS AND TRAILS.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—For the purpose of carrying out the provisions of section 23 of the Federal Highway Act of 1921 (42 Stat. 218), as amended and supplemented, there is hereby authorized to be appropriated (1) for forest highways the additional sum of \$5,000,000 for the fiscal year ending June 30, 1959, and the sum of \$33,000,000 for each of the fiscal years ending June 30, 1960, and June 30, 1961; and (2) for forest development roads and trails the additional sum of \$5,000,000 for the fiscal year ending June 30, 1959, and the sum of \$30,000,000 for each of the fiscal years ending June 30, 1960, and June 30, 1961: *Provided*, That with respect to any

proposed construction or reconstruction of a timber access road, advisory public hearings may be held at a place convenient or adjacent to the area of construction or reconstruction with notice and reasonable opportunity for interested persons to present their views as to the practicability and feasibility of such construction or reconstruction: *Provided further*, That hereafter funds available for forest highways and forest development roads and trails shall also be available for adjacent vehicular parking areas and for sanitary, water, and fire control facilities: *Provided further*, That the additional sum authorized under this subsection for forest highways for the fiscal year ending June 30, 1959, shall be apportioned for expenditure in each State, Alaska, and Puerto Rico immediately upon enactment of this Act: *Provided further*, That the additional amount herein authorized for the fiscal year ending June 30, 1959, and the amounts authorized herein for forest highways for each of the fiscal years ending June 30, 1960, and June 30, 1961, shall be apportioned for expenditure in each State, Alaska, and Puerto Rico in the same percentage as the amounts apportioned for expenditure in each State, Alaska, and Puerto Rico from funds authorized for forest highways for the fiscal year ending June 30, 1958: *And provided further*, That when approved by the Secretary of Commerce, a State may use not to exceed the lesser of \$500,000 or 5 per centum of the amounts apportioned to such State under section 1 hereof for each of the fiscal years ending June 30, 1960, and June 30, 1961, for the construction, reconstruction, or improvement of forest highways on any of the Federal-aid highway systems and such sums may be expended in the same manner as funds authorized by this section.

(b) **FOREST HIGHWAYS STUDY.**—The Secretary of Commerce, in cooperation with the Secretary of Agriculture and the appropriate officers of each State containing a national forest, the Commonwealth of Puerto Rico, and the Territory of Alaska, shall make a study to determine—

(1) the roads of primary importance to a State, county, or community which are within, adjoining, or adjacent to a national forest and have not been designated as forest highways;

(2) the amount necessary to complete construction of all designated forest highways;

(3) the amounts necessary for the fiscal year ending June 30, 1962, and for each of the nine succeeding fiscal years to survey, construct, reconstruct, and maintain (A) roads described in paragraph (1) of this subsection if such roads were forest highways, and (B) roads designated as forest highways, in accordance with a program to be recommended by the Secretary of Commerce after consultation with the Secretary of Agriculture; and

(4) the method by which the amounts determined pursuant to paragraph (3) of this subsection should be apportioned for expenditure in the several States, Alaska, and Puerto Rico.

Reports.

The Secretary of Commerce shall report the results of such study to the President and the Congress on or before January 1, 1960.

SEC. 4. ROADS AND TRAILS IN NATIONAL PARKS, ETC.

(a) **NATIONAL PARKS, ETC.**—For the construction, reconstruction, and improvement of roads and trails, inclusive of necessary bridges, in national parks, monuments, and other areas administered by the National Park Service, including areas authorized to be established as national parks and monuments, and national park and monument approach roads authorized by the Act of January 31, 1931 (46 Stat. 1053), as amended, there is hereby authorized to be appropriated the sum of \$18,000,000 for the fiscal year ending June 30, 1960, and a like sum for the fiscal year ending June 30, 1961.

(b) **PARKWAYS.**—For the construction, reconstruction, and improvement of parkways, authorized by Acts of Congress, on lands to which title is vested in the United States, there is hereby authorized to be appropriated the sum of \$16,000,000 for the fiscal year ending June 30, 1960, and a like sum for the fiscal year ending June 30, 1961.

(c) **INDIAN RESERVATIONS AND LANDS.**—For the construction, reconstruction, and improvement of Indian reservation roads and bridges and roads and bridges to provide access to Indian reservations and Indian lands under the provisions of the Act approved May 26, 1928 (45 Stat. 750), there is hereby authorized to be appropriated the sum of \$12,000,000 for the fiscal year ending June 30, 1960, and a like sum for the fiscal year ending June 30, 1961: *Provided*, That the location, type, and design of all roads and bridges constructed shall be approved by the Secretary of Commerce before any expenditures are made thereon, and all such construction shall be under the general supervision of the Secretary of Commerce.

25 USC 318a.

SEC. 5. PUBLIC LANDS HIGHWAYS.

For the purpose of carrying out the provisions of section 10 of the Federal-Aid Highway Act of 1950 (64 Stat. 785), there is hereby authorized to be appropriated for the survey, construction, reconstruction, and maintenance of main roads through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations the additional sum of \$1,000,000 for the fiscal year ending June 30, 1959, and the sum of \$3,000,000 for each of the fiscal years ending June 30, 1960, and June 30, 1961.

SEC. 6. SPECIAL PROVISIONS FOR FEDERAL DOMAIN ROADS, ETC.

Any funds authorized herein for forest highways, forest development roads and trails, park roads and trails, parkways, Indian roads, and public lands highways shall be available for contract upon apportionment, or a date not earlier than one year preceding the beginning of the fiscal year for which authorized if no apportionment is required: *Provided*, That any amount remaining unexpended two years after the close of the fiscal year for which authorized shall lapse. The Secretary of the department charged with the administration of such funds is hereby granted authority to incur obligations, approve projects, and enter into contracts under such authorizations, and his action in doing so shall be deemed a contractual obligation of the Federal Government for the payment of the cost thereof, and such funds shall be deemed to have been expended when so obligated. Any funds heretofore, herein, or hereafter authorized for any fiscal year for forest highways, forest development roads and trails, park roads and trails, parkways, Indian roads, and public lands highways shall be deemed to have been expended if a sum equal to the total of the sums authorized for such fiscal year and previous fiscal years since and including the fiscal year ending June 30, 1955, shall have been obligated. Any of such funds released by payment of final voucher or modification of project authorization shall be credited to the balance of unobligated authorizations and be immediately available for expenditure.

SEC. 7. (a) **AUTHORIZATION OF APPROPRIATIONS FOR INTERSTATE SYSTEM.**—Section 108 (b) of the Federal-Aid Highway Act of 1956 (70 Stat. 374) is hereby amended to read as follows:

23 USC 158b.

“(b) **AUTHORIZATION OF APPROPRIATIONS.**—For the purpose of expediting the construction, reconstruction, or improvement, inclusive of necessary bridges and tunnels, of the Interstate System, including extensions thereof through urban areas, designated in accordance with the provisions of section 7 of the Federal-Aid Highway Act of 1944 (58 Stat. 838), there is hereby authorized to be appropriated the additional sum of \$1,000,000,000 for the fiscal year ending June 30,

23 USC 60.

1957, which sum shall be in addition to the authorization heretofore made for that year, the additional sum of \$1,700,000,000 for the fiscal year ending June 30, 1958, the additional sum of \$2,200,000,000 for the fiscal year ending June 30, 1959, the additional sum of \$2,500,000,000 for the fiscal year ending June 30, 1960, the additional sum of \$2,500,000,000 for the fiscal year ending June 30, 1961, the additional sum of \$2,200,000,000 for the fiscal year ending June 30, 1962, the additional sum of \$2,200,000,000 for the fiscal year ending June 30, 1963, the additional sum of \$2,200,000,000 for the fiscal year ending June 30, 1964, the additional sum of \$2,200,000,000 for the fiscal year ending June 30, 1965, the additional sum of \$2,200,000,000 for the fiscal year ending June 30, 1966, the additional sum of \$2,200,000,000 for the fiscal year ending June 30, 1967, the additional sum of \$1,500,000,000 for the fiscal year ending June 30, 1968, and the additional sum of \$1,025,000,000 for the fiscal year ending June 30, 1969."

(b) **APPORTIONMENTS.**—Any portion of the additional sum authorized for the fiscal year ending June 30, 1959, by section 108 (b) of the Federal-Aid Highway Act of 1956, as amended by this section, that has not been apportioned heretofore shall be apportioned immediately upon enactment of this Act, using certifications previously furnished by the States pursuant to section 108 (j) of the Federal-Aid Highway Act of 1956 and using the same percentage distributions as were used heretofore in the apportionment of funds authorized by section 108 (b) of the Federal-Aid Highway Act of 1956 for the fiscal year ending June 30, 1959.

23 USC 158j.

SEC. 8. APPROVAL OF ESTIMATE OF COST OF COMPLETING THE INTERSTATE SYSTEM.

The estimate of cost of completing the Interstate System in each State, transmitted to the Congress on January 7, 1958, by the Secretary of Commerce pursuant to the provisions of section 108 (d) of the Act approved June 29, 1956 (70 Stat. 374), and published as House Document Numbered 300, Eighty-fifth Congress, second session, is hereby approved as the basis for making the apportionment of the funds authorized for the Interstate System for the fiscal year ending June 30, 1960.

23 USC 158d.

SEC. 9. APPOINTMENT OF FEDERAL-AID HIGHWAY FUNDS FOR FISCAL YEARS 1959 AND 1960.—Notwithstanding the provisions of section 209 (g) of the Act approved June 29, 1956 (70 Stat. 374), the Secretary of Commerce is authorized and directed to apportion among the several States in the manner provided by law, all of the funds authorized for the fiscal years 1959 and 1960, for the Interstate System and the Federal-aid primary and secondary highway systems, including extensions thereof within urban areas.

23 USC 173g.

SEC. 10. PAYMENTS FOR STOCKPILED MATERIALS.—The first sentence of the second paragraph of section 13 of the Federal Highway Act, approved November 9, 1921 (42 Stat. 212), is amended by inserting before the period at the end thereof the following: "plus the United States pro rata part of the value of the materials which have been stockpiled in the vicinity of such construction or reconstruction in conformity to said plans and specifications".

23 USC 14.

SEC. 11. Subsection (a) of section 111 of the Federal-Aid Highway Act of 1956 is amended to read as follows:

23 USC 162a.

"(a) **AVAILABILITY OF FEDERAL FUNDS FOR REIMBURSEMENT TO STATES.**—Subject to the conditions contained in this section, whenever a State shall pay for the cost of relocation of utility facilities necessitated by the construction of a project on the Federal-aid primary or secondary systems or on the Interstate System, including extensions thereof within urban areas, Federal funds may be used to reimburse the State for such cost in the same proportion as Federal funds are

expended on the project: *Provided*, That Federal funds shall not be reimbursed to any State under this section when the payment to the utility violates the law of the State or violates a legal contract between the utility and the State: *Provided further*, That such reimbursement shall be made only after evidence satisfactory to the Secretary shall have been presented to him substantiating the fact that the State has paid such cost from its own funds with respect to Federal-aid highway projects for which Federal funds are obligated subsequent to the date of enactment of the Federal-Aid Highway Act of 1958 for work, including relocation of utility facilities."

SEC. 12. The Federal-Aid Highway Act of 1956 (70 Stat. 374) is amended by renumbering section 122 as section 123 and inserting a new section 122, as follows:

23 USC 172.

"SEC. 122. AREAS ADJACENT TO THE INTERSTATE SYSTEM.

"(a) NATIONAL POLICY.—To promote the safety, convenience, and enjoyment of public travel and the free flow of interstate commerce and to protect the public investment in the National System of Interstate and Defense Highways, it is hereby declared to be in the public interest to encourage and assist the States to control the use of and to improve areas adjacent to the Interstate System by controlling the erection and maintenance of outdoor advertising signs, displays, and devices adjacent to that system. It is hereby declared to be a national policy that the erection and maintenance of outdoor advertising signs, displays, or devices within six hundred and sixty feet of the edge of the right-of-way and visible from the main-traveled way of all portions of the Interstate System constructed upon any part of right-of-way, the entire width of which is acquired subsequent to July 1, 1956, should be regulated, consistent with national standards to be prepared and promulgated by the Secretary, which shall include only the following four types of signs, and no signs advertising illegal activities:

"(1) Directional or other official signs or notices that are required or authorized by law.

"(2) Signs advertising the sale or lease of the property upon which they are located.

"(3) Signs erected or maintained pursuant to authorization or permitted under State law, and not inconsistent with the national policy and standards of this section, advertising activities being conducted at a location within twelve miles of the point at which such signs are located.

"(4) Signs erected or maintained pursuant to authorization in State law and not inconsistent with the national policy and standards of this section, and designed to give information in the specific interest of the traveling public.

"(b) AGREEMENTS.—The Secretary of Commerce is authorized to enter into agreements with State highway departments (including such supplementary agreements as may be necessary) to carry out the national policy set forth in subsection (a) of this section with respect to the Interstate System within the State. Any such agreement shall include provisions for regulation and control of the erection and maintenance of advertising signs, displays, and other advertising devices in conformity with the standards established in accordance with subsection (a) and may include, among other things, provisions for preservation of natural beauty, prevention of erosion, landscaping, reforestation, development of viewpoints for scenic attractions that are accessible to the public without charge, and the erection of markers, signs, or plaques, and development of areas in appreciation of sites of historical significance. Upon application of the State, any such agreement may, within the discretion of the Secretary of Commerce, consistent with the national policy, provide for excluding from application of the national standards segments

of the Interstate System which traverse incorporated municipalities wherein the use of real property adjacent to the Interstate System is subject to municipal regulation or control, or which traverse other areas where the land use is clearly established by State law as industrial or commercial: *Provided, however,* That any such segment excluded from the application of such standards shall not be considered in computing the increase of the Federal share payable on account thereof.

58 Stat. 839.

Ante p. 93.

“(c) FEDERAL SHARE.—Notwithstanding the provisions of section 2 of the Federal-Aid Highway Act of 1944 (58 Stat. 838), if an agreement pursuant to this section has been entered into with any State prior to July 1, 1961, the Federal share payable on account of any project on the Interstate System within that State provided for by funds authorized under the provisions of section 108 of this Act, to which the national policy and the agreement apply, shall be increased by one-half of one per centum of the total cost thereof, not including any additional cost that may be incurred in the carrying out of the agreement: *Provided,* That the increase in the Federal share which is payable hereunder shall be paid only from appropriations from moneys in the Treasury not otherwise appropriated, which such appropriations are hereby authorized.

“(d) Whenever any portion of the Interstate System is located upon or adjacent to any public lands or reservations of the United States, the Secretary of Commerce may make such arrangements and enter into such agreements with the agency having jurisdiction over such lands or reservations as may be necessary to carry out the national policy set forth in subsection (a) of this section, and any such agency is hereby authorized and directed to cooperate fully with the Secretary of Commerce in this connection.

“(e) Whenever a State shall acquire by purchase or condemnation the right to advertise or regulate advertising in an area adjacent to the right-of-way of a project on the Interstate System for the purpose of implementing this section, the cost of such acquisition shall be considered as a part of the cost of construction of such project and Federal funds may be used to pay the Federal pro rata share of such cost: *Provided,* That reimbursement to the State shall be made only with respect to that portion of such cost which does not exceed 5 per centum of the cost of the right-of-way for such project.”

23 USC 167(c).

SEC. 13. PUBLIC HEARINGS.—Section 116 (c) of the Federal-Aid Highway Act of 1956 is amended by inserting therein, immediately before the colon preceding the proviso, a semicolon and the following: “and any State highway department which submits plans for an Interstate System project shall certify to the Secretary of Commerce that it has had public hearings at a convenient location, or has afforded the opportunity for such hearings, for the purpose of enabling persons in rural areas through or contiguous to whose property the highway will pass to express any objections they may have to the proposed location of such highway”.

SEC. 14. RELATIONSHIP OF THIS ACT TO OTHER ACTS: EFFECTIVE DATE.

Effective date.

All provisions of the Federal-Aid Road Act approved July 11, 1916, together with all Acts amendatory thereof or supplementary thereto, not inconsistent with this Act, shall remain in full force and effect and be applicable hereto. All Acts or parts of Acts in any way inconsistent with the provisions of this Act are hereby repealed. This Act shall take effect on the date of enactment.

SEC. 15. SHORT TITLE.

Short title.

This Act may be cited as the “Federal-Aid Highway Act of 1958”. Approved April 16, 1958.

Public Law 85-382

AN ACT

To amend the Act entitled "An Act relating to children born out of wedlock", approved January 11, 1951.

April 23, 1958
[S. 1708]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 15 of the Act entitled "An Act relating to children born out of wedlock", approved January 11, 1951 (sec. 11-963, D. C. Code, 1951 edition) is amended to read as follows: "Whenever a certified copy of a marriage certificate is submitted to the Commissioners of the District of Columbia or their designated agent, establishing that the previously unwed parents of a child born out of wedlock have intermarried subsequent to the birth of said child and the paternity of the child has been judicially determined or has been acknowledged by the husband before said Commissioners or their designated agent, or has been acknowledged in an affidavit sworn to by such husband before a judge or the clerk of a court of record, or before an officer of the Armed Forces of the United States authorized to administer oaths, or before any person duly authorized to administer oaths and such affidavit is delivered to said Commissioners or their designated agent, a new certificate of birth bearing the original date of birth and the names of both parents, shall be issued and substituted for the certificate of birth then on file."

Marriage certificate.
Proof of paternity.
64 Stat. 1243.

SEC. 2. That subsection (b) of section 16 of such Act (sec. 11-964 (b), D. C. Code, 1951 edition) is hereby amended by striking therefrom the words "Health Officer of the District of Columbia" and inserting in lieu thereof the words "Commissioners of the District of Columbia or their designated agent".

64 Stat. 1243.

Approved April 23, 1958.

Public Law 85-383

AN ACT

To amend the Act entitled "An Act to create a Recreation Board for the District of Columbia, to define its duties, and for other purposes", approved April 29, 1942.

April 23, 1958
[S. 1843]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following paragraph be added at the end of section 2, article II, of the Act entitled "An Act to create a Recreation Board for the District of Columbia, to define its duties, and for other purposes", approved April 29, 1942:

D.C. Recreation Board employees.
Night pay differential.
56 Stat. 263.

"Notwithstanding the provision of section 301 of the Federal Employees' Pay Act of 1945, as amended (68 Stat. 1110; 5 U. S. C. 921), requiring regularity in the scheduled work between the hours of 6 o'clock postmeridian and 6 o'clock antemeridian, the Board shall have the power to prescribe rules and regulations governing the payment of night differential for nonregularly scheduled work between such hours by such of its employees as are subject to the Classification Act of 1949, as amended, when such nonregularly scheduled work is within the employee's basic workweek: *Provided, however,* That all other provisions of such section 301 shall be in full force and effect: *Provided, further,* That no night differential may be paid for night overtime work that is not regularly scheduled."

63 Stat. 954.
5 USC 1071 note.

Approved April 23, 1958.

Public Law 85-384

AN ACT

April 23, 1958
[S. 3243]

To permit certain foreign students to attend the District of Columbia Teachers College on the same basis as a resident of the District of Columbia.

D. C. Teachers
College.
Foreign stu-
dents.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any other provision of law, not to exceed twenty-five foreign students who are in the United States on valid unexpired student visas may be permitted to attend the District of Columbia Teachers College each year on the same basis, so far as payment of tuition and fees are concerned, as a resident of the District of Columbia. Admission to and attendance at such college by such students shall be subject to rules and regulations prescribed by the Board of Education of the District of Columbia.

Approved April 23, 1958.

Public Law 85-385

AN ACT

April 24, 1958
[S. 1841]

To authorize the District of Columbia Board of Education to employ retired teachers as substitute teachers in the public schools of the District of Columbia.

D. C. Board of
Education.
Employment of
retired teachers.
41 Stat. 327; 44
Stat. 727.

66 Stat. 17; 69
Stat. 530.

41 Stat. 614.

Annuities.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That persons who have retired as teachers under the provisions of the Act entitled "An Act for the retirement of public-school teachers in the District of Columbia", approved January 15, 1920 (sec. 31-701, and the following, D. C. Code), as amended; or the Act entitled "An Act for the retirement of public-school teachers in the District of Columbia", approved August 7, 1946 (sec. 31-721, and the following, D. C. Code), as amended; or the Act entitled "An Act for the retirement of employees in the classified civil service, and for other purposes", approved May 22, 1920 (title 5, sec. 691, U. S. C.), as amended; may be employed as substitute teachers in the public schools of the District of Columbia when it is not practicable otherwise to secure qualified and competent persons. Any such persons granted temporary employment under authority of this Act shall continue to receive their annuities during such employment and no deduction shall be made from the compensation of such persons for retirement benefits. The service rendered by such retired teachers employed as substitute teachers shall not be used to recompute their annuities.

Approved April 24, 1958.

Public Law 85-386

JOINT RESOLUTION

April 24, 1958
[H. J. Res. 588]

Making advance procurement appropriations for the fiscal year 1958, and for other purposes.

Advance pro-
curement appropri-
ations.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That for the advance procurement (including advances to supply funds therefor) of supplies, materials, and equipment, not to exceed 50 per centum of each of the amounts set forth in the schedules in the Budget for the fiscal year 1959 (House Document Numbered 266, Eighty-fifth Congress), under

each appropriation or fund, for the objects "Supplies and materials" and "Equipment," is hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts and funds, for the several departments, agencies, corporations, and other organizational units in the executive branch of the Government (including the District of Columbia), for which appropriations were granted for the fiscal year 1958 and are proposed for the fiscal year 1959: *Provided*, That this paragraph shall not apply to military functions of the Department of Defense.

The appropriations and funds made available under this heading shall be immediately available and shall remain available until (a) the date on which the period of availability terminates for the applicable appropriation or fund provided in the pertinent appropriation Act for the fiscal year 1959, or (b) such earlier date as the pertinent appropriation Act may be passed by either House of Congress without any appropriation, or without provision in the pertinent appropriation or fund, for the objects set forth under the first paragraph of this heading.

Appropriations and funds made available and authority granted under this heading for advance procurement may be used for that purpose, during the fiscal year 1958, without the apportionment which would otherwise be required by subsections (c) and (d) of section 3679 of the Revised Statutes, as amended (31 U. S. C. 665), and the amounts made available under this heading shall be charged to the applicable appropriations or funds provided in appropriation Acts for the fiscal year 1959.

Approved April 24, 1958.

Public Law 85-387

AN ACT

To provide for the transfer of certain lands to the State of Minnesota.

May 1, 1958
[S. 864]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the State of Minnesota may, within three years after the date of enactment of this Act, file with the Secretary of the Interior (1) a schedule showing (A) each tract of public land which the State may have selected and which has not been reserved or withdrawn for some Federal use, and each tract of ceded or other Indian lands, which tracts are subject to liens under the Act entitled "An Act to authorize the drainage of certain lands in the State of Minnesota", approved May 20, 1908 (43 U. S. C. 1021-1027); (B) the amount of the lien under the Act of May 20, 1908, on each such tract of land, and the sum of the liens on all such tracts, which liens shall not include any interest charges which may have accrued after April 19, 1929, for land in the Red Lake Game Preserve and after April 25, 1931, for other lands; (C) the date when the lien on each such tract became effective; and (D) the authority under which the charges were assessed; and (2) an application to acquire the lands listed in such schedule in the manner provided in this Act.

(b) The Secretary may, in his discretion, approve the listing of the lands in such schedule and accept the application for such lands. Upon such acceptance, the Secretary shall appraise the tracts listed in accordance with their fair market value. Such appraisal shall be conclusive for the purposes of this Act. The Secretary shall also determine the amount, if any, by which the total appraised value of the lands listed exceeds the total amount of the liens on such lands under the Act of May 20, 1908.

Minnesota.
Transfer of
lands.

35 Stat. 169.

Patents.

SEC. 2. (a) Subject to the provisions of sections 3 and 5, the Secretary shall patent to the State the lands listed in any application accepted under the first section upon payment by the State to the United States of the excess of the total appraised value of the lands listed in such application over the total amount of the liens on such lands under the Act of May 20, 1908: *Provided*, That the payment for each tract of ceded or other Indian land shall be not less than \$1.25 per acre for the use and benefit of the Indian tribe or individual owning the tract. The Secretary shall issue a patent to the State under the authority of this subsection only if the State makes payment of the amount of such excess within two years after the determination of such amount. The failure of the State to make payment within the time required by this subsection shall not operate as a bar to the filing of any subsequent schedule and application by the State in the manner, and within the time, prescribed by the first section.

(b) Notwithstanding any other provisions of this Act, the Secretary may issue a patent to the State for the public lands subject to liens under the Act of May 20, 1908, not withdrawn or reserved for Indians or some Federal use, without payment, if he determines through appraisal or otherwise that the total amount of the liens on such lands under that Act is approximately equal to or exceeds the total value of the lands.

(c) Any patent issued to the State under this Act shall contain the provisions and reservations which are inserted in patents for public lands entered under the homestead law.

Claims.

SEC. 3. Nothing in this Act shall be construed to prejudice any valid claims relating to the lands for which an application has been made and accepted under the first section of this Act. The Secretary shall notify all entrymen of the sum due the State for drainage charges under the Act of May 20, 1908, and shall give to the entrymen any extension of time which he determines is reasonable within which to comply with the requirements of the law under which the entry was made, and to make the payments due the State. The Secretary shall not patent to the State any lands subject to such entries unless and until the entry involved is canceled in accordance with the law under which the entry was made.

Liens or assessments.

SEC. 4. After the date of enactment of this Act, no further liens or assessments shall be imposed on any Federal lands or any ceded or other Indian lands in the State of Minnesota under authority of the Act of May 20, 1908.

Indian lands.

SEC. 5. (a) With respect to ceded or other Indian lands, the Secretary may exercise the authority granted in the first section and section 2 of this Act only with the consent of the Indian owner or owners. The consent of the individuals owning two-thirds of the beneficial interest shall be sufficient in the case of undivided heirship lands. The consent of the Minnesota Chippewa Tribe and of the Red Lake Band of Chippewas, in the case of tribal lands, shall be evidenced by resolution of the recognized governing body of the tribe or band.

(b) Nothing in this Act shall be construed to prejudice Indian title to any lands subject to lien, nor to preclude the right of the Indian owner, or owners, to clear title to their lands by payment of the lien claimed by the State.

(c) Payments made by the State under this Act for the purchase of tribally owned Indian lands shall be deposited in the Treasury of the United States to the credit of the tribe owning such lands, and payments made for the purchase of individually owned Indian lands shall be deposited with the officer in charge of the Indian agency having jurisdiction over such lands to the credit of the Indian owners thereof.

SEC. 6. The Secretary may prescribe rules and regulations which he determines will effectuate the purposes of this Act.

Approved May 1, 1958.

Rules and regulations.

Public Law 85-388

AN ACT

To facilitate the administration and development of the Whitman National Monument, in the State of Washington, by authorizing the acquisition of additional land for the monument, and for other purposes.

May 1, 1958
[S. 1118]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of including within Whitman National Monument, Washington, certain properties that are of historic significance in connection with the monument area and which are needed to provide suitable monument facilities, the Secretary of the Interior is authorized to procure not to exceed fifty acres of land adjacent to the existing monument and a right-of-way thereto from United States Highway 410, using therefor any land acquisition funds available for purposes of the national park system, such property to be acquired in such manner as the Secretary shall consider to be in the public interest. Following the acquisition by the United States of land for addition to the monument pursuant to this Act, such addition shall be effective in each instance upon the publication of notice thereof in the Federal Register.

Whitman National Monument,
Wash.

Publication in
F. R.

Approved May 1, 1958.

Public Law 85-389

AN ACT

To amend the Act of June 28, 1946, authorizing the performance of necessary protection work between the Yuma project and Boulder Dam by the Bureau of Reclamation.

May 1, 1958
[S. 2037]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That that portion of the Act of June 28, 1946 (60 Stat. 338), which reads "(b) constructing, improving, extending, operating, and maintaining protection and drainage works and systems along the Colorado River" is amended by adding at the end thereof the following: "including such protection and drainage works and systems within a non-Federal reclamation project when need for such systems results from irrigation operations on Federal reclamation projects".

Yuma project and
Boulder Dam.
Protection work.

Approved May 1, 1958.

Public Law 85-390

AN ACT

To amend the acreage allotment and marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, to provide additional allotments for farms in the Tulalake area, Modoc and Siskiyou Counties, California, for the 1958 and 1959 crops of wheat, and for other purposes.

May 1, 1958
[S. 3120]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 334 of the Agricultural Adjustment Act of 1938, as amended, is amended by adding at the end thereof a new subsection as follows:

Wheat acreage
allotments.
Tulalake area,
Calif.
52 Stat. 53.
7 USC 1334.

“(i) Notwithstanding any other provision of this Act the Secretary shall increase the acreage allotments for the 1958 and 1959 crops of wheat for farms in the irrigable portion of the area known as the Tulelake division of the Klamath project of California located in Modoc and Siskiyou Counties, California, as defined by the United States Department of Interior, Bureau of Reclamation, and hereinafter referred to as the area. The increase for the area for each such crop shall be determined by adding to the total allotments established for farms in the area for the particular crop without regard to this subsection, hereinafter referred to as the original allotments, an acreage sufficient to make available for each such crop a total allotment of eight thousand acres for the area. The additional allotments made available by this subsection shall be in addition to the National, State and county allotments otherwise established under this Act, but the acreage planted to wheat pursuant to such increased allotments shall be taken into account in establishing future State, county, and farm acreage allotments. The Secretary shall apportion the additional allotment acreage made available under this subsection between Modoc and Siskiyou Counties on the basis of the relative needs for additional allotments for the portion of the area in each county. The Secretary shall also allot such additional acreage to individual farms in the area for which an application for an increased acreage is made on the basis of tillable acres, crop rotation practices, type of soil and topography, and taking into account the original allotment for the farm, if any. No producer shall be eligible to participate in the wheat acreage reserve program with respect to any farm for any year for which such farm receives an additional allotment under this subsection; and no wheat produced on such farm in such year shall be eligible for price support. The increase in the wheat acreage allotment for any farm under this subsection shall be conditioned upon the production of durum wheat (class II) on such increased acreage.

Approved May 1, 1958.

Public Law 85-391

AN ACT

May 1, 1958
[H. R. 5984]

To authorize the exchange of certain lands at Black Canyon of the Gunnison National Monument, Colorado, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to bring about desirable land use and ownership adjustments relating to certain private and federally owned lands within the Black Canyon of the Gunnison National Monument, Colorado, and in order to facilitate the administration of such monument, the Secretary of the Interior is authorized, in his discretion, to exchange lands of approximately equal value as hereafter provided.

SEC. 2. The Secretary of the Interior is authorized to accept on behalf of the United States from Clarence B. Sanburg and Grace Sanburg, husband and wife, title to the following described lands: Northeast quarter northeast quarter, section 25, township 50 north, range 8 west, New Mexico principal meridian, as established by the dependent resurvey of the General Land Office made in 1940 and accepted in 1942, except 15.15 acres previously deeded to the United States by Douglas Lytle by deed dated October 13, 1933, and recorded in the records of Montrose County, Colorado, at page 260 of Deed Book 158, containing 25.45 acres, more or less; and that portion of the southeast quarter northeast quarter, section 25, township 50 north,

Gunnison National Monument,
Colo.
Exchange of
lands.

range 8 west, New Mexico principal meridian, as established by the dependent resurvey of the General Land Office made in 1940 and accepted in 1942, lying north and east of a diagonal line from the northwest corner to the southeast corner of said southeast quarter northeast quarter, containing 20.10 acres, more or less, being lands conveyed to Clarence B. Sanburg by deed of March 8, 1943, recorded in the records of Montrose County, Colorado, at page 133 of Deed Book 303.

In exchange for the foregoing lands, the Secretary is authorized to convey, on terms and conditions mutually satisfactory, the following-described lands: Beginning at a point on the south boundary of the northwest quarter northeast quarter, north 88 degrees 26 minutes west, 109.7 feet from the southwest corner of the northeast quarter northeast quarter, section 25, township 50 north, range 8 west, New Mexico principal meridian, as established by the dependent resurvey of the General Land Office made in 1940 and accepted in 1942; thence north 428.3 feet to a brass cap set in a concrete monument; thence west 1,320 feet to a brass cap set in a concrete monument; thence south 393.5 feet to the south boundary of the northeast quarter northwest quarter; thence south 88 degrees 26 minutes east on the south boundary of the northeast quarter northwest quarter and the northwest quarter northeast quarter, 1,320.45 feet to the point of beginning, containing 12.45 acres, more or less, reserving, however, to the United States of America a public road right-of-way 50 feet in width within the above-described tract, said right-of-way to be measured southerly from the centerline of the existing monument road where a portion of said road lies within said tract; and the east half west half southeast quarter, section 29, township 50 north, range 8 west, New Mexico principal meridian, as established by the dependent resurvey of the General Land Office made in 1940 and accepted in 1942, containing forty acres, more or less.

Approved May 1, 1958.

Public Law 85-392

AN ACT

To revise certain provisions of law relating to the advertisements of mail routes, and for other purposes.

May 1, 1958
[H. R. 9240]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 245 of the Act of June 8, 1872 (17 Stat. 313), as amended (18 Stat. 235, 66 Stat. 286; 39 U. S. C. 426), is amended by striking out "approved by a postmaster, and in cases where the amount of the bond exceeds five thousand dollars, by a postmaster of the first, second, or third class," and inserting in lieu thereof "approved as the Postmaster General shall direct."

SEC. 2. When advertising is required under section 3709 of the Revised Statutes (41 U. S. C. 5) or any other law, the Postmaster General shall advertise, for a period of not less than 30 days, for bids for a contract for transporting the mails, unless he shall publish with the advertisement a finding that the public exigencies surrounding the particular contract require a shorter period. The advertisement shall be conspicuously posted in each post office to be served under the contract.

Postal service.
Star Route contracts, advertising
for bids.

Repeals.

SEC. 3. The following provisions of law are hereby repealed:

(1) the paragraph relating to the advertisement of mail lettings under the heading "Office of the Fourth Assistant Postmaster-General", contained in the Act of May 12, 1910 (36 Stat. 366; 39 U. S. C. 421); and

(2) the first section of the Act of July 26, 1892 (27 Stat. 268), as amended (54 Stat. 228; 39 U. S. C. 422).

Nonapplicability.

SEC. 4. This Act shall not apply to contracts for the transportation of mail—

(1) by mail messengers under the Act of March 3, 1887, as amended (24 Stat. 492, 68 Stat. 1116; 39 U. S. C. 578),

(2) by highway post office service under the Highway Post Office Service Act of 1955 (70 Stat. 781; Public Law 862, Eighty-fourth Congress; 39 U. S. C. 1051-1056), and

(3) by steamships under section 5 of the Act of May 17, 1878 (20 Stat. 62; 39 U. S. C. 449).

Approved May 1, 1958.

Public Law 85-393

AN ACT

May 5, 1958
[S. 1031]

To authorize the Secretary of the Interior to construct, operate, and maintain four units of the Greater Wenatchee division, Chief Joseph project, Washington, and for other purposes.

Chief Joseph
Dam project, Wash.

43 USC 371 and
note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of furnishing water for the irrigation of approximately eight thousand seven hundred acres of land in Chelan and Douglas Counties, Washington, the Secretary of the Interior is authorized to construct, operate, and maintain the East, Moses Coulee, Brays Landing, and Howard Flat units of the Greater Wenatchee division, Chief Joseph Dam project, in accordance with the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto).

SEC. 2. Prior to initiating construction of any of the works authorized by section 1 of this Act, there shall have been organized under the laws of the State of Washington an irrigation or reclamation district, satisfactory in form and powers to the Secretary, which embraces all of the lands within the East, Moses Coulee, Brays Landing, and Howard Flat units to which it is then proposed to furnish water, and the authority to construct works contained in section 1 shall not be exercised save with respect to lands which are then in, or thereafter come into, such district: *Provided*, That for a period of ten years from the date of enactment of this Act, no water from the project shall be delivered to any water user for the production on newly irrigated lands of any basic agricultural commodity, as defined in the Agricultural Act of 1949, or any amendment thereof, if the total supply of such commodity for the marketing year in which the bulk of the crop would normally be marketed is in excess of the normal supply as defined in section 301 (b) (10) of the Agricultural Adjustment Act of 1938, as amended, unless the Secretary of Agriculture calls for an increase in production of such commodity in the interest of national security.

53 Stat. 1051.
7 USC 1421 note.

52 Stat. 41.
7 USC 1301 (b).

SEC. 3. The provisions of section 2 of the Act of July 27, 1954 (68 Stat. 568, 569), shall be applicable to the Greater Wenatchee division of the Chief Joseph Dam project. The term "construction costs" used therein shall include any irrigation, operation, and maintenance costs during the development period which the Secretary finds it proper

to fund because they are beyond the ability of the water users to pay during that period.

SEC. 4. There is hereby authorized to be appropriated for construction of the works provided for in section 1 of this Act the sum of \$10,280,000, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the type of construction involved herein. There are also authorized to be appropriated such sums as are necessary for operation and maintenance of said works.

Approved May 5, 1958.

Appropriation.

Public Law 85-394

JOINT RESOLUTION

Authorizing the President to issue a proclamation calling upon the people of the United States to commemorate with appropriate ceremonies the one hundredth anniversary of the admission of the State of Minnesota into the Union.

May 9, 1958
[S. J. Res. 168]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized and requested to issue, on or before May 11, 1958 (the one hundredth anniversary of the date on which the State of Minnesota was admitted into the Union), a proclamation calling upon the people of the United States to commemorate with appropriate ceremonies the one hundredth anniversary of the admission of Minnesota into the Union.

Approved May 9, 1958.

Minnesota.
100th anniversary.
Proclamation.

Public Law 85-395

AN ACT

To authorize the preparation of a roll of persons of Indian blood whose ancestors were members of the Otoe and Missouri Tribe of Indians and to provide for per capita distribution of funds arising from a judgment in favor of such Indians.

May 9, 1958
[H. R. 8524]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized and directed to prepare a roll of the Indians of the blood of the Otoe and Missouri Tribe whose names appear on the allotment rolls of the tribe approved December 7, 1899, June 1, 1906, and January 17, 1907, and who are living on the date of this Act, and the descendants of such allottees who are living on the date of this Act regardless of whether such allottees are living or deceased. Applications for enrollment shall be filed within six months after the date of this Act. The determination of the Secretary regarding the eligibility of an applicant for enrollment shall be final and conclusive.

Indians. Otoe and Missouri allotment rolls.

SEC. 2. The Secretary is authorized and directed to withdraw the funds on deposit in the Treasury of the United States to the credit of the Otoe and Missouri Tribe appropriated by the Act of May 19, 1956 (70 Stat. 161, 176), together with accrued interest, in satisfaction of the judgment obtained in the Indian Claims Commission against the United States in docket numbered 11, and to distribute such funds per capita to the persons whose names appear on the roll prepared pursuant to section 1 of this Act.

Withdrawal of funds.

Per capita payments.

SEC. 3. (a) The Secretary shall make per capita payments directly to a living enrollee, except as provided in subsection (b) of this section. The Secretary shall distribute the share of a person determined to be eligible for enrollment but who dies subsequent to the date of this Act and on whose behalf the application is filed and approved, and the share of a deceased enrollee, directly to his next of kin or legatee as determined by the laws of the place of domicile of the decedent, upon proof of death and inheritance satisfactory to the Secretary, whose findings upon such proof shall be final and conclusive.

(b) Per capita payments due persons under twenty-one years of age or persons under legal disability shall be made in accordance with the laws of the place of domicile of such person.

(c) No part of any per capita payment shall be subject to any debt or debts, other than to the United States, created prior to the date of this Act by a person of Indian blood, and such per capita payments shall not be taxable.

Costs.

SEC. 4. All costs incurred by the Secretary in the preparation of such roll and in the payment of such per capita shares shall be paid from the judgment fund or the interest accruing thereon.

Rules and regulations.

SEC. 5. The Secretary is authorized to prescribe rules and regulations to carry out the provisions of this Act.

Approved May 9, 1958.

Public Law 85-396

AN ACT

May 9, 1958
[H. R. 8958]

Authorizing the Secretary of the Interior to convey certain Indian land to the Diocese of Superior, Superior, Wisconsin, for church purposes, and to the town of Flambeau, Wisconsin, for cemetery purposes.

Chippewa Indians.
Conveyances.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior, in accordance with the wishes of the General Council of the Lac du Flambeau Band of Lake Superior Chippewa Indians, as expressed by referendum vote on May 14, 1957, is hereby authorized to convey to the Diocese of Superior, Superior, Wisconsin, for church purposes, and to the town of Flambeau, Wisconsin, for cemetery purposes, all right, title, and interest of the United States of America and of the said band in and to the following described tracts of lands:

Diocese of Superior.

To the Diocese of Superior, Superior, Wisconsin:

Lot 1, block 26, in section 5, township 40 north, range 5 east, fourth principal meridian, Wisconsin, plat of the village of Lac du Flambeau, Wisconsin, and that portion of Church Street lying northwesterly of State Highway Numbered 47, subject to all existing valid rights-of-way.

Flambeau, Wis.

To the town of Flambeau:

A parcel of land in the west fractional half of the northeast quarter of section 6, township 40 north, range 5 east, fourth principal meridian, Wisconsin, more particularly described as follows: Commencing at a point 25 feet east of the center of section 6; thence north 33 feet to a point of beginning, said point being on the east right-of-way line of the Pokegama Trail; thence north along said right-of-way line, a distance of 1,485 feet; thence east along the south right-of-way line of said trail, a distance of 396 feet to the drainage canal; thence south 31 degrees east along said drainage canal, a distance of 1,089 feet to swamp; thence southwesterly along edge of said swamp, a distance of 1,221 feet to the point of beginning.

SEC. 2. The conveyance authorized by this Act shall be subject to the condition that title to the land shall revert to the United States of America in trust for the Lac du Flambeau Band of the Lake Superior Chippewa Indians, its successors or assigns, when the land is no longer needed or used for the purpose for which the land is conveyed.

Approved May 9, 1958.

Conditions.

Public Law 85-397

AN ACT

To make permanent the existing privilege of free importation of guar seed.

May 9, 1958
[H. R. 10112]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act entitled "An Act to amend the Tariff Act of 1930 to place guar seed on the free list", approved August 6, 1956 (Public Law 1001, Eighty-fourth Congress; 70 Stat. 1066), is amended by striking out "and prior to the expiration of two years after such date".

Guar seed.

19 USC 1201,
par. 1820 and note.

Approved May 9, 1958.

Public Law 85-398

AN ACT

To extend for two years the existing provisions of law relating to the free importation of personal and household effects brought into the United States under Government orders.

May 9, 1958
[H. R. 11407]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b) of the first section of the Act entitled "An Act relating to the free importation of personal and household effects brought into the United States under Government orders, and for other purposes", approved June 30, 1955 (Public Law 126, Eighty-fourth Congress; 69 Stat. 242), is amended by striking out "July 1, 1958" and inserting in lieu thereof "July 1, 1960".

Importation of
personal effects,
etc.

50 USC app. 801.

Approved May 9, 1958.

Public Law 85-399

AN ACT

To increase the equipment maintenance allowance for rural carriers, and for other purposes.

May 14, 1958
[S. 3050]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 609 (a) of the Postal Field Service Compensation Act of 1955 (69 Stat. 128; 39 U. S. C. 1009) is amended to read as follows:

Rural carriers.
Equipment main-
tenance allowance.

"SEC. 609. (a) In addition to the compensation provided in the Rural Carrier Schedule, each rural carrier shall be paid for equipment maintenance a sum equal to (1) 10 cents per mile for each mile or major fraction of a mile scheduled or (2) \$3.50 per day, whichever is greater. In addition to the allowance provided by the preceding sentence, the Postmaster General may pay such amount as he determines to be fair and reasonable, not in excess of \$2.50 per day, to rural carriers entitled

to additional compensation under section 302 (c) of this Act for serving heavily patronized routes. Payment for such equipment maintenance shall be made at the same periods and in the same manner as payments of regular compensation."

Appropriation.

SEC. 2. There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this Act.

Effective date.

SEC. 3. The amendment made by the first section of this Act shall take effect on the first day of the first pay period which shall begin more than thirty days after enactment of this Act.

Approved May 14, 1958.

Public Law 85-400

AN ACT

Making urgent deficiency appropriations for the fiscal year ending June 30, 1958, and for other purposes.

May 14, 1958
[H. R. 12326]

Urgent Deficiency
Appropriation
Act, 1958.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to supply appropriations (this Act may be cited as the "Urgent Deficiency Appropriation Act, 1958") for the fiscal year ending June 30, 1958, and for other purposes, namely:

CHAPTER I

INDEPENDENT OFFICES

CIVIL SERVICE COMMISSION

ANNUITIES, PANAMA CANAL CONSTRUCTION EMPLOYEES AND LIGHTHOUSE SERVICE WIDOWS

For an additional amount for "Annuities, Panama Canal construction employees and Lighthouse Service widows", \$31,000.

NATIONAL SCIENCE FOUNDATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$1,000,000, to remain available until expended.

VETERANS ADMINISTRATION

GRANTS TO THE REPUBLIC OF THE PHILIPPINES

For an additional amount for "Grants to the Republic of the Philippines", \$79,802.

INPATIENT CARE

For an additional amount for "Inpatient care", fiscal year 1957, \$346,000, to be derived by transfer from the appropriation for "Outpatient care", fiscal year 1957.

For an additional amount for "Inpatient care", \$2,378,000.

CHAPTER II
DEPARTMENT OF LABOR

BUREAU OF EMPLOYMENT SECURITY

UNEMPLOYMENT COMPENSATION FOR VETERANS

For an additional amount for "Unemployment compensation for veterans", \$15,000,000.

UNEMPLOYMENT COMPENSATION FOR FEDERAL EMPLOYEES

For an additional amount for "Unemployment compensation for Federal employees", \$11,000,000.

DEPARTMENT OF HEALTH, EDUCATION, AND
WELFARE

PUBLIC HEALTH SERVICE

DEPENDENTS' MEDICAL CARE

For payments for medical care of dependents and retired personnel under the Dependents' Medical Care Act (70 Stat. 250-254), not otherwise provided for, such amounts as may be required.

37 USC 401 note.

NATIONAL MEDIATION BOARD

NATIONAL RAILROAD ADJUSTMENT BOARD

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$20,000, to be derived by transfer from appropriations, for the fiscal year 1958, to the National Mediation Board for "Salaries and expenses" and "Arbitration and emergency boards"; and the amount made available under this head for compensation and expenses of referees is increased from "\$155,000" to "\$175,000".

CHAPTER III

MILITARY CONSTRUCTION

DEPARTMENT OF DEFENSE

INTERSERVICE ACTIVITIES

OLYMPIC WINTER GAMES

For construction of a sports arena suitable for the VIII Olympic Winter Games, 1960, as authorized by the Act of April 3, 1958 (Public Law 85-365), \$3,500,000, to remain available until expended, and to be derived by transfer from any definite annual appropriations available to the Department of Defense for the fiscal year 1958: *Provided*, That no part of such amount shall be expended until such time as an agreement has been entered into by the United States and the State of California, or its duly constituted agent, providing for the maintenance by the State of California of the United States lands under lease to the State of California in this area, the arena, and

Ante, p. 78.

Agreement.

other facilities constructed thereon and payment to the United States of a reasonable share of the income derived from the use of these lands, arena, and facilities after the completion of the VIII Olympic Games or April 1, 1960, whichever is earlier.

CHAPTER IV

TREASURY DEPARTMENT

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For an additional amount for "Administering the public debt", \$600,000, of which \$327,000 shall be derived by transfer from any other definite annual appropriations available to the Treasury Department for the fiscal year 1958 (exclusive of those for the Coast Guard).

CHAPTER V

LEGISLATIVE BRANCH

SENATE

For payment to Mary White Scott, widow of W. Kerr Scott, late a Senator from the State of North Carolina, \$22,500.

Approved May 14, 1958.

Public Law 85-401

AN ACT

To direct the Secretary of the Interior to acquire certain lands as an addition to the Fort Frederica National Monument.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act entitled "An Act to provide for the establishment of the Fort Frederica National Monument, at Saint Simon Island, Georgia, and for other purposes", approved May 26, 1936 (49 Stat. 1373), as amended, is amended by striking out "one hundred acres" and inserting in lieu thereof "two hundred and fifty acres".

SEC. 2. The Secretary of the Interior is authorized and directed to acquire by purchase, condemnation, or otherwise, subject to the acreage limitation contained in the aforementioned Act, the site known as the Bloody Marsh Battle memorial monument located on Saint Simon Island, Georgia, together with such additional land, including the marshland across the river to the west of Fort Frederica National Monument, or interest in land, as in the judgment of the Secretary of the Interior might be desirable for the protection of such national monument. Such lands or interest in lands acquired by the Secretary pursuant to this Act shall be made a part of the Fort Frederica National Monument.

SEC. 3. There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such amounts, not to exceed \$20,000, as may be necessary to carry out the provisions of this Act.

Approved May 16, 1958.

May 16, 1958
[S. 1618]

Fort Frederica
National Monu-
ment, Ga.

16 USC 433g.

Acquisition.

Appropriation.

Public Law 85-402

JOINT RESOLUTION

May 16, 1958
[H. J. Res. 556]

To permit articles imported from foreign countries for the purpose of exhibition at the California International Trade Fair and Industrial Exposition, Los Angeles, California, to be admitted without payment of tariff, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That any article which is imported from a foreign country for the purpose of exhibition at the California International Trade Fair and Industrial Exposition (hereinafter in this joint resolution referred to as the "exposition") to be held at Los Angeles, California, from April 1 to April 12, 1959, inclusive, by the Sixth Agricultural District, agency of the State of California, or for use in constructing, installing, or maintaining foreign exhibits at the exposition, upon which article there is a tariff or customs duty, shall be admitted without payment of such tariff or customs duty or any fees or charges under such regulations as the Secretary of the Treasury shall prescribe.

California International Trade Fair and Industrial Exposition.
Free entry for exhibits.

SEC. 2. It shall be lawful at any time during or within three months after the close of the exposition to sell within the area of the exposition any articles provided for in this joint resolution, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury shall prescribe. All such articles, when withdrawn for consumption or use in the United States, shall be subject to the duties, if any, imposed upon such articles by the revenue laws in force at the date of their withdrawal; and on such articles which shall have suffered diminution or deterioration from incidental handling or exposure, the duties, if payable, shall be assessed according to the appraised value at the time of withdrawal from entry under this joint resolution for consumption or entry under the general tariff law.

Sale, etc.

SEC. 3. Imported articles provided for in this joint resolution shall not be subject to any marking requirements of the general tariff laws, except when such articles are withdrawn for consumption or use in the United States, in which case they shall not be released from customs custody until properly marked, but no additional duties shall be assessed because such articles were not sufficiently marked when imported into the United States.

Marking requirements.

SEC. 4. At any time during or within three months after the close of the exposition, any article entered under this joint resolution may be abandoned to the United States or destroyed under customs supervision, whereupon any duties on such articles shall be remitted.

Abandonment of articles.

SEC. 5. Articles which have been admitted without payment of duty for exhibition under any tariff law and which have remained in continuous customs custody or under a customs exhibition bond and imported articles in bonded warehouses under the general tariff law may be accorded the privilege of transfer to and entry for exhibition at the exposition, under such regulations as the Secretary of the Treasury shall prescribe.

Transfers.

SEC. 6. The California International Trade Fair and Industrial Exposition shall be deemed, for customs purposes only, to be the sole consignee of all merchandise imported under this joint resolution. The actual and necessary customs charges for labor, services, and other expenses in connection with the entry, examination, appraisement, release, or custody, together with the necessary charges for salaries of customs officers and employees in connection with the supervision, custody of, and accounting for articles imported under this joint resolution, shall be reimbursed by the California International Trade Fair

Payment of customs charges, etc.

and Industrial Exposition, to the United States under regulations to be prescribed by the Secretary of the Treasury. Receipts from such reimbursement shall be deposited as refunds to the appropriation from which paid, in the manner provided for in section 524 of the Tariff Act of 1930, as amended (19 U. S. C. 1524).

Approved May 16, 1958.

52 Stat. 1087.

Public Law 85-403

JOINT RESOLUTION

May 16, 1958
[H. J. Res. 451]

Authorizing the One Hundred and First Airborne Division Association to erect a memorial in the District of Columbia.

101st Airborne
Division Association
D. C. memorial.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to grant authority to the One Hundred and First Airborne Division Association to erect a memorial on public grounds in the District of Columbia or environs in honor and in commemoration of the men of the One Hundred and First Airborne Division, United States Army, who have given their lives to their country.

Approval of site.

SEC. 2. The design and site of such memorial shall be approved by the National Capital Planning Commission, the Secretary of the Interior, and the National Commission of Fine Arts. The United States shall be put to no expense in the erection of such memorial.

Authority.

SEC. 3. The authority conferred pursuant to this joint resolution shall lapse unless (1) the erection of such memorial is commenced within five years from the date of enactment of this joint resolution, and (2) before its commencement funds are certified available in an amount sufficient, in the judgment of the Secretary of the Interior, to insure completion of the memorial.

Approved May 16, 1958.

Public Law 85-404

AN ACT

May 16, 1958
[S. 2183]

To amend the Act of August 2, 1956 (70 Stat. 940), providing for the establishment of the Virgin Islands National Park, and for other purposes.

16 USC 398.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of August 2, 1956 (70 Stat. 940), entitled "An Act to authorize the establishment of the Virgin Islands National Park, and for other purposes" is hereby amended by striking section 3 therefrom.

Approved May 16, 1958.

Public Law 85-405

AN ACT

To permit articles imported from foreign countries for the purpose of exhibition at the Kentucky State Fair, to be held at Louisville, Kentucky, and the International Trade Exhibition, to be held at Saint Paul, Minnesota, to be admitted without payment of tariff, and for other purposes.

May 16, 1958
[H. R. 11019]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any article which is imported from a foreign country for the purpose of exhibition at the Kentucky State Fair (hereinafter in this Act referred to as the "fair") to be held at the Kentucky Fair and Exposition Center, Louisville, Kentucky, from September 4, 1958, to September 13, 1958, inclusive, by the Kentucky State Fair, a corporation, or for use in constructing, installing, or maintaining foreign exhibits at the fair, upon which article there is a tariff or customs duty, shall be admitted without payment of such tariff or customs duty or any fees or charges under such regulations as the Secretary of the Treasury shall prescribe.

Kentucky State
Fair.
Importation.

SEC. 2. It shall be lawful at any time during or within three months after the close of the fair to sell within the area of the fair articles provided for in this Act, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury shall prescribe. All such articles, when withdrawn for consumption or use in the United States, shall be subject to the duties, if any, imposed upon such articles by the revenue laws in force at the date of their withdrawal; and on such articles which shall have suffered diminution or deterioration from incidental handling or exposure, the duties, if payable, shall be assessed according to the appraised value at the time of withdrawal from entry under this Act for consumption or entry under the general tariff law.

Sale, etc.

SEC. 3. Imported articles provided for in this Act shall not be subject to any marking requirements of the general tariff laws, except when such articles are withdrawn for consumption or use in the United States, in which case they shall not be released from customs custody until properly marked, but no additional duty shall be assessed because such articles were not sufficiently marked when imported into the United States.

Marking require-
ments.

SEC. 4. At any time during or within three months after the close of the fair, any article entered under this Act may be abandoned to the United States or destroyed under customs supervision, whereupon any duties on such articles shall be remitted.

Abandonment of
articles.

SEC. 5. Articles which have been admitted without payment of duty or exhibition under any tariff law and which have remained in continuous customs custody or under a customs exhibition bond and imported articles in bonded warehouses under the general tariff law may be accorded the privilege of transfer to and entry for exhibition at the fair, under such regulations as the Secretary of the Treasury shall prescribe.

Transfers.

SEC. 6. The Kentucky State Fair shall be deemed, for customs purposes only, to be the sole consignee of all merchandise imported under this Act. The actual and necessary customs charges for labor, services, and other expenses in connection with the entry, examination, appraisal, release, or custody, together with the necessary charges for salaries of customs officers and employees in connection with the supervision, custody of, and accounting for, articles imported under this Act, shall be reimbursed by the Kentucky State Fair to the United States under regulations to be prescribed by the Secretary of the Treasury. Receipts from such reimbursement shall be deposited as refunds to the appropriation from which paid, in the manner provided

Payment of cus-
toms charges, etc.

for in section 524 of the Tariff Act of 1930, as amended (19 U. S. C., sec. 1524).

52 Stat. 1087.
International
Trade Exhibition.
St. Paul, Minn.
Free entry for
exhibits.

SEC. 7. Any article which is imported from a foreign country for the purpose of exhibition at the International Trade Exhibition to be held at Saint Paul, Minnesota, from May 7, 1958, to May 18, 1958, inclusive, by the Minnesota Centennial Festival of Nations, or for use in constructing, installing, or maintaining foreign exhibits at the International Trade Exhibition, upon which article there is a tariff or customs duty, shall be admitted without payment of such tariff or customs duty or any fees or charges under such regulations as the Secretary of the Treasury shall prescribe. Each provision of sections 1 to 6, inclusive, of this Act shall apply with respect to the International Trade Exhibition and all rights and privileges extended by such sections and all duties and obligations imposed thereby and each and every requirement thereof shall extend to the Minnesota Centennial Festival of Nations, which shall be deemed, for customs purposes only, to be the sole consignee of all merchandise imported under the authority of this section.

Approved May 16, 1958.

Public Law 85-406

AN ACT

May 16, 1958
[H. R. 4115]

To authorize the conveyance of certain lands in Shiloh National Military Park to the State of Tennessee for the relocation of highways, and for other purposes.

Shiloh National
Military Park,
Tenn.
Conveyance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That, in order that existing roads within Shiloh National Military Park may be devoted primarily to use by park visitors and that traffic hazards and nonconforming uses may be eliminated from the park by providing a more suitable road location and related area for the highways designated State Routes Numbered 22 and 142 which now traverse the central portion of the park, the Secretary of the Interior is authorized to convey certain lands within Shiloh National Military Park on the terms and conditions hereinafter provided.

SEC. 2. The Secretary may convey to the State of Tennessee for road purposes a right-of-way located in Hardin County, Tennessee, as shown on National Park Service map NMP-SH-7006, revised June 1956, being a minimum of one hundred and twenty feet and a maximum of one hundred and forty feet in width, and a length of approximately eighteen thousand and nine hundred feet, said right-of-way containing approximately fifty-one acres: *Provided*, That, in exchange, the State constructs and thereafter maintains a roadway on said lands and thereupon releases those portions of the present highways within the park designated State Routes Numbered 22 and 142 from such designation and subsequent use for State highway purposes.

SEC. 3. The Secretary may convey to the State of Tennessee for use as a recreational area contiguous and incident to the relocated State Route Numbered 22 certain lands situated in Hardin County, Tennessee, as shown on National Park Service map NMP-SH-7006, revised June 1956, and designated thereon as parcel A, said lands containing one hundred and fifty-one acres, more or less: *Provided*, That in exchange the lands so conveyed shall be developed and used exclusively by the State or its political subdivisions for recreational purposes only, thereby removing certain incompatible uses from the military park.

SEC. 4. Upon the delivery and acceptance of the conveyance herein authorized, any jurisdiction heretofore ceded to the United States by the State of Tennessee over the lands conveyed shall thereby cease and determine and shall thereafter vest and be in the State of Tennessee.

Approved May 16, 1958.

Public Law 85-407

AN ACT

To authorize the Secretary of the Interior to consummate desirable land exchanges.

May 16, 1958
[H. R. 2170]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to accept from grantors title to non-Federal land and interests in land, together with improvements thereon, situated within or adjacent to the Great Smoky Mountains National Park, and in exchange therefor, to convey by deed on behalf of the United States to the aforesaid grantors, land or interests therein, together with improvements thereon, situated within the Great Smoky Mountains National Park: *Provided*, That such exchanges may be made without additional compensation by either party to the exchange when the properties to be exchanged are of approximately equal value; however, when the properties are not of approximately equal value, as may be determined by the Secretary, an additional payment of funds shall be required by the Secretary or by the grantor of non-Federal properties, as the case may be, in order to make an equal exchange, and the Secretary is authorized to use any land acquisition funds relating to the National Park System for such purposes: *Provided further*, That not more than two hundred acres of park land shall be conveyed pursuant to the aforesaid exchange authority. All properties acquired by the United States pursuant to this Act shall become a part of the Great Smoky Mountain National Park upon acquisition thereof. Properties conveyed by the United States pursuant to this Act shall thereafter be excluded from the park and any Federal regulation or control thereof for park purposes.

Great Smoky
Mountains National
Park.
Land exchange.

Approved May 16, 1958.

Public Law 85-408

AN ACT

To amend the Tariff Act of 1930 so as to permit the importation free of duty of religious vestments and regalia presented without charge to a church or to certain religious, educational, or charitable organizations.

May 16, 1958
[H. R. 7516]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) paragraph 1773 of the Tariff Act of 1930 is amended by striking out "for the use and by order of" each place it appears therein and inserting in lieu thereof "for the use of, either by order of or for presentation (without charge) to,".

Religious re-
galia and gems.
Importation.
46 Stat. 681.
19 USC 1201.

(b) The amendment made by this Act shall apply to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act, and to regalia covered by entries or withdrawals which have not been liquidated or the liquidation of which has not become final on such date of enactment.

Approved May 16, 1958.

Public Law 85-409

May 16, 1958
[H. R. 9655]

AN ACT

To permit articles imported from foreign countries for the purpose of exhibition at the Oregon State Centennial Exposition and International Trade Fair to be held at Portland, Oregon, to be admitted without payment of tariff, and for other purposes.

Oregon State
Centennial Expo-
sition and Inter-
national Trade
Fair.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any article which is imported from a foreign country for the purpose of exhibition at the Oregon State Centennial Exposition and International Trade Fair to be held at Portland, Oregon, from June 10, 1959, to September 20, 1959, inclusive, by the Oregon State Centennial Exposition and International Trade Fair (hereinafter called the "exposition"), or for use in constructing, installing, or maintaining foreign exhibits at such exposition, upon which article there is a tariff or customs duty, shall be admitted without payment of such tariff or customs duty or any fees or charges, under such regulations as the Secretary of the Treasury shall prescribe.

Sale, etc.

SEC. 2. It shall be lawful at any time during or within three months after the close of such exposition to sell within the area of the exposition any articles provided for in this Act, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury shall prescribe. All such articles, when withdrawn for consumption or use in the United States, shall be subject to the duties, if any, imposed upon such articles by the revenue laws in force at the date of their withdrawal; and on such articles which shall have suffered diminution or deterioration from incidental handling or exposure, the duties, if payable, shall be assessed according to the appraised value at the time of withdrawal from entry under this Act for consumption or entry under the general tariff law.

Marking require-
ments.

SEC. 3. Imported articles provided for in this Act shall not be subject to any marking requirements of the general tariff laws, except when such articles are withdrawn for consumption or use in the United States, in which case they shall not be released from customs custody until properly marked, but no additional duty shall be assessed because such articles were not sufficiently marked when imported into the United States.

Abandonment of
articles.

SEC. 4. At any time during or within three months after the close of the exposition, any article entered under this Act may be abandoned to the United States or destroyed under customs supervision, whereupon any duties on such article shall be remitted.

Transfers.

SEC. 5. Articles which have been admitted without payment of duty for exhibition under any tariff law and which have remained in continuous customs custody or under a customs exhibition bond and imported articles in bonded warehouses under the general tariff law may be accorded the privilege of transfer to and entry for exhibition at such exposition, under such regulations as the Secretary of the Treasury shall prescribe.

Payment of cus-
toms charges, etc.

SEC. 6. The exposition shall be deemed, for customs purposes only, to be the sole consignee of all merchandise imported under the provisions of this Act. The actual and necessary customs charges for labor, services, and other expenses in connection with the entry, examination, appraisalment, release, or custody, together with the necessary charges for salaries of customs officers and employees in connection with the supervision, custody of, and accounting for, articles imported under the provisions of this Act, shall be reimbursed by the exposition to the United States, under regulations to be pre-

scribed by the Secretary of the Treasury. Receipts from such reimbursements shall be deposited as refunds to the appropriation from which paid, in the manner provided for in section 524 of the Tariff Act of 1930, as amended (19 U. S. C. 1524).

Approved May 16, 1958.

52 Stat. 1087.

Public Law 85-410

AN ACT

To amend the Tariff Act of 1930 to exempt from duty pistols and revolvers not using fixed ammunition.

May 16, 1958
[H. R. 1126]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph 1723 of the Tariff Act of 1930 (19 U. S. C., sec. 201, par. 1723) is amended to read as follows:

Firearms.
Exemption from
duty.
46 Stat. 679.
19 USC 1201.

“PAR. 1723. Muskets, shotguns, rifles, pistols, and revolvers, all the foregoing not designed to fire or capable of firing a fixed metallic cartridge or fixed shotgun shell, and parts of muskets, shotguns, rifles, pistols, and revolvers provided for in this paragraph.”

SEC. 2. The amendment made by the first section of this Act shall apply only with respect to articles entered, or withdrawn from warehouse, for consumption after the date of the enactment of this Act.

Approved May 16, 1958.

Public Law 85-411

AN ACT

To provide that whenever public lands have been heretofore granted to a State for the purpose of erecting certain public buildings at the capital of such State, such purpose shall be deemed to include construction, reconstruction, repair, renovation, and other permanent improvements of such public buildings, and for other purposes.

May 16, 1958
[H. R. 5149]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in any case in which public lands of the United States have been granted to a State, before the date of enactment of this Act, for the purpose of erecting public buildings at the capital of such State for legislative, executive, and judicial purposes, the purpose of such grant shall be deemed to include construction, reconstruction, repair, renovation, and other permanent improvements of such public buildings, the acquisition of necessary land for such buildings, furnishings and equipment for such buildings, and the payment of principal and interest on bonds issued for any such purpose.

State land
grants.
Purposes.

Approved May 16, 1958.

Public Law 85-412

AN ACT

To amend Public Law 85-162 to increase the authorization for appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

May 16, 1958
[H. R. 12009]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 101 of Public Law 85-162 is hereby amended by striking the figure “\$222,230,000” and inserting in lieu thereof the figure “\$257,230,000”.

71 Stat. 403.

SEC. 2. Section 101 (e) of Public Law 85-162 is amended by adding at the end thereof a new subsection, reading:

"16. Project 58-e-16, destroyer reactor plant, West Milton, New York, \$35,000,000."

Approved May 16, 1958.

Public Law 85-413

AN ACT

To provide equitable treatment for producers participating in the soil bank program on the basis of incorrect information furnished by the Government.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Soil Bank Act is amended by adding at the end thereof the following new section:

"COMPENSATION FOR INCORRECT INFORMATION FURNISHED UNDER 1956 PROGRAM

"SEC. 127. In any case under the 1956 program in which a producer, in reliance, in good faith, on incorrect or incomplete information furnished to him by an authorized representative of the Secretary, entered into an acreage reserve or conservation reserve contract, or took action with the intention of entering into such a contract, and the producer is not entitled to receive under the provisions of the program the payment which was stipulated in the contract, or which would have been stipulated if a contract had been entered into, the Secretary is hereby authorized, whenever he deems it desirable in order to provide fair and equitable treatment to such a producer, to compensate such producer for any loss suffered by him as a result of action taken for the purpose of participating in the program."

Approved May 16, 1958.

Public Law 85-414

AN ACT

To amend the Tariff Act of 1930 to permit temporary free importation under bond for exportation, of articles to be repaired, altered, or otherwise processed under certain conditions, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subdivision (1) of section 308 of the Tariff Act of 1930, as amended (19 U. S. C., sec. 1308 (1)), is amended to read as follows:

"(1) Merchandise imported to be repaired, altered, or processed (including processes which result in articles manufactured or produced in the United States); but merchandise may be admitted into the United States under this subdivision only on condition that—

"(A) such merchandise will not be processed into an article manufactured or produced in the United States if such article is—

"(i) alcohol, distilled spirits, wine, beer, or any dilution or mixture of any or all of the foregoing,

"(ii) a perfume or other commodity containing ethyl alcohol (whether or not such alcohol is denatured), or

"(iii) a product of wheat; and

May 16, 1958
[S. 2937]

Soil Bank Act,
amendment.
70 Stat. 188.
7 USC 1801 note.

May 16, 1958
[H. R. 9923]

Tariff Act of
1930.
Amendment.
52 Stat. 1079.

“(B) if any processing of such merchandise results in an article (other than an article described in clause (A) of this subdivision) manufactured or produced in the United States—

“(i) a complete accounting will be made to the Customs Service for all articles, wastes, and irrecoverable losses resulting from such processing, and

“(ii) all articles and valuable wastes resulting from such processing will be exported or destroyed under customs supervision within the bonded period;”

SEC. 2. (a) Subparagraph (e) (3) of paragraph 1615 of the Tariff Act of 1930, as amended (19 U. S. C., sec. 1201, par. 1615 (e)), is amended to read as follows:

52 Stat. 1092.

“(3) Any article (A) manufactured or produced in the United States in a customs bonded warehouse or under section 308 (1) of this Act, and (B) exported under any provision of law; or”

(b) Subparagraph (g) (3) of paragraph 1615 of the Tariff Act of 1930, as amended (19 U. S. C., sec. 1201, par. 1615 (g) (3)), is amended by striking out “or” at the end of subdivision (B), by striking out “or”, and by adding at the end thereof the following new subdivision:

52 Stat. 1092;
68 Stat. 1138.

“(D) after manufacture or production in the United States under section 308 (1) of this Act.”

SEC. 3. The amendments made by this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the thirtieth day following the date of the enactment of this Act.

Applicability.

Approved May 16, 1958.

Public Law 85-415

AN ACT

To continue the temporary suspension of duty on certain alumina and bauxite.

May 16, 1958
[H. R. 9917]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no duty shall be imposed upon—

Alumina and
bauxite.
Duty suspension.

(1) Alumina, when imported for use in producing aluminum, under such regulations as the Secretary of the Treasury shall prescribe.

(2) Bauxite, crude, not refined or otherwise advanced in condition in any manner.

(3) Calcined bauxite.

SEC. 2. This Act shall apply only with respect to articles entered, or withdrawn from warehouse, for consumption after July 15, 1958, and before July 16, 1960.

Approved May 16, 1958.

Public Law 85-416

AN ACT

To continue for two years the existing suspension of duties on certain lathes used for shoe last roughing or for shoe last finishing.

May 16, 1958
[H. R. 10792]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 2 of the Act entitled “An Act to suspend for two years

Shoe last lathes.

the import duties on certain lathes used for shoe last roughing or for shoe last finishing, and to permit substitution for drawback purposes in the case of printing papers", approved August 6, 1956 (Public Law 1012, Eighty-fourth Congress), is amended to read as follows: "The amendment made by the first section of this Act shall apply only in the case of articles entered for consumption, or withdrawn from warehouse for consumption, on or after August 6, 1956, and before August 7, 1960."

Approved May 16, 1958.

70 Stat. 1076,
19 U.S.C. 1201,
par. 1643 note,
1313.

Public Law 85-417

AN ACT

May 16, 1958
[H. R. 5208]

To amend paragraph 1541 of the Tariff Act of 1930, as amended, to provide that the rate of duty in effect with respect to harpsichords and clavichords shall be the same as the rate in effect with respect to pianos.

Harpsichords
and clavichords.
Rate of duty.
46 Stat. 668.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph 1541 (a) of the Tariff Act of 1930, as amended (19 U. S. C., sec. 1001, par. 1541 (a)), is amended by adding at the end thereof the following new sentence: "Harpsichords and clavichords, and parts thereof, shall be dutiable at the rate (however established) applicable to pianos (or parts thereof) on the date entered, or withdrawn from warehouse, for consumption."

Applicability.

SEC. 2. The amendment made by the first section of this Act shall apply to articles entered, or withdrawn from warehouse, for consumption after the day on which this Act is enacted.

Approved May 16, 1958.

Public Law 85-418

AN ACT

May 19, 1958
[H. R. 2151]

To provide for the temporary suspension of the import duties on certain coarse wool, and to provide additional time for the Tariff Commission to review the customs tariff schedules.

Wool.
Suspension of
duties.
52 Stat. 1091.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of paragraph 1101 (b) of the Tariff Act of 1930, as amended (19 U. S. C., sec. 1001, par. 1101 (b)) is amended—

(1) by inserting after the word "foregoing" the following: "and all other wools of whatever blood or origin not finer than 46s"; and

(2) by inserting before the period at the end thereof a colon and the following: "Provided, That a tolerance of not more than 10 per centum of wools not finer than 48s may be allowed in each bale or package of wools imported as not finer than 46s".

Effective date.

SEC. 2. The amendments made by this Act shall be effective only with respect to wool entered, or withdrawn from warehouse, for consumption, during the period beginning on the sixtieth day after the date of the enactment of this Act and ending at the close of June 30, 1960.

SEC. 3. Section 101 (c) of the Customs Simplification Act of 1954 (Public Law 768, Eighty-third Congress) is amended by striking out "March 1, 1958" and inserting in lieu thereof "January 1, 1959".

Approved May 19, 1958.

68 Stat. 1136,
19 U.S.C. 1332
note.

Public Law 85-419

AN ACT

May 19, 1958
[H. R. 3604]

To amend section 831 of title 5 of the Canal Zone Code to make it a felony to injure or destroy works, property, or material of communication, power, lighting, control, or signal lines, stations, or systems, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 831 of title 5 of the Canal Zone Code is hereby amended to read as follows:

Canal Zone.
Destruction of
property; penalty.

“§ 831. Communication, power, lighting, control, or signal lines, stations, or systems

“Whoever (a) willfully or maliciously injures or destroys any of the works, property, or material of any radio, telegraph, telephone, cable, or television line, station, or system, or other means of communication, or of any power or lighting line, station, or system, or other means of power or lighting transmission or distribution, or of any control or signal line, station, or system, whether any such line, station, or system be constructed or in process of construction, or (b), willfully or maliciously interferes in any way with the working or use of any such line, station, or system, or (c), willfully or maliciously obstructs, hinders, or delays the transmission of any communication or signal, or the transmission or distribution of power or lighting by means of any such line, station, or system, is guilty of a felony.”

Approved May 19, 1958.

Public Law 85-420

AN ACT

May 19, 1958
[H. R. 8544]

To provide for the restoration to tribal ownership of all vacant and undisposed-of ceded lands on certain Indian reservations, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all lands now or hereafter classified as vacant and undisposed-of ceded lands (including townsite lots) on the following named Indian reservations are hereby restored to tribal ownership, subject to valid existing rights:

Indian lands.
Restoration.

Reservation and State	Approximate Acreage
Klamath River, California.....	159.57
Coeur d'Alene, Idaho.....	12,877.65
Crow, Montana.....	10,260.95
Fort Peck, Montana.....	41,450.13
Spokane, Washington.....	5,451.00

Provided, That such restoration shall not apply to any lands while they are within reclamation projects heretofore authorized.

SEC. 2. Title to the lands restored to tribal ownership by this Act shall be held by the United States in trust for the respective tribe or tribes, and such lands are hereby added to and made a part of the existing reservations for such tribe or tribes.

SEC. 3. The lands restored to tribal ownership by this Act may be sold or exchanged by the tribe, with the approval of the Secretary of the Interior.

Sale or exchange
of lands.

Approved May 19, 1958.

Public Law 85-421

AN ACT

To amend the District of Columbia Police and Firemen's Salary Act of 1953 to provide that service in the grade of inspector and the grade of private in the Fire Department of the District of Columbia shall be deemed to be service in the same grade for the purpose of longevity increases.

May 19, 1958
[H. R. 7568]

D. C. Police and Firemen. Longevity increases. 69 Stat. 531.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (a) of section 202 of the District of Columbia Police and Firemen's Salary Act of 1953, as amended (D. C. Code, sec. 4-816 (a)), relating to longevity increases of officers and members of the Fire Department of the District of Columbia, is amended by inserting immediately following the first sentence thereof the following new sentence: "In computing service for the purpose of determining longevity increases under this section, service in the grade of inspector or assistant marine engineer, and service in the grade of private, shall be deemed to be service in the same grade."

70 Stat. 624.

(b) Subsection (f) of such section 202 (D. C. Code, sec. 4-816 (f)) is amended by striking out the last sentence thereof.

Effective date.

SEC. 2. (a) The amendments made by this Act shall take effect as of the first day of the first pay period of the Fire Department of the District of Columbia which began after July 24, 1956.

(b) No compensation shall be payable, by reason of the enactment of this Act, for any period prior to such effective date.

Approved May 19, 1958.

Public Law 85-422

AN ACT

To adjust the method of computing basic pay for officers and enlisted members of the uniformed services, to provide proficiency pay for enlisted members thereof, and for other purposes.

May 20, 1958
[H. R. 11470]

Armed Forces. Salary increase. 63 Stat. 802. 37 USC 231 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Career Compensation Act of 1949, as amended, is amended as follows:

(1) Section 201 (a), as amended (37 U. S. C. 232 (a)), is amended by striking out the tables therein and inserting the following tables in place thereof:

"COMMISSIONED OFFICERS

"YEARS OF SERVICE

"Pay grade	Under 2 years	Over 2 years	Over 3 years	Over 4 years	Over 6 years	Over 8 years	Over 10 years
O-10 ¹	\$1,200.00	\$1,250.00	\$1,250.00	\$1,250.00	\$1,250.00	\$1,300.00	\$1,300.00
O-9.....	1,063.30	1,100.00	1,122.00	1,122.00	1,122.00	1,150.00	1,150.00
O-8.....	963.30	1,000.00	1,022.00	1,022.00	1,022.00	1,100.00	1,100.00
O-7.....	800.28	860.00	860.00	860.00	900.00	900.00	950.00
O-6.....	592.80	628.00	670.00	670.00	670.00	670.00	670.00
O-5.....	474.24	503.00	540.00	540.00	540.00	540.00	560.00
O-4.....	400.14	424.00	455.00	455.00	465.00	485.00	520.00
O-3 ¹	326.04	346.00	372.00	415.00	440.00	460.00	480.00
O-2 ¹	259.36	291.00	360.00	370.00	380.00	380.00	380.00
O-1 ¹	222.30	251.00	314.00	314.00	314.00	314.00	314.00

Commissioned officers.

(2) Section 201 (b) (37 U. S. C. 232 (b)), is amended by striking out the table therein and inserting the following table in place thereof:

"Pay grade	Army, Air Force, and Marine Corps	Navy, Coast Guard, and Coast and Geodetic Survey	Public Health Service
O-10.....	General.....	Admiral.....	Surgeon General. Deputy Surgeon General. Assistant Surgeon General having rank of major general. Assistant Surgeon General having rank of brigadier general. Director grade. Senior grade. Full grade. Senior assistant grade. Assistant grade. Junior assistant grade."
O-9.....	Lieutenant general.....	Vice admiral.....	
O-8.....	Major general.....	Rear admiral (upper half).....	
O-7.....	Brigadier general.....	Rear admiral (lower half) and commodore.....	
O-6.....	Colonel.....	Captain.....	
O-5.....	Lieutenant colonel.....	Commander.....	
O-4.....	Major.....	Lieutenant commander.....	
O-3.....	Captain.....	Lieutenant.....	
O-2.....	1st lieutenant.....	Lieutenant (junior grade).....	
O-1.....	2d lieutenant.....	Ensign.....	

Enlisted personnel.

Post, p. 125.

(3) Section 201 (c), as amended (37 U. S. C. 232 (c)), is amended by adding the following at the end thereof: "However, except as provided in section 209 of this title, an enlisted member may not be placed in pay grade E-8 or E-9 until he has completed at least eight years or ten years, respectively, of cumulative years of enlisted service creditable in the computation of his basic pay. Except as provided in section 209 of this title, the authorized daily average number of enlisted members on active duty (other than for training) in any uniformed service in pay grades E-8 and E-9 may not be more than 2 per centum and 1 per centum, respectively, of the number of enlisted members of that uniformed service who are on active duty (other than for training) on January 1 of each year."

National Guard and Reserve personnel.
37 USC 232(d).

(4) Section 201 (d) is amended by striking out the last sentence and inserting the following in place thereof: "Any payments accruing under any law to any member of a uniformed service incident to his release from active duty or active duty for training or for his return home incident to release from that duty, may be paid to that member before his departure from his last duty station, whether or not he actually performs the travel involved. If a member receives a payment under this subsection but dies before that payment would but for this subsection have been made, no part of that payment is recoverable by the United States."

Repeal.

(5) Section 201 (f) (37 U. S. C. 232 (f)) is repealed.

(6) (A) That part of the table in section 204 (b) (37 U. S. C. 235 (b)) relating to commissioned officers is amended to read as follows:

"COMMISSIONED OFFICERS"

"Pay grade	Years of service						
	Under 2	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10
O-10.....	\$165.00	\$165.00	\$165.00	\$165.00	\$165.00	\$165.00	\$165.00
O-9.....	165.00	165.00	165.00	165.00	165.00	165.00	165.00
O-8.....	155.00	155.00	165.00	165.00	165.00	165.00	165.00
O-7.....	150.00	150.00	160.00	160.00	160.00	160.00	160.00
O-6.....	200.00	200.00	215.00	215.00	215.00	215.00	215.00
O-5.....	190.00	190.00	205.00	205.00	205.00	205.00	205.00
O-4.....	170.00	170.00	185.00	185.00	185.00	185.00	210.00
O-3.....	145.00	145.00	155.00	165.00	180.00	185.00	190.00
O-2.....	115.00	125.00	150.00	150.00	160.00	165.00	170.00
O-1.....	100.00	105.00	135.00	135.00	140.00	145.00	155.00

"Pay grade	Years of service						
	Over 12	Over 14	Over 16	Over 18	Over 22	Over 26	Over 30
O-10.....	\$165.00	\$165.00	\$165.00	\$165.00	\$165.00	\$165.00	\$165.00
O-9.....	165.00	165.00	165.00	165.00	165.00	165.00	165.00
O-8.....	165.00	165.00	165.00	165.00	165.00	165.00	165.00
O-7.....	160.00	160.00	160.00	160.00	160.00	160.00	160.00
O-6.....	215.00	215.00	220.00	245.00	245.00	245.00	245.00
O-5.....	210.00	225.00	230.00	245.00	245.00	245.00	245.00
O-4.....	215.00	220.00	230.00	240.00	240.00	240.00	240.00
O-3.....	200.00	205.00	205.00	205.00	205.00	205.00	205.00
O-2.....	180.00	185.00	185.00	185.00	185.00	185.00	185.00
O-1.....	160.00	170.00	170.00	170.00	170.00	170.00	170.00

(B) That part of the table in section 204 (b) (37 U. S. C. 235 (b)) relating to enlisted members is amended to read as follows:

"ENLISTED PERSONNEL

"Pay grade	Years of service						
	Under 2	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10
E-9.....	\$105.00	\$105.00	\$105.00	\$105.00	\$105.00	\$105.00	\$105.00
E-8.....	105.00	105.00	105.00	105.00	105.00	105.00	105.00
E-7.....	80.00	85.00	85.00	85.00	90.00	95.00	100.00
E-6.....	70.00	75.00	75.00	80.00	85.00	90.00	95.00
E-5.....	60.00	70.00	70.00	80.00	80.00	85.00	90.00
E-4.....	55.00	65.00	65.00	70.00	75.00	80.00	80.00
E-3.....	55.00	60.00	60.00	60.00	60.00	60.00	60.00
E-2.....	50.00	60.00	60.00	60.00	60.00	60.00	60.00
E-1.....	50.00	55.00	55.00	55.00	55.00	55.00	55.00
E-1 (under 4 months).....	50.00						
Aviation cadets.....	50.00						

"Pay grade	Years of service						
	Over 12	Over 14	Over 16	Over 18	Over 22	Over 26	Over 30
E-9.....	\$105.00	\$105.00	\$105.00	\$105.00	\$105.00	\$105.00	\$105.00
E-8.....	105.00	105.00	105.00	105.00	105.00	105.00	105.00
E-7.....	105.00	105.00	105.00	105.00	105.00	105.00	105.00
E-6.....	95.00	100.00	100.00	100.00	100.00	100.00	100.00
E-5.....	95.00	95.00	95.00	95.00	95.00	95.00	95.00
E-4.....	80.00	80.00	80.00	80.00	80.00	80.00	80.00
E-3.....	60.00	60.00	60.00	60.00	60.00	60.00	60.00
E-2.....	60.00	60.00	60.00	60.00	60.00	60.00	60.00
E-1.....	55.00	55.00	55.00	55.00	55.00	55.00	55.00

(7) The table in section 206 (37 U. S. C. 237) is amended to read as follows: Sea and foreign duty.

"Pay grades	Monthly rates
E-9.....	\$22.50
E-8.....	22.50
E-7.....	22.50
E-6.....	20.00
E-5.....	16.00
E-4.....	13.00
E-3.....	9.00
E-2.....	8.00
E-1.....	8.00

(8) The following new sections are added after section 208:

37 USC 239.

"PROFICIENCY PAY

"SEC. 209. (a) An enlisted member of a uniformed service entitled to basic pay and designated as possessing special proficiency in a military skill of the service concerned may—

37 USC 232(a).

“(1) be advanced to any enlisted pay grade prescribed in section 201 (a) of this Act that is higher than his pay grade at the time of designation and receive the pay, allowances, and special or incentive pays of the higher pay grade in accordance with his cumulative years of service for pay purposes; or

“(2) in addition to any pay, allowances, special or incentive pays to which he is entitled under this Act, be paid proficiency pay at a monthly rate not to exceed the maximum rate prescribed in the following table for the proficiency rating to which he is assigned:

“Proficiency Rating	Maximum Monthly Rates
P-1	\$50
P-2	100
P-3	150

Years of service. Pay provisions.

“(b) An enlisted member who has less than eight or ten, as the case may be, of cumulative years of enlisted service for basic pay purposes and who is advanced under subsection (a) (1) to pay grade E-8 or E-9, respectively, is entitled to the minimum amount of basic pay, allowances, and special or incentive pays prescribed for that pay grade until such time as his cumulative years of service for pay purposes entitles him to a higher rate of such pays.

Determination of pay.

“(c) The Secretary concerned shall determine whether enlisted members of any uniformed service under his jurisdiction are to be paid proficiency pay either under subsection (a) (1) or (a) (2). However, he may elect only one of these methods of paying proficiency pay for each uniformed service under his jurisdiction. If he elects to have proficiency pay paid under subsection (a) (1), enlisted members in a military rank assigned to pay grades E-8 and E-9 may be paid proficiency pay at a monthly rate not to exceed the maximum rate prescribed in subsection (a) (2). If he elects to have proficiency pay paid under subsection (a) (2), he shall prescribe, within the limitations set forth in subsection (a) (2), the amount of such pay for each proficiency rating prescribed therein. He shall also designate, from time to time, those skills within each uniformed service under his jurisdiction in which proficiency pay is authorized, and shall prescribe the criteria under which members of that uniformed service are eligible for a proficiency rating in each such skill. He may, whenever he deems it necessary, increase, decrease, or abolish proficiency pay for any such skill.

Administration.

“(d) This section shall be administered under regulations prescribed by the Secretary of Defense for the uniformed services under his jurisdiction, and by the Secretary of the Treasury for the Coast Guard when the Coast Guard is not operating as a service in the Navy.

“SPECIAL PAY—CERTAIN DESIGNATED OFFICERS

“SEC. 210. (a) The Secretary concerned may designate positions of unusual responsibility which are of a critical nature to the service concerned, and is authorized to pay special pay, in addition to any other pay prescribed by law, to any officer of an armed force who is entitled to the basic pay grade O-3, O-4, O-5, or O-6 and is performing the duties of such a position, at a monthly rate as follows:

“Pay grade	Monthly rate
O-3	\$50.00
O-4	50.00
O-5	100.00
O-6	150.00

The Secretary shall prescribe the criteria and circumstances under which officers of the armed forces under his jurisdiction are eligible for pay under this section and may, whenever he considers it necessary, abolish such special pay.

“(b) Not more than 5 percent of the number of officers on active duty in any armed force in pay grade O-3, and not more than 10 percent of the number of officers on active duty in any armed force in any of pay grades O-4, O-5, or O-6, may receive special pay under this section.

“(c) This section shall be administered under regulations to be prescribed by the Secretary of Defense for the armed forces under his jurisdiction, and by the Secretary of the Treasury for the Coast Guard when the Coast Guard is not operating as a service in the Navy.

“(d) This section does not apply to any person who is entitled to special pay under section 203 of this Act.

“(e) The Secretary of Defense shall report to Congress by March 1 of each year on the administration of this section within each military department during the preceding calendar year. The Secretary of the Treasury shall make a similar report for the Coast Guard when the Coast Guard is not operating as a service in the Navy.”

(9) The table in section 302 (f) (37 U. S. C. 252 (f)) is amended to read as follows:

“Pay grade	With dependents	Without dependents
O-10	\$171.00	\$136.80
O-9	171.00	136.80
O-8	171.00	136.80
O-7	171.00	136.80
O-6	136.80	119.70
O-5	136.80	102.60
O-4	119.70	94.20
O-3	102.60	85.50
O-2	94.20	77.10
O-1	85.50	68.40
W-4	119.70	94.20
W-3	102.60	85.50
W-2	94.20	77.10
W-1	85.50	68.40
E-9	67.50	45.00
E-8	67.50	45.00
E-7	67.50	45.00
E-6	67.50	45.00
E-5	67.50	45.00
E-4 (7 or more years' service) ¹	67.50	45.00
E-4 (less than 7 years' service) ^{1 2}	45.00	45.00
E-3 ²	45.00	45.00
E-2 ²	45.00	45.00
E-1 ²	45.00	45.00

¹ Service authorized to be credited in computation of basic pay pursuant to sec. 202 of this Act.

² Considered at all times as without dependents pursuant to subsection (a) of this section.”

(10) Section 302 (h) (37 U. S. C. 252 (h)) is amended by striking out the words “E-6 and E-7” and inserting the words “E-6, E-7, E-8, and E-9” in place thereof.

(11) Section 304 (c) (37 U. S. C. 254 (c)) is amended by adding the following new sentence at the end thereof: “An officer entitled to receive basic pay shall, while serving as Surgeon General of the Public Health Service, in lieu of any other personal money allowance authorized by this section but in addition to any other pay or allowance authorized by this Act, be entitled to receive a personal money allowance of \$1,200 per annum.”

SEC. 2. The tables in section 1 (c) of the Act of May 19, 1952, chapter 310 (66 Stat. 79), are amended to read as follows:

Eligibility.

37 USC 234.

Report to Congress.

Enlisted members.
Allotment.

Surgeon General.

Allowance for quarters.
37 USC 252 note.

"Pay grade	Not over 2 dependents	Over 2 dependents
E-9.....	\$77.10	\$96.90
E-8.....	77.10	96.90
E-7.....	77.10	96.90
E-6.....	77.10	96.90
E-5.....	77.10	96.90
E-4.....	77.10	96.90

"Pay grade	1 dependent	2 dependents	Over 2 dependents
E-3.....	\$51.30	\$77.10	\$96.90
E-2.....	51.30	77.10	96.90
E-1.....	51.30	77.10	96.90'

Retirement pay.

SEC. 3. (a) Notwithstanding any other provision of law, except sections 4 and 7 of this Act and subsection (b) of this section, the changes in rates of basic pay made by this Act do not increase the amount of retired pay, retirement pay, retainer pay, or equivalent pay to which any person is entitled on the day before the effective date of this Act.

Post. p. 129.

(b) Notwithstanding any other provision of law, except section 6483 (c) of title 10, United States Code, a member of a uniformed service who became entitled to retired, retirement, or retainer pay before the effective date of this Act, and who performed a period of continuous active duty of at least one year after becoming entitled to that pay, is entitled, upon release from that active duty on or after the effective date of this Act, to recompute that pay based on the rates of pay set forth in the Career Compensation Act of 1949, as amended by this Act.

(c) Notwithstanding any other provision of law, except subsection (b) of this section, a member of a uniformed service who became entitled to retired or retainer pay before the effective date of this Act, and who on or after that date is advanced on the retired list to, or is transferred to a retired list in, a grade higher than the grade he held on the date when he became entitled to that retired or retainer pay, shall have his retired pay computed on the basis of the basic pay set forth in the Career Compensation Act of 1949 on the day before the effective date of this Act, plus 6 per centum of that pay.

Disability retirement.

SEC. 4. (a) Except for members covered by section 7 of this Act and persons with two or less years of service for basic pay purposes who were retired for physical disability or placed on the temporary disability retired list, members and former members of the uniformed services who are entitled to retired pay, retirement pay, retainer pay, or equivalent pay, on the day before the effective date of this Act, shall be entitled to an increase of 6 per centum of that pay to which they were entitled on that date.

Computation.

(b) Notwithstanding any other provision of law, a member of a uniformed service retired under any provision of law, or transferred to the Fleet Reserve or Fleet Marine Corps Reserve, on the effective date of this Act shall have his retired pay or retainer pay computed on the basis of the rates of basic pay set forth in the Career Compensation Act of 1949, as amended by this Act, or on the rates of basic pay set forth in the Career Compensation Act of 1949 on the day before the effective date of this Act, plus 6 per centum of that pay, whichever is greater.

Nonapplicability.
37 USC 321a.

(c) Section 5 of the Career Incentive Act of 1955 (69 Stat. 22) does not apply to any person who is retired, or to whom retired pay, retirement pay, retainer pay, or equivalent pay (including temporary disability retired pay) is granted, on or after the effective date of this Act.

SEC. 5. Section 4 (a) (1) of the Armed Forces Leave Act of 1946 (37 U. S. C. 33) is amended by striking out the word "three" and inserting in place thereof the word "five".

Quarters allowance.
60 Stat. 964.

SEC. 6. Title 10, United States Code, is amended as follows:

(1) Footnote 1 of section 3991 is amended to read as follows:

70A Stat. 232.

"¹For the purposes of this section, determine member's retired grade as if section 3962 (d) did not apply and, for an officer who has served as Chief of Staff, compute at the highest rates of basic pay applicable to him while he served in that office."

(2) Section 5083 is amended by striking out the words "and with retired pay based on that grade" and adding the following new sentence at the end thereof: "The retired pay of such an officer shall be computed at the highest rates of basic pay applicable to him while he served in that office."

Chief of Naval Operations.
70A Stat. 282.

(3) Section 5201 (c) is amended by striking out the words "and with retired pay based on that grade" and adding the following new sentence at the end thereof: "The retired pay of such an officer shall be computed at the highest rates of basic pay applicable to him while he served in that office."

Marine Corps Commandant.
70A Stat. 292.

(4) Section 5233 is amended by inserting before the period at the end of the first sentence the words "and with retired pay based on that grade", and by striking out the last sentence thereof.

Navy and Marine Corps positions.

(5) Section 6483 is amended by adding the following new subsection:

70A Stat. 417.

"(c) If recalled to active duty in the grade he holds on the retired list under section 6150 of this title, or under any other law which authorized advancement on the retired list by reason of a special commendation for the performance of duty in actual combat, he may, upon release from active duty on or after the effective date of this sentence, have his retired pay recomputed on the basis of the then monthly basic pay of the grade he holds on the retired list only if he has served on that duty for a continuous period of at least two years."

70A Stat. 385.

(6) Footnote 1 of section 8991 is amended to read as follows:

70A Stat. 556.

"¹For the purposes of this section, determine member's retired grade as if section 8962 (c) did not apply and, for an officer who has served as Chief of Staff, compute at the highest rates of basic pay applicable to him while he served in that office."

(7) Chapter 71 is amended as follows:

(A) Column 1 of formula 1 and column 1 of formula 2 of section 1401 are each amended to read as follows:

70A Stat. 106.

"Monthly basic pay¹ of grade to which member is entitled under section 1372 or to which he was entitled on day before retirement or placement on temporary disability retired list, whichever is higher, increased, for members credited with two or less years of service for basic pay purposes, by 6%."

(B) By adding the following footnote at the end of section 1401:

"⁴For an officer who served as Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps, compute at the highest rates of basic pay applicable to him while he served in that office."

(8) Column 1 of formulas C and D of sections 3991 and 8991 are each, respectively, amended to read as follows:

70A Stat. 232,
556.

"Monthly basic pay² to which member was entitled on day before he retired."

(9) Section 6326 (c) (2) is amended by striking out the words "grade in which retired" and inserting the words "pay grade in which he was serving on the day before retirement" in place thereof.

Enlisted personnel.
Thirty-year service.
70A Stat. 395.

The amendments made by clauses (1)–(3), (6), (7), (8), and (9) of this section do not apply to any person who is retired, or to whom retired pay (including temporary disability retired pay) is granted, before the effective date of this Act.

Continuation of
pay.
Provisions.

SEC. 7. (a) Notwithstanding any other provision of law, each officer entitled to pay and allowances under any of the following provisions of law shall continue to receive the pay and allowances to which he was entitled on the day before the effective date of this Act:

50 USC app. 1691,
1692 notes.
34 USC 1 note.
64 Stat. A224.

- (1) The Act of March 23, 1946 (60 Stat. 59).
- (2) The Act of June 26, 1948 (62 Stat. 1052).
- (3) The Act of September 18, 1950 (Private Law 957, Eighty-first Congress).

General or ad-
miral.

(b) Notwithstanding any other provision of law except subsection (a) of this section and sections 3 (b) and 6 (5) of this Act, the retired pay of any officer entitled to retired pay on the day before the effective date of this Act who served on active duty before that date in the grade of general or admiral for a period of at least 180 days, shall unless he is entitled to a higher amount under some other provision of law, be recomputed on the basis of the monthly basic pay of pay grade O-8 for the cumulative years of service creditable to him on the day before the effective date of this Act, plus \$200, multiplied by the number of years of service creditable to him for use as a multiplier in computing his retired pay, multiplied by 2½ per centum, but not to exceed a total of 75 per centum of such monthly basic pay as increased by \$200, plus 6 per centum of the product thereof.

Lieutenant gen-
eral or vice ad-
miral.

(c) Notwithstanding any other provision of law except subsection (a) of this section and sections 3 (b) and 6 (5) of this Act, the retired pay of any officer entitled to retired pay on the day before the effective date of this Act who served on active duty before that date in the grade of lieutenant general or vice admiral for a period of at least 180 days, shall, unless he is entitled to a higher amount under some other provision of law, be recomputed on the basis of the monthly basic pay of pay grade O-8 for the cumulative years of service creditable to him on the day before the effective date of this Act, plus \$100, multiplied by the number of years of service creditable to him for use as a multiplier in computing his retired pay, multiplied by 2½ per centum, but not to exceed a total of 75 per centum of such monthly basic pay as increased by \$100, plus 6 per centum of the product thereof.

Repeal.
5 USC 2208.

SEC. 8. Section 110 of the Federal Executive Pay Act of 1956 (70 Stat. 740) is repealed.

Effective date.

SEC. 9. This Act becomes effective on the first day of the month following the month in which it is enacted.

Savings pro-
visions.

SEC. 10. The enactment of this Act shall not operate to reduce—

(1) the basic pay or retired pay to which a member or former member of a uniformed service was entitled on the day before the effective date of this Act; or

(2) the rate of dependency and indemnity compensation under section 202 of the Servicemen's and Veterans' Survivor Benefits Act which any person was receiving on the day before the effective date of this Act or which thereafter becomes payable for that day by reason of a subsequent determination.

70 Stat. 862.
38 USC 1112.

Computation of
retired pay.
70A Stat. 106.

SEC. 11. (a) Title 10, United States Code, is amended as follows:

(1) Chapter 71 is amended—

(A) by adding the following new section at the end thereof:

“§ 1405. Years of service

“For the purposes of section 1401 (formula 4), 3888 (1), 3927 (b) (1), 3991 (formula B), 6151 (b), 6325 (a) (2) and (b) (2), 6381 (a) (2), 6383 (c) (2), 6390 (b) (2), 6394 (g) (2), 6396 (c) (2), 6398

(b) (2), 6399 (c) (2), 6400 (b) (2), 8888 (1), 8927 (b) (1), or 8991 (formula B) of this title, the years of service of a member of the armed forces are computed by adding—

- “(1) his years of active service;
- “(2) the years of service credited to him under section 233 (a) (7) of title 37;
- “(3) the years of service, not included in clause (1) or (2) with which he was entitled to be credited, on the day before the effective date of this section, in computing his basic pay; and
- “(4) the years of service, not included in clause (1), (2), or (3), with which he would be entitled to be credited under section 1333 of this title, if he were entitled to retired pay under section 1331 of this title.

70 Stat. 121.

For the purpose of this section, a part of a year that is six months or more is counted as a whole year, and a part of a year that is less than six months is disregarded.”; and

(B) by adding the following new item at the end of the analysis:

“1405. Years of service.”

(2) Formula 4 of section 1401 is amended by striking out the words “in computing basic pay” and inserting the words “under section 1405 of this title” in place thereof.

(3) Section 3888 (1) is amended by striking out the words “credited to him in computing his basic pay” and inserting the words “that may be credited to him under section 1405 of this title” in place thereof.

(4) Section 3927 (b) (1) is amended by striking out the words “credited to him in computing his basic pay” and inserting the words “that may be credited to him under section 1405 of this title” in place thereof.

(5) Formula B of section 3991 is amended by striking out the words “credited to him in determining basic pay” and inserting the words “credited to him under section 1405 of this title” in place thereof.

(6) The following sections are amended by striking out the words “creditable for basic pay” wherever they appear therein and inserting the words “that may be credited to him under section 1405 of this title” in place thereof:

- (A) 6151 (b).
- (B) 6325 (a) (2) and (b) (2).
- (C) 6381 (a) (2).
- (D) 6383 (c) (2).
- (E) 6390 (b) (2).
- (F) 6394 (g) (2).
- (G) 6396 (c) (2).
- (H) 6398 (b) (2).
- (I) 6399 (c) (2).
- (J) 6400 (b) (2).

(7) Section 8888 (1) is amended by striking out the words “credited to him in computing his basic pay” and inserting the words “that may be credited to him under section 1405 of this title” in place thereof.

(8) Section 8927 (b) (1) is amended by striking out the words “credited to him in computing his basic pay” and inserting the words “that may be credited to him under section 1405 of this title” in place thereof.

(9) Formula B of section 8991 is amended by striking out the words “credited to him in determining basic pay” and inserting the words “credited to him under section 1405 of this title” in place thereof.

63 Stat. 525.

(b) Section 423 of title 14, United States Code, is amended by striking out the words "for which he was entitled to credit in the computation of his pay when last on active duty" and inserting the words "that may be credited to him under section 1405 of title 10" in place thereof.

Coast and Geodetic Survey.

(c) Section 16 (a) of the Act of June 3, 1948, chapter 390 (33 U. S. C. 8530 (a)), is amended by striking out the words "for which entitled to credit in the computation of his pay while on active duty" and inserting the words "that may be credited to him under section 1405 of title 10, United States Code, as if his service were service as a member of the armed forces" in place thereof.

Ante, p.130.

Approved May 20, 1958.

Public Law 85-423

AN ACT

May 22, 1958
[H. R. 7300]

To amend section 15 of the District of Columbia Alcoholic Beverage Control Act.

D. C., alcoholic
beverage licenses.

48 Stat. 328, 974.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 15 of the District of Columbia Alcoholic Beverage Control Act, as amended (sec. 25-116, District of Columbia Code, 1951 edition), is amended by inserting "(a)" immediately after "SEC. 15.;" by inserting "(b)" immediately before the second paragraph; and by adding thereto the following new subsections:

"(c) The provisions of subsection (a) of this section shall not apply in any case where an application is made for the issuance or transfer of a retailer's license for a place of business conducted in a residential-use district as defined in the zoning regulations and shown in the official atlases of the Zoning Commission if the zoning of such place of business was changed from a less restricted use to such residential use during a period when a license of the same class for which application is made was in effect at such place of business: *Provided*, That a license of the same class at such place of business is in effect on the date the application for the new license, or transfer, is filed.

"(d) The provisions of subsection (b) of this section shall not apply in any case where an application is made for the issuance or transfer of a wholesaler's or manufacturer's license for a place of business conducted in a residential- or first commercial-use district as defined in the zoning regulations and shown in the official atlases of the Zoning Commission if the zoning of such place of business was changed from a less restricted use to such residential- or first commercial-use during a period when a license of the same class for which application is made was in effect at such place of business: *Provided*, That a license of the same class at such place of business is in effect on the date the application for the new license, or transfer, is filed.

"(e) Nothing contained in this section shall be construed as entitling a licensee to any preferential treatment or be construed as making inapplicable any provision in any other section of this Act, in any case where an application is made pursuant to this section for the issuance or transfer of a retailer's license for a place of business conducted in a residential-use district, or for the issuance or transfer of a wholesaler's or manufacturer's license for a place of business conducted in a residential- or first commercial-use district, as such districts are defined in the zoning regulations and shown in the official atlases of the Zoning Commission, and the applicant for the issuance or transfer of any of the said licenses is the holder of a similar license for any of the said places of business in effect on the date the application for the new license, or transfer, is filed."

Approved May 22, 1958.

Public Law 85-424

AN ACT

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

May 22, 1958
[S. 3149]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Export-Import Bank Act of 1945, as amended, is amended—

68 Stat. 678,
12 U S C 635d,
635e.

(1) by striking out "\$4,000,000,000." from section 6 and inserting in lieu thereof "\$6,000,000,000."; and

(2) by striking out "\$5,000,000,000." from section 7 and inserting in lieu thereof "\$7,000,000,000."

Approved May 22, 1958.

Public Law 85-425

AN ACT

To increase the monthly rates of pension payable to widows and former widows of deceased veterans of the Spanish-American War, Civil War, Indian War, and Mexican War, and provide pensions to widows of veterans who served in the military or naval forces of the Confederate States of America during the Civil War.

May 23, 1958
[H. R. 358]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Veterans' Benefits Act of 1957 (Public Law 85-56) is amended:

Veterans' wid-
ows.
Pension in-
crease.
71 Stat. 106, 107,
38 U S C 2431,
2432.

(1) In section 431, strike out the figure "\$52.50" and insert the figure "\$65".

(2) In subsection 432 (a), strike out the figure "\$54.18" and insert the figure "\$65", and strike out the figure "\$67.73" and insert the figure "\$75".

(3) Section 432 is amended by adding at the end thereof the following new subsection:

"(e) For the purpose of this section, and section 433, the term 'veteran' includes a person who served in the military or naval forces of the Confederate States of America during the Civil War, and the term 'active, military or naval service' includes active service in such forces."

(4) In section 433, strike out the figure "\$48.77" and insert the figure "\$73.13".

38 U S C 2433,
2434.

(5) In subsection 434 (a), strike out the figure "\$54.18" and insert the figure "\$65", and strike out the figure "\$67.73" and insert the figure "\$75".

(6) In section 435, strike out the figure "\$48.77" and insert the figure "\$73.13".

38 USC 2435.

(7) In subsection 436 (a), strike out the figure "\$54.18" and insert the figure "\$65", and strike out the figure "\$67.73" and insert the figure "\$75".

71 Stat. 108,
38 U S C 2436,
2437.

(8) In section 437, strike out the figure "\$62.31" and insert the figure "\$73.13".

(9) Immediately above section 411, insert the following:

71 Stat. 105.

"CONFEDERATE FORCES VETERANS

"SEC. 410. The Administrator shall pay to each person who served in the military or naval forces of the Confederate States of America during the Civil War a monthly pension in the same amounts and subject to the same conditions as would have been applicable to such

person under the laws in effect on December 31, 1957, if his service in such forces had been service in the military or naval service of the United States.”

Effective date.

SEC. 2. This Act shall be effective from the first day of the second calendar month following its enactment.

Approved May 23, 1958.

Public Law 85-426

May 27, 1958
[H. R. 5836]

AN ACT

To establish a postal policy, to adjust postal rates, to adjust the compensation of postal employees, and for other purposes.

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

TITLE I—POSTAL POLICY

SHORT TITLE

Postal Policy
Act of 1958.

SEC. 101. This title may be cited as the “Postal Policy Act of 1958”.

FINDINGS

SEC. 102. The Congress hereby finds that—

(1) the postal establishment was created to unite more closely the American people, to promote the general welfare, and to advance the national economy;

(2) the postal establishment has been extended and enlarged through the years into a nationwide network of services and facilities for the communication of intelligence, the dissemination of information, the advancement of education and culture, and the distribution of articles of commerce and industry. Furthermore, the Congress has encouraged the use of these broadening services and facilities through reasonable and, in many cases, special postal rates;

(3) the development and expansion of these several elements of postal service, under authorization by the Congress, have been the impelling force in the origin and growth of many and varied business, commercial, and industrial enterprises which contribute materially to the national economy and the public welfare and which depend upon the continuance of these elements of postal service;

(4) historically and as a matter of public policy there have evolved, in the operations of the postal establishment authorized by the Congress, certain recognized and accepted relationships among the several classes of mail. It is clear, from the continued expansion of the postal service and from the continued encouragement by the Congress of the most widespread use thereof, that the postal establishment performs many functions and offers its facilities to many users on a basis which can only be justified as being in the interest of the national welfare;

(5) while the postal establishment, as all other Government agencies, should be operated in an efficient manner, it clearly is not a business enterprise conducted for profit or for raising general funds, and it would be an unfair burden upon any particular user or class of users of the mails to compel them to bear the

expenses incurred by reason of special rate considerations granted or facilities provided to other users of the mails, or to underwrite those expenses incurred by the postal establishment for services of a nonpostal nature; and

(6) the public interest and the increasing complexity of the social and economic fabric of the Nation require an immediate, clear, and affirmative declaration of congressional policy with respect to the activities of the postal establishment including those of a public service nature as the basis for the creation and maintenance of a sound and equitable postal-rate structure which will assure efficient service, produce adequate postal revenues, and stand the test of time.

DECLARATION OF POLICY

SEC. 103. (a) The Congress hereby emphasizes, reaffirms, and restates its function under the Constitution of the United States of forming postal policy.

(b) It is hereby declared to be the policy of the Congress, as set forth in this title—

(1) that the post office is a public service;

(2) to provide a more stable basis for the postal-rate structure through the establishment of general principles, standards, and related requirements with respect to the determination and allocation of postal revenues and expenses; and

(3) in accordance with these general principles, standards, and related requirements, to provide a means by which the postal-rate structure may be fixed and adjusted by action of the Congress, from time to time, as the public interest may require, in the light of periodic reviews of the postal-rate structure, periodic studies and surveys of expenses and revenues, and periodic reports, required to be made by the Postmaster General as provided by section 105 of this title.

(c) The general principles, standards, and related requirements referred to in subsection (b) of this section are as follows:

(1) In the determination and adjustment of the postal-rate structure, due consideration should be given to—

(A) the preservation of the inherent advantages of the postal service in the promotion of social, cultural, intellectual, and commercial intercourse among the people of the United States;

(B) the development and maintenance of a postal service adapted to the present needs, and adaptable to the future needs, of the people of the United States;

(C) the promotion of adequate, economical, and efficient postal service at reasonable and equitable rates and fees;

(D) the effect of postal services and the impact of postal rates and fees on users of the mails;

(E) the requirements of the postal establishment with respect to the manner and form of preparation and presentation of mailings by the users of the various classes of mail service;

(F) the value of mail;

(G) the value of time of delivery of mail; and

(H) the quality and character of the service rendered in terms of priority, secrecy, security, speed of transmission, use of facilities and manpower, and other pertinent service factors.

(2) The acceptance, transportation, and delivery of first-class mail constitutes a preferred service of the postal establishment and, therefore, the postage for first-class mail should be sufficient to cover (A) the entire amount of the expenses allocated to first-class mail in accordance with this title and (B) an additional amount representing the fair value of all extraordinary and preferential services, facilities, and factors relating thereto.

(3) Those services, elements of service, and facilities rendered and provided by the postal establishment in accordance with law, including services having public service aspects, which, in whole or in part, are held and considered by the Congress from time to time to be public services for the purposes of this title shall be administered on the following basis:

(A) the sum of such public service items as determined by the Congress should be assumed directly by the Federal Government and paid directly out of the general fund of the Treasury and should not constitute direct charges in the form of rates and fees upon any user or class of users of such public services, or of the mails generally; and

(B) nothing contained in any provision of this title should be construed as indicating any intention on the part of the Congress (i) that such public services, or any of them, should be limited or restricted or (ii) to derogate in any way from the need and desirability thereof in the public interest.

(4) Postal rates and fees shall be adjusted from time to time as may be required to produce the amount of revenue approximately equal to the total cost of operating the postal establishment less the amount deemed to be attributable to the performance of public services under section 104 (b) of this title.

IDENTIFICATION OF AND APPROPRIATIONS FOR PUBLIC SERVICES

SEC. 104. (a) The following shall be considered to be public services for the purposes of this title—

(1) the total loss resulting from the transmission of matter in the mails free of postage or at reduced rates of postage as provided by statute, including the following:

(A) paragraph (3) of subsection (a) of section 202 of the Act of February 28, 1925 (39 U. S. C. 283 (a) (3)), relating to reduced rates of postage on newspapers or periodicals of certain nonprofit organizations;

(B) sections 5 and 6 of the Act of March 3, 1877 (39 U. S. C. 321), relating to official mail matter of the Pan American Union sent free through the mails;

(C) section 25 of the Act of March 3, 1879, as amended (39 U. S. C. 286), and subsection (b) of section 2 of the Act of October 30, 1951 (39 U. S. C. 289a (b)), relating to free-county mailing privileges;

(D) the Act of April 27, 1904 (33 Stat. 313), the last paragraph under the heading "Office of the Third Assistant Postmaster General" contained in the first section of the Act of August 24, 1912 (37 Stat. 551), and the Joint Resolution of June 7, 1924 (43 Stat. 668; Pub. Res., No. 33, Sixty-eighth Congress), as contained in the Act of October 14, 1941 (55 Stat. 737; Public Law 270, Seventy-seventh Congress), and as further amended by the Act of September 7, 1949 (63 Stat. 690), relating to free postage and reduced postage rates on reading matter and other articles for the blind (39 U. S. C. 331);

43 Stat. 1066.

19 Stat. 335.

20 Stat. 361.

65 Stat. 673.

39 USC 331.

39 USC 331.

(E) the Act of February 14, 1929 (39 U. S. C. 336), granting free mailing privileges to the diplomatic corps of the countries of the Pan American Postal Union; 45 Stat. 1177.

(F) the Act of April 15, 1937 (39 U. S. C. 293c), granting reduced rates to publications for use of the blind; 50 Stat. 66.

(G) the Act of June 29, 1940 (39 U. S. C. 321-1), granting free mailing privileges to the Pan American Sanitary Bureau; 54 Stat. 695.

(H) the Act of May 7, 1945 (59 Stat. 707), and other provisions of law granting free mailing privileges to individuals;

(I) the second and third provisos of subsection (a) of section 2 of the Act of October 30, 1951 (65 Stat. 672; 39 U. S. C. 289a (a)), granting reduced second-class postage rates to publications of certain organizations;

(J) the last proviso of section 3 of the Act of October 30, 1951 (65 Stat. 673; 39 U. S. C. 290a-1), granting reduced third-class postage rates to certain organizations;

(K) section 302 of The Federal Voting Assistance Act of 1955 (5 U. S. C. 2192), granting free postage, including free airmail postage, to post cards, ballots, voting instructions, and envelopes transmitted in the mails under authority of such Act; and 69 Stat. 588.

(L) section 204 (d) and (e) of the Postal Rate Revision and Federal Employees Salary Act of 1948, as amended (39 U. S. C. 292a (d) and (e)), including the amendment made by section 206 of this Act. 62 Stat. 1263, 1264.

(2) the loss resulting from the operation of such prime and necessary public services as the star route system and third- and fourth-class post offices;

(3) the loss incurred in performing nonpostal services, such as the sale of documentary stamps for the Department of the Treasury;

(4) the loss incurred in performing special services such as cash on delivery, insured mail, special delivery, and money orders; and

(5) the additional cost of transporting United States mail by foreign air carriers at a Universal Postal Union rate in excess of the rate prescribed for United States carriers.

(b) There is hereby authorized to be appropriated to the revenues of the Post Office Department for each fiscal year from any money in the Treasury not otherwise appropriated an amount, which shall be deemed to be attributable to the public services enumerated under subsection (a) of this section, equal to the total estimated expenditures of the Post Office Department for the year for such public services as determined by the Congress in the appropriation Act based upon budget estimates submitted to the Congress. Such appropriations shall be available to enable the Postmaster General to pay in to postal revenues at quarterly or other intervals such sums as may be necessary to reimburse the Post Office Department for such amount attributable to public services. Appropriation.

REVIEWS, STUDIES, SURVEYS, AND REPORTS OF POSTMASTER GENERAL

SEC. 105. (a) The Postmaster General is authorized and directed to initiate and conduct, through the facilities of the postal establishment, either on a continuing basis or from time to time, as he deems advisable, but not less often than every two years, a review of the postal-rate structure and a study and survey of the expenses incurred and the revenues received in connection with the several classes of

mail, and the various classes and kinds of services and facilities provided by the postal establishment, in order to determine, on the basis of such review, study, and survey for each class and kind of service or facility provided by the postal establishment, the need for adjustment of postal rates and fees in accordance with the policy set forth in this title.

Report to Congress.

(b) The Postmaster General shall submit to the Senate and the House of Representatives not later than April 15 of each alternate fiscal year, beginning with the fiscal year ending June 30, 1960, a report of the results of the review, study, and survey conducted pursuant to subsection (a) of this section. Such report shall include—

(1) information with respect to expenses and revenues which is pertinent to the allocation of expenses and the determination and adjustment of postal rates and fees in accordance with the policy set forth in this title; and

(2) such other information as is necessary to enable the Congress, or as may be required by the Congress or an appropriate committee thereof, to carry out the purposes of this title.

EFFECT ON FOURTH-CLASS MAIL RATES

SEC. 106. The provisions of this title shall not require any downward adjustment in rates of postage on fourth-class mail existing on the date of enactment of this Act.

TITLE II—POSTAL RATE INCREASES

SHORT TITLE

Postal Rate Increase Act, 1958.

SEC. 201. This title may be cited as the "Postal Rate Increase Act, 1958".

FIRST-CLASS MAIL

SEC. 202. (a) That part of the first section of the Joint Resolution of June 30, 1947 (61 Stat. 213; 39 U. S. C. 280), which precedes the proviso, is amended by striking out "3 cents" and inserting in lieu thereof "4 cents".

(b) Section 1 of the Act of October 30, 1951 (65 Stat. 672; 39 U. S. C. 280), as amended, is further amended—

(1) by striking out "2 cents" wherever appearing in subsection (a) and inserting in lieu thereof "3 cents"; and

(2) by striking out "2 cents" in subsection (b) and inserting in lieu thereof "3 cents".

DOMESTIC AIRMAIL

SEC. 203. Section 201 of the Postal Rate Revision and Federal Employees Salary Act of 1948 (62 Stat. 1261; 39 U. S. C. 463a) is amended—

(1) by striking out "6 cents" in the first sentence and inserting in lieu thereof "7 cents"; and

(2) by striking out "4 cents" in the second sentence and inserting in lieu thereof "5 cents".

SECOND-CLASS MAIL

SEC. 204 (a) Section 2 (a) of the Act of October 30, 1951 (65 Stat. 672; 39 U. S. C. 289a), is amended by striking out the word "and" preceding clause (3) and by inserting immediately before the colon which precedes the first proviso a comma and the following: "and

(4) such postage is further adjusted to the amounts set forth in the following table, on the dates specified:

	January 1, 1959 (cents per pound or fraction thereof)	January 1, 1960 (cents per pound or fraction thereof)	January 1, 1961 (cents per pound or fraction thereof)
Nonadvertising portion.....	2.1	2.3	2.5
Advertising portion:			
First and second zones.....	2.2	2.6	3.0
Third zone.....	3.0	3.5	4.0
Fourth zone.....	4.5	5.2	6.0
Fifth zone.....	6.0	7.0	8.0
Sixth zone.....	7.7	8.7	10.0
Seventh zone.....	9.2	11.0	12.0
Eighth zone.....	11.0	12.5	14.0"

(b) Section 2 (c) of such Act of October 30, 1951, is amended by striking out "one-eighth of 1 cent" and inserting in lieu thereof "one-fourth of 1 cent effective January 1, 1959, three-eighths of 1 cent effective January 1, 1960, and one-half of 1 cent effective January 1, 1961, except that (1) in no case shall the postage on each individually addressed copy mailed by the organizations listed, and for the purposes prescribed, in the second and third provisos of subsection (a) of this section be less than one-eighth of 1 cent and (2) the per copy rates prescribed for publications covered by section 25 of the Act of March 3, 1879, as amended (39 U. S. C. 286), shall be continued".

65 Stat. 673.
39 USC 289a.

(c) Section 2 (d) of such Act of October 30, 1951, is amended by striking out the words "two ounces" where they appear the second time and inserting in lieu thereof the word "ounce".

20 Stat. 361.
39 USC 289a.

(d) The third clause of section 14 of the Act of March 3, 1879, as amended (39 U. S. C. 226), is amended to read as follows:

"Third. It must be formed of printed sheets: Provided, That publications produced by the stencil, mimeograph, or hectograph process or in imitation of typewriting shall not be regarded as printed within the meaning of this clause."

(e) Section 202 (a) of the Act of February 28, 1925, as amended (39 U. S. C. 283), is amended by adding at the end thereof the following new paragraph:

43 Stat. 1066.

"(4) For the purpose of this section, the portion of a publication devoted to advertisements shall include all advertisements inserted in such publication and attached permanently thereto."

CONTROLLED CIRCULATION PUBLICATIONS

(f) Section 203 of the Postal Rate Revision and Federal Employees Salary Act of 1948 (62 Stat. 1262; 39 U. S. C. 291b), is amended—

(1) by striking out "10 cents a pound or fraction thereof" and inserting in lieu thereof "12 cents a pound or fraction thereof regardless of the weight of the individual copies"; and

(2) by adding at the end thereof a new sentence reading "The rates provided in this section shall remain in effect until otherwise provided by the Congress."

THIRD-CLASS MAIL

SEC. 205. Section 3 of the Act of October 30, 1951 (65 Stat. 673; 39 U. S. C. 290a-1), is amended—

(1) by striking out so much of such section as precedes the first proviso and inserting in lieu thereof the following: "The rate of

postage on third-class matter shall be 3 cents for the first two ounces or fraction thereof, and 1½ cents for each additional ounce or fraction thereof up to but not including sixteen ounces in weight.”;

(2) in the first proviso contained in such section, by striking out “\$10” and inserting in lieu thereof “\$20”;

(3) in the second proviso contained in such section—

(A) by striking out “14 cents” and inserting in lieu thereof “16 cents”; and

(B) by striking out “1 cent” wherever appearing therein and inserting in lieu thereof “2 cents when mailed prior to July 1, 1960, and 2½ cents when mailed on or after such date”;

(4) by striking out the third proviso contained in such section;

(5) in the fourth proviso contained in such section, by striking out “3 cents” and inserting in lieu thereof “6 cents”; and

(6) by striking out the last proviso and inserting in lieu thereof the following: “*And provided further*, That on and after January 1, 1959, the rates of postage on third-class matter mailed by religious, educational, scientific, philanthropic, agricultural, labor, veterans’, or fraternal organizations or associations, not organized for profit and none of the net income of which inures to the benefit of any private stockholder or individual, shall be the rates prescribed by this section, except that the minimum charge per piece for third-class matter mailed in bulk by such organizations or associations shall be 50 per centum of the minimum charge prescribed by this section for such mailings.”

FOURTH-CLASS MAIL

62 Stat. 1262.

SEC. 206. (a) Section 204 (a) of the Postal Rate Revision and Federal Employees Salary Act of 1948 (39 U. S. C. 292a (a)), as amended, is amended by striking out the words “over eight ounces” wherever they appear and inserting in lieu thereof “sixteen ounces or over”.

(b) Sections 204 (d) and (e) of such Act (39 U. S. C. 292a (d) and (e)) are amended to read as follows:

“(d) The following materials when in parcels not exceeding seventy pounds in weight may be sent at the postage rate of 9 cents for the first pound and 5 cents for each additional pound or fraction thereof, and this rate shall continue until otherwise provided by the Congress: (1) books permanently bound for preservation consisting wholly of reading matter or scholarly bibliography or reading matter with incidental blank spaces for students’ notations and containing no advertising matter other than incidental announcements of books; (2) sixteen-millimeter films and sixteen-millimeter film catalogs except when sent to commercial theaters; (3) printed music whether in bound form or in sheet form; (4) printed objective test materials and accessories thereto used by or in behalf of educational institutions in the testing of ability, aptitude, achievement, interests, and other mental and personal qualities with or without answers, test scores, or identifying information recorded thereon in writing or by mark; (5) phonograph recordings; and (6) manuscripts for books, periodical articles, and music.

“(e) (1) The following materials when in parcels not exceeding seventy pounds in weight when loaned or exchanged between (A) schools, colleges, or universities and (B) public libraries, religious, educational, scientific, philanthropic, agricultural, labor, veterans’,

or fraternal organizations or associations not organized for profit and none of the net income of which inures to the benefit of any private stockholder or individual, or between such organizations and their members or readers or borrowers, shall be charged with postage at the rate of 4 cents for the first pound and 1 cent for each additional pound or fraction thereof, except that the rates now or hereafter prescribed for third- or fourth-class matter shall apply in every case where such rate is lower than the rate prescribed in this subsection, and this rate shall continue until otherwise provided by the Congress: (i) books consisting wholly of reading matter or scholarly bibliography or reading matter with incidental blank spaces for students' notations and containing no advertising matter other than incidental announcements of books; (ii) printed music, whether in bound form or in sheet form; (iii) bound volumes of academic theses in type-written or other duplicated form and bound volumes of periodicals; (iv) phonograph recordings; and (v) other library materials in printed, duplicated, or photographic form or in the form of unpublished manuscripts.

"(2) The rate provided in paragraph (1) for books may apply to sixteen-millimeter films, filmstrips, transparencies for projection and slides, microfilms, sound recordings, and catalogs of such materials when sent in parcels not exceeding seventy pounds in weight to or from (A) schools, colleges, or universities and (B) public libraries, religious, educational, scientific, philanthropic, agricultural, labor, veterans', or fraternal organizations or associations, not organized for profit and none of the net income of which inures to the benefit of any private stockholder or individual.

"(3) Public libraries, organizations, or associations, before being entitled to the rates specified in paragraphs (1) and (2) of this subsection, shall furnish to the Postmaster General, under such regulations as he may prescribe, satisfactory evidence that none of their net income inures to the benefit of any private stockholder or individual."

(c) (1) The first section of the Act entitled "An Act to readjust the size and weight limitations on fourth-class (parcel post) mail", approved October 24, 1951 (65 Stat. 610; 39 U. S. C. 240a), is amended by striking out the words "over eight ounces" each place they appear therein and inserting in lieu thereof the words "sixteen ounces or over".

(2) Section 207 (a) of the Act of February 28, 1925 (39 U. S. C. 240), as amended, is amended by striking out the words "in excess of eight ounces" and inserting in lieu thereof the words "sixteen ounces or over".

BOOKS FOR THE BLIND

SEC. 207. The Act entitled "An Act to further amend the Acts for promoting the circulation of reading matter among the blind", approved October 14, 1941 (55 Stat. 737), is amended by inserting immediately after "for which no subscription fee is charged" a semicolon and the following: "books, or pages thereof, in raised characters, whether prepared by hand or printed, which contain no advertisements, when furnished by any person to a blind person without cost to such blind person".

39 USC 331.

SUBSCRIPTION ORDER, BILL, AND RECEIPT FORMS

SEC. 208. The final clause in the first sentence of the Act of January 20, 1888 (25 Stat. 1; 39 U. S. C. 249), is amended by striking out the

following: “, but the same shall be in such form as to convey no other information than the name, place of publication, subscription price of the publication to which they refer and the subscription due thereon”.

STUDIES AND REPORTS WITH RESPECT TO THIRD-CLASS BULK RATE INCREASES

SEC. 209. (a) The Secretary of Commerce and the Administrator of the Small Business Administration each is authorized and directed to initiate and conduct, through the facilities and personnel of his department or agency, as soon as practicable after July 1, 1959, a separate study of the increases in the rates of postage in third-class bulk mail matter under the amendments made by section 205 (3) (A) and (B) of this title, in order to determine the effect of such increases on small business enterprises and on the users of the mails and the national economy generally.

Reports to Congress.

(b) The Secretary of Commerce and the Administrator of the Small Business Administration each shall submit to the Senate and House of Representatives on or before March 1, 1960, a separate report of the results of the study conducted by him under subsection (a) of this section, together with such recommendations as may be necessary and appropriate.

INVESTIGATION AND STUDY BY POSTMASTER GENERAL OF DIMENSIONAL CATEGORIES FOR FIRST- AND THIRD-CLASS MAIL ENVELOPES

SEC. 210. (a) The Postmaster General is authorized and directed to conduct a thorough investigation and study of the feasibility and desirability of—

(1) the establishment, by regulation of the Postmaster General, of such number of categories (but not less than two categories) of specified length and width dimensions for envelopes to be used for the transmission of first-class and third-class mail, as the Postmaster General may determine to be necessary or desirable to increase the efficient handling of the mail; and

(2) the establishment of an additional charge on any such mail transmitted in an envelope which does not conform in length and width to one of such dimensional categories for envelopes.

Report to Congress.

(b) The Postmaster General shall submit to the Senate and House of Representatives, on or before February 1, 1959, a report of the results of such investigation and study, together with his recommendations with respect thereto, including his recommendations for any necessary legislation.

DETERMINATION OF CLASS OF POST OFFICE AND COMPENSATION OF POSTMASTER AND CERTAIN EMPLOYEES

SEC. 211. No part of the gross postal receipts of any post office, which are determined in accordance with estimates of the Postmaster General to be attributable to the increases in postage rates provided by this Act, shall be counted for the purpose of determining the classes of the respective post offices and the compensation and allowances of postmasters and other employees whose compensation or allowances are based on the annual gross receipts of such post offices. Nothing contained in this section shall operate to relegate a post office to a class or receipts category below the class or receipts category to which such post office may be assigned on the basis of gross postal

receipts accruing during the last complete calendar year prior to the date of enactment of this Act or, in the case of a post office which was in existence on such date of enactment but which was not in existence during the whole of such calendar year, on the basis of gross postal receipts accruing during the last quarter prior to the date of enactment of this Act.

SALARY STEP INCREASES

SEC. 212. (a) Subsection (a) of section 401 of the Postal Field Service Compensation Act of 1955, as amended (39 U. S. C. 981 (a)), is amended by striking out "salary level PFS-9 or a lower salary level of".

69 Stat. 122.

(b) Subsection (b) of such section (39 U. S. C. 981 (b)) is repealed.

Repeal.

CONDITIONS PRECEDENT TO WITHDRAWAL FROM GENERAL FUND OF TREASURY

SEC. 213. That part of the paragraph under the heading "General Provisions" under the appropriations for the Post Office Department contained in chapter IV of the Supplemental Appropriation Act, 1951 (64 Stat. 1050; 31 U. S. C. 695), which precedes the proviso is amended by striking out "the receipt of revenue from fourth-class mail service sufficient to pay the cost of such service" and inserting in lieu thereof "(1) that the revenues from fourth-class mail service will not exceed by more than 4 per centum the costs thereof and (2) that the costs of such fourth-class mail service will not exceed by more than 4 per centum the revenues therefrom".

REPEALS

SEC. 214. (a) The following provisions of law are hereby repealed—

46 Stat. 523.

(1) The Act of June 9, 1930 (39 U. S. C. 793), relating to certification of estimated amounts of postage that would have been collected on certain free or reduced-rate mailings, which the Postmaster General is required to make to the Secretary of the Treasury and to the Comptroller General of the United States;

(2) Paragraph (4) of section 202 (a) of the Act of February 28, 1925 (45 Stat. 941; 39 U. S. C. 283 (4));

(3) Section 202 (b) of the Act of February 28, 1925 (43 Stat. 1066; 39 U. S. C. 283 (b)); and

(4) Section 204 of the Act of February 28, 1925 (43 Stat. 1067; 39 U. S. C. 288).

(b) The last sentence of section 4 (a) of the Civil Service Retirement Act as contained in the Civil Service Retirement Act Amendments of 1956 (70 Stat. 747) is hereby repealed, and hereafter the amounts contributed by the Post Office Department to the civil service retirement and disability fund in compliance with such section 4 (a) of the Civil Service Retirement Act shall be considered as costs of providing postal service for the purpose of establishing postal rates.

5 USC 2254(a).

EFFECTIVE DATES

SEC. 215. (a) The provisions of this section and sections 201, 204 (d), 204 (e), 209, 210, 211, 212, 213, and 214 (a) (1), (2), and (4) of this title shall become effective on the date of enactment of this Act.

(b) The provisions of sections 202, 203, 204 (c), 204 (f), 205 (1),

205 (5), and 206 of this title shall become effective on the first day of the first month which begins at least 40 days after the date of enactment of this Act.

(c) The provisions of section 204 (a) and (b) of this title shall become effective as provided in such section 204 (a) and (b).

(d) The provisions of sections 205 (2), 205 (3), 205 (4), 205 (6), and 214 (a) (3) of this title shall become effective on January 1, 1959.

(e) The provisions of sections 207 and 208 of this title shall become effective on July 1, 1958.

(f) The provisions of section 214 (b) of this title shall become effective as of the effective date of the Civil Service Retirement Act Amendments of 1956.

5 USC 2251 note.

TITLE III—POSTAL MODERNIZATION FUND

ESTABLISHMENT OF FUND

SEC. 301. There is hereby established in the Treasury of the United States a fund to be known as the "Postal Modernization Fund" (hereinafter referred to as the "Fund").

APPROPRIATIONS TO FUND

SEC. 302. There are hereby authorized to be appropriated and paid into the Fund such sums as may be necessary during each fiscal year, beginning with the fiscal year ending June 30, 1959 and ending with the fiscal year ending June 30, 1961, to carry out the purposes of this title.

EXPENDITURE FROM FUND

SEC. 303. Moneys paid into the Fund, together with any income thereof under section 304 (b) or otherwise, shall be available until expended for obligation by the Postmaster General for the purpose of conducting research, either directly or through private or other organizations, and for the purpose of developing, acquiring, and placing into operation improved equipment and facilities for the performance of the postal function.

MANAGEMENT OF FUND

Report to Congress.

SEC. 304. (a) It shall be the duty of the Secretary of the Treasury to hold the Fund, and (after consultation with the Postmaster General) to report to the Congress not later than the first day of January of each year (beginning with 1960) on the financial condition of the Fund as of the end of the next preceding fiscal year.

(b) It shall be the duty of the Secretary of the Treasury to invest such portion of the Fund as is not, in his judgment, after consultation with the Postmaster General, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

REPORT OF POSTMASTER GENERAL

Report to Congress.

SEC. 305. The Postmaster General shall include in his annual report to the President for each year a detailed report of his activities during such year under this title.

TITLE IV—INCREASES IN COMPENSATION OF POSTAL EMPLOYEES

SEC. 401. The Postal Field Service Compensation Act of 1955, approved June 10, 1955 (Public Law 68, Eighty-fourth Congress), is hereby amended as follows:

(a) In section 301 (a) strike out the Postal Field Service Schedule, and insert the following schedule:

70 Stat. 741.
39 USC 971.

“POSTAL FIELD SERVICE SCHEDULE

Level	Per annum rates and steps						
1	\$3,095	\$3,205	\$3,315	\$3,425	\$3,535	\$3,645	\$3,755
Temporary rate	3,170	3,285	3,400	3,515	3,630	3,745	3,860
2	3,320	3,435	3,550	3,665	3,780	3,895	4,010
Temporary rate	3,405	3,525	3,645	3,765	3,885	4,005	4,125
3	3,580	3,705	3,830	3,955	4,080	4,205	4,330
Temporary rate	3,670	3,800	3,930	4,060	4,190	4,320	4,450
4	3,935	4,070	4,205	4,340	4,475	4,610	4,745
Temporary rate	4,035	4,175	4,315	4,455	4,595	4,735	4,875
5	4,170	4,305	4,440	4,575	4,710	4,845	4,980
Temporary rate	4,275	4,415	4,555	4,695	4,835	4,975	5,115
6	4,505	4,655	4,805	4,955	5,105	5,255	5,405
Temporary rate	4,620	4,775	4,930	5,085	5,240	5,395	5,550
7	4,870	5,035	5,200	5,365	5,530	5,695	5,860
Temporary rate	4,945	5,110	5,275	5,440	5,605	5,770	5,935
8	5,255	5,440	5,625	5,810	5,995	6,180	6,365
9	5,675	5,875	6,075	6,275	6,475	6,675	6,875
10	6,235	6,450	6,665	6,880	7,095	7,310	7,525
11	6,890	7,095	7,300	7,505	7,710	7,915	8,120
12	7,545	7,805	8,065	8,325	8,585	8,845	9,105
13	8,310	8,590	8,870	9,150	9,430	9,710	9,990
14	9,140	9,440	9,740	10,040	10,340	10,640	10,940
15	10,050	10,350	10,650	10,950	11,250	11,550	11,850
16	11,075	11,375	11,675	11,975	12,275	12,575	12,875
17	12,255	12,555	12,855	13,155	13,455	13,755	14,055
18	13,760	14,060	14,360	14,660	14,960	15,260	15,560
19	15,000	15,300	15,600	15,900			
20	16,000						

(b) In section 302 (a) strike out the Rural Carrier Schedule, and insert the following schedule:

“RURAL CARRIER SCHEDULE

	Per annum rates and steps						
	1	2	3	4	5	6	7
Carriers in rural delivery service:							
Fixed compensation per annum	\$1,841	\$1,896	\$1,951	\$2,006	\$2,061	\$2,116	\$2,171
Temporary rate	1,941	2,001	2,061	2,121	2,181	2,241	2,301
Compensation per mile per annum for each mile up to 30 miles of route	65	67	69	71	73	75	77
For each mile of route over 30 miles	22	22	22	22	22	22	22
Temporary carriers in rural delivery service on routes to which no regular carrier is assigned:							
Fixed compensation per annum	1,841						
Temporary rate	1,941						
Compensation per mile per annum for each mile up to 30 miles of route	65						
For each mile of route over 30 miles	22						
Temporary carriers in rural delivery service on routes having regular carriers absent without pay or on military leave	(1)	(1)	(1)	(1)	(1)	(1)	(1)
Substitute carriers in rural delivery service on routes having carriers absent with pay	(1)	(1)	(1)	(1)	(1)	(1)	(1)

¹ Basic compensation authorized for the regular carrier.

(c) In section 302 (c) strike out “\$4,700” and insert “\$5,165 during the period referred to in section 304 (c) or \$5,035 thereafter”.

39 USC 972.

(d) In section 303 (a) strike out the Fourth-Class Office Schedule and insert the following schedule:

39 USC 973.

“FOURTH-CLASS OFFICE SCHEDULE

Gross receipts	Per annum rates and steps						
	1	2	3	4	5	6	7
\$1,300 to \$1,499.99	\$2,703	\$2,793	\$2,883	\$2,973	\$3,063	\$3,153	\$3,243
Temporary rate	2,771	2,863	2,955	3,047	3,139	3,231	3,323
\$900 to \$1,299.99	2,477	2,559	2,641	2,723	2,805	2,887	2,969
Temporary rate	2,539	2,623	2,707	2,791	2,875	2,959	3,043
\$600 to \$899.99	2,027	2,094	2,161	2,228	2,295	2,362	2,429
Temporary rate	2,078	2,148	2,218	2,288	2,358	2,428	2,498
\$350 to \$599.99	1,577	1,629	1,681	1,733	1,785	1,837	1,889
Temporary rate	1,616	1,669	1,722	1,775	1,828	1,881	1,934
\$250 to \$349.99	1,127	1,164	1,201	1,238	1,275	1,312	1,349
Temporary rate	1,155	1,193	1,231	1,269	1,307	1,345	1,383
\$200 to \$249.99	901	931	961	991	1,021	1,051	1,081
Temporary rate	924	954	984	1,014	1,044	1,074	1,104
\$100 to \$199.99	676	698	720	742	764	786	808
Temporary rate	693	715	737	759	781	803	825
Under \$100	450	465	480	495	510	525	540
Temporary rate	461	476	491	506	521	536	551”

(e) In section 304 insert the following new subsection :

39 USC 974.

“(c) Wherever a temporary per annum rate is provided by a basic salary schedule contained in this title, such temporary rate shall be in effect, in lieu of the regular scheduled rate, for the period beginning on the effective date of this amendment and ending on the last day of the last pay period which begins not more than three years after such date.”

69 Stat. 124.

SEC. 402 (a) The annual rate of basic salary of any officer or employee whose basic salary by reason of the provisions of section 504 of the Postal Field Service Compensation Act of 1955 is at a rate between two scheduled rates, or above the highest scheduled rate, in the Postal Field Service Schedule, the Rural Carrier Schedule, or the Fourth-Class Office Schedule, whichever may be applicable, is hereby increased by an amount equal to the amount of the increase made by this title in the next lower rate of the appropriate level in such schedule.

39 USC 951 note.

(b) As used in this section, the term “basic salary” has the same meaning as when used in the Postal Field Service Compensation Act of 1955.

39 USC 981.

Canal Zone employees.

SEC. 403. No increase under the provisions of this title shall be construed to be an equivalent increase within the meaning of section 401 (a) of the Postal Field Service Compensation Act of 1955.

SEC. 404. The Governor of the Canal Zone is authorized and directed to grant, effective as of January 1, 1958, increases in the compensation of postal employees of the Canal Zone Government comparable to those provided by this title for similar employees.

Guam.

SEC. 405. This Act shall have the same force and effect within Guam as within other possessions of the United States.

Retroactivity.

SEC. 406. (a) Retroactive compensation or salary shall be paid by reason of this title only in the case of an individual in the service of the United States (including service in the Armed Forces of the United States) or the municipal government of the District of Columbia on the date of enactment of this title, except that such retroactive compensation or salary shall be paid (1) to a postmaster, officer, or employee who retired during the period beginning on the first day of the first pay period which began on or after January 1, 1958, and ending on the date of enactment of this title for services rendered during such period and (2) in accordance with the provisions of the Act of August 3, 1950 (Public Law 636, Eighty-first Congress), as

64 Stat. 395.

amended, for services rendered during the period beginning on the first day of the first pay period which began on or after January 1, 1958, and ending on the date of enactment of this title by a postmaster, officer, or employee who died during such period. Such retroactive compensation or salary shall not be considered as basic salary for the purposes of the Civil Service Retirement Act in the case of any such retired or deceased postmaster, officer, or employee.

70 Stat. 743.
5 USC 2251 et
seq.

(b) For the purposes of this section, service in the Armed Forces of the United States, in the case of an individual relieved from training and service in the Armed Forces of the United States or discharged from hospitalization following such training and service, shall include the period provided by law for the mandatory restoration of such individual to a position in or under the Federal Government or the municipal government of the District of Columbia.

SEC. 407. (a) This title shall take effect as of the first day of the first pay period which began on or after January 1, 1958.

Effective date.

(b) For the purpose of determining the amount of insurance for which an individual is eligible under the Federal Employees' Group Life Insurance Act of 1954, all changes in rates of compensation or salary which result from the enactment of this title shall be held and considered to be effective as of the date of such enactment.

68 Stat. 736.
5 USC 2091 note.

Approved May 27, 1958.

Public Law 85-427

AN ACT

To amend the Act granting the consent of Congress to the negotiation of certain compacts by the States of Nebraska, Wyoming, and South Dakota in order to extend the time for such negotiation.

May 29, 1958
[S. 2557]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the last sentence of the Act entitled "An Act granting the consent of Congress to the negotiation by the States of Nebraska, Wyoming, and South Dakota of certain compacts with respect to the use of waters common to two or more of said States", approved August 5, 1953 (67 Stat. 365) is amended by striking out "five years" and inserting in lieu thereof "eight years".

Approved May 29, 1958.

Public Law 85-428

AN ACT

To amend the Act of June 5, 1944, relating to the construction, operation, and maintenance of Hungry Horse Dam, Montana.

May 29, 1958
[S. 847]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to clarify the status of the Hungry Horse project, Montana, section 1 of the Act of June 5, 1944 (58 Stat. 270, 43 U. S. C. 593a), is hereby amended by adding to it a new sentence reading as follows:

"The Hungry Horse project shall be subject to the Federal reclamation laws (Act of June 17, 1902 (32 Stat. 388), and Acts amendatory thereof or supplementary thereto)."

43 USC 371 and
note.

Approved May 29, 1958.

Public Law 85-429

AN ACT

May 29, 1958
[S. 728]

To authorize the acquisition of certain property in square 724 in the District of Columbia for the purpose of extension of the site of the additional office building for the United States Senate or for the purpose of addition to the United States Capitol Grounds.

Senate Office
Building Commission.
Property acquisition.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in addition to the real property contained in square 725 in the District of Columbia heretofore acquired as a site for an additional office building for the United States Senate under the provisions of the Second Deficiency Appropriation Act, 1948, approved June 25, 1948 (62 Stat. 1028), the Architect of the Capitol, under the direction of the Senate Office Building Commission, is hereby authorized to acquire, on behalf of the United States, by purchase, condemnation, transfer, or otherwise, for purposes of extension of such site or for additions to the United States Capitol Grounds, all publicly or privately owned real property contained in lots 48, 51, 52, 53, 54, 55, 56, 76, 77, 78, 81, 82, 83, 84, 85, 88, 89, 90, 91, 800, 801, 802, 803, 804, 809, 810, 811, 812, 813, 814, 818, 819, 820, 821, 822, 823, and 824, in square 724 in the District of Columbia, and the portion of the alley or alleys in such square bounded on the west by lots 87, 48, and 803, except so much of such portion as abuts lots 839 and 80: *Provided*, That upon the acquisition of any such real property by the Architect of the Capitol on behalf of the United States, such property shall be subject to the provisions of the Act of July 31, 1946 (60 Stat. 718).

40 USC 193a et
seq.

SEC. 2. For the purposes of this Act and of such Act of June 25, 1948, the lots, alleys, and parts of alleys heretofore acquired in square 725, and the lots in square 724 authorized to be acquired hereunder, shall be deemed to extend to the outer face of the curbs of such squares.

45 Stat. 1415.

SEC. 3. Any proceeding for condemnation brought under this Act shall be conducted in accordance with the Act entitled "An Act to provide for the acquisition of land in the District of Columbia for the use of the United States", approved March 1, 1929 (16 D. C. Code, secs. 619-644).

SEC. 4. Notwithstanding any other provision of law, any real property owned by the United States and contained in square 724 shall, upon request of the Architect of the Capitol, made with the approval of the Senate Office Building Commission, be transferred to the jurisdiction and control of the Architect of the Capitol, and the portion of the alley or alleys authorized to be acquired hereunder shall be closed and vacated by the Commissioners of the District of Columbia in accordance with any request therefor made by the Architect of the Capitol with the approval of such Commission.

SEC. 5. Upon acquisition of any real property pursuant to this Act, the Architect of the Capitol, when directed by the Senate Office Building Commission to so act, is authorized to provide for the demolition of any buildings or other structures on, or constituting a part of, such property and, pending demolition, to lease any or all of such property for such periods and under such terms and conditions as he may deem most advantageous to the United States and to provide for the maintenance and protection of such property.

Capitol Police.

SEC. 6. The jurisdiction of the Capitol Police shall extend over any real property acquired under this Act, including the property in square 725 referred to in section 2.

SEC. 7. The Architect of the Capitol, under the direction of the Senate Office Building Commission, is authorized to enter into contracts and to make such other expenditures, including expenditures for personal and other services, as may be necessary to carry out the purposes of this Act.

Contracts.

SEC. 8. The appropriation of such sums as may be necessary to carry out the provisions of this Act is hereby authorized.

Appropriation.

Approved May 29, 1958.

Public Law 85-430

AN ACT

To provide for reports on the acreage planted to cotton, to repeal the prohibitions against cotton acreage reports based on farmers' planting intentions, and for other purposes.

May 29, 1958
[H. R. 6765]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Act of May 27, 1912, as amended (37 Stat. 118, 44 Stat. 1374; 7 U. S. C. 476), is amended to read as follows:

Cotton.
Acreage reports.

"The Secretary of Agriculture shall cause to be issued a report on or before the 10th day of July of each year showing by States and in toto the estimated acreage of cotton planted, to be followed on August 1 with an estimate of the acreage for harvest and on December 1 with an estimate of the harvested acreage".

SEC. 2. The first sentence of section 1 of the Act of May 3, 1924, as amended (43 Stat. 115, 44 Stat. 1373, 60 Stat. 940; 7 U. S. C. 475), is amended to read as follows: "The Secretary of Agriculture shall cause to be issued as of the first of each month during the cotton growing and harvesting season from August to December inclusive, reports describing the condition and progress of the crop and stating the probable number of bales which will be ginned, these reports to be issued simultaneously with the cotton-ginning reports of the Bureau of the Census relating to the same dates, the two reports to be issued from the same place at 11 o'clock antemeridian of the eighth day following that to which the respective reports relate".

Approved May 29, 1958.

Public Law 85-431

AN ACT

To provide for the release of restrictions and reservations contained in instrument conveying certain land by the United States to the State of Wisconsin.

May 29, 1958
[H. R. 7645]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is authorized and directed, upon payment to the United States by the State of Wisconsin of the fair market value of the fee simple title thereof, to convey, quitclaim or release to the State of Wisconsin any right, reservation, restriction or interest reserved to the United States in the real property described in section 2 (a) of the Act approved July 18, 1956 (70 Stat. 576) providing for conveyance to the State of Wisconsin without monetary consideration of certain real property described therein.

La Crosse, Wis.

Approved May 29, 1958.

Public Law 85-432

AN ACT

May 29, 1958
[H. R. 7930]

To correct certain inequities with respect to automatic step-increase anniversary dates and longevity step-increases of postal field service employees.

Postal employ-
ees.
Longevity in-
creases.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That each employee—

(1) who is in the postal field service on the date of enactment of this section,

(2) whose basic salary was adjusted under section 304 of the Postal Field Service Compensation Act of 1955 (Public Law 68, Eighty-fourth Congress) and, immediately prior to such adjustment, was paid under the Classification Act of 1949, as amended, or under a prevailing wage schedule,

(3) who, prior to such adjustment of salary, had performed service which was creditable toward his next within-grade step-increase under section 701 (a) of the Classification Act of 1949, as amended, or under such prevailing wage schedule, and

(4) whose amount of increase in basic salary received upon adjustment of his basic salary under section 304 of the Postal Field Service Compensation Act of 1955 was less than the difference between the salary for that step of the grade of his position under the Classification Act of 1949, as amended, or of his position under such prevailing wage schedule, which he occupied immediately prior to such adjustment of salary and the salary at such time for the next higher step of such grade,

shall, for purposes of the first advancement by step-increase under and in accordance with section 401 of the Postal Field Service Compensation Act of 1955—

(A) have his anniversary date adjusted to the first day of his first pay period under such Act which begins on or after the date on which he would have earned a within-grade step-increase under the Classification Act of 1949, as amended, or a within-grade step-increase under such prevailing wage schedule, if his position had remained subject to the Classification Act of 1949, as amended, or subject to such schedule, as the case may be, unless his anniversary date under the Postal Field Service Compensation Act of 1955 which is in effect on the date of enactment of this section occurs earlier than such adjusted anniversary date, and

(B) be paid, for all periods of service performed by him under the Postal Field Service Compensation Act of 1955 beginning on or after such adjusted anniversary date, the additional basic salary to which he becomes entitled under such Act by reason of this section,

subject to and in accordance with the following requirements:

(i) that any advancement of such employee by step-increase under section 401 of such Act which such employee may have received prior to the date of enactment of this section shall not be regarded as an equivalent increase in basic salary for purposes of such Act, and

(ii) that the amount of additional basic salary to which such employee is entitled under clause (B) of this section is appropriately reduced by the amount of additional basic salary attributable to any advancement of such employee by step-increase under section 401 of such Act prior to the date of enactment of this section.

69 Stat. 121.
39 USC 974.
63 Stat. 954.
5 USC 1071 note.

5 USC 1121.

39 USC 981.

39 USC 981.

SEC. 2. Section 404 (c) (1) of the Postal Field Service Compensation Act of 1955 (69 Stat. 123; Public Law 68, Eighty-fourth Congress; 39 U. S. C. 984 (c) (1)) is amended—

(1) by striking out the word “and” immediately following the semicolon at the end of subparagraph (C) thereof;

(2) by striking out the period at the end of subparagraph (D) thereof and inserting in lieu of such period a semicolon and the word “and”; and

(3) by adding at the end of such section 404 (c) (1) the following new subparagraph:

“(E) all time on the rolls under the Postal Accounts Division (including time on the rolls under the former Post Office Department Division) in the General Accounting Office continuous to the date of the transfer of the employee to the Post Office Department in accordance with section 7 (a) of the Post Office Department Financial Control Act of 1950 (39 U. S. C. 794e (a)).”

Postal Accounts
Division.

64 Stat. 462.

Effective date.

SEC. 3. (a) The amendment made by section 2 of this Act shall take effect as of December 3, 1955.

(b) No payment of longevity compensation shall be made, by reason of the amendment made by section 2 of this Act and the provisions of subsection (a) of this section, for any period prior to the date of enactment of this section, to any person who is not an employee in the postal field service on such date of enactment.

Restriction.

SEC. 4. (a) Section 802 (a) of the Classification Act of 1949, as amended (5 U. S. C. 1132), is amended by inserting after the word “position” where it appears in clause (1) and where it appears for the first time in clause (2) the words “in the legislative, judicial, or executive branch”, and by inserting before the semicolon at the end of clause (4) the following: “in any position subject to this Act following service in any position in the legislative, judicial, or executive branch”.

63 Stat. 969.
Basic compensa-
tion.
Regulations.

(b) Such section is further amended by adding at the end thereof a new subsection as follows:

“(c) Any employee in the legislative branch whose compensation is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives, and who has completed two or more years of service as such an employee, may upon appointment to a position subject to the Classification Act of 1949 have his initial rate of compensation fixed at the minimum rate of the appropriate grade, or at any step of such grade that does not exceed the highest previous rate of compensation received by him during such service in the legislative branch.”

Legislative
branch service.

63 Stat. 954.
5 USC 1071 note.

(c) The amendments made by this section shall take effect as of January 1, 1958.

Effective date.

SEC. 5. Section 2 (b) of the Act entitled “An Act extending the classified executive civil service of the United States”, approved November 26, 1940, as amended (5 U. S. C. 631b (b)), is amended by striking out “any person who shall have served for four years as a secretary, clerk or assistant clerk to a Senator, Representative, Delegate or Resident Commissioner, or as a clerk or assistant clerk to a standing committee of the Senate or House of Representatives or as a clerical employee of the Senate or House of Representatives” and inserting in lieu thereof the following: “any person who shall have completed three or more years of service as an employee in the legislative branch in a position the compensation for which is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives.”

Legislative em-
ployees.
Civil-service
status.
54 Stat. 1212.

Approved May 29, 1958.

Public Law 85-433

AN ACT

May 29, 1958
[H. R. 6940]

To authorize the Secretary of the Interior to reimburse owners of lands acquired for developments under his jurisdiction for their moving expenses, and for other purposes.

Reclamation
projects.
Reimbursement
of owners and
tenants.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized, to the extent administratively determined by him to be fair and reasonable, to reimburse the owners and tenants of lands acquired for the construction, operation, or maintenance of developments under his jurisdiction for expenses and other losses and damages incurred by them in the process and as a direct result of such moving of themselves, their families, and their possessions as is occasioned by said acquisition, which reimbursement shall be in addition to, but not in duplication of, any payments that may otherwise be authorized by law: *Provided*, That the total of such reimbursement to the owners and tenants of any parcel of land shall in no event exceed 25 per centum of its fair value, as determined by the Secretary. No payment under this Act shall be made unless application therefor, supported by an itemized statement of the expenses, losses, and damages incurred, is submitted to the Secretary within one year from the date upon which the premises involved are vacated or, in the case of lands acquired and vacated prior to the date of this Act but after July 14, 1952, within one year from the date of this Act.

Restrictions.

Administration.

SEC. 2. The Secretary may perform any and all acts and make such rules and regulations as he finds necessary and proper for the purpose of carrying out the provisions of this Act. All functions performed under this Act shall be exempt from the operation of the Act of June 11, 1946 (60 Stat. 237), as amended (5 U. S. C., secs. 1001-1011), except as to the requirements of section 3 of said Act.

Definitions.

SEC. 3. As used in this Act, the term "lands" shall include interests in land; the term "acquisition" and its cognates shall include the exercise of a right-of-way upon lands subject thereto under the Act of August 30, 1890 (26 Stat. 371, 391, 43 U. S. C., sec. 945); and the term "fair value" shall, in the case of interests in land and of rights-of-way under the Act of August 30, 1890, mean a fair value of the interest acquired or of the right-of-way occupied.

Appropriations.

SEC. 4. Funds appropriated for the construction, operation, or maintenance of developments under the jurisdiction of the Secretary shall also be available for carrying out the provisions of this Act.

Approved May 29, 1958.

Public Law 85-434

AN ACT

May 29, 1958
[S. 3371]

To amend the Act of August 25, 1916, to increase the period for which concessionaire leases may be granted under that Act from twenty years to thirty years.

39 Stat. 535.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916, as amended (16 U. S. C. 3), is amended by striking out "twenty years" and inserting in lieu thereof "thirty years".

Approved May 29, 1958.

Public Law 85-435

AN ACT

To provide for the establishment of Fort Clatsop National Memorial in the State of Oregon, and for other purposes.

May 29, 1958
[S. 3087]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of commemorating the culmination, and the winter encampment, of the Lewis and Clark Expedition following its successful crossing of the North American Continent, there is hereby authorized to be established, in the manner provided herein, Fort Clatsop National Memorial.

Fort Clatsop National Memorial,
Oreg.

SEC. 2. The Secretary of the Interior shall designate for inclusion in Fort Clatsop National Memorial land and improvements thereon located in Clatsop County, Oregon, which are associated with the winter encampment of the Lewis and Clark Expedition, known as Fort Clatsop, and, also, adjacent portions of the old trail which led overland from the fort to the coast: *Provided*, That the total area so designated shall contain no more than one hundred and twenty-five acres.

SEC. 3. Within the area designated pursuant to section 2, the Secretary of the Interior is authorized to acquire land and interests in land by purchase, donation, with donated funds, or by such other means as he deems to be in the public interest.

SEC. 4. Establishment of Fort Clatsop National Memorial shall be effected when there is vested in the United States of America title to not less than one hundred acres of land associated with the historical events to be commemorated. Following its establishment, Fort Clatsop National Memorial shall be administered by the Secretary of the Interior pursuant to the Act of August 25, 1916 (39 Stat. 535), as amended.

16 USC 1-4.

Approved May 29, 1958.

Public Law 85-436

AN ACT

To authorize the use of naval vessels to determine the effect of newly developed weapons upon such vessels.

May 29, 1958
[H. R. 11519]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy is authorized to employ certain ships of the Navy as targets for the purpose of tests and experimentation in determining the effect of newly developed weapons on such vessels.

Naval vessels.
Experimental
purposes.

SEC. 2. Upon completion of the above tests and experiments the Secretary of the Navy, or his designee, may in his discretion order such target vessels to be—

(a) retained with or without repair for further test and experimentation, for further naval use, or for disposition in accordance with other provisions of law; or

(b) sunk if considered unseaworthy.

SEC. 3. The number of vessels which may be employed as target vessels under this Act is limited to five ships and up to ten service craft.

Limitation.

SEC. 4. The provisions of this Act relating to the employment of vessels as targets shall terminate two years after the date of its enactment.

Termination
date.

Approved May 29, 1958.

Public Law 85-437

May 29, 1958
[S. 2813]

AN ACT

To provide for certain credits to the Salt River Valley Water Users' Association and the Salt River Project Agricultural Improvement and Power District in consideration of the transfer to the Government of property in Phoenix, Arizona.

Phoenix, Ariz.
Credits for prop-
erty transfer.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That upon certification by the Administrator of the General Services Administration to the Secretary of the Interior that the Salt River Project Agricultural Improvement and Power District has tendered to the United States marketable title to certain properties in the city of Phoenix, Arizona, as evidenced by an acceptable abstract of title, certificate of title, or title guaranty policy now owned by it which are necessary for, or reasonably useful in connection with, a new Federal courthouse and office building, that the Attorney General of the United States has rendered a written opinion in favor of the validity of the title and that the Administrator, acting on behalf of the United States, has accepted a warranty deed, in form approved by the Attorney General and with documentary stamps thereto attached in amounts required by law, conveying the unencumbered fee simple title to the properties therein described to the United States of America, the Secretary shall credit toward repayment of such of the obligations assumed by the Salt River Valley Water Users' Association and the Salt River Project Agricultural Improvement and Power District under the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) as he finds proper an amount equal to the value of the properties transferred, as determined by an appraisal satisfactory to the Administrator, the Secretary, and the Salt River Project Agricultural Improvement and Power District: *Provided,* That if said amount is in excess of said obligations, the difference may be paid in cash or other valuable considerations.

43 USC 371 and
note.

Approved May 29, 1958.

Public Law 85-438

May 29, 1958
[H. R. 8547]

AN ACT

To authorize the disposal of certain uncompleted vessels.

Naval vessels.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy is authorized to strike from the Naval Vessel Register and, according to law, to dispose of the following uncompleted naval vessels:

- United States ship Kentucky (BB-66).
- United States ship Hawaii (CB-3).
- United States ship Lansdale (DD-766).
- United States ship Seymour D. Owens (DD-767).
- United States ship Lancetfish (SS-296).
- United States ship Unicorn (SS-436).
- United States ship Walrus (SS-437).

Approved May 29, 1958.

Public Law 85-439

AN ACT

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1959, and for other purposes.

June 4, 1958
[H. R. 10746]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending June 30, 1959, namely:

Department of
the Interior and
Related Agencies
Appropriation Act,
1959.

TITLE I—DEPARTMENT OF THE INTERIOR

DEPARTMENTAL OFFICES

OFFICE OF SALINE WATER

Salaries and Expenses

For expenses necessary to carry out provisions of the Act of July 3, 1952, as amended (42 U. S. C. 1951-1958), authorizing studies of the conversion of saline water for beneficial consumptive uses, \$825,000.

66 Stat. 328, 69
Stat. 198.

OFFICE OF OIL AND GAS

Salaries and Expenses

For necessary expenses to enable the Secretary to discharge his responsibilities with respect to oil and gas, including cooperation with the petroleum industry and State authorities in the production, processing, and utilization of petroleum and its products, and natural gas; and for controlling the interstate shipment of contraband oil as required by law (15 U. S. C. 715); \$525,000.

49 Stat. 30.

OFFICE OF THE SOLICITOR

Salaries and Expenses

For necessary expenses of the Office of the Solicitor, \$2,800,000, and in addition, not to exceed \$100,000 may be reimbursed or transferred to this appropriation from other accounts available to the Department of the Interior: *Provided*, That hearing officers appointed for Indian probate work need not be appointed pursuant to the Administrative Procedure Act (60 Stat. 237), as amended.

5 USC 1001 note.

OFFICE OF MINERALS MOBILIZATION

Salaries and Expenses

For expenses necessary to enable the Secretary to discharge his responsibilities, including cooperation with the metals and minerals industry, with respect to the conservation, exploration, development, production, and utilization of mineral resources, including solid fuels, \$262,000.

Acquisition of Strategic Minerals

For necessary expenses in carrying out the provisions of the "Domestic Tungsten, Asbestos, Fluorspar, and Columbium-Tantalum Production and Purchase Act of 1956" (70 Stat. 579), exclusive of section 2a, including services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), \$3,200,000, to remain available until December 31, 1958.

50 USC app. 2191
note.

60 Stat. 810.

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, and performance of other functions, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including \$250,000 for the operation and maintenance of access roads on or adjacent to the revested Oregon and California Railroad grant lands, \$22,190,000: *Provided*, That this appropriation may be expended on a reimbursable basis for surveys of lands other than those under the jurisdiction of the Bureau of Land Management: *Provided further*, That, for the purposes of surveying federally controlled or intermingled lands and operation and maintenance of access roads, contributions toward the costs thereof may be accepted.

CONSTRUCTION

For construction of access roads on or adjacent to the revested Oregon and California Railroad grant lands and Coos Bay Wagon Road grant lands; acquisition of rights-of-way and of existing connecting roads adjacent to such lands; acquisition of rights-of-way on the revested Oregon and California Railroad grant lands, and on Coos Bay Wagon Road grant lands and lands in the vicinity of the Fraser River and Indian Creek, Colorado, and lands in the vicinity of Rattlesnake Mountain and Shirley Mountain, Wyoming, and lands in the vicinity of the Lemhi River, Idaho; acquisition and construction of buildings and appurtenant facilities; and construction and maintenance of recreational facilities in Alaska; to remain available until expended, \$4,685,000: *Provided*, That the amount appropriated herein for road construction shall be transferred to the Bureau of Public Roads, Department of Commerce: *Provided further*, That the amount appropriated herein for construction of access roads on the revested Oregon and California Railroad grant lands is hereby made a reimbursable charge against the Oregon and California land-grant fund and shall be reimbursed to the general fund in the Treasury in accordance with the provisions of the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase of twenty-eight passenger motor vehicles for replacement only; purchase of one aircraft for replacement only; purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title: *Provided*, That of appropriations herein made for the Bureau of Land Management expenditures in connection with the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands (other than those expenditures for reforestation, for construction and operation and maintenance of access roads, and for acquisition of rights-of-way and of existing connecting roads adjacent to such lands, which are reimbursable to the Treasury) shall be reimbursed from the 25 per centum referred to in section C, title II, of the Act approved August 28, 1937 (50 Stat. 876), of the special fund designated the "Oregon and California Land Grant Fund" and section 4 of the Act approved May 24, 1939 (53 Stat. 754), of the special fund designated the "Coos Bay Wagon Road Grant Fund": *Provided further*, That the amount

appropriated for maintenance of access roads and \$500,000 of the amount appropriated for reforestation on the Oregon and California Railroad grant lands, under the appropriation "Management of lands and resources", shall be reimbursed to the general fund of the Treasury in accordance with the provisions of the second paragraph of subsection (b) of title II of said Act of August 28, 1937.

RANGE IMPROVEMENTS

For construction, purchase, and maintenance of range improvements pursuant to the provisions of sections 3 and 10 of the Act of June 28, 1934, as amended (43 U. S. C. 315), sums equal to the aggregate of all moneys received, during the current fiscal year, as range improvement fees under section 3 of said Act and of 25 per centum of all moneys received, during the current fiscal year, under section 15 of said Act, to remain available until expended.

48 Stat. 1270,
1273.
43 USC 315b,
315i.

43 USC 315m.

BUREAU OF INDIAN AFFAIRS

EDUCATION AND WELFARE SERVICES

For expenses necessary to provide education and welfare services for Indians, either directly or in cooperation with States and other organizations, including payment (in advance or from date of admission), of care, tuition, assistance, and other expenses of Indians in boarding homes, institutions, or schools; grants and other assistance to needy Indians; maintenance of law and order, and payment of rewards for information or evidence concerning violations of law on Indian reservations or lands; and operation of Indian arts and crafts shops and museums; \$58,139,000.

RESOURCES MANAGEMENT

For expenses necessary for management, development, improvement, and protection of resources and appurtenant facilities under the jurisdiction of the Bureau of Indian Affairs, including payment of irrigation assessments and charges; acquisition of water rights; advances for Indian industrial and business enterprises; operation of Indian arts and crafts shops and museums; and development of Indian arts and crafts as authorized by law; \$18,100,000, and in addition, \$524,000 of the Revolving Fund for Loans, Bureau of Indian Affairs, shall be used in connection with administering loans to Indians: *Provided*, That the Secretary of the Interior is authorized to expend income received from leases on lands on the Colorado River Indian Reservation (southern and northern reserves) for the benefit of the Colorado River Indian Tribes and their members during the current fiscal year, or until beneficial ownership of the lands has been determined if such determination is made during the current fiscal year.

CONSTRUCTION

For construction, major repair, and improvement of irrigation and power systems, buildings, utilities, and other facilities; acquisition of lands and interests in lands; preparation of lands for farming; and architectural and engineering services by contract; \$26,000,000, to remain available until expended, of which not to exceed \$12,000 may be paid to the North Dakota State Water Conservation Commission for the construction of culverts at Zeibaugh Pass, North Dakota: *Provided*, That no part of the sum herein appropriated shall be used for the acquisition of land within the States of Arizona, California,

Restrictions.

Colorado, New Mexico, South Dakota, Utah, and Wyoming outside of the boundaries of existing Indian reservations: *Provided further*, That no part of this appropriation shall be used for the acquisition of land or water rights within the States of Nevada, Oregon, and Washington either inside or outside the boundaries of existing reservations.

ROAD CONSTRUCTION AND MAINTENANCE (LIQUIDATION OF CONTRACT AUTHORIZATION)

For liquidation of obligations incurred pursuant to authority contained in section 6 of the Federal-Aid Highway Act of 1954 (68 Stat. 73) and section 106 of the Federal-Aid Highway Act of 1956 (70 Stat. 376), \$8,000,000, to remain available until expended.

23 USC 155.

GENERAL ADMINISTRATIVE EXPENSES

For expenses necessary for the general administration of the Bureau of Indian Affairs, including such expenses in field offices, \$3,450,000.

PAYMENT TO MENOMINEE TRIBE OF INDIANS

For reimbursement to the Menominee Tribe of Indians of necessary expenses involved in preparing for termination of Federal supervision, in accordance with the Act of July 14, 1956 (70 Stat. 544), \$200,000, to remain available until expended.

PAYMENT TO KLAMATH TRIBE OF INDIANS

For reimbursement to the Klamath Tribe of Indians of necessary expenses involved in preparing for termination of Federal supervision, in accordance with the Act of August 14, 1957 (71 Stat. 347), \$250,000, to remain available until expended.

25 USC 564e
note:

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans) shall be available for expenses of exhibits; purchase of not to exceed two hundred sixty-five passenger motor vehicles for replacement only, which may be used for the transportation of Indians; advance payments for service (including services which may extend beyond the current fiscal year) under contracts executed pursuant to the Act of June 4, 1936 (25 U. S. C. 452), and legislation terminating Federal supervision over certain Indian tribes; purchase of ice for official use of employees; and expenses required by continuing or permanent treaty provisions.

49 Stat. 1458.

TRIBAL FUNDS

In addition to the tribal funds authorized to be expended by existing law, there is hereby appropriated \$3,000,000 from tribal funds not otherwise available for expenditure for the benefit of Indians and Indian tribes, including pay and travel expenses of employees; care, tuition, and other assistance to Indian children attending public and private schools (which may be paid in advance or from date of admission); purchase of land and improvements on land, title to which shall be taken in the name of the United States in trust for the tribe for which purchased; lease of lands and water rights; compensation and expenses of attorneys and other persons employed by Indian tribes under approved contracts; pay, travel, and other expenses of tribal officers, councils, and committees thereof, or other tribal organizations,

including mileage for use of privately owned automobiles and per diem in lieu of subsistence at rates established administratively but not to exceed those applicable to civilian employees of the Government; relief of Indians, without regard to section 7 of the Act of May 27, 1930 (46 Stat. 391), including cash grants; and employment of a recreational director for the Menominee Reservation and a curator for the Osage Museum, each of whom shall be appointed with the approval of the respective tribal councils and without regard to the classification laws: *Provided*, That in addition to the amount appropriated herein, tribal funds may be advanced to Indian tribes during the current fiscal year for such purposes as may be designated by the governing body of the particular tribe involved and approved by the Secretary: *Provided, however*, That no part of this appropriation or other tribal funds shall be used for the acquisition of land or water rights within the States of Nevada, Oregon, Washington, and Wyoming, either inside or outside the boundaries of existing Indian reservations, if such acquisition results in the property being exempted from local taxation.

18 USC 4124.

Restriction.

GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the Geological Survey to perform surveys, investigations, and research covering topography, geology, and the mineral and water resources of the United States, its Territories and possessions; classify lands as to mineral character and water and power resources; give engineering supervision to power permits and Federal Power Commission licenses; enforce departmental regulations applicable to oil, gas, and other mining leases, permits, licenses, and operating contracts; and publish and disseminate data relative to the foregoing activities; \$36,915,000, of which \$6,950,000 shall be available only for cooperation with States or municipalities for water resources investigations: *Provided*, That no part of this appropriation shall be used to pay more than one-half the cost of any topographic mapping or water resources investigations carried on in cooperation with any State or municipality.

Restriction.

ADMINISTRATIVE PROVISIONS

The amount appropriated for the Geological Survey shall be available for purchase of not to exceed ninety-two passenger motor vehicles, for replacement only; reimbursement of the General Services Administration for security guard service for protection of confidential files; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gaging stations; and payment of compensation and expenses of persons on the rolls of the Geological Survey appointed, as authorized by law, to represent the United States in the negotiation and administration of interstate compacts.

BUREAU OF MINES

CONSERVATION AND DEVELOPMENT OF MINERAL RESOURCES

For expenses necessary for promoting the conservation, exploration, development, production, and utilization of mineral resources, including fuels, in the United States, its Territories and possessions; and developing synthetics and substitutes; \$18,339,000.

HEALTH AND SAFETY

For expenses necessary for promotion of health and safety in mines and in the minerals industries, and controlling fires in coal deposits, as authorized by law, \$5,900,000.

CONSTRUCTION

For the construction and improvement of facilities under the jurisdiction of the Bureau of Mines, to remain available until expended, \$1,719,000.

GENERAL ADMINISTRATIVE EXPENSES

For expenses necessary for general administration of the Bureau of Mines, including such expenses in the regional offices, \$1,095,000.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the Bureau of Mines may be expended for purchase of not to exceed seventy-eight passenger motor vehicles for replacement only; providing transportation services in isolated areas for employees, student dependents of employees, and other pupils, and such activities may be financed under cooperative arrangements; purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work: *Provided*, That the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private: *Provided further*, That the sums made available for the current fiscal year to the Departments of the Army, Navy, and Air Force for the acquisition of helium from the Bureau of Mines shall be transferred to the Bureau of Mines, and said sums, together with all other payments to the Bureau of Mines for helium, shall be credited to the special helium production fund, established pursuant to the Act of March 3, 1925, as amended (50 U. S. C. 164 (c)): *Provided further*, That the Bureau of Mines is authorized, during the current fiscal year, to sell directly or through any Government agency, including corporations, any metal or mineral product that may be manufactured in pilot plants operated by the Bureau of Mines, and the proceeds of such sales shall be covered into the Treasury as miscellaneous receipts.

NATIONAL PARK SERVICE

MANAGEMENT AND PROTECTION

For expenses necessary for the management and protection of the areas and facilities administered by the National Park Service, including protection of lands in process of condemnation; and for plans, investigations, and studies of the recreational resources (exclusive of preparation of detail plans and working drawings) and archeological values in river basins of the United States (except the Missouri River Basin); \$14,632,000.

MAINTENANCE AND REHABILITATION OF PHYSICAL FACILITIES

For expenses necessary for the operation, maintenance, and rehabilitation of roads (including furnishing special road maintenance service to defense trucking permittees on a reimbursable basis), trails, buildings, utilities, and other physical facilities essential to the operation of areas administered pursuant to law by the National Park Service, \$12,175,000.

CONSTRUCTION

For construction and improvement, without regard to the Act of August 24, 1912, as amended (16 U. S. C. 451), of buildings, utilities, and other physical facilities; the repair or replacement of roads, trails, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, or storm, or the construction of projects deferred by reason of the use of funds for such purposes; and the acquisition of lands, interests therein, improvements, and water rights; to remain available until expended, \$20,000,000, of which not to exceed \$135,000 shall be available for the construction of additional school facilities at Grand Canyon National Park, Arizona.

37 Stat. 460.

CONSTRUCTION (LIQUIDATION OF CONTRACT AUTHORIZATION)

For liquidation of obligations incurred pursuant to authority contained in section 6 of the Federal-Aid Highway Act of 1954 (68 Stat. 73) and section 106 of the Federal-Aid Highway Act of 1956 (70 Stat. 376), including acquisition of right-of-way for the eastern entrance road, Rocky Mountain National Park, Colorado, \$22,000,000, to remain available until expended.

23 USC 155.

GENERAL ADMINISTRATIVE EXPENSES

For expenses necessary for general administration of the National Park Service, including such expenses in the regional offices, \$1,330,000.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed eighty-four passenger motor vehicles for replacement only, including not to exceed seventeen for replacing United States Park Police cruisers; purchase of one aircraft; and the objects and purposes specified in the Acts of August 8, 1953 (16 U. S. C. 1b-1d) and July 1, 1955 (16 U. S. C. 18f): *Provided*, That all receipts for the fiscal year 1959 from the operation of the McKinley Park Hotel in Mount McKinley National Park, Alaska, may be applied to, or offset against, costs of managing, operating, and maintaining the hotel and related facilities, and any receipt or other revenues in excess of such costs shall be deposited at least annually into the Treasury of the United States as miscellaneous receipts.

67 Stat. 495, 496;
69 Stat. 242.

FISH AND WILDLIFE SERVICE

OFFICE OF THE COMMISSIONER OF FISH AND WILDLIFE

Salaries and Expenses

For necessary expenses of the Office of the Commissioner, \$307,800.

BUREAU OF SPORT FISHERIES AND WILDLIFE

Management and Investigations of Resources

For expenses necessary for scientific and economic studies, conservation, management, investigation, protection, and utilization of sport fishery and wildlife resources, except whales, seals, and sea lions, and for the performance of other authorized functions related to such resources; operation of the industrial properties within the Crab Orchard National Wildlife Refuge (61 Stat. 770); maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife

62 Stat. 238.

Refuge; purchase or rent of land, and functions related to wildlife management in California (16 U. S. C. 695-695c); and leasing and management of lands for the protection of the Florida Key deer; \$11,616,000; and, in addition, there are appropriated amounts equal to 12½ per centum of the proceeds covered into the Treasury during the next preceding fiscal year from the sale of sealskins and other products, for management and investigations of the sport fishery and wildlife resources of Alaska, including construction.

Construction

For construction and acquisition of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of sport fishery and wildlife resources, and the acquisition of lands and interests therein, \$3,929,350, to remain available until expended.

General Administrative Expenses

For expenses necessary for general administration of the Bureau of Sport Fisheries and Wildlife, including such expenses in the regional offices, \$714,100.

BUREAU OF COMMERCIAL FISHERIES

Management and Investigations of Resources

For expenses necessary for scientific and economic studies, conservation, management, investigation, protection, and utilization of commercial fishery resources, including whales, sea lions, and related aquatic plants and products; collection, compilation, and publication of information concerning such resources; promotion of education and training of fishery personnel; and the performance of other functions related thereto, as authorized by law; \$5,866,000; and, in addition, there are appropriated amounts equal to 12½ per centum of the proceeds covered into the Treasury during the next preceding fiscal year from the sale of sealskins and other products, for management and investigations of the commercial fishery resources of Alaska, including construction.

Construction

For construction and acquisition of buildings and other facilities required for the conservation, management, investigation, protection, and utilization of commercial fishery resources and the acquisition of lands and interests therein, \$500,000, to remain available until expended.

Limitation on Administrative Expenses, Fisheries Loan Fund

During the current fiscal year not to exceed \$313,000 of the fisheries loan fund shall be available for expenses of administering such fund.

General Administrative Expenses

For expenses necessary for general administration of the Bureau of Commercial Fisheries, including such expenses in the regional offices, \$175,000.

Administration of Pribilof Islands

For carrying out the provisions of the Act of February 26, 1944, as amended (16 U. S. C. 631a-631q), there are appropriated amounts equal to 60 per centum of the proceeds covered into the Treasury

58 Stat. 100.

during the next preceding fiscal year from the sale of sealskins and other products, to remain available for expenditure during the current and next succeeding fiscal years.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the Fish and Wildlife Service shall be available for purchase of not to exceed ninety-six passenger motor vehicles for replacement only; purchase of not to exceed nine aircraft for replacement only; not to exceed \$30,000 for payment, in the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Fish and Wildlife Service; publication and distribution of bulletins as authorized by law (7 U. S. C. 417); rations or commutation of rations for officers and crews of vessels at rates not to exceed \$3 per man per day; repair of damage to public roads within and adjacent to reservation areas caused by operations of the Fish and Wildlife Service; options for the purchase of land at not to exceed \$1 for each option; facilities incident to such public recreational uses on conservation areas as are not inconsistent with their primary purposes; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Fish and Wildlife Service and to which the United States has title, and which are utilized pursuant to law in connection with management and investigation of fish and wildlife resources.

34 Stat. 690.

OFFICE OF TERRITORIES

ADMINISTRATION OF TERRITORIES

For expenses necessary for the administration of Territories and for the departmental administration of the Trust Territory of the Pacific Islands, under the jurisdiction of the Department of the Interior, including expenses of the offices of the Governors of Alaska, Hawaii, Guam, American Samoa, as authorized by law (48 U. S. C., secs. 61, 531, 1422, 1431a (c)); salaries of the Governor of the Virgin Islands, the Government Secretary, and the members of their immediate staffs as authorized by law (48 U. S. C. 1591); compensation and mileage of members of the legislatures in Alaska, Hawaii, Guam, American Samoa, and the Virgin Islands as authorized by law (48 U. S. C., secs. 87, 599, 1421d (e), 1431a (c), and 1572e); compensation and expenses of the judiciary in American Samoa as authorized by law (48 U. S. C. 1431a (c)); grants to American Samoa, in addition to current local revenues, for support of governmental functions; and personal services, household equipment and furnishings, and utilities necessary in the operation of the houses of the Governors of Alaska, Hawaii, Guam, and American Samoa; \$2,100,000: *Provided*, That the Territorial and local governments herein provided for are authorized to make purchases through the General Services Administration: *Provided further*, That appropriations available for the administration of Territories may be expended for the purchase, charter, maintenance, and operation of aircraft and surface vessels for official purposes and for commercial transportation purposes found by the Secretary to be necessary.

31 Stat. 321, 153;
64 Stat. 386; 45
Stat. 1253.

68 Stat. 503.

37 Stat. 516; 31
Stat. 146; 64 Stat.
391; 45 Stat. 1253;
68 Stat. 499.

TRUST TERRITORY OF THE PACIFIC ISLANDS

For expenses necessary for the Department of the Interior in administration of the Trust Territory of the Pacific Islands pursuant to the Trusteeship Agreement approved by joint resolution of July 18, 1947 (61 Stat. 397), and the Act of June 30, 1954 (68 Stat. 330),

22 USC 287 note.
48 USC 1435
note.

including the expenses of the High Commissioner of the Trust Territory of the Pacific Islands; compensation and expenses of the Judiciary of the Trust Territory of the Pacific Islands; grants to the Trust Territory of the Pacific Islands in addition to local revenues, for support of governmental functions; \$4,715,000: *Provided*, That the revolving fund for loans to locally owned private trading enterprises shall continue to be available during the fiscal year 1959: *Provided further*, That all financial transactions of the Trust Territory, including such transactions of all agencies or instrumentalities established or utilized by such Trust Territory, shall be audited by the General Accounting Office in accordance with the provisions of the Budget and Accounting Act, 1921 (42 Stat. 23), as amended, and the Accounting and Auditing Act of 1950 (64 Stat. 834): *Provided further*, That the government of the Trust Territory of the Pacific Islands is authorized to make purchases through the General Services Administration: *Provided further*, That appropriations available for the Administration of the Trust Territory of the Pacific Islands may be expended for the purchase, charter, maintenance, and operation of aircraft and surface vessels for official purposes and for commercial transportation purposes found by the Secretary to be necessary in carrying out the provisions of article 6 (2) of the Trusteeship Agreement approved by Congress: *Provided further*, That notwithstanding the provisions of any law, the Trust Territory of the Pacific Islands is authorized to receive, during the current fiscal year, from the Department of Agriculture for distribution on the same basis as domestic distribution in any State, Territory, or possession of the United States, without exchange of funds, such surplus food commodities as may be available pursuant to section 32 of the Act of August 24, 1935, as amended (7 U. S. C. 612c), and section 416 of the Agricultural Act of 1949, as amended (7 U. S. C. 1431).

31 USC 1.

31 USC 65 note.

61 Stat. 3302.

49 Stat. 774.

68 Stat. 458.

ALASKA PUBLIC WORKS

For an additional amount for expenses necessary for carrying out the provisions of the Act of August 24, 1949, as amended (48 U. S. C. 486-486j), \$5,300,000, of which not to exceed \$553,600 shall be available for administrative expenses.

63 Stat. 627.

ALASKA RAILROAD REVOLVING FUND

The Alaska Railroad Revolving Fund shall continue available until expended for the work authorized by law, including operation and maintenance of oceangoing or coastwise vessels by ownership, charter, or arrangement with other branches of the Government service, for the purpose of providing additional facilities for transportation of freight, passengers, or mail, when deemed necessary for the benefit and development of industries or travel in the area served; and payment of compensation and expenses as authorized by section 42 of the Act of September 7, 1916 (5 U. S. C. 793), to be reimbursed as therein provided: *Provided*, That no employee shall be paid an annual salary out of said fund in excess of the minimum prescribed by the Classification Act of 1949, as amended, for grade GS-15, except the general manager of said railroad, one assistant general manager at not to exceed the minimum prescribed by said Act for GS-17, and five officers at not to exceed the minimum prescribed by said Act for grade GS-16.

39 Stat. 750.

69 Stat. 172.
5 USC 1113(b).

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary of the Interior (referred to herein as the Secretary), including teletype rentals and service, and the purchase of one passenger motor vehicle (at not to exceed \$5,500) for replacement only, \$2,500,000.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted.

Emergency reconstruction.

SEC. 102. The Secretary may authorize the expenditure or transfer (within each bureau or office) of any appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under jurisdiction of the Department of the Interior: *Provided*, That appropriations made in this title for fire suppression purposes shall be available for the payment of obligations incurred during the preceding fiscal year.

Forest or range fire suppression.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by the Act of June 30, 1932 (31 U. S. C. 686): *Provided*, That reimbursements for cost of supplies, materials and equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

Operation of warehouses, etc.

47 Stat. 417.

SEC. 104. Appropriations made to the Department of the Interior in this title or in the Public Works Appropriation Act, 1959, shall be available for services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), when authorized by the Secretary, at rates not to exceed \$75 per diem for individuals, and in total amount not to exceed \$175,000; maintenance and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

60 Stat. 810.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U. S. C. 2131 and D. C. Code 4-204).

68 Stat. 1114; 69 Stat. 49. 43 Stat. 175.

TITLE II—RELATED AGENCIES

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

36 Stat. 371.

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U. S. C. 104), including payment of actual traveling expenses of the members and secretary of the Commission in attending meetings and committee meetings of the Commission either within or outside the District of Columbia, to be disbursed on vouchers approved by the Commission, \$35,000.

FEDERAL COAL MINE SAFETY BOARD OF REVIEW

SALARIES AND EXPENSES

60 Stat. 810.

For necessary expenses of the Federal Coal Mine Safety Board of Review, including services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), \$70,000.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST PROTECTION AND UTILIZATION

For expenses necessary for forest protection and utilization, as follows:

31 USC 665.

Forest land management: For necessary expenses of the Forest Service, not otherwise provided for, including the administration, improvement, development, and management of lands under Forest Service administration, fighting and preventing forest fires on or threatening such lands and for liquidation of obligations incurred in the preceding fiscal year for such purposes, control of white pine blister rust and other forest diseases and insects on Federal and non-Federal lands; \$75,107,000, of which \$5,000,000 for fighting and preventing forest fires and \$1,760,000 for insect and disease control shall be apportioned for use, pursuant to section 3679 of the Revised Statutes, as amended, to the extent necessary under the then existing conditions: *Provided*, That not more than \$100,000 may be used for acquisition of land under the Act of March 1, 1911, as amended (16 U. S. C. 513-519): *Provided further*, That funds appropriated for "Cooperative range improvements", pursuant to section 12 of the Act of April 24, 1950 (16 U. S. C. 580h), may be advanced to this appropriation.

36 Stat. 962.

64 Stat. 85.

Forest research: For forest research at forest and range experiment stations, the Forest Products Laboratory, or elsewhere, as authorized by law; \$15,678,000.

State and private forestry cooperation: For cooperation with States in forest-fire prevention and suppression, in forest tree planting on non-Federal public and private lands, and in forest management and processing, and for advising timberland owners, associations, wood-using industries, and others in the application of forest management principles and processing of forest products, as authorized by law; \$12,720,000.

43 Stat. 1133.

During the current fiscal year not to exceed \$100,000 of the funds appropriated under this heading shall be available for the acquisition of sites authorized by the Act of March 3, 1925, as amended (16 U. S. C. 555), without regard to any other limitation on the amount available for this purpose.

FOREST ROADS AND TRAILS

For expenses necessary for carrying out the provisions of section 23 of the Federal Highway Act approved November 9, 1921, as amended (23 U. S. C. 23, 23a), relating to forest development roads and trails, including the construction, reconstruction, and maintenance of roads and trails on experimental areas under Forest Service administration, \$26,000,000, to remain available until expended, and this amount may be used to the extent necessary for liquidation of obligations incurred pursuant to authority contained in section 106 of the Federal-Aid Highway Act of 1956 (23 U. S. C. 155) and section 6 of the Federal-Aid Highway Act of 1958 (Public Law 85-381): *Provided*, That funds available under the Act of March 4, 1913 (16 U. S. C. 501), shall be merged with and made a part of this appropriation: *Provided further*, That not less than the amount made available under the provisions of the Act of March 4, 1913, shall be expended under the provisions of such Act.

42 Stat. 218; 49
Stat. 1520; 70 Stat.
376.

70 Stat. 376.

Anfe, p. 93.

37 Stat. 843.

ACQUISITION OF LANDS FOR NATIONAL FORESTS

Cache National Forest

For the acquisition of lands within the boundaries of the Cache National Forest, Utah, under the authority of the Act of July 24, 1956 (70 Stat. 632), \$50,000, to remain available until expended.

Special Acts

For the acquisition of land in the Cache National Forest, Utah, Act of May 11, 1938 (52 Stat. 347), as amended, \$10,000: *Provided*, That no part of this appropriation shall be used for acquisition of any land which is not within the boundaries of a national forest: *Provided further*, That no part of this appropriation shall be used for the acquisition of any land without the approval of the local government concerned.

COOPERATIVE RANGE IMPROVEMENTS

For artificial revegetation, construction, and maintenance of range improvements, control of rodents, and eradication of poisonous and noxious plants on national forests as authorized by section 12 of the Act of April 24, 1950 (16 U. S. C. 580h), \$700,000, to remain available until expended.

64 Stat. 85.

GENERAL PROVISIONS, FOREST SERVICE

SEC. 201. Appropriations available to the Forest Service for the current fiscal year shall be available for: (a) purchase of not to exceed one hundred and twenty passenger motor vehicles for replacement only, and hire of such vehicles; operation and maintenance of aircraft and the purchase of not to exceed six, of which four shall be for replacement only; (b) employment pursuant to the second sentence of section 706 (a) of the Organic Act of 1944 (5 U. S. C. 574), as amended by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), in an amount not to exceed \$25,000; (c) maintenance, improvement, and construction of aircraft landing fields in, or adjacent to, the national forests, in an amount not to exceed \$250,000; (d) uniforms, or allowances therefor, as authorized by the Act of September 1, 1954, as amended (5 U. S. C. 2131); (e) purchase, erection, and alteration of buildings and other public improvements: *Provided*, That any building, the cost of which as improved was \$25,000 or more, shall not be improved within any fiscal year by an

Passenger motor
vehicles.

58 Stat. 742.

60 Stat. 810.

68 Stat. 1114; 69
Stat. 49.

- 58 Stat. 742. amount in excess of 5 per centum of such cost (5 U. S. C. 565a) except that an additional \$400,000 may be used for improvements at the Forest Products Laboratory; and (f) expenses of the National Forest Reservation Commission as authorized by section 14 of the Act of March 1, 1911 (16 U. S. C. 514).
- 38 Stat. 963. Purchase of twine. SEC. 202. Except to provide materials required in or incident to research or experimental work where no suitable domestic product is available, no part of the funds appropriated to the Forest Service shall be expended in the purchase of twine manufactured from commodities or materials produced outside of the United States.
- Publicity or propaganda. SEC. 203. No part of any appropriation to the Forest Service in this Act shall be used for publicity or propaganda purposes to support or defeat legislation pending before the Congress.
- 50 Stat. 525.
7 USC 1010-1012. SEC. 204. The Secretary may sell at market value any property located in Yalobusha, Chickasaw, and Pontotoc Counties, Mississippi, administered under title III of the Act of July 22, 1937, and suitable for return to private ownership under such terms and conditions as would not conflict with the purposes of said Act.
- 38 Stat. 962. SEC. 205. Funds appropriated under this Act shall not be used for acquisition of forest lands under the provisions of the Act approved March 1, 1911, as amended (16 U. S. C. 513-519, 521), where such land is not within the boundaries of a national forest nor shall these lands or lands authorized for purchase in Sanders County, Montana, be acquired without the approval of the local government concerned.

INDIAN CLAIMS COMMISSION

SALARIES AND EXPENSES

- 60 Stat. 1049. For expenses necessary to carry out the purposes of the Act of August 13, 1946 (25 U. S. C. 70), creating an Indian Claims Commission, \$177,700, of which not to exceed \$3,600 shall be available for expenses of travel.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

- D. C. Code 1-1001
note.
60 Stat. 810. For necessary expenses, as authorized by the National Capital Planning Act of 1952 (66 Stat. 781), including services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); not to exceed \$175 for the purchase of newspapers and periodicals; not to exceed \$8,000 for expenses of travel; payment in advance for membership in societies whose publications or services are available to members only or to members at a price lower than to the general public; and transportation and not to exceed \$15 per diem in lieu of subsistence, as authorized by section 5 of the Act of August 2, 1946 (5 U. S. C. 73b-2), for members of the Commission serving without compensation; \$225,000.
- 60 Stat. 808.

LAND ACQUISITION, NATIONAL CAPITAL PARK, PARKWAY, AND PLAYGROUND SYSTEM

Not exceeding \$50,000 of the funds available for land acquisition purposes shall be used during the current fiscal year for necessary expenses of the Commission (other than payments for land) in connection with land acquisition.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES, SMITHSONIAN INSTITUTION

For all necessary expenses for the preservation, exhibition, and increase of collections from the surveying and exploring expeditions of the Government and from other sources; for the system of international exchanges between the United States and foreign countries; for anthropological researches among the American Indians and the natives of lands under the jurisdiction or protection of the United States, independently or in cooperation with State, educational, and scientific organizations in the United States, and the excavation and preservation of archeological remains; for maintenance of the Astrophysical Observatory and making necessary observations in high altitudes; for the administration of the National Collection of Fine Arts; for the administration, construction, and maintenance of laboratory and other facilities on Barro Colorado Island, Canal Zone, under the provisions of the Act of July 2, 1940, as amended by the provisions of Reorganization Plan Numbered 3 of 1946; for the maintenance and administration of a national air museum as authorized by the Act of August 12, 1946 (20 U. S. C. 77); including not to exceed \$35,000 for services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); not to exceed \$52,525 for expenses of travel; purchase, repair, and cleaning of uniforms for guards and elevator conductors; repairs and alterations of buildings and approaches; and preparation of manuscripts, drawings, and illustrations for publications; \$7,355,000.

54 Stat. 724.
20 USC 79-79e.
60 Stat. 1101.
5 USC 133y-16
note.
60 Stat. 997.

60 Stat. 810.

SALARIES AND EXPENSES, NATIONAL GALLERY OF ART

For the upkeep and operation of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards and elevator operators and uniforms, or allowances therefor for other employees as authorized by law (5 U. S. C. 2131); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance and repair of buildings, approaches, and grounds; not to exceed \$2,400 for expenses of travel; and not to exceed \$15,000 for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper; \$1,674,000.

20 USC 71.
53 Stat. 577.
20 USC 74.
60 Stat. 810.

68 Stat. 1114; 69 Stat. 49.

TITLE III—VIRGIN ISLANDS CORPORATION

CONTRIBUTIONS

For payment to the Virgin Islands Corporation in the form of grants, as authorized by law, \$130,000.

LIMITATION ON ADMINISTRATIVE EXPENSES, VIRGIN ISLANDS CORPORATION

During the current fiscal year the Virgin Islands Corporation is hereby authorized to make such expenditures, within the limits of funds available to it and in accord with law, and to make such contracts and commitments without regard to fiscal-year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out its programs as set forth in the budget for the fiscal year 1959: Provided, That not to exceed \$160,000 shall be available for administrative expenses (to be computed on an accrual basis) of the Corporation, covering the categories set forth in the 1959 budget estimates for such expenses.

51 Stat. 584.
31 USC 849.

TITLE IV—GENERAL PROVISIONS

Travel expenses.

SEC. 401. Unless otherwise provided by law, appropriations contained in this Act available for expenses of travel shall be available, when specifically authorized by the head of the activity or establishment concerned, for expenses of attendance at meetings of organizations concerned with the function or activity for which the appropriation concerned is made.

Short title.

This Act may be cited as the "Department of the Interior and Related Agencies Appropriation Act, 1959."

Approved June 4, 1958.

Public Law 85-440

AN ACT

June 4, 1958
[H. R. 8071]

To authorize the Secretary of the Army to convey an easement over certain property of the United States located in Princess Anne County, Virginia, known as the Fort Story Military Reservation, to the Norfolk Southern Railway Company in exchange for other lands and easements of said company.

Ft. Story Military Reservation, Va.
Land exchange.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army is authorized under such terms and conditions as he may determine to be in the public interest to convey to the Norfolk Southern Railway Company, a Virginia corporation, perpetual, assignable easements over those portions of the Fort Story Military Reservation, Princess Anne County, Virginia, aggregating 13.4 acres of land, more or less, in exchange for the conveyance by said company of fee title to 11.82 acres of land, more or less, and the relinquishment of an existing perpetual easement in, over, and upon 9.28 acres of land, more or less, at the locations delineated on the map entitled "Fort Story, Virginia—General Plan," Numbered 44-028-7, dated October 19, 1953, on file in the Office of the Chief of Engineers, Washington, District of Columbia.

Payment.

SEC. 2. The Norfolk Southern Railway Company shall pay a sum of money representing, in the opinion of the Secretary of the Army, the amount by which the fair market value of the property conveyed to it exceeds the fair market value of the rights conveyed by it to the United States.

Cost of surveys.

SEC. 3. The cost of any surveys necessary as an incident to the exchange authorized in section 1 of this Act shall be borne by the Norfolk Southern Railway Company.

SEC. 4. Any money received by the Secretary of the Army in connection with the exchange authorized in section 1 shall be covered into the Treasury of the United States as miscellaneous receipts.

Approved June 4, 1958.

Public Law 85-441

AN ACT

To provide for temporary additional unemployment compensation, and for other purposes.

June 4, 1958
[H. R. 12065]

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

SHORT TITLE

Section 1. This Act may be cited as the "Temporary Unemployment Compensation Act of 1958".

Temporary Un-
employment Com-
pensation Act of
1958.

TITLE I—INDIVIDUALS WHO HAVE EXHAUSTED THEIR RIGHTS

PAYMENT OF COMPENSATION

ELIGIBILITY

SEC. 101. (a) (1) Payment of temporary unemployment compensation under this Act shall be made, for any week of unemployment which begins on or after the fifteenth day after the date of the enactment of this Act and before April 1, 1959, to individuals who have, after June 30, 1957 (or after such later date as may be specified pursuant to section 102 (b)), exhausted (within the meaning prescribed by the Secretary by regulations) all rights under the unemployment compensation laws referred to in paragraph (3) and who have no rights to unemployment compensation with respect to such week under any such law or under any other Federal or State unemployment compensation law.

(2) Except as provided in section 103, payment of temporary unemployment compensation under this Act shall be made only pursuant to an agreement entered into under section 102 and only for weeks of unemployment beginning after the date on which the agreement is entered into.

(3) The unemployment compensation laws referred to in this paragraph are:

(A) Any unemployment compensation law of a State.

(B) Title XV of the Social Security Act, as amended (42 U. S. C. 1361 et seq.).

68 Stat. 1130.

(C) Title IV of the Veterans' Readjustment Assistance Act of 1952, as amended (38 U. S. C. 991 et seq.).

66 Stat. 684.

MAXIMUM AGGREGATE AMOUNT PAYABLE

(b) The maximum aggregate amount of temporary unemployment compensation payable to any individual under this Act shall be an amount equal to 50 per centum of the total amount (including allowances for dependents, but excluding any temporary additional unemployment benefits) which was payable to him, under the unemployment compensation law or laws referred to in subsection (a) (3) under which he last exhausted his rights before making his first claim under this Act, for the benefit year with respect to which this last exhaustion occurred: *Provided, however,* That the amount so payable shall be reduced by the amount of any temporary additional unemployment compensation payable to him under the unemployment compensation law of any State. The term "benefit year" means the benefit year as defined in the applicable State unemployment compensation law;

except that, if such law does not define a benefit year, then such term means the period prescribed by the Secretary.

WEEKLY BENEFIT AMOUNT

(c) The temporary unemployment compensation payable to an individual under this Act for a week of total unemployment shall be the weekly benefit amount (including allowances for dependents) for total unemployment which was payable to him pursuant to the unemployment compensation law or laws referred to in subsection (a) (3) under which he most recently exhausted his rights. The temporary unemployment compensation payable to an individual under this Act for a week of less than total unemployment shall be computed on the basis of such weekly benefit amount.

APPLICATION OF STATE LAWS

(d) Except where inconsistent with the provisions of this title, the terms and conditions of the unemployment compensation law or laws referred to in subsection (a) (3) under which an individual most recently exhausted his rights shall be applicable to his claims for temporary unemployment compensation under this Act and to the payment thereof.

AGREEMENTS WITH STATES

IN GENERAL

SEC. 102. (a) The Secretary is authorized on behalf of the United States to enter into an agreement with a State, or with the agency administering the unemployment compensation law of such State, under which such State agency—

(1) will make, as agent of the United States, payments of temporary unemployment compensation to the individuals referred to in section 101 on the basis provided in this Act; and

(2) will otherwise cooperate with the Secretary and with other State agencies in making payments of temporary unemployment compensation under this Act.

STATE MAY SELECT LATER DATE FOR EXHAUSTIONS UNDER STATE LAW WHICH QUALIFY UNDER THIS ACT

(b) If the State so requests, the agreement entered into under this section shall specify, in lieu of June 30, 1957, such later date as the State may request. In any such case, an exhaustion under the unemployment compensation law of such State shall not be taken into account for the purposes of this Act unless it occurred after such later date.

AMENDMENT, SUSPENSION, OR TERMINATION OF AGREEMENT

(c) Each agreement under this Act shall provide the terms and conditions upon which the agreement may be amended, suspended, or terminated.

NO DENIAL OR REDUCTION OF STATE BENEFITS

(d) Any agreement under this Act shall provide that unemployment compensation otherwise payable to any individual under the State's unemployment compensation law will not be denied or reduced for any week by reason of any right to temporary unemployment compensation under this Act. This subsection shall not apply to a State law which temporarily extended the duration of unemployment

compensation benefits, if such State law provides for its expiration by reason of the enactment of this Act.

VETERANS AND FEDERAL EMPLOYEES

IN STATES WHICH DO NOT HAVE AGREEMENTS, AND SO FORTH

SEC. 103. (a) For the purpose of paying the temporary unemployment compensation provided in this Act to individuals—

(1) who have, after June 30, 1957, exhausted their rights to unemployment compensation under title XV of the Social Security Act or title IV of the Veterans' Readjustment Assistance Act of 1952, and

42 USC 1361 et
seq.
38 USC 991 et
seq.

(2) in a State, if there is no agreement entered into under section 102 which applies with respect to the weeks of unemployment concerned,

the Secretary is authorized to extend any existing agreement with such State. Any such extension shall apply only to weeks of unemployment beginning after such extension is made. For the purposes of this Act, any such extension shall be treated as an agreement entered into under this Act.

IN PUERTO RICO AND THE VIRGIN ISLANDS

(b) For the purpose of paying the temporary unemployment compensation provided in this Act to individuals—

(1) who have, after June 30, 1957, exhausted their rights to unemployment compensation under title XV of the Social Security Act or title IV of the Veterans' Readjustment Assistance Act of 1952, and

42 USC 1361 et
seq.
38 USC 991 et
seq.

(2) in Puerto Rico or the Virgin Islands,

the Secretary is authorized to utilize the personnel and facilities of the agencies in Puerto Rico and the Virgin Islands cooperating with the United States Employment Service under the Act of June 6, 1933 (29 U. S. C. 49 et seq.), and may delegate to officials of such agencies any authority granted to him by this Act whenever the Secretary determines such delegation to be necessary in carrying out the purposes of this Act; and may allocate or transfer funds or otherwise pay or reimburse such agencies for the total cost of the temporary unemployment compensation paid under this Act and for expenses incurred in carrying out the purposes of this Act.

48 Stat. 113.

REVIEW

(c) Any individual referred to in subsection (b) whose claim for temporary unemployment compensation under this Act has been denied shall be entitled to a fair hearing and review as provided in section 1503 (c) of the Social Security Act (42 U. S. C. 1363 (c)).

68 Stat. 1132.

REPAYMENT

IN GENERAL

SEC. 104. (a) The total credits allowed under section 3302 (c) of the Federal Unemployment Tax Act (26 U. S. C. 3302 (c)) to taxpayers with respect to wages attributable to a State for the taxable year beginning on January 1, 1963, and for each taxable year thereafter, shall be reduced in the same manner as that provided by section 3302 (c) (2) of the Federal Unemployment Tax Act for the repayment of advances made under title XII of the Social Security Act, as amended (42 U. S. C. 1321 et seq.), unless or until the Secretary of the Treasury finds that by December 1 of the taxable year there have

68A Stat. 449.

68 Stat. 671.

42 USC 1361 et
seq.
38 USC 991 et
seq.

been restored to the Treasury the amounts of temporary unemployment compensation paid in the State under this Act (except amounts paid to individuals who exhausted their unemployment compensation under title XV of the Social Security Act and title IV of the Veterans' Readjustment Assistance Act of 1952 prior to their making their first claims under this Act), the amount of costs incurred in the administration of this Act with respect to the State, and the amount estimated by the Secretary of Labor as the State's proportionate share of other costs incurred in the administration of this Act.

REPAYMENTS IN EXCESS OF AMOUNT OWED

(b) Whenever the amount of additional tax paid, received, and covered into the Treasury under subsection (a) with respect to wages which are attributable to a State exceeds the sum of the amounts described in subsection (a), there is hereby appropriated to the Unemployment Trust Fund for crediting to the account of such State an amount equal to such excess. The amount so credited shall be used only in the payment of cash benefits to individuals with respect to their unemployment, exclusive of expenses of administration.

TITLE II—GENERAL PROVISIONS

DEFINITIONS

SEC. 201. For the purposes of this Act—

(1) The term "Secretary" means the Secretary of Labor.
(2) The term "State" includes the District of Columbia, Alaska, and Hawaii.

(3) The term "first claim" means the first request for determination of benefit status under this Act on the basis of which a weekly benefit amount under this Act is established, without regard to whether or not any benefits are paid.

REVIEW

SEC. 202. Any determination by a State agency with respect to entitlement to temporary unemployment compensation pursuant to an agreement under this Act shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in such manner and to such extent.

PENALTIES

FALSE STATEMENTS, AND SO FORTH

SEC. 203. (a) Whoever makes a false statement or representation of a material fact knowing it to be false, or knowingly fails to disclose a material fact, to obtain or increase for himself or for any other individual any payment under this Act shall be fined not more than \$1,000 or imprisoned for not more than one year, or both.

RECOVERY OF OVERPAYMENTS

(b) (1) If a State agency or the Secretary, as the case may be, or a court of competent jurisdiction, finds that any person—

(A) has made, or has caused to be made by another, a false statement or representation of a material fact knowing it to be false, or has knowingly failed, or caused another to fail, to disclose a material fact, and

(B) as a result of such action has received any payment under this Act to which he was not entitled,
such person shall be liable to repay such amount to the State agency or the Secretary, as the case may be. In lieu of requiring the repay-

ment of any amount under this paragraph, the State agency or the Secretary, as the case may be, may recover such amount by deductions from any compensation payable to such person under this Act. Any such finding by a State agency or the Secretary, as the case may be, may be made only after an opportunity for a fair hearing, subject to such further review as may be appropriate under sections 103 (c) and 202 of this Act.

(2) Any amount repaid to a State agency under paragraph (1) shall be deposited into the fund from which payment was made. Any amount repaid to the Secretary under paragraph (1) shall be returned to the Treasury and credited to the current applicable appropriation, fund, or account from which payment was made.

INFORMATION

SEC. 204. The agency administering the unemployment compensation law of any State shall furnish to the Secretary (on a reimbursable basis) such information as he may find necessary or appropriate in carrying out the provisions of this Act.

PAYMENTS TO STATES

PAYMENT ON CALENDAR MONTH BASIS

SEC. 205. (a) There shall be paid to each State which has an agreement under this Act, either in advance or by way of reimbursement, as may be determined by the Secretary, such sum as the Secretary estimates the State will be entitled to receive under this Act for each calendar month, reduced or increased, as the case may be, by any sum by which the Secretary finds that his estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made upon the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency.

CERTIFICATION

(b) The Secretary shall from time to time certify to the Secretary of the Treasury for payment—

(1) to each State which has an agreement under this Act sums payable to such State under subsection (a), and

(2) to each State such amounts as the Secretary determines to be necessary for the proper and efficient administration of this Act in such State.

The Secretary of the Treasury, prior to audit or settlement by the General Accounting Office, shall make payment to the State in accordance with such certification, from the funds appropriated for carrying out the purposes of this Act.

MONEY TO BE USED ONLY FOR PURPOSES FOR WHICH PAID

(c) All money paid a State under this Act shall be used solely for the purposes for which it is paid; and any money so paid which is not used for such purposes shall be returned, at the time specified in the agreement under this Act, to the Treasury and credited to current applicable appropriations, funds, or accounts from which payments to States under this Act may be made.

SURETY BONDS

(d) An agreement under this Act may require any officer or employee of the State certifying payments or disbursing funds pursuant

to the agreement, or otherwise participating in its performance, to give a surety bond to the United States in such amount as the Secretary may deem necessary, and may provide for the payment of the cost of such bond from funds for carrying out the purposes of this Act.

LIABILITY OF CERTIFYING OFFICERS

(e) No person designated pursuant to an agreement under this Act as a certifying officer shall, in the absence of gross negligence or intent to defraud the United States, be liable with respect to the payment of any compensation certified by him under this Act.

LIABILITY OF DISBURSING OFFICERS

(f) No disbursing officer shall, in the absence of gross negligence or intent to defraud the United States, be liable with respect to any payment by him under this Act if it was based upon a voucher signed by a certifying officer designated as provided in subsection (e) of this section.

DENIAL OF BENEFITS TO ALIENS EMPLOYED BY COMMUNIST GOVERNMENTS OR ORGANIZATIONS

SEC. 206. No person who is an alien shall be entitled to any benefit under this Act for any week of unemployment if, at any time on or after the first day of his applicable base period and before the beginning of such week, he was at any time employed by—

(1) a foreign government which, at the time of such employment, was Communist or under Communist control, or any agency or instrumentality of any such foreign government, or

(2) any organization if, at the time of such employment (A) such organization was registered under section 7 of the Subversive Activities Control Act of 1950 (50 U. S. C. 786), or (B) there was in effect a final order of the Subversive Activities Control Board requiring such organization to register under section 7 of such Act or determining that it is a Communist-infiltrated organization.

64 Stat. 993.

REGULATIONS

SEC. 207. The Secretary is hereby authorized to make such rules and regulations as may be necessary to carry out the provisions of this Act.

AUTHORIZATION OF APPROPRIATIONS

SEC. 208. There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the purposes of this Act.

Approved June 4, 1958.

Public Law 85-442

JOINT RESOLUTION

To amend section 217 of the National Housing Act.

June 4, 1958
[S. J. Res. 171]

Mortgage insurance.
70 Stat. 1094.
12 USC 1715h.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 217 of the National Housing Act is amended by striking out "\$3,000,000,000" and inserting in lieu thereof "\$7,000,000,000"

Approved June 4, 1958.

Public Law 85-443

AN ACT

To amend the Agricultural Adjustment Act of 1938, as amended, with respect to rice acreage allotments.

June 4, 1958
[H. R. 8490]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 353 (b) of the Agricultural Adjustment Act of 1938, as amended, be amended (1) by inserting in the first sentence thereof the words "in the State" immediately following the words "persons who have produced rice", (2) by inserting in the second sentence thereof the words "in the State" immediately following the words "persons who will produce rice" and immediately following the words "but who have not produced rice", and (3) by adding at the end of subsection (b) a new sentence reading as follows: "In determining the eligibility of any producer or farm for an allotment as an old producer or farm under the first sentence of this subsection or as a new producer or farm under the second sentence of this subsection, such producer or farm shall not be considered to have produced rice on any acreage which under subsection (c) (2) is either not to be taken into account in establishing acreage allotments or is not to be credited to such producer." The amendment made by this section shall be applicable to the planting of rice in 1958 and subsequent years.

Rice.
Acreage allotments.
52 Stat. 61.
7 USC 1353.

Eligibility.

SEC. 2. (a) Section 353 (b) of the Agricultural Adjustment Act of 1938, as amended, is further amended—

(1) by inserting in the first proviso contained therein, before the words "the State acreage allotment", the following: "part or all of";

(2) by inserting at the end of such first proviso a colon and the following: "Provided further, That if the Secretary determines that part of the State acreage allotment shall be apportioned on the basis of past production of rice by the producer on the farm and part on the basis of the past production of rice on the farm, he shall divide the State into two administrative areas, to be designated 'producer administrative area' and 'farm administrative area', respectively, which areas shall be separated by a natural barrier which would prevent each area from being readily accessible to rice producers in one area for producing rice in the other area, and each such area shall be composed of whole counties"; and

Administrative areas.

(3) by adding at the end of such subsection (b) (as it would be amended by the first section of this Act) the following: "For purposes of this section in States which have been divided into administrative areas pursuant to this subsection the term 'State acreage allotment' shall be deemed to mean that part of the State acreage allotment apportioned to each administrative area and the word 'State' shall be deemed to mean 'administrative area', wherever applicable."

"State acreage allotment".

(b) Section 353 (c) (1) of the Agricultural Adjustment Act of 1938, as amended, is amended by inserting immediately following the colon, the following: "Provided, That if the State is divided into administrative areas pursuant to subsection (b) of this section the allotment for each administrative area shall be determined by apportioning the State acreage allotment among counties as provided in this subsection and totaling the allotments for the counties in such area:".

County apportionment.

(c) This section shall become effective for the 1958 and subsequent crops of rice: *Provided*, That if any State is divided into administrative areas for 1958 pursuant to section 353 (b) of the Act, as amended, acreage allotments heretofore established for farms in such areas shall be redetermined to the extent required as a result of such

Effectivity.

division: *Provided further*, That the allotment heretofore established for any farm shall not be reduced as a result of such redetermination. The additional acreage, if any, required to provide such minimum allotments shall be in addition to the 1958 National and State acreage allotments.

Allotment pool.

SEC. 3. Section 353 of the Agricultural Adjustment Act of 1938, as amended, is amended by adding at the end thereof a new subsection (f) reading as follows: "(f) Notwithstanding any other provision of this section, the acreage allotment established, or which would have been established, for a farm or any part thereof which is removed from agricultural production because of acquisition in 1955 or thereafter by any Federal, State, or other agency having a right of eminent domain shall be placed in an allotment pool and shall be used only to establish allotments for other farms owned or acquired by the owner of the farm or any part thereof so acquired by such agency: *Provided*, That such owner must make application therefor within three years after the end of the calendar year in which such farm or any part thereof was removed from agricultural production: *Provided further*, That the allotment so made for any farm, including a farm on which rice has not been planted to any of the five crops of rice preceding the crop for which the allotment is made, after taking into consideration the allotment acreage which was placed in the pool from the farm or any part thereof acquired from the applicant, shall be comparable with the allotments established for other farms in the same area which are similar except for the past acreage of rice."

Farm marketing
excess.
Penalty.
63 Stat. 1059.
7 USC 1356.

SEC. 4. Section 356 of the Agricultural Adjustment Act of 1938, as amended, is amended (1) by adding at the end of subsection (a) a new sentence reading as follows: "Effective beginning with the 1958 crop, the rate of penalty on rice shall be 65 per centum of the parity price per pound for rice as of June 15 of the calendar year in which the crop is produced.", and (2) by adding at the end of such section a new subsection (h) reading as follows: "(h) Whenever, in any marketing year, marketing quotas are not in effect with respect to the crop of rice produced in the calendar year in which such marketing year begins, all marketing quotas applicable to previous crops of rice shall be terminated, effective as of the first day of such marketing year. Such termination shall not abate any penalty previously incurred by a producer or relieve any buyer of the duty to remit penalties previously collected by him."

Approved June 4, 1958.

Public Law 85-444

AN ACT

Amending sections 22 and 24 of the Organic Act of Guam.

June 4, 1958
[H. R. 4215]

Guam.
District Court.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second sentence of subsection (a) of section 22 of the Organic Act of Guam (64 Stat. 384, 389; 48 U. S. C. 1424) is amended to read as follows: "The District Court of Guam shall have the jurisdiction of a district court of the United States in all causes arising under the Constitution, treaties, and laws of the United States, regardless of the sum or value of the matter in controversy, shall have original jurisdiction in all other causes in Guam, jurisdiction over which has not been transferred by the legislature to other court or courts established by it, and shall have such appellate jurisdiction as the legislature may determine."

SEC. 2. Section 22 of the Organic Act of Guam (64 Stat. 384, 389; 48 U. S. C. 1424) is further amended by inserting at the end of subsection (a) thereof the following additional paragraph:

"Appeals to the District Court of Guam shall be heard and determined by an appellate division of the court consisting of three judges, of whom two shall constitute a quorum. The judge appointed for the court by the President shall be the presiding judge of the appellate division and shall preside therein unless disqualified or otherwise unable to act. The other judges who are to sit in the appellate division at any session shall be designated by the presiding judge from among the judges assigned to the court from time to time pursuant to section 24 (a) of this Act. The concurrence of two judges shall be necessary to any decision by the District Court of Guam on the merits of an appeal but the presiding judge alone may make any appropriate orders with respect to an appeal prior to the hearing and determination thereof on the merits and may dismiss an appeal for want of jurisdiction or failure to take or prosecute it in accordance with the applicable law or rules of procedure."

Appellate division.

SEC. 3. Subsection (a) of section 24 of the Organic Act of Guam (64 Stat. 384, 390; 48 U. S. C. 1424b), as amended, is further amended as follows:

"(a) The President shall, by and with the advice and consent of the Senate, appoint a judge for the District Court of Guam who shall hold office for the term of eight years and until his successor is chosen and qualified unless sooner removed by the President for cause. The judge shall receive a salary payable by the United States which shall be at the rate prescribed for judges of the United States district courts.

Judge. Appointment, etc.

"The Chief Judge of the Ninth Judicial Circuit of the United States may assign a judge of the Island Court of Guam or a judge of the High Court of the Trust Territory of the Pacific Islands or a circuit or district judge of the ninth circuit, or the Chief Justice of the United States may assign any other United States circuit or district judge with the consent of the judge so assigned and of the chief judge of his circuit, to serve temporarily as a judge in the District Court of Guam whenever it is made to appear that such an assignment is necessary for the proper dispatch of the business of the court."

Approved June 4, 1958.

Public Law 85-445

JOINT RESOLUTION

To authorize the President to proclaim annually the week which includes July 4 as "National Safe Boating Week".

June 4, 1958
[H. J. Res. 378]

Whereas our people in increasing numbers are taking part in boating activities on the waters of our Nation, with more than twenty million expected to participate during 1958; and

Whereas safety is essential for the full enjoyment of boating; and
Whereas many lives can be spared and injuries and property damage avoided by safe boating practices; and

Whereas it is proper and fitting that national attention should be focused on the need for safe boating practices: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized and requested to proclaim annually the week which includes July 4 as "National Safe Boating Week".

Approved June 4, 1958.

Public Law 85-446

AN ACT

June 4, 1958
[H. R. 12356]

To amend the Act entitled "An Act to authorize and direct the construction of bridges over the Potomac River, and for other purposes", approved August 30, 1954.

Theodore Roose-
velt Bridge.
68 Stat. 961.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of subsection (a) of the first section of title I of the Act entitled "An Act to authorize and direct the construction of bridges over the Potomac River, and for other purposes", approved August 30, 1954, as precedes the words "together with" is amended to read as follows:

"That (a) the Commissioners of the District of Columbia are authorized and directed to construct forthwith, to maintain, and to operate a low-level bridge, to be known as the Theodore Roosevelt Bridge, over the Potomac River, from a point north of and in the vicinity of Constitution Avenue in the District of Columbia to the Virginia side of the Potomac River, such bridge to cross such portion or portions of the two islands comprising Theodore Roosevelt Island at the location approved in writing on April 30, 1958, by the Theodore Roosevelt Association."

Access struc-
tures.

SEC. 2. (a) Subsection (b) of the first section of title I of such Act is amended to read as follows:

"(b) The Commissioners of the District of Columbia are authorized to construct and maintain structures providing pedestrian access or vehicular access, or both, to Theodore Roosevelt Island if requested to do so by the Secretary of the Interior: *Provided*, That the plans for any such structure shall be first approved by the Theodore Roosevelt Association."

(b) Subsection (c) of the first section of such Act is hereby repealed and subsections (d) and (e) of such section are hereby redesignated as subsections (c) and (d), respectively.

Approved June 4, 1958.

Public Law 85-447

AN ACT

June 4, 1958
[H. R. 9738]

To authorize the Secretary of the Navy to convey to the city of Macon, Georgia, a parcel of land in the said city of Macon containing five and thirty-nine one-hundredths acres, more or less.

Macon, Ga.
Conveyance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy is hereby authorized to convey to the city of Macon, Georgia, at fair market value, all right, title, and interest of the United States in and to a parcel of land containing five and thirty-nine one-hundredths acres, more or less, situated in the said city of Macon, Bibb County, Georgia, metes and boundary description of which is on file in the Navy Department, said parcel being a part of a tract of some thirteen acres, more or less, title to which was acquired by deed from the city of Macon dated October 23, 1943, containing certain conditions of reverter to the city of Macon which were removed by subsequent deed from the city of Macon and the county of Bibb dated October 18, 1955, the consideration in each instance being nominal.

Approved June 4, 1958.

Public Law 85-448

JOINT RESOLUTION

June 4, 1958
[S. J. Res. 166]

Authorizing an appropriation to enable the United States to extend an invitation to the International Civil Aviation Organization to hold the Twelfth Session of its Assembly in the United States in 1959.

Whereas the Twelfth Session of the Assembly of the International Civil Aviation Organization is scheduled to be held in 1959; and Whereas the year 1959 will mark the fifteenth anniversary of the International Civil Aviation Conference in Chicago, which provided for the establishment of the International Civil Aviation Organization; and

Whereas the assembly will provide an outstanding opportunity for the civil aviation leaders of the International Civil Aviation Organization's seventy-two member countries to view and discuss with American aviation specialists the new turbojet transport aircraft and their requirements, and to make and renew friendships with American aviation leaders; and

Whereas the assembly will focus public attention in the United States on the important work of the International Civil Aviation Organization in insuring the safe and orderly growth of international civil aviation throughout the world and encouraging the arts of aircraft design and operation for peaceful purposes; and

Whereas the host government is expected to meet certain additional expenses arising from holding an assembly away from International Civil Aviation Organization headquarters; Therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there is authorized to be appropriated to the Department of State, out of any money in the Treasury not otherwise appropriated, the sum of \$200,000 for the purpose of defraying the expenses incident to organizing and holding the Twelfth Session of the Assembly of the International Civil Aviation Organization in the United States. Funds appropriated pursuant to this authorization shall be available for advance contribution to the International Civil Aviation Organization for certain costs, not in excess of the additional costs, incurred by the Organization in holding the Twelfth Session of the Assembly in the United States and shall be available for expenses incurred by the Department of State on behalf of the United States as host government, including personal services without regard to civil-service and classification laws; employment of aliens; printing and binding without regard to section 11 of the Act of March 1, 1919 (44 U. S. C. 111); travel expenses; rent of quarters by contract or otherwise; hire of passenger motor vehicles; and official functions and courtesies.

SEC. 2. The Secretary of State is authorized to accept and use contributions of funds, property, services and facilities for the purpose of organizing and holding the Twelfth Session of the Assembly of the International Civil Aviation Organization in the United States.

Approved June 4, 1958.

International
Civil Aviation Or-
ganization, 1959.
Appropriation.

23 Stat. 622.

Public Law 85-449

JOINT RESOLUTION

June 4, 1958
[H. J. Res. 586]

To authorize the designation of the week beginning on October 13, 1958, as National Olympic Week.

Whereas the XVII Olympic Games of the modern era will be held in Rome, Italy, August 25 to September 11, 1960, with winter games

- to be held at Squaw Valley, California, February 19 to March 1, 1960; and
- Whereas the Pan American Games will be held in Chicago, Illinois, August 27 to September 7, 1959; and
- Whereas these games will afford an opportunity of bringing together young men and women representing more than seventy nations, of many races, creeds, and stations in life and possessing various habits and customs, all bound by the universal appeal of friendly athletic competition, governed by rules of sportsmanship and dedicated to the principle that the important thing is for each and every participant to do his very best to win in a manner that will reflect credit upon himself or herself, and the country represented; and
- Whereas the peoples of the world in these trying times require above all else occasions for friendship and understanding, and among the most telling things which influence people of other countries are the acts of individuals and not those of governments; and
- Whereas experiences afforded by the Olympic and Pan American Games make a unique contribution to common understanding and mutual respect among all peoples; and
- Whereas previous Olympic and Pan American Games have proved that competitors and spectators alike have been imbued with ideals of friendship, chivalry, and comradeship and impressed with the fact that accomplishment is reward in itself; and
- Whereas the United States Olympic Association is presently engaged in assuring maximum support for the teams representing the United States at Chicago, Squaw Valley, and Rome; and
- Whereas a week set aside by this Nation for a rededication to the amateur ideal could accomplish great good in encouraging good will for these games: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized and requested to issue a proclamation designating the week beginning on the 13th of October, 1958, as National Olympic Week and urging all citizens of our country to do all in their power to support the XVII Olympic Games, the VIII Olympic Winter Games, to be held in 1960, and the Pan American Games to be held in 1959, so that the United States will be fully and adequately represented in these games.

Approved June 4, 1958.

National Olympic Week, 1958.

Public Law 85-450

AN ACT

To authorize a payment to the Government of Denmark.

June 6, 1958
[S. 2448]

Denmark.
Payment for vessels.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized to pay to the Government of Denmark the sum of \$5,296,302. The payment of such sum shall constitute full satisfaction and settlement in connection with the requisitioning in 1941 and the use and/or loss of forty Danish vessels during World War II by the United States.

SEC. 2. There is hereby authorized to be appropriated the sum of \$5,296,302 to carry out the purpose of this Act.

Approved June 6, 1958.

Appropriation.

Public Law 85-451

AN ACT

To authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City.

June 6, 1958
[H. R. 12377]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) a program of construction to meet capital needs of the government of the District of Columbia is hereby authorized. Such program shall include, without limitation, projects relating to activities to meet the needs of the public in the fields of education, health, welfare, public safety, recreation, and other general government activities.

D. C. Public
Works Program.

(b) To assist in financing the cost of constructing facilities required for activities financed by the general fund of the District, the Commissioners are hereby authorized to accept loans for the District from the United States Treasury and the Secretary of the Treasury is hereby authorized to lend to the Commissioners such sums as may hereafter be appropriated: *Provided*, That the total principal amount of loans advanced pursuant to this section shall not exceed \$75,000,000: *Provided further*, That any loan for use in any fiscal year must first be specifically requested of the Congress in connection with the budgets submitted for the District, with a full statement of the work contemplated to be done and the need thereof, and such work must be approved by the Congress: *And provided further*, That such approval shall not be construed to alter or to eliminate the procedures for consultation, advice, and recommendation provided in the National Capital Planning Act of 1952 (66 Stat. 781). Such loans shall be in addition to any other loans heretofore or hereafter made to the Commissioners for any other purpose, and when advanced shall be deposited in the Treasury of the United States to the credit of the general fund of the District.

Loans.

D. C. Code 1-
1001 et seq.

(c) The loans authorized pursuant to this section, or any part or parts thereof, shall be advanced to the Commissioners on their requisition therefor, shall be available to the Commissioners for carrying out the said construction program, and shall be available until expended.

Advances.

(d) Loans made under this section during any six-month period (beginning with the six-month period ending December 31, 1958) shall be at a rate of interest determined by the Secretary of the Treasury as of the beginning of such period which, in his judgment, would reflect the cost of money to the Treasury for borrowings at a maturity approximately equal to one-half of the period of time the loan is outstanding.

Interest.

(e) Any loan advanced pursuant to this section shall be repaid to the Secretary of the Treasury in substantially equal payments, including principal and interest, within a period of thirty years beginning on July 1 of the second fiscal year following the date on which each such advance is credited to the general fund.

Repayment.

(f) No loans shall be advanced pursuant to this section after June 30, 1968.

SEC. 2. Subsection (a) of section 2 of article VI of the District of Columbia Revenue Act of 1947 (D. C. Code, sec. 47-2501b) is amended to read as follows:

70 Stat. 83.

"SEC. 2. (a) There are hereby authorized to be appropriated, in addition to the sums appropriated under section 1 of this article, as annual payments by the United States toward defraying the expenses of the government of the District of Columbia, the sum of \$9,000,000 for each of the fiscal years 1955 and 1956, the sum of \$12,000,000 for

Appropriation.

each of the fiscal years 1957 and 1958, and the sum of \$21,000,000 for the fiscal year 1959 and for each fiscal year thereafter: *Provided*, That so much of the aggregate annual payments by the United States appropriated under this article to the credit of the general fund as is in excess of \$13,000,000 for each of the fiscal years 1955 and 1956, \$16,000,000 for each of the fiscal years 1957 and 1958, and \$25,000,000 for the fiscal year 1959 and subsequent fiscal years shall be available for capital outlay only, and then on a cumulative total basis only to the extent of not more than 50 per centum of the cumulative total of capital outlay appropriations payable from such general fund which becomes available for expenditure on and after July 1, 1954."

Definitions.

SEC. 3. As used in this Act the term "District" means the District of Columbia and the term "Commissioners" means the Board of Commissioners of the District of Columbia.

Approved June 6, 1958.

Public Law 85-452

AN ACT

June 6, 1958
[H. R. 7870]

To amend the Act of July 1, 1955, to authorize an additional \$10,000,000 for the completion of the Inter-American Highway.

Inter-American
Highway.

69 Stat. 244.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to authorize certain sums to be appropriated immediately for the completion of the construction of the Inter-American Highway", approved July 1, 1955 (Public Law 129, Eighty-fourth Congress), is amended by striking out "\$25,730,000" and inserting in lieu thereof "\$35,730,000".

Approved June 6, 1958.

Public Law 85-453

AN ACT

June 11, 1958
[H. R. 10015]

To continue until the close of June 30, 1959, the suspension of duties on metal scrap, and for other purposes.

Metal scrap.
71 Stat. 27.
19 U S C 1001,
par. 301 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 2 of the Act of September 30, 1950 (Public Law 869, Eighty-first Congress), is hereby amended by striking out "June 30, 1958" and inserting in lieu thereof "June 30, 1959": *Provided*, That this Act shall not apply to lead scrap, lead alloy scrap, antimonial lead scrap, scrap battery lead or plates, zinc scrap, or zinc alloy scrap, or to any form of tungsten scrap, tungsten carbide scrap, or tungsten alloy scrap; or to articles of lead, lead alloy, antimonial lead, zinc, or zinc alloy, or to articles of tungsten, tungsten carbide, or tungsten alloy, imported for remanufacture by melting.

SEC. 2. This Act shall not apply to any article provided for in section 4541 of the Internal Revenue Code of 1954.

SEC. 3. Section 1 (b) of the Act of March 13, 1942 (Ch. 180, 56 Stat. 171), as amended, is amended by inserting before the period at the end thereof a comma and the following: "but does not include such nonferrous materials and articles in pig, ingot, or billet form which have passed through a smelting process and which can be commercially used without remanufacture".

Approved June 11, 1958.

68A Stat. 541.
26 USC 4541.

64 Stat. 1093.
19 U S C 1001,
par. 301 note.

Public Law 85-454

AN ACT

To define parts of certain types of footwear.

June 11, 1958
[H. R. 9291]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph 1530 (e) of the Tariff Act of 1930, as amended, is amended by striking out the period at the end thereof and adding thereto the following: “, and footwear having soles as herein described and with uppers composed in greater area of the outer surface of wool, cotton, ramie, animal hair, fiber, rayon or other synthetic textile, or silk, including substitutes for or combinations of any of the foregoing (but excluding any other material superimposed), shall be deemed to have uppers in chief value of the material as enumerated in this paragraph.”

Rubber-soled
footwear.
68 Stat. 454.
19 U S C 1001,
par. 1530(e).Foreign trade.
48 Stat. 943.
19 USC 1351.

48 Stat. 945.

65 Stat. 72.
Effective date.

SEC. 2. (a) For the purposes of section 350 of the Tariff Act of 1930, as amended, the foregoing amendment shall be considered as having been in effect continuously since the original enactment of section 350: *Provided*, That, for the purposes of including a continuance of the customs treatment provided for in such amendment in any trade agreement entered into pursuant to section 350 prior to the entry into force of the amendment pursuant to subsection (b), the provisions of section 4 of the Trade Agreements Act, as amended (19 U. S. C. 1354), and of sections 3 and 4 of the Trade Agreements Extension Act of 1951, as amended (19 U. S. C. 1360 and 1361), shall not apply.

(b) The foregoing amendment to the Tariff Act of 1930, as amended, shall enter into force as soon as practicable, on a date to be specified by the President in a notice to the Secretary of the Treasury following such negotiations as may be necessary to effect a modification or termination of any international obligations of the United States with which the amendment might conflict, but in any event not later than September 1, 1958.

Approved June 11, 1958.

Public Law 85-455

AN ACT

To authorize the Secretary of the Interior to exchange lands at Olympic National Park, and for other purposes.

June 11, 1958
[S. 1191]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to exchange approximately six thousand six hundred eight and ninety-six one-hundredths acres of land adjacent to the Queets Corridor and Ocean Strip portions of Olympic National Park, which were originally acquired by the Federal Government for public works purposes, for lands and interest in lands not in Federal ownership within the exterior boundaries of the park: *Provided*, That the lands so exchanged shall be of approximately equal value.

Olympic National
Park.
Exchange of
lands.

SEC. 2. Lands acquired pursuant to the exchange authority contained herein shall be administered as a part of Olympic National Park in accordance with the laws and regulations applicable to the park.

SEC. 3. The provisions of this Act shall not be applicable with respect to any privately owned lands lying within the exterior boundaries of the Olympic National Park which are within township 23 north, range 10 west; township 23 north, range 9 west; township 24

north, range 9 west; and township 24 north, range 8 west, West Willamette meridian; and lot 5 of the July Creek lot survey consisting of .15 acre, and lot 12 of the July Creek lot survey consisting of .35 acre.

Approved June 11, 1958.

Public Law 85-456

AN ACT

To amend the Agricultural Adjustment Act of 1938, as amended, to permit the transfer of 1958 farm acreage allotments for cotton in the case of natural disasters, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 344 of title III of the Agricultural Adjustment Act of 1938, as amended, is amended by adding at the end thereof a new subsection (n) reading as follows:

“(n) Notwithstanding any other provision of this Act, if the Secretary determines that because of a natural disaster a substantial portion of the 1958 farm cotton acreage allotments in a county cannot be timely planted or replanted, he may authorize the transfer of all or a part of the cotton acreage allotment for any farm in the county so affected to another farm in the county or in an adjoining county on which one or more of the producers on the farm from which the transfer is to be made will be engaged in the production of cotton and will share in the proceeds thereof, in accordance with such regulations as the Secretary may prescribe. Acreage history credits for transferred acreage shall be governed by the provisions of subsection (m) (2) of this section pertaining to the release and reapportionment of acreage allotments. No transfer hereunder shall be made to a farm covered by a 1958 acreage reserve contract for cotton.”

Approved June 11, 1958.

Public Law 85-457

JOINT RESOLUTION

Making additional supplemental appropriations for the fiscal year 1958, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1958, namely:

CHAPTER I

SMALL BUSINESS ADMINISTRATION

REVOLVING FUND

For additional capital for the revolving fund authorized by the Small Business Act of 1953, as amended, to be available without fiscal year limitation, \$20,000,000.

June 11, 1958
[H. R. 12602]

Cotton.
Acreage allot-
ments, transfer.
70 Stat. 203.
7 USC 1344.

7 USC 1344.

June 13, 1958
[H. J. Res. 624]

Supplemental
appropriations,
1958.
Additional.

70 Stat. 10.
15 USC 633(b).

CHAPTER II

DEPARTMENT OF LABOR

BUREAU OF EMPLOYMENT SECURITY

TEMPORARY UNEMPLOYMENT COMPENSATION

For carrying into effect the provisions of the Temporary Unemployment Compensation Act of 1958, \$665,700,000, of which (a) \$640,000,000 shall be for payment of temporary unemployment compensation to claimants as authorized by title I of the Temporary Unemployment Compensation Act of 1958; (b) \$25,100,000 shall be for the general administration of the temporary unemployment compensation program by the States, Puerto Rico and the Virgin Islands; and (c) \$600,000 shall be for expenses necessary for the general administration by the Department of Labor of the temporary unemployment compensation program, including services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a) (not to exceed \$10,000), reimbursement to the States for salaries and other expenses of State employees temporarily assigned or detailed to duty with the Bureau of Employment Security, and direct payments for travel expenses, transportation of household goods, and per diem in lieu of subsistence while away from their regular duty stations in the States, at rates authorized by law for Federal employees: *Provided*, That this appropriation shall be available from the date of enactment of the Temporary Unemployment Compensation Act of 1958, and any obligations incurred between such date and the date of enactment of this Act are hereby ratified and confirmed if otherwise in accordance with the provisions of this appropriation: *Provided further*, That this appropriation shall remain available until April 30, 1959: *Provided further*, That notwithstanding any provision of law to the contrary, no part of any funds appropriated by this Act and expended for administrative costs in the payment of benefits pursuant to the Temporary Unemployment Compensation Act of 1958 to persons who exhausted their rights to benefits under title XV of the Social Security Act, as amended, or title IV of the Veterans' Readjustment Assistance Act of 1952, as amended, shall be included in any computations required under section 104 (a) of said Temporary Unemployment Compensation Act of 1958.

Approved June 13, 1958.

Public Law 85-458

AN ACT

To amend the Tariff Act of 1930 to provide for the free importation under certain conditions of sound recordings, film, and slides and transparencies.

June 13, 1958
[H. R. 7454]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph 1631 of the Tariff Act of 1930 is amended by inserting "(a)" after "Par. 1631.", by inserting "sound recordings, slides and transparencies," after "music," and by adding at the end thereof the following new subparagraph:

"(b) Any college, academy, school, or seminary of learning, any society or institution established for the encouragement of the arts, science, or education, or any association of such organizations, may import free of duty any exposed or developed picture film for the

Ante, p. 171.

60 Stat. 810.

68 Stat. 1130.
42 USC 1361 *et seq.*
66 Stat. 684.
38 USC 991 *et seq.*
Ante, p. 173.

Recordings and film.
Free importation.
46 Stat. 675.
19 U S C 1201, par. 1631.

encouragement of the arts, science, or education through broadcasting on a nonprofit basis over a television station owned or operated by any such organization or association or for transfer between or among such organizations and associations for such use on a nonprofit basis, under such rules and regulations as the Secretary of the Treasury may prescribe."

Applicability.

SEC. 2. The amendments made by the first section of this Act shall apply only with respect to articles entered for consumption, or withdrawn from warehouse for consumption, on or after the date of the enactment of this Act, and, in the case of articles imported under subparagraph (b) of paragraph 1631, prior to July 1, 1960.

Approved June 13, 1958.

Public Law 85-459

AN ACT

Making appropriations for the Department of Agriculture and Farm Credit Administration for the fiscal year ending June 30, 1959, and for other purposes.

June 13, 1958
[H. R. 11767]

Department of
Agriculture and
Farm Credit Ad-
ministration Ap-
propriation Act,
1959.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Agriculture and Farm Credit Administration for the fiscal year ending June 30, 1959, namely:

DEPARTMENT OF AGRICULTURE

TITLE I—REGULAR ACTIVITIES

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

For expenses necessary to perform agricultural research relating to production and utilization, to control and eradicate pests and plant and animal diseases, and to perform related inspection, quarantine and regulatory work, and meat inspection: *Provided*, That not to exceed \$75,000 of the appropriations hereunder shall be available for employment pursuant to the second sentence of section 706 (a) of the Organic Act of 1944 (5 U. S. C. 574), as amended by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a): *Provided further*, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed two, of which one shall be for replacement only: *Provided further*, That appropriations hereunder shall be available pursuant to title 5, United States Code, section 565a, for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building (except headhouses connecting greenhouses) shall not exceed \$10,000, except for five buildings to be constructed or improved at a cost not to exceed \$20,000 each, and the cost of altering any one building during the fiscal year shall not exceed \$3,750 or 4 per centum of the cost of the building, whichever is greater:

Research: For research and demonstrations on the production and utilization of agricultural products, and related research and services, including administration of payments to State agricultural experiment stations; \$59,044,890: *Provided*, That the limitations contained

58 Stat. 742.
60 Stat. 810.

58 Stat. 742.

herein shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U. S. C. 113a);

Plant and animal disease and pest control: For operations and measures to control and eradicate pests and plant and animal diseases and for carrying out assigned inspection, quarantine and regulatory activities, as authorized by law; \$47,132,000, of which \$1,000,000 shall be apportioned for use pursuant to section 3679 of the Revised Statutes, as amended, for the control of outbreaks of insects and plant diseases to the extent necessary to meet emergency conditions;

Meat inspection: For carrying out the provisions of laws relating to Federal inspection of meat, and meat-food products, and the applicable provisions of the laws relating to process or renovated butter; \$17,326,000.

62 Stat. 193.

64 Stat. 765.
31 USC 665.

STATE EXPERIMENT STATIONS

Payments to States, Hawaii, Alaska, and Puerto Rico: For payments to agricultural experiment stations to carry into effect the provisions of the Hatch Act, approved March 2, 1887, as amended by the Act approved August 11, 1955 (7 U. S. C. 361a-361i), including administration by the United States Department of Agriculture, \$31,053,708; and payments authorized under section 204 (b) of the Agricultural Marketing Act, the Act approved August 14, 1946 (7 U. S. C. 1623), \$500,000; in all, \$31,553,708.

69 Stat. 671.

60 Stat. 1089.

Penalty mail: For penalty mail costs of agricultural experiment stations, under section 6 of the Hatch Act of 1887, as amended, \$250,000.

7 USC 361f.

DISEASES OF ANIMALS AND POULTRY

Eradication activities: For expenses necessary in the arrest and eradication of foot-and-mouth disease, rinderpest, contagious pleuropneumonia, or other contagious or infectious diseases of animals, or European fowl pest and similar diseases in poultry, and for foot-and-mouth disease and rinderpest programs undertaken pursuant to the provisions of the Act of February 28, 1947, and the Act of May 29, 1884, as amended (7 U. S. C. 391; 21 U. S. C. 111-122), including expenses in accordance with section 2 of said Act of February 28, 1947, the Secretary may transfer from other appropriations or funds available to the bureaus, corporations, or agencies of the Department such sums as he may deem necessary, but not to exceed \$1,000,000 for eradication of vesicular exanthema of swine, to be available only in an emergency which threatens the livestock or poultry industry of the country, and any unexpended balances of funds transferred under this head in the next preceding fiscal year shall be merged with such transferred amounts: *Provided*, That this appropriation shall be subject to applicable provisions contained in the item "Salaries and expenses, Agricultural Research Service".

61 Stat. 7; 23
Stat. 31.
21 USC 114c.

EXTENSION SERVICE

COOPERATIVE EXTENSION WORK, PAYMENTS AND EXPENSES

Payments to States, Hawaii, Alaska, and Puerto Rico: For payments for cooperative agricultural extension work under the Smith-Lever Act, as amended by the Act of June 26, 1953 (7 U. S. C. 341-348), and the Act of August 11, 1955 (7 U. S. C. 347a), \$52,220,000; and payments and contracts for such work under section 204 (b)-205 of the Agricultural Marketing Act of 1946 (7 U. S. C. 1623-1624), \$1,495,000; in all, \$53,715,000: *Provided*, That funds hereby appropriated pursuant to section 3 (c) of the Act of June 26, 1953, shall not

67 Stat. 83.

69 Stat. 683.

60 Stat. 1089.

7 USC 343.

be paid to any State, Hawaii, Alaska, or Puerto Rico prior to availability of an equal sum from non-Federal sources for expenditure during the current fiscal year.

Retirement costs for extension agents: For cost of employer's share of Federal retirement for cooperative extension employees, \$5,479,375.

Penalty mail: For costs of penalty mail for cooperative extension agents and State extension directors, \$1,868,480.

Federal Extension Service: For administration of the Smith-Lever Act, as amended by the Act of June 26, 1953 (7 U. S. C. 341-348), and the Act of August 11, 1955 (7 U. S. C. 347a), and extension aspects of the Agricultural Marketing Act of 1946 (7 U. S. C. 1621-1627), and to coordinate and provide program leadership for the extension work of the Department and the several States, Territories, and insular possessions, \$2,096,540.

67 Stat. 83.
69 Stat. 683.
60 Stat. 1087.

FARMER COOPERATIVE SERVICE

SALARIES AND EXPENSES

44 Stat. 802.

For necessary expenses to carry out the Act of July 2, 1926 (7 U. S. C. 451-457), \$578,000.

SOIL CONSERVATION SERVICE

CONSERVATION OPERATIONS

49 Stat. 163.

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U. S. C. 590a-590f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures as may be necessary to prevent floods and the silting of reservoirs); operation of conservation nurseries; classification and mapping of soils; dissemination of information; purchase and erection or alteration of permanent buildings; and operation and maintenance of aircraft; \$74,780,000: *Provided*, That the cost of any permanent building purchased, erected, or as improved, exclusive of the cost of constructing a water supply or sanitary system and connecting the same to any such building and with the exception of buildings acquired in conjunction with land being purchased for other purposes, shall not exceed \$2,500, except for eight buildings to be constructed or improved at a cost not to exceed \$15,000 per building and except that alterations or improvements to other existing permanent buildings costing \$2,500 or more may be made in any fiscal year in an amount not to exceed \$500 per building: *Provided further*, That no part of this appropriation shall be available for the construction of any such building on land not owned by the Government: *Provided further*, That in the State of Missouri, where the State has established a central State agency authorized to enter into agreements with the United States or any of its agencies on policies and general programs for the saving of its soil by the extension of Federal aid to any soil conservation district in such State, the agreements made by or on behalf of the United States with any such soil conservation district shall have the prior approval of such central State agency before they shall become effective as to such district: *Provided further*, That no part of this appropriation may be expended for soil and water conservation operations under the Act of April 27, 1935 (16 U. S. C. 590a-590f), in demonstration projects: *Provided further*, That not to exceed \$5,000 may be used for employment pursuant to the second sentence of section 706 (a) of the Organic Act of 1944

Restrictions.

49 Stat. 163.

(5 U. S. C. 574), as amended by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a): *Provided further*, That qualified local engineers may be temporarily employed at per diem rates to perform the technical planning work of the service.

58 Stat. 742.
60 Stat. 810.

WATERSHED PROTECTION

For expenses necessary to conduct surveys, investigations, and research and to carry out preventive measures, including, but not limited to, engineering operations, methods of cultivation, the growing of vegetation, and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act, approved August 4, 1954, as amended (16 U. S. C. 1001-1007), and the provisions of the Act of April 27, 1935 (16 U. S. C. 590a-590f), to remain available until expended, \$25,500,000, with which shall be merged the unexpended balances of funds heretofore appropriated or transferred to the Department for watershed protection purposes: *Provided*, That not to exceed \$100,000 may be used for employment pursuant to the second sentence of section 706 (a) of the Organic Act of 1944 (5 U. S. C. 574), as amended by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a).

68 Stat. 665.
49 Stat. 163.

58 Stat. 742.
60 Stat. 810.

FLOOD PREVENTION

For expenses necessary, in accordance with the Flood Control Act, approved June 22, 1936 (33 U. S. C. 701-709), as amended and supplemented, and in accordance with the provisions of laws relating to the activities of the Department, to perform works of improvement, including not to exceed \$100,000 for employment pursuant to the second sentence of section 706 (a) of the Organic Act of 1944 (5 U. S. C. 574), as amended by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), to remain available until expended, \$18,000,000, with which shall be merged the unexpended balances of funds heretofore appropriated or transferred to the Department for flood prevention purposes: *Provided*, That no part of such funds shall be used for the purchase of lands in the Yazoo and Little Tallahatchie watersheds without specific approval of the county board of supervisors of the county in which such lands are situated.

49 Stat. 1570.

58 Stat. 742.
60 Stat. 810.

WATER CONSERVATION AND UTILIZATION PROJECTS

For expenses necessary to carry out the functions of the Department under the Acts of August 11, 1939, and October 14, 1940 (16 U. S. C. 590y-z-10), as amended and supplemented, June 28, 1949 (63 Stat. 277), and September 6, 1950 (7 U. S. C. 1033-39), relating to water conservation and utilization projects, to remain available until expended, \$335,000, which sum shall be merged with the unexpended balances of funds heretofore appropriated to said Department for the purpose of said Acts.

53 Stat. 1418.
54 Stat. 1119.
64 Stat. 769.

GREAT PLAINS CONSERVATION PROGRAM

For necessary expenses to carry into effect a program of conservation in the Great Plains area, pursuant to section 16 (b) of the Soil Conservation and Domestic Allotment Act, as added by the Act of August 7, 1956 (16 U. S. C. 590p), \$10,000,000 to remain available until expended.

70 Stat. 1115.

AGRICULTURAL CONSERVATION PROGRAM

For necessary expenses to carry into effect the program authorized in sections 7 to 15, 16 (a), and 17 of the Soil Conservation and Domestic Allotment Act, approved February 29, 1936, as amended (16 U. S. C. 590g-590 (o), 590p (a), and 590q), including not to exceed \$6,000 for the preparation and display of exhibits, including such displays at State, interstate, and international fairs within the United States; \$235,000,000, to remain available until December 31 of the next succeeding fiscal year for compliance with the program of soil-building and soil- and water-conserving practices authorized under this head in the Department of Agriculture and Farm Credit Administration Appropriation Act, 1958, carried out during the period July 1, 1957, to December 31, 1958, inclusive: *Provided*, That not to exceed \$24,698,000 of the total sum provided under this head shall be available during the current fiscal year for administrative expenses for carrying out such program, the cost of aerial photographs, however, not to be charged to such limitation; but not more than \$5,025,800 shall be transferred to the appropriation account "Administrative expenses, section 392, Agricultural Adjustment Act of 1938": *Provided further*, That none of the funds herein appropriated shall be used to pay the salaries or expenses of any regional information employees or any State information employees, but this shall not preclude the answering of inquiries or supplying of information at the county level to individual farmers: *Provided further*, That such amounts shall be available for administrative expenses in connection with the formulation and administration of the 1959 program of soil-building and soil- and water-conserving practices, under the Act of February 29, 1936, as amended (amounting to \$250,000,000, including administration, and no participant shall receive more than \$2,500, except where the participants from two or more farms or ranches join to carry out approved practices designed to conserve or improve the agricultural resources of the community): *Provided further*, That no change shall be made in such 1959 program which will have the effect, in any county, of restricting eligibility requirements or cost-sharing on practices included in either the 1957 or the 1958 programs, unless such change shall have been recommended by the county committee and approved by the State committee: *Provided further*, That not to exceed 5 per centum of the allocation for the 1959 agricultural conservation program for any county may, on the recommendation of such county committee and approval of the State committee, be withheld and allotted to the Soil Conservation Service for services of its technicians in formulating and carrying out the agricultural conservation program in the participating counties, and shall not be utilized by the Soil Conservation Service for any purpose other than technical and other assistance in such counties, and in addition, on the recommendation of such county committee and approval of the State committee, not to exceed 1 per centum may be made available to any other Federal, State, or local public agency for the same purpose and under the same conditions: *Provided further*, That for the 1959 program \$2,500,000 shall be available for technical assistance in formulating and carrying out agricultural conservation practices and \$1,000,000 shall be available for conservation practices related directly to flood prevention work in approved watersheds: *Provided further*, That such amounts shall be available for the purchase of seeds, fertilizers, lime, trees, or any other farming material, or any soil-terracing services, and making grants thereof to agricultural producers to aid

49 Stat. 1148.

71 Stat. 336.

52 Stat. 69.
7 USC 1392.49 Stat. 1148.
16 U S C 590g-
590q.

them in carrying out farming practices approved by the Secretary under programs provided for herein: *Provided further*, That no part of any funds available to the Department, or any bureau, office, corporation, or other agency constituting a part of such Department, shall be used in the current fiscal year for the payment of salary or travel expenses of any person who has been convicted of violating the Act entitled "An Act to prevent pernicious political activities", approved August 2, 1939, as amended, or who has been found in accordance with the provisions of title 18, United States Code, section 1913, to have violated or attempted to violate such section which prohibits the use of Federal appropriations for the payment of personal services or other expenses designed to influence in any manner a Member of Congress to favor or oppose any legislation or appropriation by Congress except upon request of any Member or through the proper official channels.

Restriction.

53 Stat. 1147.
5 USC 118k note.

62 Stat. 792.

AGRICULTURAL MARKETING SERVICE

MARKETING RESEARCH AND SERVICE

For expenses necessary to carry on research and service to improve and develop marketing and distribution relating to agriculture as authorized by the Agricultural Marketing Act of 1946 (7 U. S. C. 1621-1627) and other laws, including the administration of marketing regulatory acts connected therewith: *Provided*, That appropriations hereunder shall be available pursuant to 5 U. S. C. 565a for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of erecting any one building shall not exceed \$10,000, except for two buildings to be constructed or improved at a cost not to exceed \$20,000 each, and the cost of altering any one building during the fiscal year shall not exceed \$3,750 or 3 per centum of the cost of the building, whichever is greater:

60 Stat. 1087.

58 Stat. 742.

Marketing research and agricultural estimates: For research and development relating to agricultural marketing and distribution, for analyses relating to farm prices, income and population, and demand for farm products, and for crop and livestock estimates, \$14,195,000: *Provided*, That not less than \$350,000 of the funds contained in this appropriation shall be available to continue to gather statistics and conduct a special study on the price spread between the farmer and the consumer: *Provided further*, That no part of the funds herein appropriated shall be available for any expense incident to ascertaining, collating, or publishing a report stating the intention of farmers as to the acreage to be planted in cotton, or for estimates of apple production for other than the commercial crop;

Marketing services: For services relating to agricultural marketing and distribution, for carrying out regulatory acts connected therewith, and for administration and coordination of payments to States, \$20,659,000, including not to exceed \$25,000 for employment at rates not to exceed \$50 per diem, except for employment in rate cases at not to exceed \$100 per diem pursuant to the second sentence of section 706 (a) of the Organic Act of 1944 (5 U. S. C. 574), as amended by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), in carrying out section 201 (a) to 201 (d), inclusive, of title II of the Agricultural Adjustment Act of 1938 (7 U. S. C. 1291) and section 203 (j) of the Agricultural Marketing Act of 1946.

58 Stat. 742.

60 Stat. 810.

52 Stat. 36.

60 Stat. 1088.
7 USC 1622.

PAYMENTS TO STATES, TERRITORIES, AND POSSESSIONS

60 Stat. 1089. For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204 (b) of the Agricultural Marketing Act of 1946 (7 U. S. C. 1623 (b)), \$1,160,000.

SCHOOL LUNCH PROGRAM

60 Stat. 230. For necessary expenses to carry out the provisions of the National School Lunch Act (42 U. S. C. 1751-1760), \$110,000,000: *Provided*, That no part of this appropriation shall be used for nonfood assistance under section 5 of said Act: *Provided further*, That \$35,000,000 shall be transferred to this appropriation from funds available under section 32 of the Act of August 24, 1935, for purchase and distribution of agricultural commodities and other foods pursuant to section 6 of the National School Lunch Act, such additional funds to be used for the general purposes of section 32.

42 USC 1754.

49 Stat. 774.
7 USC 612c.

42 USC 1755.

FOREIGN AGRICULTURAL SERVICE

SALARIES AND EXPENSES

68 Stat. 908. For necessary expenses for the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954 (7 U. S. C. 1761-1768), and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed \$25,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U. S. C. 1766), \$4,002,300: *Provided*, That not less than \$400,000 of the funds contained in this appropriation shall be available to obtain statistics and related facts on foreign production and full and complete information on methods used by other countries to move farm commodities in world trade on a competitive basis.

70 Stat. 1034.

COMMODITY EXCHANGE AUTHORITY

SALARIES AND EXPENSES

49 Stat. 1491. For necessary expenses to carry into effect the provisions of the Commodity Exchange Act, as amended (7 U. S. C. 1-17a), \$832,000.

SOIL BANK PROGRAMS

CONSERVATION RESERVE PROGRAM

70 Stat. 191, 196. For necessary expenses to carry out a conservation reserve program as authorized by subtitles B and C of the Soil Bank Act (7 U. S. C. 1831-1837 and 1802-1814), \$200,000,000: *Provided*, That not to exceed \$16,000,000 shall be available for administrative expenses of which not less than \$12,750,000 may be transferred to the appropriation account "Local administration, section 388, Agricultural Adjustment Act of 1938": *Provided further*, That no part of this appropriation shall be used to enter into contracts with producers which together with contracts already entered into would require payments to producers (including the cost of materials and services) in excess of \$375,000,000 in any calendar year, and for purposes of applying this limitation, practice payments shall be chargeable to the first year of the contract period: *Provided further*, That no part of these funds shall be paid on any contract which is illegal under the law due to the division of lands for the purpose of evading limits on annual payments to par-

52 Stat. 68.
7 USC 1388.

ticipants: *Provided further*, That hereafter no conservation reserve contract shall be entered into which provides for (1) payments for conservation practices in excess of the average rate for comparable practices under the Agricultural Conservation Program, or (2) annual rental payments in excess of 20 per cent of the value of the land placed under contract, such value to be determined without regard to physical improvements thereon or geographic location thereof. In determining the value of the land for this purpose, the county committee shall take into consideration the estimate of the landowner or operator as to the value of such land as well as his certificate as to the production history and productivity of such land.

ACREAGE RESERVE PROGRAM

For necessary expenses to carry out an acreage reserve program in accordance with the provisions of subtitles A and C of the Soil Bank Act (7 U. S. C. 1821–1824 and 1802–1814), \$330,000,000: *Provided*, That not to exceed \$13,000,000 of the total sum provided under this head shall be available for administrative expenses: *Provided further*, That no part of this appropriation shall be used to formulate and administer an acreage reserve program with respect to the 1959 crops.

70 Stat. 189, 196.

COMMODITY STABILIZATION SERVICE

ACREAGE ALLOTMENTS AND MARKETING QUOTAS

For necessary expenses to formulate and carry out acreage allotment and marketing quota programs pursuant to provisions of title III of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301–1393), \$39,715,000, of which not more than \$6,380,100 shall be transferred to the appropriation account "Administrative expenses, section 392, Agricultural Adjustment Act of 1938".

52 Stat. 38.

SUGAR ACT PROGRAM

For necessary expenses to carry into effect the provisions of the Sugar Act of 1948 (7 U. S. C. 1101–1161), \$76,000,000, to remain available until June 30 of the next succeeding fiscal year: *Provided*, That expenditures (including transfers) from this appropriation for other than payments to sugar producers shall not exceed \$2,124,500.

61 Stat. 922.

FEDERAL CROP INSURANCE CORPORATION

OPERATING AND ADMINISTRATIVE EXPENSES

For operating and administrative expenses, \$6,376,700.

RURAL ELECTRIFICATION ADMINISTRATION

To carry into effect the provisions of the Rural Electrification Act of 1936, as amended (7 U. S. C. 901–924), as follows:

49 Stat. 1363.

LOAN AUTHORIZATIONS

For loans in accordance with said Act, and for carrying out the provisions of section 7 thereof, to be borrowed from the Secretary of the Treasury in accordance with the provisions of section 3 (a) of said Act as follows: Rural electrification program, \$317,000,000; and rural telephone program, \$67,500,000; and additional amounts, not to exceed \$25,000,000 for each program, may be borrowed under the

7 USC 907, 903.

same terms and conditions to the extent that such amount is required during the fiscal year 1959 under the then existing conditions for the expeditious and orderly development of the rural electrification program and rural telephone program.

SALARIES AND EXPENSES

For administrative expenses, including not to exceed \$500 for financial and credit reports, and not to exceed \$150,000 for employment pursuant to the second sentence of section 706 (a) of the Organic Act of 1944 (5 U. S. C. 574), as amended by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), \$9,019,000.

58 Stat. 742.
60 Stat. 810.

FARMERS' HOME ADMINISTRATION

To carry into effect the provisions of titles I, II, and the related provisions of title IV of the Bankhead-Jones Farm Tenant Act, as amended (7 U. S. C. 1000-1031); the Farmers' Home Administration Act of 1946 (7 U. S. C. 1001, note; 31 U. S. C. 82h; 12 U. S. C. 371; 35 D. C. Code 535; 60 Stat. 1062-1080); the Act of July 30, 1946 (40 U. S. C. 436-439); the Act of August 28, 1937, as amended (16 U. S. C. 590r-590x-3), for the development of facilities for water storage and utilization in the arid and semiarid areas of the United States; the provisions of title V of the Housing Act of 1949, as amended (42 U. S. C. 1471-1483), relating to financial assistance for farm housing; the Rural Rehabilitation Corporation Trust Liquidation Act, approved May 3, 1950 (40 U. S. C. 440-444); the items "Loans to farmers, 1948 flood damage" in the Act of June 25, 1948 (62 Stat. 1038), and "Loans to farmers, property damage" in the Act of May 24, 1949. (63 Stat. 82); the collecting and servicing of credit sales and development accounts in water conservation and utilization projects (53 Stat. 685, 719), as amended and supplemented (16 U. S. C. 590y, z-1 and z-10); and the Act to direct the Secretary of Agriculture to convey certain mineral interests, approved September 6, 1950 (7 U. S. C. 1033-1039), as follows:

50 Stat. 522.

60 Stat. 711.
50 Stat. 869; 63 Stat. 735.

63 Stat. 432.

64 Stat. 98.

53 Stat. 1418; 54 Stat. 1119.
64 Stat. 769.

LOAN AUTHORIZATIONS

For loans (including payments in lieu of taxes and taxes under section 50 of the Bankhead-Jones Farm Tenant Act, as amended, and advances incident to the acquisition and preservation of security of obligations under the foregoing several authorities, except that such advances under title V of the Housing Act of 1949, as amended, shall be made from funds obtained under section 511 of that Act, as amended): Title I and section 43 of title IV of the Bankhead-Jones Farm Tenant Act, as amended, \$24,000,000, of which not to exceed \$2,500,000 may be distributed to States and Territories without regard to farm population and prevalence of tenancy, in addition to the amount otherwise distributed thereto, for loans in reclamation projects and to entrymen on unpatented public land; title II of the Bankhead-Jones Farm Tenant Act, as amended, \$180,000,000; the Act of August 28, 1937, as amended, \$5,500,000: *Provided*, That not to exceed the foregoing several amounts shall be borrowed in one account from the Secretary of the Treasury in accordance with the provisions set forth under this head in the Department of Agriculture Appropriation Act, 1952: *Provided further*, That an additional amount, not to exceed \$20,000,000, may be borrowed under the same terms and conditions to the extent that such amount is required during fiscal year 1959 under the then existing conditions for the expeditious and orderly

50 Stat. 531.
7 USC 1024.

63 Stat. 432, 438.
42 U S C 1471,
1481.

50 Stat. 522, 530.

50 Stat. 524.
7 USC 1007-
1009.
50 Stat. 869; 68
Stat. 735.
16 USC 590r-
590x-3.

65 Stat. 240.

conduct of the loan programs under the Bankhead-Jones Farm Tenant Act, as amended, not to exceed \$5,000,000 of which shall be available for loans under title I and section 43 of title IV of such Act, as amended.

50 Stat. 522, 530.

SALARIES AND EXPENSES

For making, servicing, and collecting loans and insured mortgages, the servicing and collecting of loans made under prior authority, the liquidation of assets transferred to Farmers' Home Administration, and other administrative expenses, \$29,089,500, together with a transfer of not to exceed \$1,000,000 of the fees and administrative expense charges made available by subsections (d) and (e) of section 12 of the Bankhead-Jones Farm Tenant Act, as amended (7 U. S. C. 1005 (b)), and section 10 (c) of the Act of August 28, 1937, as amended.

7 USC 1005b.
68 Stat. 736.

16 USC 590x-3.

OFFICE OF THE GENERAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses, including payment of fees or dues for the use of law libraries by attorneys in the field service, \$2,968,000.

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For expenses of the Office of the Secretary of Agriculture; expenses of the National Agricultural Advisory Commission; stationery, supplies, materials, and equipment; freight, express, and drayage charges; advertising of bids, communication service, postage, washing towels, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department of Agriculture; \$2,668,895: *Provided*, That this appropriation shall be reimbursed from applicable appropriations for travel expenses incident to the holding of hearings as required by the Administrative Procedure Act (5 U. S. C. 1001).

60 Stat. 237.

OFFICE OF INFORMATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Information for the dissemination of agricultural information and the coordination of informational work and programs authorized by Congress in the Department, \$1,359,265, of which total appropriation not to exceed \$537,000 may be used for farmers' bulletins, which shall be adapted to the interests of the people of the different sections of the country, an equal proportion of four-fifths of which shall be delivered to or sent out under the addressed franks furnished by the Senators, Representatives, and Delegates in Congress, as they shall direct (7 U. S. C. 417) and not less than two hundred thirty thousand eight hundred and fifty copies for the use of the Senate and House of Representatives of part 2 of the annual report of the Secretary (known as the Yearbook of Agriculture) as authorized by section 73 of the Act of January 12, 1895 (44 U. S. C. 241): *Provided*, That in the preparation of motion pictures or exhibits by the Department, not exceeding a total of \$10,000 may be used for employment pursuant to the second sentence of section 706 (a) of the Organic Act of 1944 (5 U. S. C. 574), as amended by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a).

34 Stat. 690.

Yearbook of
Agriculture.

28 Stat. 612.

26 Stat. 742.

60 Stat. 810.

LIBRARY

SALARIES AND EXPENSES

For necessary expenses, including dues for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members, \$772,000.

TITLE II—CORPORATIONS

The following corporations and agencies are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the budget for the fiscal year 1959 for such corporation or agency, except as hereinafter provided:

61 Stat. 584.
31 USC 849.

FEDERAL CROP INSURANCE CORPORATION FUND

Not to exceed \$2,000,000 of administrative and operating expenses may be paid from premium income.

COMMODITY CREDIT CORPORATION

RESTORATION OF CAPITAL IMPAIRMENT

To restore the capital impairment of the Commodity Credit Corporation determined by the appraisal of June 30, 1957, pursuant to section 1 of the Act of March 8, 1938, as amended (15 U. S. C. 713a-1), \$1,760,399,886.

52 Stat. 107.

LIMITATION ON ADMINISTRATIVE EXPENSES

Nothing in this Act shall be so construed as to prevent the Commodity Credit Corporation from carrying out any activity or any program authorized by law: *Provided*, That not to exceed \$35,398,000 shall be available for administrative expenses of the Corporation: *Provided further*, That \$1,000,000 of this authorization shall be available only to expand and strengthen the sales program of the Corporation pursuant to authority contained in the Corporation's charter: *Provided further*, That not less than 7 per centum of this authorization shall be placed in reserve to be apportioned pursuant to section 3679 of the Revised Statutes, as amended, for use only in such amounts and at such time as may become necessary to carry out program operations: *Provided further*, That all necessary expenses (including legal and special services performed on a contract or fee basis, but not including other personal services) in connection with the acquisition, operation, maintenance, improvement, or disposition of any real or personal property belonging to the Corporation or in which it has an interest, including expenses of collections of pledged collateral, shall be considered an nonadministrative expenses for the purposes hereof.

64 Stat. 765.
31 USC 665.

TITLE III—RELATED AGENCIES

FARM CREDIT ADMINISTRATION

Not to exceed \$2,125,000 (from assessments collected from farm credit agencies) shall be obligated during the current fiscal year for administrative expenses.

FEDERAL FARM MORTGAGE CORPORATION

The Federal Farm Mortgage Corporation is authorized to make such expenditures, within available funds and in accordance with law, as may be necessary to liquidate its assets: *Provided*, That funds realized from the liquidation of assets which are determined by the Board of Directors to be in excess of the requirements for expenses of liquidation shall be declared as dividends which shall be paid into the general fund of the Treasury.

FEDERAL INTERMEDIATE CREDIT BANKS

Not to exceed \$1,693,000 (to be computed on an accrual basis) of the funds of the banks shall be available for administrative expenses for the six months ending December 31, 1958, including the purchase of not to exceed one passenger motor vehicle for replacement only and services performed for the banks by other Government agencies (except services and facilities furnished and examinations made by the Farm Credit Administration, and services performed by any Federal Reserve bank and by the United States Treasury in connection with the financial transactions of the banks); and said total sum shall be exclusive of interest expense, legal and special services performed on a contract or fee basis, and expenses in connection with the acquisition, operation, maintenance, improvement, protection, or disposition of real or personal property belonging to the banks or in which they have an interest.

TITLE IV—GENERAL PROVISIONS

SEC. 401. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 466 passenger motor vehicles of which 462 shall be for replacement only, and for the hire of such vehicles.

Passenger motor vehicles.

SEC. 402. Provisions of law prohibiting or restricting the employment of aliens shall not apply to employment under the appropriation for the Foreign Agricultural Service.

Employment of aliens.

SEC. 403. Funds available to the Department of Agriculture shall be available for uniforms or allowances therefor as authorized by the Act of September 1, 1954, as amended (5 U. S. C. 2131).

Uniform allowances.

SEC. 404. No part of the funds appropriated by this Act shall be used for the payment of any officer or employee of the Department who, as such officer or employee, or on behalf of the Department or any division, commission, or bureau thereof, issues, or causes to be issued, any prediction, oral or written, or forecast, except as to damage threatened or caused by insects and pests, with respect to future prices of cotton or the trend of same.

50 Stat. 1114.

Cotton price predictions.

SEC. 405. Except to provide materials required in or incident to research or experimental work where no suitable domestic product is available, no part of the funds appropriated by this Act shall be expended in the purchase of twine manufactured from commodities or materials produced outside of the United States.

Purchase of twine.

SEC. 406. Not less than \$1,500,000 of the appropriations of the Department for research and service work authorized by the Acts of August 14, 1946, and July 28, 1954 (7 U. S. C. 427, 1621-1629), shall be available for contracting in accordance with said Acts.

50 Stat. 1082-1091.

68 Stat. 574.
7 USC 4271.
Publicity or propaganda.

SEC. 407. No part of any appropriation contained in this Act or of the funds available for expenditure by any corporation or agency

included in this Act shall be used for publicity or propaganda purposes to support or defeat legislation pending before the Congress.

Short title.

This Act may be cited as the "Department of Agriculture and Farm Credit Administration Appropriation Act, 1959".

Approved June 13, 1958.

Public Law 85-460

AN ACT

June 18, 1958
[H. R. 7251]

To amend the definition of the term "State" in the Veterans' Readjustment Assistance Act and the War Orphans' Educational Assistance Act to clarify the question of whether the benefits of those Acts may be afforded to persons pursuing a program of education or training in the Panama Canal Zone.

Panama Canal
Zone.
Veterans educa-
tion, etc.
66 Stat. 664; 70
Stat. 411.
38 USC 911,
1032.
Post, p. 1274.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 201 (9) of the Veterans' Readjustment Assistance Act of 1952 and section 102 (a) (11) of the War Orphans' Educational Assistance Act of 1956 are each amended by striking all words after the word "State" and inserting the following in lieu thereof: "means each of the several States, the Territories and possessions of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the Panama Canal Zone".

Effective date.

SEC. 2. The amendment made by this Act to section 201 (9) of the Veterans' Readjustment Assistance Act of 1952 shall be deemed to have been in effect since July 16, 1952.

38 USC 1064.
Post, p. 1274.

SEC. 3. (a) Section 304 (c) of the War Orphans' Educational Assistance Act of 1956 is amended by inserting immediately after "State" the following: "or in the Republic of the Philippines".

38 USC 1068.

(b) Section 308 (b) (2) of such Act is amended by inserting immediately after "State law" the following: "(or in the case of the Republic of the Philippines, Philippine law)".

38 USC 1033.

(c) Section 501 of such Act is amended by adding at the end thereof the following:

"(f) Where any provision of this Act authorizes or requires any function, power, or duty to be exercised by a State, or by any officer or agency thereof, such function, power, or duty shall, with respect to the Republic of the Philippines, be exercised by the Administrator."

Approved June 18, 1958.

Public Law 85-461

AN ACT

June 18, 1958
[H. R. 6908]

To authorize modification and extension of the program of grants-in-aid to the Republic of the Philippines for the hospitalization of certain veterans, to restore eligibility for hospital and medical care to certain veterans of the Armed Forces of the United States residing in the Philippines, and for other purposes.

Philippines.
Veterans hos-
pitalization.
71 Stat. 113.
38 USC 2524.

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

(a) Section 524 of the Veterans' Benefits Act of 1957 is amended to read as follows:

"HOSPITAL CARE AND MEDICAL SERVICES ABROAD

"SEC. 524. (a) Except as provided in subsections (b) and (c), the Administrator shall not furnish hospital or domiciliary care or medical services outside the continental limits of the United States, or a Territory, Commonwealth, or possession of the United States.

“(b) The Administrator may furnish necessary hospital care and medical services for any service-connected disability—

“(1) if incurred during a period of war, to any veteran who is a citizen of the United States temporarily sojourning or residing abroad except in the Republic of the Philippines; or

“(2) whenever incurred, to any otherwise eligible veteran in the Republic of the Philippines.”

“(c) Within the limits of those facilities of the Veterans Memorial Hospital at Manila, Republic of the Philippines, for which the Administrator may contract, he may furnish necessary hospital care to a veteran of any war for any non-service-connected disability if such veteran is unable to defray the expenses of necessary hospital care. The Administrator may enter into contracts to carry out this section.”

(b) Section 522 of the Veterans' Benefits Act of 1957 is amended by striking out “section 510 (a) (1) and section 510 (b) (2)” and inserting “sections 510 (a) (1), 510 (b) (2), and 524 (c)”.

38 USC 2522.

SEC. 2. (a) Title V of the Veterans' Benefits Act of 1957 is amended by adding at the end thereof the following new part:

71 Stat. 114.

“PART D—HOSPITAL AND MEDICAL CARE FOR COMMONWEALTH OF THE PHILIPPINES ARMY VETERANS

“GRANTS TO THE REPUBLIC OF THE PHILIPPINES

“SEC. 531. The President is authorized to assist the Republic of the Philippines in providing medical care and treatment for Commonwealth Army veterans in need of such care and treatment for service-connected disabilities through grants to reimburse the Republic of the Philippines for expenditures incident to hospital care of Commonwealth Army veterans in need thereof for such disabilities. The total of such grants shall not exceed \$1,500,000 for the calendar year 1958, and \$1,000,000 for the calendar year 1959. If agreement is reached to modify the plan of assistance as provided for in paragraph (1) of section 532, the total of grants for 1958 up to July 1 may be as much as \$1,000,000.

“MODIFICATION OF AGREEMENT WITH THE REPUBLIC OF THE PHILIPPINES EFFECTUATING THE ACT OF JULY 1, 1948

“SEC. 532. The President, with the concurrence of the Republic of the Philippines, is authorized to modify the agreement between the United States and the Republic of the Philippines respecting hospitals and medical care for Commonwealth Army veterans (63 Stat. 2593) in either or both of the following respects:

“(1) To provide that in lieu of any grants being made after July 1, 1958, under section 531, the Administrator may enter into a contract with the Veterans Memorial Hospital, with the approval of the appropriate department of the Government of the Republic of the Philippines, under which the United States will pay for hospital care in the Republic of the Philippines of Commonwealth Army veterans determined by the Administrator to need such hospital care for service-connected disabilities. Such contract must be entered into before July 1, 1958, may be for a period of not more than five consecutive fiscal years beginning July 1, 1958, and shall provide for payments for such hospital care at a per diem rate to be jointly determined for each fiscal year by the two Governments to be fair and reasonable; but the total of such payments plus any payments for authorized travel

expenses in connection with such hospital care shall not exceed \$2,000,000 for any one fiscal year. In addition, such modified agreement may provide that, during the period covered by such contract, medical services for Commonwealth Army veterans determined by the Administrator to be in need thereof for service-connected disabilities shall be provided either in Veterans' Administration facilities, or by contract, or otherwise, by the Administrator in accordance with the conditions and limitations applicable generally to beneficiaries under section 512.

"(2) To provide for the use by the Republic of the Philippines of beds, equipment, and other facilities of the Veterans Memorial Hospital at Manila, not required for hospital care of Commonwealth Army veterans for service-connected disabilities, for hospital care of other persons in the discretion of the Republic of the Philippines. If such agreement is modified in accordance with this paragraph, such agreement (A) shall specify that priority of admission and retention in such hospital shall be accorded Commonwealth Army veterans needing hospital care for service-connected disabilities, and (B) shall not preclude the use of available facilities in such hospital on a contract basis for hospital care or medical services for persons eligible therefor from the Veterans' Administration.

In addition, such agreement may provide for the payment of travel expenses pursuant to section 2101 for Commonwealth Army veterans in connection with hospital care or medical services furnished them.

71 Stat. 154.
38 USC 2121.

"SUPERVISION OF PROGRAM BY THE PRESIDENT

"SEC. 533. The President, or any officer of the United States to whom he may delegate his authority under this section, may from time to time prescribe such rules and regulations and impose such conditions on the receipt of financial aid as may be necessary to carry out this part.

"DEFINITIONS

"SEC. 534. For the purposes of this part—

"(1) The term 'Commonwealth Army veterans' means persons who served before July 1, 1946, in the organized military forces of the Government of the Philippines, while such forces were in the service of the Armed Forces pursuant to the military order of the President dated July 26, 1941, including among such military forces organized guerrilla forces under commanders appointed, designated, or subsequently recognized by the Commander in Chief, Southwest Pacific Area, or other competent authority in the Army of the United States, and who were discharged or released from such service under conditions other than dishonorable.

"(2) The term 'service-connected disabilities' means disabilities determined by the Administrator under laws administered by the Veterans' Administration to have been incurred in or aggravated by the service described in paragraph (1) in line of duty."

SEC. 3. Section 2105 (a) of the Veterans' Benefits Act of 1957 is amended by inserting immediately after "1941," the following: "including among such military forces organized guerrilla forces under commanders appointed, designated, or subsequently recognized by the Commander in Chief, Southwest Pacific Area, or other competent authority in the Army of the United States."

71 Stat. 156.
38 USC 2125.

SEC. 4. Section 2306 of the Veterans' Benefits Act of 1957 is amended by inserting "(a)" immediately after "SEC. 2306." and by adding at the end thereof the following new subsection:

38 U.S.C. 2101 note.

"(b) The availability and use of appropriations made for the purposes of the Act of July 1, 1948 (62 Stat. 1210; 50 App. U. S. C., secs. 1991-1996), shall not be affected by the repeal of such Act."

SEC. 5. The Act of July 1, 1948 (62 Stat. 1210; 50 App. U. S. C., secs. 1991-1996), is hereby repealed.

Repeal.

SEC. 6. The table of contents in the first section of the Veterans' Benefits Act of 1957 is amended by inserting immediately below:

71 Stat. 85.

"SEC. 527. Persons eligible under prior law." the following:

"Part D—Hospital and Medical Care for Commonwealth of the Philippines Army Veterans

"SEC. 531. Grants to the Republic of the Philippines.

"SEC. 532. Modification of agreement with the Republic of the Philippines effectuating the Act of July 1, 1948.

"SEC. 533. Supervision of program by the President.

"SEC. 534. Definitions."

Approved June 18, 1958.

Public Law 85-462

AN ACT

June 20, 1958 [S. 734]

To revise the basic compensation schedules of the Classification Act of 1949, as amended, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Employees Salary Increase Act of 1958".

Federal Employees Salary Increase Act of 1958.

SEC. 2. (a) Section 603 (b) of the Classification Act of 1949, as amended (69 Stat. 172, 70 Stat. 740; 5 U. S. C. 1113 (b)), is amended to read as follows:

"(b) The compensation schedule for the General Schedule shall be as follows:

General Schedule.

Grade	Per annum rates						
	\$2,960	\$3,055	\$3,150	\$3,245	\$3,340	\$3,435	\$3,530
GS-1	3,255	3,350	3,445	3,540	3,635	3,730	3,825
GS-2	3,495	3,590	3,685	3,780	3,875	3,970	4,065
GS-3	3,755	3,850	3,945	4,040	4,135	4,230	4,325
GS-4	4,040	4,190	4,340	4,490	4,640	4,790	4,940
GS-5	4,490	4,640	4,790	4,940	5,090	5,240	5,390
GS-6	4,980	5,130	5,280	5,430	5,580	5,730	5,880
GS-7	5,470	5,620	5,770	5,920	6,070	6,220	6,370
GS-8	5,965	6,115	6,265	6,415	6,565	6,715	6,865
GS-9	6,505	6,655	6,805	6,955	7,105	7,255	7,405
GS-10	7,030	7,270	7,510	7,750	7,990	8,230	8,470
GS-11	8,330	8,570	8,810	9,050	9,290	9,530	9,770
GS-12	9,890	10,130	10,370	10,610	10,850	11,090	11,330
GS-13	11,355	11,595	11,835	12,075	12,315	12,555	12,795
GS-14	12,770	13,070	13,370	13,670	13,970	14,270	14,570
GS-15	14,190	14,430	14,670	14,910	15,150	15,390	15,630
GS-16	15,375	15,615	15,855	16,095	16,335	16,575	16,815
GS-17	17,500	17,740	17,980	18,220	18,460	18,700	18,940
GS-18	20,000	20,240	20,480	20,720	20,960	21,200	21,440

(b) The rates of basic compensation of officers and employees to whom this section applies shall be adjusted as follows:

Adjustment of compensation.

(1) If the officer or employee is receiving basic compensation immediately prior to the effective date of this section at one of the scheduled or longevity rates of a grade in the General Schedule of the Classification Act of 1949, as amended, he shall receive a rate of basic compensation at the corresponding scheduled or longevity rate in effect on and after such date.

5 USC 1113.

(2) If the officer or employee is receiving basic compensation immediately prior to the effective date of this section at a rate between two scheduled or two longevity rates, or between a scheduled and a longevity rate, of a grade in the General Schedule, he shall receive a rate of basic compensation at the higher of the two corresponding rates in effect on and after such date.

(3) If the officer or employee (other than an officer or employee subject to paragraph (4) of this subsection), immediately prior to the effective date of this section, is receiving basic compensation at a rate in excess of the maximum longevity rate of his grade, or in excess of the maximum scheduled rate of his grade if there is no longevity rate for his grade, he shall receive basic compensation at a rate equal to the rate which he received immediately prior to such effective date, increased by an amount equal to the amount of the increase made by this section in the maximum longevity rate, or the maximum scheduled rate, as the case may be, of his grade until (A) he leaves such position, or (B) he is entitled to receive basic compensation at a higher rate by reason of the operation of the Classification Act of 1949, as amended; but, when his position becomes vacant, the rate of basic compensation of any subsequent appointee thereto shall be fixed in accordance with such Act, as amended.

5 USC 1071 note.

(4) If the officer or employee, immediately prior to the effective date of this section, is receiving, pursuant to paragraph (4) of section 2 (b) of the Federal Employees Salary Increase Act of 1955, an existing aggregate rate of compensation determined under section 208 (b) of the Act of September 1, 1954 (68 Stat. 1111; Public Law 763, Eighty-third Congress), plus the amount of the increase provided by section 2 of the Federal Employees Salary Increase Act of 1955, he shall receive an aggregate rate of compensation equal to the sum of (A) his existing aggregate rate of compensation determined under such section 208 (b) of the Act of September 1, 1954, and (B) the amount of the increase provided by section 2 of the Federal Employees Salary Increase Act of 1955 and (C) the amount of the increase made by this section in the maximum longevity rate of his grade, until (i) he leaves his position, or (ii) he is entitled to receive aggregate compensation at a higher rate by reason of the operation of this Act or any other provision of law; but, when such position becomes vacant, the aggregate rate of compensation of any subsequent appointee thereto shall be fixed in accordance with applicable provisions of law. Subject to clauses (i) and (ii) of the immediately preceding sentence of this paragraph, the amount of the increase provided by this section shall be held and considered for the purposes of section 208 (b) of such Act of September 1, 1954, to constitute a part of the existing aggregate rate of compensation of such employee.

69 Stat. 173.
5 USC 1113 note.

5 USC 926 note.

69 Stat. 172.
5 USC 1113 and note.

(5) If the officer or employee, at any time during the period beginning on the effective date of this section and ending on the date of enactment of this Act, was promoted from one grade under the Classification Act of 1949, as amended, to another such grade at a rate which is above the minimum rate thereof, his rate of basic compensation shall be adjusted retroactively from the effective date of this section to the date on which he was so promoted, on the basis of the rate which he was receiving during the period from such effective date to the date of such promotion and, from the date of such promotion, on the basis of the rate for that step of the appropriate grade of the General Schedule contained in this section which corresponds numerically to the step of the grade of the General Schedule for such officer or employee which was in effect (without regard to this Act) at the time of such promotion.

5 USC 1071 note.

(6) If the officer or employee on the rolls has had his rate of basic compensation established, under authority of section 803 of the Classification Act of 1949, as amended (68 Stat. 1106; 5 U. S. C. 1133), at any time during the period beginning on September 1, 1954, and ending on the date of enactment of this Act, his rate of basic compensation shall be adjusted retroactively in accordance with one or more of the following provisions of this paragraph (6), as applicable:

(A) if his rate of basic compensation was established under authority of such section 803 after September 1, 1954, and prior to the effective date of this section such rate shall be adjusted retroactively, for the period of time served by him in a pay status under the Classification Act of 1949 in the position concerned on and after such effective date and prior to the date of enactment of this Act, on the basis of the rate for that step of the appropriate grade of the General Schedule contained in this section which corresponds numerically to the step of the grade of the General Schedule which was in effect for such officer or employee, without regard to this Act, as a result of such adjustment under such section 803;

5 USC 1071 note.

(B) if his rate of basic compensation was established under authority of such section 803 on or after the effective date of this section and prior to the date of enactment of this Act, such rate shall be adjusted retroactively for the period of time served by him in a pay status under the Classification Act of 1949 in the position concerned on and after such effective date and prior to such date of enactment, as follows—

5 USC 1133.

5 USC 1071 note.

(i) for the period of time prior to the effective date of the establishment of his rate of basic compensation under such section 803, on the basis of the rate of basic compensation which he was receiving during such period, and

(ii) for the period of time on and after the effective date of the establishment of his rate of basic compensation under such section 803, on the basis of the rate for that step of the appropriate grade of the General Schedule contained in this section which corresponds numerically to the step of the grade of the General Schedule which was in effect for such officer or employee, without regard to this Act, as a result of such adjustment under such section 803,

and such basic compensation adjusted under subparagraphs (A) and (B) (ii) of this paragraph (6) shall be paid in accordance with such subparagraphs until—

(a) he leaves such position, or

(b) he is entitled to receive basic compensation at a higher rate by reason of the operation of any provision of the Classification Act of 1949, as amended.

(7) If the officer or employee became subject to the Classification Act of 1949, as amended, at any time during the period beginning on September 1, 1954, and ending on the date of enactment of this Act, at a rate of basic compensation which was established under authority of section 803 of the Classification Act of 1949, as amended (68 Stat. 1106; 5 U. S. C. 1133), his rate of basic compensation shall be adjusted retroactively, for the period of time served by him in a pay status under the Classification Act of 1949 in the position concerned on and after the effective date of this section and prior to the date of enactment of this Act, on the basis of the rate for that step of the appropriate grade of the General Schedule contained in this section which corresponds numerically to the step of the grade of the General Schedule which was in effect for such officer or employee, without

5 USC 1071 note.

regard to this Act, as a result of such adjustment under such section 803, and such basic compensation shall be paid in accordance with this paragraph (7) until—

(A) he leaves his position, or

(B) he is entitled to receive basic compensation at a higher rate by reason of the operation of any provision of the Classification Act of 1949, as amended.

(8) If the officer or employee, at any time during the period beginning on the effective date of this section and ending on the date of enactment of this Act, became subject to the Classification Act of 1949, as amended, at a rate of basic compensation which was fixed on the basis of a higher previously earned rate and which is above the minimum rate of the grade of such officer or employee, his rate of basic compensation shall be adjusted retroactively to the date on which he became subject to such Act, on the basis of the rate for that step of the appropriate grade of the General Schedule contained in this section which corresponds numerically to the step of the grade of the General Schedule for such officer or employee which was in effect (without regard to this Act) at the time he became subject to the Classification Act of 1949 as in effect immediately prior to the effective date of this section.

5 USC 1071 note.

(9) Each officer or employee—

(A) (i) who with his position has been transferred under authority of the Classification Act of 1949, at any time during the period beginning on the effective date of this section and ending on the date of enactment of this Act, from the General Schedule of the Classification Act of 1949 to a prevailing rate schedule, or (ii) who, at any time during such period, transferred from a position subject to the Classification Act of 1949 to a position subject to a prevailing rate schedule,

(B) who, at all times subsequent to such transfer, was in the service of the United States (including the Armed Forces of the United States) or of the municipal government of the District of Columbia, without break in such service of more than thirty consecutive calendar days and, in the case of an individual relieved from training and service in the Armed Forces of the United States or discharged from hospitalization following such training and service, without break in service in excess of the period provided by law for the mandatory restoration of such individual to a position in or under the Federal Government or the municipal government of the District of Columbia,

(C) who, on such date of enactment, is being compensated under a prevailing rate schedule, and

(D) whose rate of basic compensation on such date of enactment is less than the rate to which he would have been entitled on such date if such transfer had not occurred (unless he is receiving such lesser rate by reason of an adverse personnel action resulting from his own fault),

shall be paid basic compensation at a rate equal to the rate which he would have been receiving on such date of enactment (including compensation for each within-grade and longevity step-increase which he would have earned) if such transfer had not occurred until the day immediately following such date of enactment, for all time in a pay status on and after the effective date of this section in a position subject to a prevailing rate schedule under the circumstances prescribed in this subsection, until—

(a) he leaves the position which he holds on such date of enactment, or

(b) he is entitled to receive basic compensation at a higher rate under a prevailing rate schedule;

but when such position becomes vacant, the rate of basic compensation of any subsequent appointee thereto shall be fixed in accordance with prevailing rate schedules.

SEC. 3. (a) The rates of basic compensation of officers and employees in or under the judicial branch of the Government whose rates of compensation are fixed pursuant to paragraph (2) of subdivision a of section 62 of the Bankruptcy Act (11 U. S. C. 102 (a) (2)), section 3656 of title 18 of the United States Code, the third sentence of section 603, section 604 (a) (5), or sections 672 to 675, inclusive, of title 28 of the United States Code are hereby increased by amounts equal to the increases provided by section 2 of this Act in corresponding rates of compensation paid to officers and employees subject to the Classification Act of 1949, as amended.

Judicial branch.

60 Stat. 329.

62 Stat. 843, 913
of seq.

5 USC 1071 note.

(b) The limitations of \$13,485 and \$18,010 with respect to the aggregate salaries payable to secretaries and law clerks of circuit and district judges, contained in the paragraph designated "Salaries of supporting personnel" in the Judiciary Appropriation Act, 1958 (71 Stat. 65; Public Law 85-49), or any subsequent appropriation Act, shall be increased by the amounts necessary to pay the additional basic compensation provided by this Act.

28 USC 604 note.

(c) Section 753 (e) of title 28 of the United States Code (relating to the compensation of court reporters for district courts) is amended by striking out "\$6,450" and inserting in lieu thereof "\$7,095".

69 Stat. 176.

SEC. 4. (a) Each officer and employee in or under the legislative branch of the Government whose rate of compensation is increased by section 5 of the Federal Employees Pay Act of 1946 shall be paid additional compensation at the rate of 10 per centum of his gross rate of compensation (basic compensation plus additional compensation authorized by law).

Legislative
branch.

60 Stat. 217.
5 USC 931, 932.

(b) The basic compensation of each employee in the office of a Senator is hereby adjusted, effective on the first day of the month following the date of enactment of this Act, to the lowest multiple of \$60 which will provide a gross rate of compensation not less than the gross rate such employee was receiving immediately prior thereto, except that the foregoing provisions of this subsection shall not apply in the case of any employee if on or before the fifteenth day following the date of enactment of this Act the Senator by whom such employee is employed notifies the disbursing office of the Senate in writing that he does not wish such provisions to apply to such employee. No employee whose basic compensation is adjusted under this subsection shall receive any additional compensation under subsection (a) for any period prior to the effective date of such adjustment during which such employee was employed in the office of the Senator by whom he is employed on the first day of the month following the enactment of this Act. No additional compensation shall be paid to any person under subsection (a) for any period prior to the first day of the month following the date of enactment of this Act during which such person was employed in the office of a Senator (other than a Senator by whom he is employed on such day) unless on or before the fifteenth day following the date of enactment of this Act such Senator notifies the disbursing office of the Senate in writing that he wishes such employee to receive such additional compensation for such period. In any case in which, at the expiration of the time within which a Senator may give notice under this subsection, such Senator is deceased such notice shall be deemed to have been given.

(c) Notwithstanding the provision referred to in subsection (d), the rates of gross compensation of each of the elected officers of the Senate (except the presiding officer of the Senate), the Parliamentarian of the Senate, the Legislative Counsel of the Senate, the Senior Counsel in the Office of the Legislative Counsel of the Senate, and the Chief Clerk of the Senate are hereby increased by 10 per centum.

(d) The paragraph imposing limitations on basic and gross compensation of officers and employees of the Senate appearing under the heading "SENATE" in the Legislative Appropriation Act, 1956 (69 Stat. 510; Public Law 242, Eighty-fourth Congress), is amended to read as follows:

"No officer or employee, whose compensation is disbursed by the Secretary of the Senate shall be paid basic compensation at a rate in excess of \$8,880 per annum, or gross compensation at a rate in excess of \$16,300 per annum, unless expressly authorized by law."

(e) The provisions of subsection (a) shall not apply to employees whose compensation is paid from the appropriation contained in the paragraph designated "Folding documents" under the heading "CONTINGENT EXPENSES OF THE SENATE" in the Legislative Branch Appropriation Act, 1958 (71 Stat. 246; Public Law 85-75), or in any subsequent appropriation Act, but the limitation contained in such paragraph is hereby increased by the amount necessary to provide increases corresponding to those provided by subsection (a).

(f) The official reporters of proceedings and debates of the Senate and their employees shall be considered to be officers or employees in or under the legislative branch of the Government within the meaning of subsection (a).

(g) The additional compensation provided by this section shall be considered a part of basic compensation for the purposes of the Civil Service Retirement Act (5 U. S. C. 2251-2267).

(h) The paragraph relating to rates of compensation of employees of committees of the Senate, contained in the Legislative Appropriation Act, 1956 (69 Stat. 505; Public Law 242, Eighty-fourth Congress), is amended by striking out so much of the second sentence thereof as follows the words "First Supplemental Appropriation Act, 1947," and inserting in lieu thereof the following: "the basic compensation of any employee of a standing or select committee of the Senate (including the majority and minority policy committees and the majority conference of the Senate and minority conference of the Senate), or a joint committee of the two Houses the expenses of which are paid from the contingent fund of the Senate, whose basic compensation may be fixed under such provisions at a rate of \$8,000 per annum, may be fixed at a rate not in excess of \$8,040 per annum, except that the basic compensation of one such employee may be fixed at a rate not in excess of \$8,880 per annum and the basic compensation of two such employees may be fixed at a rate not in excess of \$8,460 per annum."

(i) No officer or employee shall be paid increased or additional compensation for any period prior to the first day of the month following the date of enactment of this Act at a rate in excess of 10 per centum of his gross rate of compensation computed without regard to the amendment made by subsection (d) and without regard to subsections (m), (n), (o), and (p).

(j) The position of Chief Nurse in the Senate Office Building, under the Office of the Architect of the Capitol, shall be established and allocated to grade 9 of the General Schedule of the Classification Act of 1949, as amended, so long as such position is held by the present incumbent.

(k) The rate of gross annual compensation of each of the elected officers of the House of Representatives (except the presiding officer of the House and the Chaplain of the House) is hereby increased by 10 per centum.

(l) The aggregate rate of the rate of basic annual compensation and the rate of additional annual compensation authorized by law of the Chaplain of the House of Representatives and of the Coordinator of Information of the House of Representatives is hereby increased by 10 per centum.

(m) The rate of gross annual compensation of the Legislative Counsel of the House of Representatives shall be an amount which is equal to the rate of gross annual compensation of the Legislative Counsel of the Senate on the day following the effective date of this subsection.

(n) The basic compensation of the Administrative Assistants to the Speaker, Majority Leader, Minority Leader, Majority Whip, and Minority Whip, shall be at the rate of \$8,880 per annum.

(o) Subsection (e) of section 202 of the Legislative Reorganization Act of 1946, as amended (2 U. S. C. 72a (e)), is amended (1) by striking out "\$8,820" where it first appears in such subsection and inserting in lieu thereof "\$8,880", and (2) by striking out "\$8,820" at the second place where it appears in such subsection and inserting in lieu thereof "\$8,880".

69 Stat. 509.

(p) (1) This subsection is enacted as an exercise of the rule-making power of the House of Representatives with full recognition of the constitutional right of the House of Representatives to change the rule amended by this subsection at any time, in the same manner, and to the same extent as in the case of any other rule of the House of Representatives.

(2) Clause 27 (c) of Rule XI of the Rules of the House of Representatives is amended (A) by striking out "\$8,820" where it first appears in such clause and inserting in lieu thereof "\$8,880", and (B) by striking out "\$8,820" at the second place where it appears in such clause and inserting in lieu thereof "\$8,880".

(q) The limitations in the paragraph designated "Folding documents" under the heading "Contingent Expenses of the House" in the Legislative Branch Appropriation Act, 1958 (71 Stat. 249; Public Law 85-75), are hereby increased by 10 per centum.

(r) Each employee in the legislative branch of the Government whose compensation—

- (1) is disbursed by the Clerk of the House of Representatives,
- (2) is not increased by any other provision of this Act, and
- (3) is fixed at a gross aggregate rate per annum,

shall receive additional compensation at the rate of 10 per centum of the rate of his existing gross annual compensation.

(s) The increases in compensation provided by this section shall not be applicable with respect to the Office of the Parliamentarian of the House of Representatives and to any employee in such office.

(t) Subject to subsection (j) of this section, each position of nurse under the Architect of the Capitol shall be allocated by the Architect to that grade of the General Schedule of the Classification Act of 1949, as amended, which is recommended to the Architect by the Attending Physician of the Congress. Any such allocation shall not be subject to post audit, review, or change by any authority in the executive branch.

5 USC 1113.

SEC. 5. (a) Section 1403 (b) of the Veterans' Benefits Act of 1957 (71 Stat. 130; Public Law 85-56), relating to the annual salary of the Chief Medical Director of the Department of Medicine and Surgery of the Veterans' Administration, is amended by striking out "\$17,800" and inserting in lieu thereof "\$19,580".

Veterans' Admin-
istration.
38 USC 3403.

38 USC 3402.

(b) Section 1403 (c) of such Act, relating to the annual salary of the Deputy Chief Medical Director of the Department of Medicine and Surgery of the Veterans' Administration, is amended by striking out "\$16,800" and inserting in lieu thereof "\$18,480".

(c) Section 1403 (d) of such Act, relating to the annual salaries of the Assistant Chief Medical Directors and the directors of service or chiefs of division of the Department of Medicine and Surgery of the Veterans' Administration, is amended—

(1) by striking out "\$15,800" and inserting in lieu thereof "\$17,380";

(2) by striking out the word "twenty" and inserting in lieu thereof the word "twenty-five"; and

(3) by striking out "\$13,225 minimum to \$14,300 maximum" and inserting in lieu thereof "\$14,545 minimum to \$16,500 maximum".

(d) Section 1403 (e) of such Act, relating to the annual salaries of the Director of Nursing Service and the Deputy Director of Nursing Service of the Department of Medicine and Surgery of the Veterans' Administration, is amended—

(1) by striking out "\$11,610" and inserting in lieu thereof "\$12,770 minimum to \$13,970 maximum"; and

(2) by striking out "\$10,320" and inserting in lieu thereof "\$11,355 minimum to \$12,555 maximum".

(e) Section 1403 (f) of such Act, relating to the annual salaries of the chief pharmacist, the chief dietitian, the chief physical therapist, and the chief occupational therapist of the Department of Medicine and Surgery of the Veterans' Administration, is amended to read as follows:

"(f) The Administrator may appoint a chief pharmacist, a chief dietitian, a chief physical therapist, and a chief occupational therapist. During the period of his service as such, the chief pharmacist and the chief dietitian shall be paid a salary of \$12,770 minimum to \$13,970 maximum a year and the chief physical therapist and the chief occupational therapist shall be paid a salary of \$11,355 minimum to \$12,555 maximum a year."

38 USC 3407.

(f) Section 1407 (a) of such Act, relating to maximum and minimum annual rates of salary of certain employees of the Medical Service, Dental Service, and Nursing Service of the Department of Medicine and Surgery of the Veterans' Administration, is amended to read as follows:

38 USC 3404.

"(a) The grades and per annum full-pay ranges for positions provided in paragraph (1) of section 1404 shall be as follows:

"MEDICAL SERVICE

"Chief grade, \$12,770 minimum to \$13,970 maximum.

"Senior grade, \$11,355 minimum to \$12,555 maximum.

"Intermediate grade, \$9,890 minimum to \$11,090 maximum.

"Full grade, \$8,330 minimum to \$9,530 maximum.

"Associate grade, \$7,030 minimum to \$8,230 maximum.

"Junior grade, \$6,505 minimum to \$7,405 maximum.

"DENTAL SERVICE

"Chief grade, \$12,770 minimum to \$13,970 maximum.

"Senior grade, \$11,355 minimum to \$12,555 maximum.

"Intermediate grade, \$9,890 minimum to \$11,090 maximum.

"Full grade, \$8,330 minimum to \$9,530 maximum.

"Associate grade, \$7,030 minimum to \$8,230 maximum.

"Junior grade, \$6,505 minimum to \$7,405 maximum.

"NURSING SERVICE

"Assistant Director, \$8,330 minimum to \$9,530 maximum.

"Senior grade, \$7,030 minimum to \$8,230 maximum.

"Full grade, \$5,985 minimum to \$6,885 maximum.

"Associate grade, \$5,205 minimum to \$6,165 maximum.

"Junior grade, \$4,425 minimum to \$5,385 maximum."

(g) Section 1408 (d) of such Act, prescribing the maximum amount of pay and allowances of medical, surgical, and dental specialists of the Department of Medicine and Surgery of the Veterans' Administration, is amended to read as follows:

38 USC 3408.

"(d) Any person, rated as a medical, surgical, or dental specialist under the provisions of this section or prior corresponding provisions of law, shall receive, in addition to his basic pay, an allowance equal to 15 percent of such pay, but in no event shall the pay plus the allowance authorized by this subsection exceed \$16,000 per annum."

(h) Section 1411 of such Act, relating to appointment of additional employees, is amended—

38 USC 3411.

(1) by inserting "(a)" immediately following "SEC. 1411."; and

(2) by adding at the end thereof the following:

"(b) Notwithstanding any other provision of law, the per annum rate of salary of each individual serving as a manager of a hospital, domiciliary, or center who is not a physician in the medical service shall not be less than the rate of salary which he would receive under section 1407 if his service as a manager of a hospital, domiciliary, or center had been service as a physician in the medical service in the chief grade. This subsection shall not affect the allocation of any position of manager of a hospital, domiciliary, or center to any grade of the General Schedule of the Classification Act of 1949, except with respect to changes in rate of salary pursuant to the preceding sentence, and shall not affect the applicability of the Performance Rating Act of 1950 to any individual."

38 USC 3407.

63 Stat. 954.
5 USC 1071 note.64 Stat. 1098.
5 USC 2001 note.
38 USC 3404.

(i) Paragraph (2) of section 1404 of such Act, relating to additional appointments, is amended to read as follows:

"(2) Managers, pharmacists, physical therapists, occupational therapists, dietitians, and other scientific and professional personnel, such as optometrists, pathologists, bacteriologists, chemists, biostatisticians, and medical and dental technologists."

(j) Paragraph (5) of section 1405 of such Act, relating to qualifications of appointees, is amended—

38 USC 3405.

(1) by redesignating subparagraphs (B) and (C) thereof as subparagraphs (C) and (D) thereof, respectively; and

(2) by inserting immediately below subparagraph (A) thereof the following:

"(B) optometrist—

"be licensed to practice optometry in one of the States, Territories, or Commonwealths of the United States, or in the District of Columbia;";

SEC. 6. (a) The Foreign Service Act of 1946 is amended as follows:

Foreign Service.

(1) The third sentence of section 412 of such Act (22 U. S. C. 867) is amended by striking out "\$17,500" and inserting in lieu thereof "\$19,250".

60 Stat. 1003.

(2) The fourth sentence of section 412 of such Act is amended to read as follows: "The per annum salaries of Foreign Service officers within each of the other classes shall be as follows:

22 USC 867.

"Class 1.....	\$16,060	\$16,500	\$16,940	\$17,380	\$17,820	\$18,260	\$18,700
Class 2.....	13,860	14,190	14,520	14,850	15,180	15,510	15,840
Class 3.....	11,060	11,990	12,320	12,650	12,980	13,310	13,640
Class 4.....	9,900	10,175	10,450	10,725	11,000	11,275	11,550
Class 5.....	8,140	8,415	8,690	8,965	9,240	9,515	9,790
Class 6.....	6,710	6,980	7,150	7,370	7,590	7,810	8,030
Class 7.....	5,610	5,775	5,940	6,105	6,270	6,435	6,600
Class 8.....	4,730	4,895	5,060	5,225	5,390	5,555	5,720
							\$5,885."

(3) The second sentence of section 415 of such Act (22 U. S. C. 870) is amended to read as follows: "The per annum rates of staff officers and employees within each class shall be as follows:

"Class 1.....	\$11,770	\$12,120	\$12,480	\$12,830	\$13,180		
Class 2.....	10,920	11,205	11,485	11,770	12,120		
Class 3.....	10,030	10,320	10,600	10,885	11,165		
Class 4.....	9,095	9,380	9,665	9,945	10,230		
Class 5.....	8,395	8,610	8,815	9,030	9,315	\$9,600	
Class 6.....	7,690	7,905	8,120	8,325	8,540	8,755	
Class 7.....	6,990	7,200	7,415	7,630	7,840	8,050	
Class 8.....	6,285	6,495	6,710	6,925	7,140	7,350	
Class 9.....	5,585	5,795	6,005	6,220	6,435	6,650	
Class 10.....	5,115	5,260	5,400	5,540	5,755	5,970	\$6,175
Class 11.....	4,650	4,790	4,930	5,070	5,215	5,355	5,500
Class 12.....	4,180	4,320	4,460	4,605	4,745	4,890	5,025
Class 13.....	3,730	3,870	4,010	4,155	4,295	4,440	4,580
Class 14.....	3,300	3,445	3,585	3,730	3,870	4,010	4,155
Class 15.....	3,090	3,165	3,260	3,300	3,445	3,585	3,730
Class 16.....	2,875	2,950	3,020	3,090	3,165	3,230	3,300
Class 17.....	2,660	2,735	2,805	2,875	2,950	3,020	3,090
Class 18.....	2,455	2,520	2,590	2,660	2,735	2,805	2,875
Class 19.....	2,240	2,310	2,380	2,455	2,520	2,590	2,660
Class 20.....	2,025	2,095	2,165	2,240	2,310	2,380	2,455
Class 21.....	1,810	1,880	1,955	2,025	2,095	2,165	2,240
Class 22.....	1,600	1,670	1,745	1,810	1,880	1,955	2,025."

(b) Foreign Service officers, Reserve officers, and Foreign Service staff officers and employees who are entitled to receive basic compensation immediately prior to the effective date of this section at one of the step rates provided by sections 412 or 415 of the Foreign Service Act of 1946, shall receive basic compensation on or after the effective date of this section at the corresponding step rate as provided by such sections 412 or 415 as amended by this section.

SEC. 7. (a) Notwithstanding section 3679 of the Revised Statutes, as amended (31 U. S. C. 665), the rates of compensation of officers and employees of the Federal Government and of the municipal government of the District of Columbia whose rates of compensation are fixed by administrative action pursuant to law and are not otherwise increased by this Act are hereby authorized to be increased, effective on or after the first day of the first pay period which began on or after January 1, 1958, by amounts not to exceed the increases provided by this Act for corresponding rates of compensation in the appropriate schedule or scale of pay.

(b) Nothing contained in this section shall be deemed to authorize any increase in the rates of compensation of officers and employees whose rates of compensation are fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing rates or practices.

(c) Nothing contained in this section shall affect the authority contained in any law pursuant to which rates of compensation may be fixed by administrative action.

SEC. 8. (a) Retroactive compensation or salary shall be paid by reason of this Act only in the case of an individual in the service of the United States (including service in the Armed Forces of the United States) or the municipal government of the District of Columbia on the date of enactment of this Act, except that such retroactive compensation or salary shall be paid (1) to an officer or employee who retired during the period beginning on the first day of the first pay period which began on or after January 1, 1958, and ending on the date of enactment of this Act for services rendered during such period and (2) in accordance with the provisions of the Act of August 3,

22 USC 867, 870.

Rates by administrative action.
64 Stat. 765.

Entitlement to retroactive increase.

1950 (Public Law 636, Eighty-first Congress), as amended (5 U. S. C. 61f-61k), for services rendered during the period beginning on the first day of the first pay period which began on or after January 1, 1958, and ending on the date of enactment of this Act by an officer or employee who dies during such period. Such retroactive compensation or salary shall not be considered as basic salary for the purpose of the Civil Service Retirement Act in the case of any such retired or deceased officer or employee.

64 Stat. 395.

70 Stat. 743.
5 USC 2251 et
seq.

(b) For the purposes of this section, service in the Armed Forces of the United States, in the case of an individual relieved from training and service in the Armed Forces of the United States or discharged from hospitalization following such training and service, shall include the period provided by law for the mandatory restoration of such individual to a position in or under the Federal Government or the municipal government of the District of Columbia.

SEC. 9. (a) The Director of the Bureau of the Budget is authorized and directed to provide by regulation for the absorption from the respective applicable appropriations or funds available for the fiscal year in which this Act is enacted and for the immediately succeeding fiscal years, by the respective departments, agencies, establishments, and corporations in the executive branch, to such extent as the Director deems practicable, of the costs of the increases in basic compensation provided by this Act.

Absorption of
costs.

(b) Nothing contained in subsection (a) of this section shall be held or considered to require (1) the separation from the service of any individual by reduction in force or other personnel action or (2) the placing of any individual in a leave-without-pay status.

(c) Subsections (a) and (b) of this section shall not apply to the field service of the Post Office Department and to such other departments, agencies, establishments, and corporations in the executive branch as the Director, with the approval of the President, may designate.

Exceptions.

SEC. 10. Section 505 of the Classification Act of 1949, as amended (5 U. S. C. 1105), is amended by adding at the end thereof the following new subsections:

Supergrade posi-
tions.
69 Stat. 179.

“(f) The Director of the Administrative Office of the United States Courts is authorized to place a total of four positions in grade 17 of the General Schedule. Such positions shall be in addition to the number of positions authorized to be placed in such grade by subsection (b).

“(g) The Commissioner of Immigration and Naturalization is authorized to place a total of eleven positions in grade 17 of the General Schedule. Such positions shall be in addition to the number of positions authorized to be placed in such grade by subsection (b).

“(h) In any case in which, subsequent to February 1, 1958, provisions are included in a general appropriation Act authorizing an agency of the Government to place additional positions in grade 16, 17, or 18, the total number of positions authorized by this section to be placed in such grades shall, unless otherwise expressly provided, be deemed to have been reduced by the number of positions authorized by such provisions to be placed in such grades. Such reduction shall be deemed to have occurred in the following order: first, from any number specifically authorized for such agency under this section, and second, from the maximum number of positions authorized to be placed in such grades under subsection (b) irrespective of the agency to which such positions are allocated.

“(i) Appointments to positions in grades 16, 17, and 18 of the General Schedule shall be made only upon approval by the Civil Service Commission of the qualifications of the proposed appointees, except that this subsection shall not apply to those positions—

Exceptions.

“(1) provided for in subsection (e) of this section;

“(2) to which appointments are made by the President alone or by the President by and with the advice and consent of the Senate; and

“(3) for which the compensation is paid from (A) appropriations for the Executive Office of the President under the headings ‘The White House Office’, ‘Special Projects’, ‘Council of Economic Advisers’, ‘National Security Council’, ‘Office of Defense Mobilization’, and ‘President’s Advisory Committee on Government Organization’, or (B) funds appropriated to the President under the heading ‘Emergency Fund for the President, National Defense’ by the General Government Matters Appropriation Act, 1959, or any subsequent Act making appropriations for such purposes.”

5 USC 1105.

SEC. 11. (a) Section 505 (b) of the Classification Act of 1949, as amended, is amended by striking out “twelve hundred and twenty-six” and inserting “fifteen hundred and thirteen”, by striking out “three hundred and twenty-nine” and inserting “four hundred and one”, and by striking out “one hundred and thirty” and inserting “one hundred and fifty-nine”.

(b) Section 505 (e) of such Act is amended by striking out “thirty-seven” and inserting in lieu thereof “seventy-five”.

Professional and
scientific service.
70 Stat. 761.
5 USC 171p; 50
USC 158.

SEC. 12. (a) The first section of the Act of August 1, 1947 (Public Law 313, Eightieth Congress), as amended, is amended by striking out “one hundred and twenty” and “twenty-five” in subsection (a) and inserting in lieu thereof “two hundred and ninety-two” and “fifty”, respectively.

(b) Such section is further amended by striking out “thirty” in subsection (b) and inserting in lieu thereof “ninety”.

(c) Such section is further amended by adding at the end thereof the following new subsections:

“(d) The Secretary of the Interior is authorized to establish and fix the compensation for not more than five scientific or professional positions in the Department of the Interior, each such position being established to effectuate those research and development functions of such Department which require the services of specially qualified personnel.

“(e) The Secretary of Agriculture is authorized to establish and fix the compensation for not more than five scientific or professional positions in the Department of Agriculture, each such position being established to effectuate those research and development functions of such Department which require the services of specially qualified personnel.

“(f) The Secretary of Health, Education, and Welfare is authorized to establish and fix the compensation for not more than five scientific or professional positions in the Department of Health, Education, and Welfare, each such position being established to effectuate those research and development functions of such Department which require the services of specially qualified personnel.

“(g) The Secretary of Commerce is authorized to establish and fix the compensation for not more than twenty-five scientific or professional positions in the Department of Commerce, of which not less than five shall be for the United States Patent Office in its examining and related activities, each such position being established to effectuate those research and development functions of such Department which require the services of specially qualified personnel.

"(h) In any case in which, subsequent to February 1, 1958, provisions are included in a general appropriation Act authorizing an agency of the Government referred to in this Act to establish and fix the compensation of scientific or professional positions similar to those authorized by this Act, the number of such positions authorized by this Act shall, unless otherwise expressly provided, be deemed to have been reduced by the number of positions authorized by the provisions of such appropriation Act."

(d) Section 3 of such Act is amended by inserting after "Secretary of Defense" a comma and the following: "the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Health, Education, and Welfare," and by inserting after "Military Establishment" a comma and the following: "the Department of the Interior, the Department of Agriculture, the Department of Commerce, the Department of Health, Education, and Welfare,".

(e) Section 208 (g) of the Public Health Service Act, as amended (42 U. S. C. 210 (g)), is amended by striking out "sixty positions" and inserting in lieu thereof "eighty-five positions, of which not less than seventy-three shall be for the National Institutes of Health".

(f) The annual rate of basic compensation of the position of Chief Postal Inspector in the Post Office Department shall be \$19,000.

SEC. 13. (a) (1) Clause (2) of that paragraph of section 602 of the Classification Act of 1949, as amended (5 U. S. C. 1112), which defines the level of difficulty and responsibility of work in grade 5 of the General Schedule (GS-5) is amended to read as follows:

"(2) to perform, under immediate supervision, and with little opportunity for the exercise of independent judgment, simple and elementary work requiring professional, scientific, or technical training; or"

(2) Clause (2) of that paragraph of the same section which defines the level of difficulty and responsibility of work in grade 7 of the General Schedule (GS-7) is amended to read as follows:

"(2) under immediate or general supervision, to perform somewhat difficult work requiring (A) professional, scientific, or technical training, and (B) to a limited extent, the exercise of independent technical judgment; or"

(b) The Civil Service Commission shall exercise its authority to issue such standards or regulations as may be necessary for the administration of subsection (a) of this section.

SEC. 14. It is the sense of the Congress that appropriations for cooperative agricultural extension work and appropriations for payments to State agricultural experiment stations for the fiscal year beginning July 1, 1958, should include additional amounts sufficient to provide increases in the portion of the compensation of persons employed in such work or by such stations, which is paid from such appropriations, corresponding to the increases provided for employees under this Act.

SEC. 15. Section 604 (d) of the Federal Employees Pay Act of 1945, as amended (5 U. S. C. 944), is amended to read as follows:

"(d) (1) Hereafter, for all pay computation purposes affecting officers or employees in or under the executive branch, the judicial branch, or the District of Columbia municipal government, basic per annum rates of compensation established by or pursuant to law shall be regarded as payment for employment during fifty-two basic administrative workweeks of forty hours.

Appointments.
Reports to Congress.
5 USC 171r; 10
USC 1582.

69 Stat. 407.

Chief Postal
Inspector.

GS-5.

GS-7.

Regulations.

Computation.
59 Stat. 304.

"(2) Whenever for any such purpose it is necessary to convert a basic annual rate to a basic biweekly, weekly, daily, or hourly rate, the following rules shall govern:

"(A) An hourly rate shall be derived by dividing the annual rate by two thousand and eighty;

"(B) A daily rate shall be derived by multiplying the hourly rate by the number of daily hours of service required; and

"(C) A weekly or biweekly rate shall be derived by multiplying the hourly rate by forty or eighty as the case may be.

"(3) All rates shall be computed in full cents, counting a fraction of a cent as the next higher cent."

Postal Field Service Schedule. 39 USC 971.

SEC. 16. (a) The Postal Field Service Schedule contained in section 301 (a) of the Postal Field Service Compensation Act of 1955, as amended by section 401 (a) of the Act of May 27, 1958 (72 Stat. 145; Public Law 85-426), is amended by striking out levels 7 to 20, inclusive, and the respective per annum rates and steps for such levels and inserting in lieu of such levels and per annum rates and steps the following:

7. Temporary rate.....	\$4,870	\$5,085	\$5,200	\$5,365	\$5,530	\$5,695	\$5,860
8. Temporary rate.....	4,990	5,160	5,330	5,500	5,670	5,840	6,010
9. Temporary rate.....	5,255	5,440	5,625	5,810	5,995	6,180	6,365
10. Temporary rate.....	5,385	5,575	5,765	5,955	6,145	6,335	6,525
11. Temporary rate.....	5,675	5,875	6,075	6,275	6,475	6,675	6,875
12. Temporary rate.....	5,815	6,020	6,225	6,430	6,635	6,840	7,045
13. Temporary rate.....	6,235	6,450	6,665	6,880	7,095	7,310	7,525
14. Temporary rate.....	6,390	6,610	6,830	7,050	7,270	7,490	7,710
15. Temporary rate.....	6,800	7,095	7,380	7,565	7,800	8,035	8,270
16. Temporary rate.....	7,030	7,270	7,510	7,750	7,990	8,230	8,470
17. Temporary rate.....	7,545	7,805	8,065	8,325	8,585	8,845	9,105
18. Temporary rate.....	7,735	8,000	8,265	8,530	8,795	9,060	9,325
19. Temporary rate.....	8,310	8,590	8,870	9,150	9,430	9,710	9,990
20. Temporary rate.....	8,520	8,805	9,090	9,375	9,660	9,945	10,230
21. Temporary rate.....	9,140	9,440	9,740	10,040	10,340	10,640	10,940
22. Temporary rate.....	9,370	9,680	9,990	10,300	10,610	10,920	11,230
23. Temporary rate.....	10,050	10,375	10,700	11,025	11,350	11,675	12,000
24. Temporary rate.....	10,300	10,635	10,970	11,305	11,640	11,975	12,310
25. Temporary rate.....	11,075	11,400	11,725	12,050	12,375	12,700	13,025
26. Temporary rate.....	11,350	11,685	12,020	12,355	12,690	13,025	13,360
27. Temporary rate.....	12,255	12,590	12,925	13,260	13,595	13,930	14,265
28. Temporary rate.....	12,580	12,895	13,230	13,565	13,900	14,235	14,570
29. Temporary rate.....	13,780	14,085	14,410	14,735	15,060	15,385	15,700
30. Temporary rate.....	14,105	14,440	14,775	15,110	15,445	15,780	16,100
31. Temporary rate.....	15,050	15,375	15,700	16,025	16,350	16,675	17,000
32. Temporary rate.....	15,425	15,760	16,095	16,430	16,765	17,100	17,435
33. Temporary rate.....	16,000	16,340	16,680	17,020	17,360	17,700	18,040

(b) (1) The provisions of sections 402, 403, 404, and 405 of the Act of May 27, 1958 (72 Stat. 146; Public Law 85-426), shall be applicable and effective, as of the effective date of this section, with respect to the application and operation of the amendment made by subsection (a) of this section.

Definitions.

(2) For the purposes of paragraph (1) of this subsection—

(A) the terms "This title" and "this title", as used in such sections 402 (a), 403; and 404, mean the amendment made by subsection (a) of this section; and

(B) the term "This Act", as used in such section 405, means the provisions of this section 16.

Effective dates.

SEC. 17. (a) Except as provided in subsections (b) and (c) of this section, this Act shall take effect as of the first day of the first pay period which began on or after January 1, 1958.

(b) This section, the first section, and sections 4 (b), 4 (e), 4 (h), 4 (j), 4 (q), 4 (t), 5 (i), 5 (j), 7, 8, 9, 10, 11, 12, 13, and 14 shall take effect on the date of enactment of this Act.

(c) Sections 5 (h) and 15 shall take effect on the first day of the first pay period which begins on or after the date of enactment of this Act.

(d) For the purpose of determining the amount of insurance for which an individual is eligible under the Federal Employees' Group Life Insurance Act of 1954, all changes in rates of compensation or salary which result from the enactment of this Act shall be held and considered to be effective as of the date of such enactment.

68 Stat. 736.
5 USC 2091 note.

Approved June 20, 1958.

Public Law 85-463

AN ACT

June 20, 1958
[H. R. 7261]

To amend the Federal Probation Act to make it applicable to the United States District Court for the District of Columbia.

Federal Probation Act.
Applicability.
62 Stat. 842.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of title 18, United States Code, section 3651, shall apply to the United States District Court for the District of Columbia. Accordingly, the first paragraph of section 3651 of title 18, United States Code, is amended by striking therefrom the words, "except in the District of Columbia", so that said paragraph shall read as follows:

"Upon entering a judgment of conviction of any offense not punishable by death or life imprisonment, any court having jurisdiction to try offenses against the United States when satisfied that the ends of justice and the best interest of the public as well as the defendant will be served thereby, may suspend the imposition or execution of sentence and place the defendant on probation for such period and upon such terms and conditions as the court deems best."

Repeal.

SEC. 2. The Act approved June 25, 1910 (36 Stat. 864; sec. 24-102, D. C. Code) is repealed insofar as it applies to the United States District Court for the District of Columbia but nothing contained in this Act shall be construed to amend or repeal the provisions of the Act entitled "An Act to provide for the suspension of the imposition or execution of sentence in certain cases in the Municipal Court for the District of Columbia and in the Juvenile Court of the District of Columbia", approved June 18, 1953 (67 Stat. 65).

Approved June 20, 1958.

Public Law 85-464

AN ACT

June 20, 1958
[H. R. 7953]

To facilitate and simplify the work of the Forest Service, and for other purposes.

Forest Service.
37 Stat. 843; 46
Stat. 1052.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of March 4, 1913, as amended (16 U. S. C. 502), is hereby amended by substituting for the last proviso of subsection (c) the following: "And provided further, That except for fire fighting emergencies no reimbursement herein authorized shall be made in an amount in excess of \$50 to persons who were employees of the Forest Service prior to the time the equipment was obtained or \$2,500 in any other case, unless the equipment was made available under a written agreement, contract, or lease," and by changing the designation of that subsection from (c) to (d) and inserting a new subsection (c) as follows:

“(c) To contract with public and private agencies, corporations, firms, associations, or individuals to train, provide forage, care, and housing for, and to work pack stock owned and held in reserve by the Forest Service for fire emergency purposes and as all or part of the consideration therefor to permit such contractors to use the stock for their own purposes during the periods of nonuse by the Forest Service.”

Pack stock.

SEC. 2. Funds available to the Forest Service may be used in amounts not exceeding \$100 in any single claim, for reimbursing employees of the Forest Service for loss of or damage to clothing and other personal effects resulting from fires, floods, or other casualties at or near the place in which such property is temporarily stored during services of the employees in connection with such casualties.

Property losses.

SEC. 3. Funds available to the Forest Service may be used, in accordance with regulations prescribed by the Secretary of Agriculture (hereinafter referred to in this Act as Secretary) for expenses of transporting automobiles of employees of that Service between points in Alaska in connection with transfers of official stations of such employees to meet the needs of the Service.

Transportation of automobiles.

SEC. 4. Section 202 of the Act of September 21, 1944 (16 U. S. C. 554b), is hereby amended to read as follows: “Appropriations for the Forest Service shall be available for medical supplies and services and other assistance necessary for the immediate relief of artisans, laborers, and other employees engaged in any hazardous work under the Forest Service, and for expenses of notifying employees of the death or serious illness of close relatives and, in such cases where no public transportation is available, for transporting the employees to a point where public transportation is available.”

Notification and transportation of employees.
58 Stat. 736.

SEC. 5. The Secretary is authorized, subject to such conditions as he may prescribe, to transfer, without reimbursement or at such prices and upon such terms as he may impose, to States and political subdivisions or agencies thereof fire lookout towers and other structures or improvements used by the Forest Service for fire prevention or suppression purposes, and the land used in connection therewith if such land is outside national forest boundaries, when they are no longer needed by the Forest Service for such purposes but are of value to the State or political subdivision or agency thereof in its fire protection system: *Provided*, That if any property so transferred is not put to use for the purpose for which it was transferred within two years from the date of transfer, or if, within fifteen years from the date of transfer, any such property should cease to be used for the purpose for which it was transferred for a period of two years, title thereto shall revert to and immediately revert in the United States.

Property transfer.

SEC. 6. Section 10 of the Act of April 24, 1950 (64 Stat. 82), is hereby amended to read as follows: “Notwithstanding the provisions of section 7 of the Act of August 23, 1912, as amended (31 U. S. C. 679), appropriations for the protection and management of the national forests and other lands administered by the Forest Service shall be available to pay for telephone service installed in residences of employees and of persons cooperating with the Forest Service who reside within or near such lands when such installation is determined by the Secretary of Agriculture to be needed in protecting such lands: *Provided*, That in addition to the monthly local service charge the Government may pay only such tolls or other charges as are required strictly for the public business.”

Telephone service.
16 USC 580f.
37 Stat. 414.

SEC. 7. Any moneys received by the United States with respect to lands under the administration of the Forest Service (1) as a result of the forfeiture of a bond or deposit by a permittee or timber purchaser for failure to complete performance of improvement, protection, or rehabilitation work required under the permit or timber sale contract

Use of funds.

or (2) as a result of a judgment, compromise, or settlement of any claim, involving present or potential damage to lands or improvements, shall be covered into the Treasury and are hereby appropriated and made available until expended to cover the cost to the United States of any improvement, protection, or rehabilitation work on lands under the administration of the Forest Service rendered necessary by the action which led to the forfeiture, judgment, compromise, or settlement: *Provided*, That any portion of the moneys so received in excess of the amount expended in performing the work necessitated by the action which led to their receipt shall be transferred to miscellaneous receipts.

Dissemination
of information.

SEC. 8. The proviso in the Act of May 11, 1922, making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1923, under the item "General expenses, Forest Service", limiting the expenditure of funds for publication (42 Stat. 507, 521, 16 U. S. C. 556) is hereby amended by substituting for the phrase "*And provided further*," the phrase "*Provided further*" and adding a further proviso so that the limiting provisions shall read "*Provided further*, That hereafter no part of any funds appropriated for the Forest Service shall be paid or used for the purpose of paying for, in whole or in part, the preparation or publication of any newspaper or magazine article, but this shall not prevent the giving out to all persons, without discrimination, including newspapers and magazine writers and publishers, of any facts or official information of value to the public: *And provided further*, That this prohibition shall not apply to scientific or technical articles prepared for or published in scientific publications."

Site purchases.
43 Stat. 1133.

SEC. 9. Section 5 of the Act of March 3, 1925, as amended (16 U. S. C. 555), is hereby further amended by changing the amount in the last proviso to \$50,000.

Approved June 20, 1958.

Public Law 85-465

AN ACT

June 25, 1958.
[S. 72]

To provide increases in certain annuities payable from the civil service retirement and disability fund, and for other purposes.

Civil service re-
tirement annuities,
increase.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the annuity of each retired employee or Member of Congress who, on August 1, 1958, is receiving or entitled to receive an annuity from the civil service retirement and disability fund based on service which terminated prior to October 1, 1956, shall be increased by 10 per centum, but no such increase shall exceed \$500 per annum.

(b) The annuity otherwise payable from the civil service retirement and disability fund to—

(1) each survivor who on August 1, 1958, is receiving or entitled to receive an annuity based on service which terminated prior to October 1, 1956, and

(2) each survivor of a retired employee or Member of Congress described in subsection (a) of this section, shall be increased by 10 per centum. No increase provided by this subsection shall exceed \$250 per annum.

(c) No increase provided by this section shall be computed on any additional annuity purchased at retirement by voluntary contributions.

SEC. 2. The unmarried widow or widower of an employee—

Eligibility.

(1) who had completed at least ten years of service creditable for civil service retirement purposes,

(2) who died before February 29, 1948, and

(3) who was at the time of his death (A) subject to an Act under which annuities granted before February 29, 1948, were or are now payable from the civil service retirement and disability fund or (B) retired under such an Act,

shall be entitled to receive an annuity. In order to qualify for such annuity, the widow or widower shall have been married to the employee for at least five years immediately prior to his death and must be not entitled to any other annuity from the civil service retirement and disability fund based on the service of such employee. Such annuity shall be equal to one-half of the annuity which the employee was receiving on the date of his death if retired, or would have been receiving if he had been retired for disability on the date of his death, but shall not exceed \$750 per annum and shall not be increased by the provisions of this or any other prior law. Any annuity granted under this section shall cease upon the death or remarriage of the widow or widower.

SEC. 3. (a) An increase in annuity provided by subsection (a), or clause (1) of subsection (b), of the first section of this Act shall take effect on August 1, 1958. An increase in annuity provided by clause (2) of such subsection (b) shall take effect on the commencing date of the survivor annuity.

Effective dates.

(b) An annuity provided by section 2 of this Act shall commence on August 1, 1958, or on the first day of the month in which application for such annuity is received in the Civil Service Commission, whichever occurs later.

(c) The monthly installment of each annuity increased or provided by this Act shall be fixed at the nearest dollar.

SEC. 4. The annuities and increases in annuities provided by the preceding sections of this Act shall be paid from the civil service retirement and disability fund. Such annuities and increases in annuities shall terminate for each fiscal year beginning on or after July 1, 1960, for which an appropriation shall not have been made by the Congress to compensate such fund for the cost, as determined by the Civil Service Commission, of such annuities and increases in annuities for such fiscal year. For any fiscal year for which such appropriation shall not have been made, the preceding sections of this Act shall not be in effect and annuities and increases in annuities shall be determined and paid as though such sections had not been enacted. Nothing contained in this section shall be held or considered to prevent the payment of annuities and increases in annuities provided by the preceding sections of this Act for any fiscal year for which the Congress shall have made such appropriation.

Payment.

Appropriations.

SEC. 5. (a) The amendments made by section 401 of the Civil Service Retirement Act Amendments of 1956 (70 Stat. 743-760; 5 U. S. C. 2251-2267) may apply at the option of any employee who, prior to July 31, 1956, was separated from the service under the automatic separation provisions of the Civil Service Retirement Act but whose separation would not have taken effect until after July 30, 1956, if he had been permitted to remain in the service until the expiration of any accumulated or current accrued annual leave to his credit at the time of his separation from the service. Such option shall be exercised by a writing received in the Civil Service Commission before January 1, 1959.

Option.

(b) No increase in annuity provided by this Act or any prior provision of law shall apply in the case of any retired employee who exercises the option permitted by subsection (a) of this section.

Approved June 25, 1958.

Public Law 85-466

June 25, 1958
[S. 3093]

AN ACT

To extend for an additional period of two years the authority to regulate exports contained in the Export Control Act of 1949.

70 Stat. 407.
50 U S C app.
2032.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 12 of the Export Control Act of 1949 (63 Stat. 7), as amended, is amended by striking out "June 30, 1958" and inserting in lieu thereof "June 30, 1960".

Approved June 25, 1958.

Public Law 85-467

June 25, 1958
[H. J. Res. 427]

JOINT RESOLUTION

To permit use of certain real property in Kerr County, Texas, for recreational purposes without causing such property to revert to the United States.

Kerr County,
Tex.
68 Stat. A98.
69 Stat. 577.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any provision of Private Law 480, Eighty-third Congress, or of Public Law 291, Eighty-fourth Congress, or any of the terms, reservations, restrictions, or conditions of any deed granted under authority of either such law, the use and maintenance for park, amusement, or other recreational purposes of all or any part of the real property conveyed under authority of such laws shall not operate to cause or permit all or any portion of such property to revert to the United States.

SEC. 2. The right to use and maintain such real property for the purposes specified in the first section of this joint resolution shall be evidenced by an instrument of conveyance prepared and delivered to Kerr County, Texas, by the Administrator of General Services.

Approved June 25, 1958.

Public Law 85-468

June 25, 1958
[H. R. 10589]

AN ACT

Making appropriations for the Executive Office of the President and sundry general Government agencies for the fiscal year ending June 30, 1959, and for other purposes.

General Govern-
ment Matters Ap-
propriation Act,
1959.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Executive Office of the President and sundry general Government agencies for the fiscal year ending June 30, 1959, namely:

TITLE I
EXECUTIVE OFFICE OF THE PRESIDENT

COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of \$50,000 per annum as authorized by the Act of January 19, 1949 (3 U. S. C. 102), \$150,000.

63 Stat. 4.

THE WHITE HOUSE OFFICE

SALARIES AND EXPENSES

For expenses necessary for The White House Office, including not to exceed \$215,000 for services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), at such per diem rates for individuals as the President may specify, and other personal services without regard to the provisions of law regulating the employment and compensation of persons in the Government service; expenses of attendance at meetings; newspapers, periodicals, teletype news service, and travel and official entertainment expenses of the President, to be accounted for solely on his certificate; \$2,051,970.

60 Stat. 810.

SPECIAL PROJECTS

For expenses necessary to provide staff assistance for the President in connection with special projects, to be expended in his discretion and without regard to such provisions of law regarding the expenditure of Government funds or the compensation and employment of persons in the Government service as he may specify, \$1,500,000: *Provided*, That not to exceed 10 per centum of this appropriation may be used to reimburse the appropriation for "Salaries and expenses, The White House Office", for administrative services.

EXECUTIVE MANSION AND GROUNDS

For the care, maintenance, repair and alteration, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the Executive Mansion and the Executive Mansion grounds, and traveling expenses, to be expended as the President may determine, notwithstanding the provisions of this or any other Act, \$415,400.

BUREAU OF THE BUDGET

SALARIES AND EXPENSES

For expenses necessary for the Bureau of the Budget, including newspapers and periodicals (not exceeding \$400); teletype news service (not exceeding \$900); not to exceed \$110,000 for expenses of travel; expenses of attendance at meetings concerned with the purposes of this appropriation; and not to exceed \$20,000 for services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), at rates not to exceed \$50 per diem for individuals; \$4,205,000.

60 Stat. 810.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For necessary expenses of the Council in carrying out its functions under the Employment Act of 1946 (15 U. S. C. 1021), including

60 Stat. 23.

newspapers and periodicals (not exceeding \$400); not exceeding \$15,000 for expenses of travel; expenses of attendance at meetings concerned with the purposes of this appropriation; and press clippings (not exceeding \$300); \$375,000.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

60 Stat. 810.

For expenses necessary for the National Security Council, including services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), at rates not in excess of \$50 per diem for individuals; acceptance and utilization of voluntary and uncompensated services; and expenses of attendance at meetings concerned with work related to the activity of the Council; \$700,000.

OFFICE OF DEFENSE MOBILIZATION

SALARIES AND EXPENSES

60 Stat. 810.

For expenses necessary for the Office of Defense Mobilization, including newspapers and periodicals (not exceeding \$500); hire of passenger motor vehicles; reimbursement of the General Services Administration for security guard service; and expenses of attendance at meetings concerned with the purposes of this appropriation; \$2,285,000, of which \$185,000 shall be available for the Interdepartmental Radio Advisory Committee: *Provided*, That contracts for not to exceed eight persons under this appropriation for temporary or intermittent services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), may be renewed annually.

PRESIDENT'S ADVISORY COMMITTEE ON GOVERNMENT ORGANIZATION

SALARIES AND EXPENSES

3 CFR, 1953
Supp. p. 64.
60 Stat. 810.

For necessary expenses of the President's Advisory Committee on Government Organization, established by Executive Order 10432 of January 24, 1953, including services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), at rates not to exceed \$50 per diem for individuals; expenses of attendance at meetings concerned with the purposes of the Committee; and actual transportation expenses and an allowance of not to exceed \$15 per diem in lieu of subsistence while away from their homes or regular places of business, for members of the Committee and other persons serving without compensation; \$57,500.

FUNDS APPROPRIATED TO THE PRESIDENT

EMERGENCY FUND FOR THE PRESIDENT, NATIONAL DEFENSE

For expenses necessary to enable the President, through such officers or agencies of the Government as he may designate, and without regard to such provisions of law regarding the expenditure of Government funds or the compensation and employment of persons in the Government service as he may specify, to provide in his discretion for emergencies affecting the national interest, security, or defense which may arise at home or abroad during the current fiscal year, \$1,000,000: *Provided*, That no part of this appropriation shall be available for allocation to finance a function or project for which function or project a budget estimate of appropriation was transmitted pursuant to

law during the Eighty-fifth Congress, second session, and Eighty-sixth Congress, first session, and such appropriation denied after consideration thereof by the Senate or House of Representatives or by the Committee on Appropriations of either body.

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchase and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its Territories and possessions; not to exceed \$70,000 for expenses of travel; rent of office and garage space in foreign countries; purchase (one for replacement only) and hire of passenger motor vehicles; and insurance of official motor vehicles in foreign countries when required by law of such countries; \$1,250,000: *Provided*, That where station allowance has been authorized by the Department of the Army for officers of the Army serving the Army at certain foreign stations, the same allowance shall be authorized for officers of the Armed Forces assigned to the Commission while serving at the same foreign stations, and this appropriation is hereby made available for the payment of such allowance: *Provided further*, That when traveling on business of the Commission, officers of the Armed Forces serving as members or as secretary of the Commission may be reimbursed for expenses as provided for civilian members of the Commission: *Provided further*, That the Commission shall reimburse other Government agencies, including the Armed Forces, for salary, pay, and allowances of personnel assigned to it.

CONSTRUCTION OF MEMORIALS AND CEMETERIES

During the current fiscal year, not to exceed \$10,000 of funds heretofore appropriated under this head shall be available for travel expenses.

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For expenses necessary for the Commission on Civil Rights, including expenses of attendance at meetings concerned with the purpose of this appropriation, \$750,000.

FOREIGN CLAIMS SETTLEMENT COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry on the activities of the Foreign Claims Settlement Commission, including services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), at rates not to exceed \$50 per diem for individuals; expenses of attendance at meetings concerned with the purposes of this appropriation; not to exceed \$11,000 for expenses of travel; advances or reimbursements to other Government agencies for use of their facilities and services in carrying out the functions of the Commission; hire of motor vehicles for field use only; and employment of aliens; \$650,000, of which

60 Stat. 810.

62 Stat. 1247.
50 U.S.C. app.
2012.

\$85,000 shall be derived only from the war claims fund created by section 13 (a) of the War Claims Act of 1948 (Public Law 896, approved July 3, 1948) and not to be available for obligation after June 30, 1959.

SUBVERSIVE ACTIVITIES CONTROL BOARD

SALARIES AND EXPENSES

60 Stat. 810.

For necessary expenses of the Subversive Activities Control Board, including services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), not to exceed \$30,000 for expenses of travel, and not to exceed \$500 for the purchase of newspapers and periodicals, \$375,000.

TITLE II—GENERAL PROVISIONS

DEPARTMENTS, AGENCIES, AND CORPORATIONS

60 Stat. 810.

SEC. 201. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year, in accordance with section 16 of the Act of August 2, 1946 (5 U. S. C. 78), for the purchase of any passenger motor vehicle (exclusive of buses and ambulances), is hereby fixed at \$1,500 except station wagons for which the maximum shall be \$1,950.

Citizenship re-
quirements.

SEC. 202. Unless otherwise specified and during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in continental United States unless such person (1) is a citizen of the United States, (2) is a person in the service of the United States on the date of enactment of this Act who, being eligible for citizenship, had filed a declaration of intention to become a citizen of the United States prior to such date, (3) is a person who owes allegiance to the United States, or (4) is an alien from the Baltic countries lawfully admitted to the United States for permanent residence: *Provided*, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his status have been complied with: *Provided further*, That any person making a false affidavit shall be guilty of a felony and, upon conviction, shall be fined not more than \$4,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further*, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of the Republic of the Philippines or to nationals of those countries allied with the United States in the current defense effort, or to temporary employment of translators, or to temporary employment in the field service (not to exceed sixty days) as a result of emergencies.

Affidavit.

Penalty.

Exceptions.

Living quarters
allowances.

46 Stat. 818.

SEC. 203. Appropriations of the executive departments and independent establishments for the current fiscal year, available for expenses of travel or for the expenses of the activity concerned, are hereby made available for living quarters allowances in accordance with the Act of June 26, 1930 (5 U. S. C. 118a), and regulations prescribed thereunder, and cost-of-living allowances similar to those allowed

under section 901 (2) of the Foreign Service Act of 1946, in accordance with and to the extent prescribed by regulations of the President, for all civilian officers and employees of the Government permanently stationed in foreign countries: *Provided*, That the availability of appropriations made to the Department of State for carrying out the provisions of the Foreign Service Act of 1946 shall not be affected hereby.

60 Stat. 1026; 69 Stat. 27.
22 USC 1131.

22 USC 801 note.

SEC. 204. No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

Senate disapproval of personnel.

SEC. 205. No part of any appropriation contained in this or any other Act for the current fiscal year shall be used to pay in excess of \$4 per volume for the current and future volumes of the United States Code Annotated, and such volumes shall be purchased on condition and with the understanding that latest published cumulative annual pocket parts issued prior to the date of purchase shall be furnished free of charge, or in excess of \$4.25 per volume for the current or future volumes of the Lifetime Federal Digest.

USCA and Lifetime Federal Digest.

SEC. 206. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to the Government Corporation Control Act, as amended (31 U. S. C. 841), shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: *Provided*, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

Administrative expenses.

59 Stat. 597.

60 Stat. 810.

SEC. 207. No part of any funds of or available to any wholly owned Government corporation shall be used for the purchase or construction, or in making loans for the purchase or construction of any office building, without specific authority in law therefor, primarily for occupancy by any department or agency of the United States Government or by any corporation owned by the United States Government.

Office building.

SEC. 208. During the current fiscal year, the provisions of Bureau of the Budget Circular A-45, dated June 3, 1952, shall be controlling over the activities of all departments, agencies, and corporations of the Government: *Provided*, That said circular may be amended or changed during such year by the Director of the Budget with the approval of the chairman of the Committee on Appropriations of the House of Representatives: *Provided further*, That the Bureau of the Budget shall make a report to Congress not later than January 31, 1959, of the operations of this order upon all departments, agencies, and corporations of the Government: *Provided further*, That, notwithstanding the provisions of any other law, no officer or employee shall be required to occupy any Government-owned quarters unless the head of the agency concerned shall determine that necessary service cannot be rendered or property of the United States cannot be adequately protected otherwise.

Budget Circular A-45.

Report to Congress.

SEC. 209. Pursuant to section 1415 of the Act of July 15, 1952 (66 Stat. 662), foreign credits (including currencies) owed to or owned by the United States may be used by Federal agencies for any purpose for which appropriations are made for the current fiscal year (includ-

Foreign credits.
31 USC 724.

ing the carrying out of Acts requiring or authorizing the use of such credits) and for liquidation of obligations legally incurred against such credits prior to July 1, 1953, only when reimbursement therefor is made to the Treasury from applicable appropriations of the agency concerned: *Provided*, That such credits received as exchange allowances or proceeds of sales of personal property may be used in whole or part payment for acquisition of similar items, to the extent and in the manner authorized by law, without reimbursement to the Treasury: *Provided further*, That nothing in section 1415 of the Act of July 15, 1952, or in this section shall be construed to prevent the making of new or the carrying out of existing contracts, agreements, or executive agreements for periods in excess of one year, in any case where such contracts, agreements, or executive agreements for periods in excess of one year were permitted prior to the enactment of this Act under section 32 (b) (2) of the Surplus Property Act of 1944, as amended (50 U. S. C. App. 1641 (b) (2)), and the performance of all such contracts, agreements, or executive agreements shall be subject to the availability of appropriations for the purchase of credits as provided by law.

60 Stat. 754.

Publicity o
propaganda.

SEC. 210. No part of any appropriation contained in this Act, or of the funds available for expenditure by any individual, corporation, or agency included in this Act, shall be used for publicity or propaganda purposes designed to support or defeat legislation pending before Congress.

Short title.

SEC. 211. This Act may be cited as the "General Government Matters Appropriation Act, 1959".

Approved June 25, 1958.

Public Law 85-469

AN ACT

June 25, 1958
[H. R. 12540]

Making appropriations for the Department of Commerce and related agencies for the fiscal year ending June 30, 1959, and for other purposes.

Department of
Commerce and Re-
lated Agencies Ap-
propriation Act,
1959.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Commerce and related agencies for the fiscal year ending June 30, 1959, namely:

TITLE I—DEPARTMENT OF COMMERCE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of Commerce, \$2,730,000.

AVIATION WAR RISK INSURANCE REVOLVING FUND

The Secretary of Commerce is hereby authorized to make such expenditures, within the limits of funds available pursuant to section 1306 of the Act of June 14, 1951, as amended (49 U. S. C. 716), and in accordance with section 104 of the Government Corporation Control Act, as amended (31 U. S. C. 849), as may be necessary in carrying out the programs set forth in the budget for the fiscal year 1959 for aviation war risk insurance activities under said Act (49 U. S. C. 711-722).

65 Stat. 66.

61 Stat. 584.

65 Stat. 65-69.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, and publishing current census statistics provided for by law, including enumerators at rates to be fixed without regard to the Classification Act of 1949, as amended, \$8,050,000.

63 Stat. 954.
5 USC 1071 note.

1958 CENSUSES OF BUSINESS, MANUFACTURES, AND MINERAL INDUSTRIES

For expenses necessary for preparing for, taking, compiling, and publishing the 1958 censuses of business, manufactures, and mineral industries as authorized by law, including personal services at rates to be fixed by the Secretary of Commerce without regard to the Classification Act of 1949, as amended, and additional compensation of Federal employees temporarily detailed for field work under this appropriation, \$7,000,000, to remain available until December 31, 1961: *Provided*, That the appropriation granted under this head in the Department of Commerce and Related Agencies Appropriation Act, 1958, shall be merged with this appropriation.

71 Stat. 70.

EIGHTEENTH DECENNIAL CENSUS

For an additional amount for expenses necessary for preparing for, taking, compiling, and publishing the eighteenth decennial census, as authorized by law, including personal services at rates to be fixed by the Secretary of Commerce, without regard to the Classification Act of 1949, as amended, and additional compensation of Federal employees temporarily detailed for field work under this appropriation; \$7,000,000, to remain available until December 31, 1962.

63 Stat. 954.
5 USC 1071 note.

CENSUS OF GOVERNMENTS

For an additional amount for taking, compiling, and publishing the 1957 census of governments as authorized by law, including personal services at rates to be fixed by the Secretary of Commerce without regard to the Classification Act of 1949, as amended; and additional compensation of Federal employees temporarily detailed for field work under this appropriation; \$350,000.

CIVIL AERONAUTICS ADMINISTRATION

OPERATION AND REGULATION

For necessary expenses of the Civil Aeronautics Administration in carrying out the provisions of the Civil Aeronautics Act of 1938, as amended (49 U. S. C. 401), and other Acts incident to the enforcement of safety regulations, maintenance and operation of air navigation and air traffic control facilities, and disposal of surplus airports and administering instruments of disposal; planning, research, and administrative expenses for carrying out the provisions of the Federal Airport Act of May 13, 1946, as amended, including furnishing advisory services to States and other public and private agencies in connection with the construction or improvement of airports and landing areas; developmental work and service testing as tends to the creation of improved air navigation facilities, including landing areas, aircraft, aircraft engines, propellers, appliances, personnel, and operation methods, and acquisition of sites for such activities by lease or grant; purchase of not to exceed forty passenger motor vehicles for replacement only; purchase of not to exceed two aircraft; hire of

52 Stat. 973.

60 Stat. 170.
49 U S C 1101
note.

aircraft (not exceeding \$675,000); operation and maintenance of not to exceed one hundred and twelve aircraft; fees and mileage of expert and other witnesses; and purchase and repair of skis and snowshoes; \$230,000,000: *Provided*, That there may be credited to this appropriation, funds received from States, counties, municipalities, and other public authorities for expenses incurred in the maintenance and operation of air navigation facilities: *Provided further*, That the Administrator is authorized, subject to the procedures prescribed in the Classification Act of 1949, as amended, but without regard to the numerical limitations contained therein, to place ten General Schedule positions in the following grades: one in grade GS-18, two in grade GS-17, and seven in grade GS-16; and such positions shall be in addition to positions previously allocated to this agency under section 505 of said Act.

5 USC 1071 note.

5 USC 1105.

ESTABLISHMENT OF AIR NAVIGATION FACILITIES

For an additional amount for the acquisition, establishment, and improvement by contract or purchase and hire of air navigation facilities, including the initial acquisition of necessary sites by lease or grant; the construction and furnishing of quarters and related accommodations for officers and employees of the Civil Aeronautics Administration and the Weather Bureau stationed at remote localities not on foreign soil where such accommodations are not available; purchase of not to exceed one aircraft; the initial flight checking of air navigation facilities and the transportation by air to and from and within the Territories of the United States of materials and equipment secured under this appropriation; \$158,500,000, to remain available until expended.

GRANTS-IN-AID FOR AIRPORTS (LIQUIDATION OF CONTRACT AUTHORIZATION)

For liquidation of obligations incurred under authority granted in the Act of August 3, 1955 (69 Stat. 441), to enter into contracts, \$30,000,000, to remain available until expended.

49 U.S.C. 1101-1105, 1108, 1111.

OPERATION AND MAINTENANCE, WASHINGTON NATIONAL AIRPORT

For expenses incident to the care, operation, maintenance, improvement and protection of the Washington National Airport, including purchase of one passenger motor vehicle for replacement only; purchase, cleaning, and repair of uniforms; and arms and ammunition; \$2,400,000.

OPERATION AND MAINTENANCE OF PUBLIC AIRPORTS, TERRITORY OF ALASKA

For expenses necessary for the maintenance, improvement, and operation of public airports in the Territory of Alaska, as authorized by law (48 U. S. C. 485 c-h); including arms and ammunition; purchase of not to exceed two passenger motor vehicles for replacement only; and purchase, repair, and cleaning of uniforms; \$1,050,000.

62 Stat. 278.

COAST AND GEODETIC SURVEY

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Act of August 6, 1947 (33 U. S. C. 883a-883i), uniforms or allowances therefor, as authorized by the Act of September 1, 1954, as amended (5

61 Stat. 787.

U. S. C. 2131) ; lease of sites and the erection of temporary buildings for tide, magnetic or seismological observations; hire of aircraft; operation, maintenance, and repair of an airplane; extra compensation at not to exceed \$15 per month to each member of the crew of a vessel when assigned duties as recorder or instrument observer, and at not to exceed \$1 per day for each station to employees of other Federal agencies while making oceanographic observations or tending seismographs; pay, allowances, gratuities, transportation of dependents and household effects, and payment of funeral expenses, as authorized by law, for not to exceed 185 commissioned officers on the active list; payments under the Uniform Services Contingency Option Act of 1953; and pay of commissioned officers retired in accordance with law; \$11,685,000, of which \$622,000 shall be available for retirement pay of commissioned officers: *Provided*, That during the current fiscal year, this appropriation shall be reimbursed for press costs and costs of paper for charts published by the Coast and Geodetic Survey and furnished for the official use of the military departments of the Department of Defense.

68 Stat. 1114.

67 Stat. 501.
37 USC 371 note.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Business and Defense Services Administration, including transportation and not to exceed \$15 per diem in lieu of subsistence for persons serving without compensation while away from their homes or regular places of business, \$6,800,000.

OFFICE OF AREA DEVELOPMENT

SALARIES AND EXPENSES

For necessary expenses of the Office of Area Development, \$200,000.

BUREAU OF FOREIGN COMMERCE

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Foreign Commerce, including the purchase of commercial and trade reports, \$2,400,000.

OFFICE OF BUSINESS ECONOMICS

SALARIES AND EXPENSES

For necessary expenses of the Office of Business Economics, \$1,150,000.

MARITIME ACTIVITIES

SHIP CONSTRUCTION

For construction-differential subsidy and cost of national-defense features incident to construction of ships for operation in foreign commerce (46 U. S. C. 1152, 1154) ; for construction-differential subsidy and cost of national-defense features incident to the reconstruction and reconditioning of ships under title V of the Merchant Marine Act, 1936, as amended (46 U. S. C. 1154) ; for acquisition of used ships pursuant to section 510 of the Merchant Marine Act, 1936, as amended (46 U. S. C. 1160) ; and (not to exceed \$4,100,000) for research, development, and design expenses incident to new and advanced ship design, machinery, and equipment; \$141,475,000, to remain available until

49 Stat. 1996,
1998.53 Stat. 1183; 68
Stat. 680.

expended: *Provided*, That transfers may be made to the appropriation for the current fiscal year for "Salaries and expenses" for administrative and warehouse expenses (not to exceed \$2,150,000) and for reserve fleet expenses (not to exceed \$500,000), and any such transfers shall be without regard to the limitations under that appropriation on the amounts available for such expenses.

OPERATING-DIFFERENTIAL SUBSIDIES

For the payment of obligations incurred for operating-differential subsidies granted on or after January 1, 1947, as authorized by the Merchant Marine Act, 1936, as amended, and in appropriations heretofore made to the United States Maritime Commission, \$120,000,000, to remain available until expended: *Provided*, That no contracts shall be executed during the current fiscal year by the Federal Maritime Board which will obligate the Government to pay operating-differential subsidy on more than two thousand two hundred and twenty-five voyages in any one calendar year, including voyages covered by contracts in effect at the beginning of the current fiscal year, of which one hundred and fifty shall be for companies which have not held contracts prior to July 1, 1958, and seventy-five shall be for companies operating into or out of the Great Lakes.

49 Stat. 2001.
46 U S C 1171-
1182.

SALARIES AND EXPENSES

For expenses necessary for carrying into effect the Merchant Marine Act, 1936, and other laws administered by the Federal Maritime Board and the Maritime Administration, \$14,525,000, within limitations as follows:

Administrative expenses, including not to exceed \$1,125 for entertainment of officials of other countries when specifically authorized by the Maritime Administrator, \$6,975,000;

Maintenance of shipyard and reserve training facilities and operation of warehouses, \$1,400,000;

Reserve fleet expenses, \$6,150,000.

MARITIME TRAINING

For training cadets as officers of the merchant marine at the Merchant Marine Academy at Kings Point, New York, including pay and allowances for personnel of the United States Maritime Service as authorized by law (46 U. S. C. 1126, 63 Stat. 802, 64 Stat. 794, 66 Stat. 79, and 70 Stat. 25); and not to exceed \$2,500 for contingencies for the Superintendent, United States Merchant Marine Academy, to be expended in his discretion; \$2,394,000, including uniform and textbook allowances for cadet midshipmen, at an average yearly cost of not to exceed \$200 per cadet: *Provided*, That except as herein provided for uniform and textbook allowances this appropriation shall not be used for compensation or allowances for cadets.

53 Stat. 1182.
37 U S C 231 et
seq.

STATE MARINE SCHOOLS

To reimburse the State of California, \$47,500; the State of Maine, \$47,500; the State of Massachusetts, \$47,500; and the State of New York, \$47,500; for expenses incurred in the maintenance and support of marine schools in such States as provided in the Act authorizing the establishment of marine schools, and so forth, approved March 4, 1911, as amended (34 U. S. C. 1121-1123); \$149,800 for the maintenance and repair of vessels loaned by the United States to the said States for use in connection with such State marine schools; and

36 Stat. 1353.

\$320,200 for allowances for uniforms, textbooks, and subsistence of cadets at State marine schools, to be paid in accordance with regulations established pursuant to law (46 U. S. C. 1126 (b)); \$660,000.

70 Stat. 25.

WAR SHIPPING ADMINISTRATION LIQUIDATION

The unexpended balance of the appropriation to the Secretary of the Treasury in the Second Supplemental Appropriation Act, 1948, for liquidation of obligations approved by the General Accounting Office as properly incurred against funds of the War Shipping Administration prior to January 1, 1947, is hereby continued available until December 31, 1958, and shall be available for the payment of obligations incurred against the working fund titled: "Working fund, Commerce, War Shipping Administration functions, December 31, 1946": *Provided*, That effective December 31, 1958, the unexpended balance remaining in this account is hereby rescinded and carried to the surplus fund in the Treasury.

61 Stat. 697.

FEDERAL SHIP MORTGAGE INSURANCE FUND

The Secretary of Commerce is authorized to advance to this account from the "Vessel operations revolving fund" (46 U. S. C. 1241a), such amounts as may be required for the payment, pursuant to section 1105 of the Merchant Marine Act, 1936, as amended (46 U. S. C. 1275), of unpaid principal amounts of defaulted mortgages and loans and of unpaid interest thereon: *Provided*, That such advances shall be repaid to the "Vessel operations revolving fund" as soon as practicable consistent with the status of this account: *Provided further*, That the total advances outstanding at any one time shall not exceed \$10,000,000.

55 Stat. 59.

68 Stat. 1272.

GENERAL PROVISIONS—MARITIME ACTIVITIES

No additional vessel shall be allocated under charter, nor shall any vessel be continued under charter by reason of any extension of chartering authority beyond June 30, 1949, unless the charterer shall agree that the Maritime Administration shall have no obligation upon redelivery to accept or pay for consumable stores, bunkers and slop-chest items, except with respect to such minimum amounts of bunkers as the Maritime Administration considers advisable to be retained on the vessel and that prior to such redelivery all consumable stores, slop-chest items, and bunkers over and above such minimums shall be removed from the vessel by the charterer at his own expense.

Vessels.

No money made available to the Department of Commerce for maritime activities by this or any other Act shall be used in payment for a vessel the title to which is acquired by the Government either by requisition or purchase, or the use of which is taken either by requisition or agreement, or which is insured by the Government and lost while so insured, unless the price or hire to be paid therefor (except in cases where section 802 of the Merchant Marine Act, 1936, as amended, is applicable) is computed in accordance with subsection 902 (a) of said Act, as that subsection is interpreted by the General Accounting Office.

53 Stat. 1254,
1255.
46 U S C 1212,
1242.

Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received by the Maritime Administration for utilities, services, and repairs so furnished or made shall be credited to the appropriation charged with the cost thereof: *Provided*, That rental payments under any such lease, contract, or occupancy on account of items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

Utilities, serv-
ices and repairs.

49 Stat. 1987.
46 USC 1116.

No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act, or in any prior appropriation Act, and all receipts which otherwise would be deposited to the credit of said fund shall be covered into the Treasury as miscellaneous receipts.

INLAND WATERWAYS CORPORATION

Not to exceed \$2,500 shall be available for administrative expenses to be determined in the manner set forth under the title "General expenses" in the Uniform System of Accounts for Carriers by Water of the Interstate Commerce Commission (effective January 1, 1947).

PATENT OFFICE

SALARIES AND EXPENSES

60 Stat. 810.

For necessary expenses of the Patent Office, including services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), at rates for individuals not to exceed \$50 per diem (not to exceed \$25,000); and defense of suits instituted against the Commissioner of Patents; \$19,000,000.

BUREAU OF PUBLIC ROADS

General administrative expenses: Necessary expenses of administration (not to exceed \$26,239,000), including advertising (including advertising in the city of Washington for work to be performed in areas adjacent thereto), purchase of fifty passenger motor vehicles for replacement only, and the maintenance and repairs of experimental highways, shall be paid, in accordance with law, from appropriations made available by this Act to the Bureau of Public Roads and from advances and reimbursements received by the Bureau of Public Roads.

42 Stat. 217.

Of the total amount available from appropriations of the Bureau of Public Roads for general administrative expenses, pursuant to the provisions of section 21 of the Act of November 9, 1921, as amended (23 U. S. C. 21), \$100,000 shall be available for all necessary expenses to enable the President to utilize the services of the Bureau of Public Roads in fulfilling the obligations of the United States under the Convention on the Pan American Highway Between the United States and Other American Republics (51 Stat. 152), cooperation with several governments, members of the Pan American Union, in connection with the survey and construction of the Inter-American Highway, and for performing engineering service in Pan American countries for and upon the request of any agency or governmental corporation of the United States.

FEDERAL-AID HIGHWAYS (TRUST FUND)

39 Stat. 355.
23 USC 9a note.

For carrying out the provisions of the Federal-Aid Road Act of July 11, 1916, as amended and supplemented, which are attributable to Federal-aid highways, to remain available until expended, not more than \$2,350,000,000, to be derived from the "Highway trust fund"; which sum is composed of \$327,500,000, the balance of the amount authorized for the fiscal year 1957, and \$2,014,500,000, a part of the amount authorized to be appropriated for the fiscal year 1958, and \$51,055.41 and \$7,483,952.74, the latter sums being for reimbursement of the sums expended for the repair or reconstruction of highways and bridges which have been damaged or destroyed by floods, hurri-

canes, or landslides, as provided by section 9 of the Act approved September 7, 1950, as amended (23 U. S. C. 13a and 13b), and section 7 of the Act approved June 25, 1952, as amended, and \$464,991.85 for reimbursement of the sums expended for the design and construction of highway bridges upon and across dams in accordance with the Act of July 29, 1946 (60 Stat. 709): *Provided*, That not to exceed \$600,000 of the amount made available herein may be used for the purchase, construction, or alteration of buildings and sites necessary for road construction and maintenance activities in Alaska.

64 Stat. 789.

66 Stat. 161.

23 USC 64-69.

FOREST HIGHWAYS

For expenses, not otherwise provided for, necessary for carrying out the provisions of section 23 of the Federal Highway Act of November 9, 1921, as amended (23 U. S. C. 23, 23a), to remain available until expended, \$30,000,000, which sum is composed of \$21,250,000, the remainder of the amount authorized to be appropriated for the fiscal year 1958, and \$8,750,000, a part of the amount authorized to be appropriated for the fiscal year 1959: *Provided*, That this appropriation shall be available for the rental, purchase, construction, or alterations of buildings and sites necessary for the storage and repair of equipment and supplies used for road construction and maintenance, but the total cost of any such item under this authorization shall not exceed \$15,000.

42 Stat. 218; 49 Stat. 1520.

Limitation.

PUBLIC LANDS HIGHWAYS

For payment of obligations incurred pursuant to the contract authorization granted by section 106 of the Federal-Aid Highway Act of 1956 (23 U. S. C. 155), to remain available until expended, \$2,692,000, which sum is composed of \$692,000, the balance of the amount authorized to be appropriated for the fiscal year 1958, and \$2,000,000, a part of the amount authorized for the fiscal year 1959.

70 Stat. 376.

GENERAL PROVISIONS—BUREAU OF PUBLIC ROADS

None of the money appropriated for the work of the Bureau of Public Roads during the current fiscal year shall be paid to any State on account of any project on which convict labor shall be employed, but this provision shall not apply to labor performed by convicts on parole or probation.

Convict labor.

During the current fiscal year authorized engineering or other services in connection with the survey, construction, and maintenance, or improvement of roads may be performed for other Government agencies, cooperating foreign countries, and State cooperating agencies, and reimbursement for such services (which may include depreciation on engineering and road-building equipment used) shall be credited to the appropriation concerned.

Agency cooperation, etc.

During the current fiscal year appropriations for the work of the Bureau of Public Roads shall be available for expenses of warehouse maintenance and the procurement, care, and handling of supplies, materials, and equipment for distribution to projects under the supervision of the Bureau of Public Roads, or for sale or distribution to other Government activities, cooperating foreign countries, and State cooperating agencies, and the cost of such supplies and materials or the value of such equipment (including the cost of transportation and handling) may be reimbursed to current applicable appropriations.

Warehouse maintenance, etc.

Appropriations to the Bureau of Public Roads may be used in emergency for medical supplies and services and other assistance necessary for the immediate relief of employees engaged on hazardous work

Emergency services.

60 Stat. 810. under that Bureau, and for temporary services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), but at rates for individuals not in excess of \$100 per diem: *Provided*, That not to exceed \$10,000 may be expended for services of individuals employed at rates in excess of \$50 per diem.

NATIONAL BUREAU OF STANDARDS

EXPENSES

31 Stat. 1449. For expenses necessary in performing the functions authorized by the Act of March 3, 1901, as amended (15 U. S. C. 271-278c), including general administration; operation, maintenance, alteration, and protection of grounds and facilities; and improvement and construction of temporary or special facilities as authorized by section 2 of the Act of July 21, 1950 (15 U. S. C. 286); \$11,500,000: *Provided*, That during the current fiscal year the maximum base rate of compensation for employees appointed pursuant to the Act of July 21, 1950 (15 U. S. C. 285), shall be equivalent to the entrance rate of GS-12.

64 Stat. 371.

64 Stat. 370.

PLANT AND EQUIPMENT

31 Stat. 1449. For construction of a pilot electronic data-processing device to be used in the performance of functions authorized by the Act of March 3, 1901, as amended (15 U. S. C. 271-278c); and expenses incurred, as authorized by section 2 of the Act of July 21, 1950 (15 U. S. C. 286), in the construction or improvement of buildings, grounds, and other facilities, \$600,000, to remain available until expended.

64 Stat. 371.

WEATHER BUREAU

SALARIES AND EXPENSES

60 Stat. 810. For expenses necessary for the Weather Bureau, including maintenance and operation of aircraft; not to exceed \$25,000 for services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); and not to exceed \$10,000 for maintenance of a printing office in the city of Washington, as authorized by law; \$39,318,000: *Provided*, That during the current fiscal year, the maximum amount authorized under section 3 (a) of the Act of June 2, 1948 (15 U. S. C. 327), for extra compensation to employees of other Government agencies for taking and transmitting meteorological observations, shall be \$5 per day; and the maximum base rate of pay authorized under section 3 (b) of said Act, for employees conducting meteorological investigations in the Arctic region, shall be \$6,500 per annum, except that not more than five of such employees at any one time may receive a base rate of \$9,000 per annum, and such employees may be appointed without regard to the Classification Act of 1949, as amended.

62 Stat. 286.

63 Stat. 954.
5 USC 1071 note.

ESTABLISHMENT OF METEOROLOGICAL FACILITIES

For an additional amount for the acquisition, establishment, and relocation of meteorological facilities and related equipment, including the alteration and modernization of existing facilities; \$275,000, to remain available until June 30, 1961: *Provided*, That the appropriations heretofore granted under this head shall be merged with this appropriation.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 102. During the current fiscal year applicable appropriations and funds available to the Department of Commerce shall be available

for the activities specified in the Act of October 26, 1949 (5 U. S. C. 596a), to the extent and in the manner prescribed by said Act.

SEC. 103. Appropriations in this title available for salaries and expenses shall be available for expenses of attendance at meetings of organizations concerned with the activities for which the appropriations are made; hire of passenger motor vehicles; services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), but, unless otherwise specified, at rates for individuals not to exceed \$50 per diem; and uniforms, or allowances therefor, as authorized by the Act of September 1, 1954, as amended (5 U. S. C. 2131).

63 Stat. 907.

60 Stat. 810.

68 Stat. 1114.

TITLE II—THE PANAMA CANAL

CANAL ZONE GOVERNMENT

OPERATING EXPENSES

For operating expenses necessary for the Canal Zone Government, including operation of the Postal Service of the Canal Zone; hire of passenger motor vehicles; uniforms or allowances therefor, as authorized by the Act of September 1, 1954, as amended (5 U. S. C. 2131); expenses incident to conducting hearings on the Isthmus; expenses of attendance at meetings, when authorized by the Governor of the Canal Zone, of organizations concerned with activities pertaining to the Canal Zone Government; expenses of special training of employees of the Canal Zone Government as authorized by law (63 Stat. 602); contingencies of the Governor; residence for the Governor; medical aid and support of the insane and of lepers and aid and support of indigent persons legally within the Canal Zone, including expenses of their deportation when practicable; and payments of not to exceed \$50 in any one case to persons within the Government service who shall furnish blood for transfusions; \$17,000,000.

68 Stat. 1114.

CAPITAL OUTLAY

For acquisition of land and land under water and acquisition, construction, and replacement of improvements, facilities, structures, and equipment, as authorized by law (2 C. Z. Code, secs. 3 and 16; 63 Stat. 600), including the purchase of not to exceed twelve passenger motor vehicles of which eight are for replacement only; and expenses incident to the retirement of such assets; \$3,100,000, to remain available until expended.

PANAMA CANAL BRIDGE

For expenses necessary for the construction of a high-level bridge across the Panama Canal at Balboa, Canal Zone, as authorized by the Act of July 23, 1956 (70 Stat. 596), \$19,250,000, to remain available until expended.

PANAMA CANAL COMPANY

The following corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to it and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the budget for the fiscal year 1959 for such corporation, except as hereinafter provided:

Not to exceed \$7,900,000 of the funds available to the Panama Canal Company shall be available during the current fiscal year for

61 Stat. 584.
31 USC 849.

general and administrative expenses of the Company, which shall be computed on an accrual basis. Funds available to the Panama Canal Company for operating expenses shall be available for the purchase of not to exceed eighteen passenger motor vehicles for replacement only, and for uniforms or allowances therefor, as authorized by the Act of September 1, 1954, as amended (5 U. S. C. 2131).

68 Stat. 1114.

GENERAL PROVISIONS—THE PANAMA CANAL

Employment re-
quirements.

SEC. 202. No part of any appropriation contained in this Act shall be used directly or indirectly, except for temporary employment in case of emergency, for the payment of any civilian for services rendered by him on the Canal Zone while occupying a skilled, technical, clerical, administrative, executive, or supervisory position unless such person is a citizen of the United States of America or of the Republic of Panama: *Provided, however*, (1) That, notwithstanding the provision in the Act approved August 11, 1939 (53 Stat. 1409) limiting employment in the above-mentioned positions to citizens of the United States from and after the date of approval of said Act, citizens of Panama may be employed in such positions; (2) that at no time shall the number of Panamanian citizens employed in the above-mentioned positions exceed the number of citizens of the United States so employed, if United States citizens are available in continental United States or on the Canal Zone; (3) that nothing in this Act shall prohibit the continued employment of any person who shall have rendered fifteen or more years of faithful and honorable service on the Canal Zone; (4) that in the selection of personnel for skilled, technical, administrative, clerical, supervisory, or executive positions, the controlling factors in filling these positions shall be efficiency, experience, training, and education; (5) that all citizens of Panama and the United States rendering skilled, technical, clerical, administrative, executive, or supervisory service on the Canal Zone under the terms of this Act (a) shall normally be employed not more than forty hours per week, (b) may receive as compensation equal rates of pay based upon rates paid for similar employment in continental United States plus 25 per centum; (6) this entire section shall apply only to persons employed in skilled, technical, clerical, administrative, executive, or supervisory positions on the Canal Zone directly or indirectly by any branch of the United States Government or by any corporation or company whose stock is owned wholly or in part by the United States Government: *Provided further*, That the President may suspend from time to time in whole or in part compliance with this section if he should deem such course to be in the public interest.

SEC. 203. The Governor of the Canal Zone is authorized to employ services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), in an amount not exceeding \$15,000: *Provided*, That the rates for individuals shall not exceed \$100 per diem.

60 Stat. 810.

TITLE III—INDEPENDENT AGENCIES

AIRWAYS MODERNIZATION BOARD

EXPENSES

For necessary expenses of the Airways Modernization Board, including purchase (not to exceed six) and hire of passenger motor vehicles; acquisition by purchase or transfer of aircraft (not to exceed fourteen) and hire, maintenance, and operation of aircraft; and expenses of attendance at meetings concerned with the work of the Board, \$31,500,000, to remain available until expended.

CIVIL AERONAUTICS BOARD

SALARIES AND EXPENSES

For necessary expenses of the Civil Aeronautics Board, including contract stenographic reporting services; employment of temporary guards on a contract or fee basis; salaries and traveling expenses of employees detailed to attend courses of training conducted by the Government or industries serving aviation; purchase (one for replacement only), hire, operation, maintenance, and repair of aircraft; expenses of attendance at meetings of organizations concerned with the activities of this appropriation; hire of passenger motor vehicles; services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), at rates for individuals not to exceed \$50 per diem; \$6,050,000: *Provided*, That the Chairman is authorized, subject to the procedures prescribed in the Classification Act of 1949, as amended, but without regard to the numerical limitations contained therein, to place ten General Schedule positions in the following grades: one in grade GS-18, two in grade GS-17, and seven in grade GS-16; and such positions shall be in addition to positions previously allocated to this agency under section 505 of said Act.

60 Stat. 810.

63 Stat. 954.
5 USC 1071 note.

5 USC 1105.

PAYMENTS TO AIR CARRIERS

For payments to air carriers of so much of the compensation fixed and determined by the Civil Aeronautics Board under section 406 of the Civil Aeronautics Act of 1938, as amended (49 U. S. C. 486), as is payable by the Civil Aeronautics Board pursuant to Reorganization Plan No. 10 of 1953; \$40,750,000, to be immediately available and to remain available until expended.

52 Stat. 998.

67 Stat. 644.
49 USC 486 note.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the budget for the fiscal year 1959 for such Corporation, except as hereinafter provided:

61 Stat. 584.
31 USC 849.

Not to exceed \$400,000 shall be available for administrative expenses which shall be computed on an accrual basis, including not to exceed \$1,000 for official entertainment expenses, to be expended upon the approval or authority of the Administrator: *Provided*, That said funds shall be available for services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), at rates for individuals not to exceed \$100 per day: *Provided further*, That not to exceed \$5,000 may be expended for services of individuals employed at rates in excess of \$50 per day.

60 Stat. 810.

TARIFF COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Tariff Commission, including subscriptions to newspapers (not to exceed \$200), not to exceed \$25,000 for expenses of travel, and contract stenographic reporting services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), \$1,810,000: *Provided*, That no part of this appropriation shall be used to pay the salary of any member of the Tariff Commission

60 Stat. 810.

46 Stat. 701.
19 USC 1336.
1338.

who shall hereafter participate in any proceedings under sections 336, 337, and 338 of the Tariff Act of 1930, wherein he or any member of his family has any special, direct, and pecuniary interest, or in which he has acted as attorney or special representative: *Provided further*, That no part of the foregoing appropriation shall be used for making any special study, investigation, or report at the request of any other agency of the executive branch of the Government unless reimbursement is made for the cost thereof: *Provided further*, That that part of the foregoing appropriation which is for expenses of travel shall be available, when specifically authorized by the Chairman of the Tariff Commission, for expenses of attendance at meetings of organizations concerned with the functions and activities of the said Commission.

TITLE IV—GENERAL PROVISIONS

Publicity or
propaganda.

SEC. 401. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not heretofore authorized by the Congress.

International Ma-
terials Confer-
ence.

SEC. 402. No part of any appropriation contained in this Act shall be used to pay any expenses incident to or in connection with participation in the International Materials Conference.

Short title.

This Act may be cited as the "Department of Commerce and Related Agencies Appropriation Act, 1959".

Approved June 25, 1958.

Public Law 85-470

AN ACT

June 28, 1958
[S. 846]

For the establishment of a National Outdoor Recreation Resources Review Commission to study the outdoor recreation resources of the public lands and other land and water areas of the United States, and for other purposes.

Outdoor Recre-
ation Resources
Review Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to preserve, develop, and assure accessibility to all American people of present and future generations such quality and quantity of outdoor recreation resources as will be necessary and desirable for individual enjoyment, and to assure the spiritual, cultural, and physical benefits that such outdoor recreation provides; in order to inventory and evaluate the outdoor recreation resources and opportunities of the Nation, to determine the types and location of such resources and opportunities which will be required by present and future generations; and in order to make comprehensive information and recommendations leading to these goals available to the President, the Congress, and the individual States and Territories, there is hereby authorized and created a bipartisan Outdoor Recreation Resources Review Commission.

Definitions.

SEC. 2. For the purposes of this Act—

(1) "Commission" shall mean the Outdoor Recreation Resources Review Commission;

(2) "Outdoor recreation resources" shall mean the land and water areas and associated resources of such areas in the United States, its Territories, and possessions which provide or may in the future provide opportunities for outdoor recreation, irrespective of ownership.

(3) "Outdoor recreation resources" shall not mean nor include recreation facilities, programs, and opportunities usually associated with urban development such as playgrounds, stadia, golf courses, city parks, and zoos.

SEC. 3. (a) The Commission hereby authorized and created shall consist of fifteen members appointed as follows:

Membership.

(1) Two majority and two minority members of the Senate Committee on Interior and Insular Affairs, to be appointed by the President of the Senate;

(2) Two majority and two minority members of the House Committee on Interior and Insular Affairs to be appointed by the Speaker of the House; and

(3) Seven citizens, known to be informed about and concerned with the preservation and development of outdoor recreation resources and opportunities, and experienced in resource conservation planning for multiple resource uses, who shall be appointed by the President, and one of whom shall be designated as chairman by the President.

Vacancies occurring on the Commission shall not affect the authority of the remaining members of the Commission to carry out the functions of the Commission, and shall be filled in the same manner as the original positions.

(b) The Commission members shall serve without compensation, except that each member shall be entitled to reimbursement for actual travel and subsistence expense incurred in the services of the Commission and each member appointed by the President shall be entitled to a per diem allowance not to exceed \$50 per day when actually engaged in Commission business.

(c) The Commission shall convene as soon as practicable following appointment of its members, to implement the purposes and objectives of this Act.

SEC. 4. (a) The Commission is authorized, without regard to the civil-service laws and regulations, to appoint and fix the compensation of an executive secretary and such additional personnel as may be necessary to enable it to carry out its functions, except that any Federal employees subject to the civil service laws and regulations who may be assigned to the Commission shall retain civil service status without interruption or loss of status or privilege.

Personnel, etc.

(b) The Commission shall establish headquarters in the District of Columbia and shall make such other arrangements as are necessary to carry out the purposes of this Act.

(c) The Commission shall request the Secretary of each Federal Department or head of any independent agency which includes an agency or agencies with a direct interest and responsibility in any phase of outdoor recreation to appoint, and he shall appoint for each such agency a liaison officer who shall work closely with the Commission and its staff.

Liaison officers.

SEC. 5. (a) There is hereby established an advisory council which shall consist of the liaison officers appointed under section 4 (c), together with twenty-five additional members appointed by the Commission who shall be representative of the various major geographical areas and citizen interest groups including the following: State game and fish departments, State park departments, State forestry departments, private organizations working in the field of outdoor recreation resources and opportunities, landowners, State water pollution control agencies, State water development agencies, private forestry interests, livestock interests, mining interests, State travel commissions, petroleum production interests, commercial fishing interests, commercial outdoor recreation interests, industry, education, labor, public utilities, and municipal governments.

Advisory Council.

(b) The functions of the advisory council shall be to advise and counsel the Commission in the development of ways, means, and procedures whereby maximum cooperation may be obtained from all

agencies and groups whose assistance in accomplishing the purposes of this Act will be required in arriving at sound methods and criteria for evaluating outdoor recreation resources data assembled and otherwise to advise and assist the Commission in carrying out the purposes of the Act.

(c) Members of the advisory council, except those employed by the Federal Government and assigned to the Commission as liaison officers, shall serve without compensation except that each shall be entitled to reimbursement for actual travel and subsistence expenses incurred in attending meetings of the advisory council called by the Chairman of the Commission, or incurred in carrying out duties assigned by the Chairman of the Commission.

(d) The Chairman of the Commission shall call an initial organization meeting of the advisory council, a meeting of such council each six months thereafter, and a final meeting of such council prior to transmitting the final report to the President and the Congress.

Duties.

SEC. 6. (a) The Commission shall proceed as soon as practicable to set in motion a nationwide inventory and evaluation of outdoor recreation resources and opportunities, directly and through the Federal agencies, the States, and private organizations and groups, utilizing to the fullest extent possible such studies, data, and reports previously prepared or concurrently in process by Federal agencies, States, private organizations, groups, and others.

(b) The Commission shall compile such data and in the light of the data so compiled and of information available concerning trends in population, leisure, transportation, and other factors shall determine the amount, kind, quality, and location of such outdoor recreation resources and opportunities as will be required by the year 1976 and the year 2000, and shall recommend what policies should best be adopted and what programs be initiated, at each level of government and by private organizations and other citizen groups and interests, to meet such future requirements.

Reports; termination.

(c) The Commission shall present not later than September 1, 1961, a report of its review, a compilation of its data, and its recommendations on a State by State, region by region, and national basis to the President and to the Congress, and shall cease to exist not later than one year thereafter. Such report, compilation, and recommendations shall be presented in such form as to make them of maximum value to the States and shall include recommendations as to means whereby the review may effectively be kept current in the future. The Commission, on its own initiative or on request of the President or the Congress, shall prepare interim or progress reports on particular phases of its review.

(d) The Commission is authorized to conduct public hearings and otherwise to secure data and expressions of opinion.

(e) The Commission is authorized to make direct grants to the States, and to transfer necessary funds to Federal agencies, from sums appropriated pursuant to section 8, to carry out such aspects of the review as the Commission may determine can best be carried out by the States, or Federal agencies, under such arrangements and agreements as are determined by the Commission; and may enter into contracts or agreements for studies and surveys with public or private agencies and organizations. The Commission is also authorized to reimburse Federal agencies for the expenses of liaison officers appointed under section 4 (c) and other cooperation.

Resource planning.

SEC. 7. The Commission, in its inquiries, findings, and recommendations, shall recognize that present and future solutions to problems of outdoor recreation resources and opportunities are responsibilities at all levels of government, from local to Federal, and of individuals

and private organizations as well. The Commission shall recognize that lands, waters, forest, rangelands, wetlands, wildlife and such other natural resources that serve economic purposes also serve to varying degrees and for varying uses outdoor recreation purposes, and that sound planning of resource utilization for the full future welfare of the Nation must include coordination and integration of all such multiple uses.

SEC. 8. There are hereby authorized to be appropriated not more than \$2,500,000 to carry out the purposes of this Act, and such moneys as may be appropriated shall be available to the Commission until expended.

Appropriation.

SEC. 9. This Act may be cited as "the Outdoor Recreation Resources Review Act".

Short title.

Approved June 28, 1958.

Public Law 85-471

AN ACT

To extend the Defense Production Act of 1950, as amended.

June 28, 1958
[H. R. 10969]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of subsection (a) of section 717 of the Defense Production Act of 1950, as amended, is hereby amended by striking out "June 30, 1958" and inserting in lieu thereof "June 30, 1960".

70 Stat. 408.
50 USC app.
2166.

Approved June 28, 1958.

Public Law 85-472

JOINT RESOLUTION

Making temporary appropriations for the fiscal year 1959, providing for increased pay costs for the fiscal year 1958, and for other purposes.

June 30, 1958
[H. J. Res. 640]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of the Government, namely:

TITLE I

TEMPORARY APPROPRIATIONS

SEC. 101. (a) (1) Such amounts as may be necessary for continuing projects or activities (not otherwise specifically provided for in this joint resolution) which were conducted in the fiscal year 1958 and for which appropriations, funds, or other authority would be made available in the following appropriation Acts for the fiscal year 1959:

Legislative Branch Appropriation Act;
Department of Defense Appropriation Act;
Departments of Labor, and Health, Education, and Welfare and related agencies Appropriation Act;
Independent Offices Appropriation Act;
District of Columbia Appropriation Act; and the
Public Works Appropriation Act.

(2) Appropriations made by this subsection shall be available to

the extent and in the manner which would be provided for by the pertinent appropriation Act.

(3) Whenever the amount which would be made available or the authority which would be granted under an Act listed in this subsection as passed by the House is different from that which would be made available or granted under such Act as passed by the Senate, the pertinent project or activity shall be continued under the lesser amount or the more restrictive authority.

(4) Whenever an Act listed in this subsection has been passed by only one House or where an item is included in only one version of an Act as passed by both Houses, the pertinent project or activity shall be continued under the appropriation, funds, or authority granted by the one House, but at a rate for operations not exceeding the current rate or the rate permitted by the action of the one House, whichever is lower.

Post, p. 454.

(b) Such amounts as may be necessary for continuing projects or activities which were conducted in the fiscal year 1958 and listed in this subsection (1) at a rate for operations not in excess of the current rate or the rate provided for in the budget estimate, whichever is lower, or (2) if no budget estimate has been submitted prior to June 30, 1958, at the current rate, or (3) in the amount or at the rate specified herein:

Atomic Energy Commission;
 Export-Import Bank;
 Administration, Ryukyu Islands;
 Small Business Administration;
 Export Control, Department of Commerce;
 Corregidor-Bataan Memorial Commission;
 Boston National Historic Sites Commission;
 Civil War Centennial Commission;
 Lincoln Sesquicentennial Commission; and

Mutual Security programs, \$200,000,000, to be expended in accord with provisions of law applicable to such programs during the fiscal year 1958 and at a rate for any individual program not in excess of the current rate therefor: *Provided*, That administrative expenses for such programs shall not exceed the current rate.

(c) Such amounts as may be necessary for continuing projects or activities of the Senate, and of the Senate items under the Architect of the Capitol, to the extent and in the manner which would be provided for in the budget estimates for the fiscal year 1959.

Sec. 102. Appropriations and funds made available and authority granted pursuant to this title shall remain available until (a) enactment into law of an appropriation for any project or activity provided for in this title, or (b) enactment of the applicable appropriation Act by both Houses without any provision for such project or activity, or (c) July 31, 1958, whichever first occurs.

Post, p. 454.

Sec. 103. Appropriations and funds made available and authority granted pursuant to this title may be used without regard to the time limitations set forth in subsection (d) (2) of section 3679, Revised Statutes, and expenditures therefrom shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

Sec. 104. No appropriation or fund made available or authority granted pursuant to this title shall be used to initiate or resume any project or activity which was not being conducted during the fiscal year 1958. Appropriations made and authority granted pursuant to this title shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this title.

TITLE II

INCREASED PAY COSTS

SEC. 201. For costs in the fiscal year 1958 of pay increases granted by or pursuant to Public Laws 85-422, 85-426, and 85-462, for any branch of the Federal Government or the municipal government of the District of Columbia, such amounts as may be necessary, to be determined and made available as hereinafter provided in this title, but no appropriation, fund, limitation, or authorization may be increased pursuant to the provisions of this title in an amount in excess of the cost to such appropriation, fund, limitation, or authorization of increased compensation pursuant to such statutes.

SEC. 202. Any officer having administrative control of an appropriation, fund, limitation, or authorization properly chargeable with the costs in the fiscal year 1958 of pay increases granted by or pursuant to Public Laws 85-422, 85-426, and 85-462, is authorized to transfer thereto, from the unobligated balance of any other appropriation, fund, or authorization under his administrative control and expiring for obligation on June 30, 1958, such amounts as may be necessary for meeting such costs.

SEC. 203. Whenever any officer referred to in section 202 of this title shall determine that he has exhausted the possibilities of meeting the cost of pay increases through the use of transfers as authorized by said section, he shall certify the additional amount required to meet such costs for each appropriation, fund, limitation, or authorization under his administrative control, and the amounts so certified shall be added to the pertinent appropriation, fund, limitation, or authorization for the fiscal year 1958: *Provided*, That any transfer under the authority of section 202 or any certification made under the authority of this section by an officer in or under the executive branch of the Federal Government shall be valid only when approved by the Director of the Bureau of the Budget.

SEC. 204. For the purposes of the transfers and certifications authorized by sections 202 and 203 of this title, the following officers shall be deemed to have administrative control of appropriations, funds, limitations, or authorizations available within their respective organizational units—

- (a) For the legislative branch:
 - The Clerk of the House;
 - The Secretary of the Senate;
 - The Librarian of Congress;
 - The Architect of the Capitol;
 - The Public Printer;
 - The Comptroller General of the United States;
 - The chairman of any commission in or under the legislative branch.
- (b) For the Judiciary:
 - The Administrative Officer of the United States Courts.
- (c) For the executive branch:
 - The head of each department, agency, or corporation in or under the executive branch.
- (d) For the municipal government of the District of Columbia:
 - The Board of Commissioners of the District of Columbia.

SEC. 205. Obligations or expenditures incurred for costs in the fiscal year 1958 of pay increases granted by or pursuant to Public Laws 85-422, 85-426, and 85-462, shall not be regarded or reported as violations of section 3679 of the Revised Statutes, as amended (31 U. S. C. 665).

SEC. 206. (a) Amounts made available by this title shall be derived from the same source as the appropriation, fund, limitation, or authorization to which such amounts are added.

(b) Appropriations made by, and transfers made pursuant to, this title shall be recorded on the books of the Government as of June 30, 1958: *Provided*, That no appropriation made by this title shall be warranted, and no transfer authorized by this title shall be made, after August 15, 1958.

(c) A complete report of the appropriations and transfers made by or pursuant to this title shall be made, not later than September 15, 1958, by the officers described in section 204, to the Director of the Bureau of the Budget, who shall compile and transmit to the Congress a consolidated report not later than October 15, 1958.

Approved June 30, 1958.

Public Law 85-473

AN ACT

June 30, 1958
[S. 3100]

To provide transportation on Canadian vessels between ports in southeastern Alaska, and between Hyder, Alaska, and other points in southeastern Alaska or the continental United States, either directly or via a foreign port, or for any part of the transportation.

Alaska.
Transportation
on Canadian ves-
sels.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, until June 30, 1959, notwithstanding the provisions of law of the United States restricting to vessels of the United States the transportation of passengers and merchandise directly or indirectly from any port in the United States to another port of the United States, passengers may be transported on Canadian vessels between ports in southeastern Alaska, and passengers and merchandise may be transported on Canadian vessels between Hyder, Alaska, and other points in southeastern Alaska or the continental United States either directly or via a foreign port, or for any part of the transportation, unless the Secretary of Commerce determines that United States flag service is available to provide such transportation.

Approved June 30, 1958.

Public Law 85-474

AN ACT

June 30, 1958
[H. R. 12428]

Making appropriations for the Departments of State and Justice, the Judiciary, and related agencies for the fiscal year ending June 30, 1959, and for other purposes.

Departments of
State and Justice,
the Judiciary, and
Related Agencies
Appropriation Act,
1959.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of State and Justice, the Judiciary, and related agencies for the fiscal year ending June 30, 1959, namely:

TITLE I—DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

SALARIES AND EXPENSES

For necessary expenses of the Department of State, not otherwise provided for, including expenses authorized by the Foreign Service

Act of 1946, as amended (22 U. S. C. 801-1158), not otherwise provided for; expenses necessary to meet the responsibilities and obligations of the United States in Germany (including those arising under the supreme authority assumed by the United States on June 5, 1945, and under contractual arrangements with the Federal Republic of Germany); salary of the United States member of the Board for the validation of German Bonds in the United States at the rate of \$17,100 per annum; expenses of the National Commission on Educational, Scientific, and Cultural Cooperation as authorized by sections 3, 5, and 6 of the Act of July 30, 1946 (22 U. S. C. 287o, 287q, 287r); expenses of attendance at meetings concerned with activities provided for under this appropriation; purchase (not to exceed six, of which three shall be for replacement only) or hire of passenger motor vehicles; printing and binding outside the continental United States without regard to section 11 of the Act of March 1, 1919 (44 U. S. C. 111); services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); purchase of uniforms; payment of tort claims, in the manner authorized in the first paragraph of section 2672, as amended, of title 28 of the United States Code when such claims arise in foreign countries; dues for library membership in organizations which issue publications to members only, or to members at a price lower than the others; employment of aliens, by contract for services abroad; refund of fees erroneously charged and paid for passports; radio communications; payment in advance for subscriptions to commercial information, telephone and similar services abroad; rent and expenses of maintaining in Morocco institutions for American convicts and persons declared insane by any consular court, and care and transportation of prisoners and persons declared insane; expenses, as authorized by law (18 U. S. C. 3192), of bringing to the United States from foreign countries persons charged with crime; and procurement by contract or otherwise, of services, supplies, and facilities, as follows: (1) translating, (2) analysis and tabulation of technical information, and (3) preparation of special maps, globes, and geographic aids; \$101,750,000, of which not less than \$9,000,000 shall be used to purchase foreign currencies or credits owed to or owned by the Treasury of the United States: *Provided*, That passenger motor vehicles in possession of the Foreign Service abroad may be replaced in accordance with section 7 of the Act of August 1, 1956 (70 Stat. 891) and the cost, including the exchange allowance, of each such replacement shall not exceed \$3,000 in the case of the chief of mission automobile at each diplomatic mission (except that eleven such vehicles may be purchased at not to exceed \$6,000 each) and \$1,500 in the case of all other such vehicles except station wagons.

60 Stat. 999.

60 Stat. 713, 714.

40 Stat. 1270.

60 Stat. 810.

63 Stat. 62.

62 Stat. 825.

5 USC 1701.

REPRESENTATION ALLOWANCES

For representation allowances as authorized by section 901 (3) of the Foreign Service Act of 1946 (22 U. S. C. 1131), \$750,000.

60 Stat. 1026.

ACQUISITION OF BUILDINGS ABROAD

For necessary expenses of carrying into effect the Foreign Service Buildings Act, 1926, as amended (22 U. S. C. 292-300), including personal services in the United States and abroad; salaries, expenses and allowances of personnel and dependents as authorized by the Foreign Service Act of 1946, as amended (22 U. S. C. 801-1158); expenses of attendance at meetings concerned with activities provided for under this appropriation; and services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), \$18,000,000, of which not less than \$15,000,000 shall be used to purchase foreign currencies

44 Stat. 403.

60 Stat. 999.

60 Stat. 810.

or credits owed to or owned by the Treasury of the United States, to remain available until expended: *Provided*, That not to exceed \$1,000,000 may be used for administrative expenses during the current fiscal year.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service, to be expended pursuant to the requirement of section 291 of the Revised Statutes (31 U. S. C. 107), \$1,000,000.

PAYMENT TO FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service retirement and disability fund as authorized by the Foreign Service Act of 1946 (22 U. S. C. 1061-1116), \$2,025,000.

60 Stat. 1019.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties, conventions, or specific Acts of Congress, \$41,827,453.

MISSIONS TO INTERNATIONAL ORGANIZATIONS

For expenses necessary for permanent representation to certain international organizations in which the United States participates pursuant to treaties, conventions, or specific Acts of Congress, including expenses authorized by the pertinent Acts and conventions providing for such representation; attendance at meetings of societies or associations concerned with the work of the organizations; salaries, expenses, and allowances of personnel and dependents as authorized by the Foreign Service Act of 1946, as amended (22 U. S. C. 801-1158); hire of passenger motor vehicles; printing and binding, without regard to section 11 of the Act of March 1, 1919 (44 U. S. C. 111); and purchase of uniforms for guards and chauffeurs; \$1,690,000: *Provided*, That, hereafter, Senate delegates to Conferences of the Interparliamentary Union shall be designated by the Presiding Officer of the Senate.

60 Stat. 999.

40 Stat. 1270.

INTERNATIONAL CONTINGENCIES

For necessary expenses of participation by the United States upon approval by the Secretary of State, in international activities which arise from time to time in the conduct of foreign affairs and for which specific appropriations have not been provided pursuant to treaties, conventions, or special Acts of Congress, including personal services without regard to civil service and classification laws; salaries, expenses and allowances of personnel and dependents as authorized by the Foreign Service Act of 1946, as amended (22 U. S. C. 801-1158); hire of passenger motor vehicles; contributions for the share of the United States in expenses of international organizations; and printing and binding without regard to section 11 of the Act of March 1, 1919 (44 U. S. C. 111); \$1,600,000, of which not to exceed a total of \$100,000 may be expended for representation allowances as authorized by section 901 (3) of the Act of August 13, 1946 (22 U. S. C. 1131) and for entertainment.

60 Stat. 999.

40 Stat. 1270.

60 Stat. 1026.

INTERNATIONAL COMMISSIONS

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES
AND MEXICO

For expenses necessary to enable the United States to meet its obligations under the treaties of 1884, 1889, 1905, 1906, 1933, and 1944 between the United States and Mexico, and to comply with the other laws applicable to the United States Section, International Boundary and Water Commission, United States and Mexico, including operation and maintenance of the Rio Grande rectification, canalization, flood control, bank protection, water supply, power, irrigation, boundary demarcation, and sanitation projects; detailed plan preparation and construction (including surveys and operation and maintenance and protection during construction); Rio Grande emergency flood protection; expenditures for the purposes set forth in sections 101 through 104 of the Act of September 13, 1950 (22 U. S. C. 277d-1-277d-4); purchase of three passenger motor vehicles for replacement only; purchase of planographs and lithographs; uniforms or allowances therefor, as authorized by the Act of September 1, 1954, as amended (5 U. S. C. 2131); and leasing of private property to remove therefrom sand, gravel, stone, and other materials, without regard to section 3709 of the Revised Statutes, as amended (41 U. S. C. 5); as follows:

24 Stat. 1011; 26
Stat. 1512; 35 Stat.
1863; 34 Stat.
2953; 48 Stat.
1621; 59 Stat.
1219.

64 Stat. 846.

68 Stat. 1114.

SALARIES AND EXPENSES

For salaries and expenses not otherwise provided for, including examinations, preliminary surveys, and investigations, \$505,000.

OPERATION AND MAINTENANCE

For operation and maintenance of projects or parts thereof, as enumerated above, including gaging stations, \$1,570,000: *Provided*, That expenditures for the Rio Grande bank protection project shall be subject to the provisions and conditions contained in the appropriation for said project as provided by the Act approved April 25, 1945 (59 Stat. 89).

CONSTRUCTION

For detailed plan preparation and construction of projects authorized by the Convention concluded February 1, 1933, between the United States and Mexico, the Acts approved August 19, 1935, as amended (22 U. S. C. 277-277f), August 29, 1935 (49 Stat. 961), June 4, 1936 (49 Stat. 1463), June 28, 1941 (22 U. S. C. 277f), September 13, 1950 (22 U. S. C. 277d-1-9), and the projects stipulated in the treaty between the United States and Mexico signed at Washington on February 3, 1944, \$1,000,000, to remain available until expended: *Provided*, That no expenditures shall be made for the lower Rio Grande flood-control project for construction on any land, site, or easement in connection with this project except such as has been acquired by donation and the title thereto has been approved by the Attorney General of the United States: *Provided further*, That the Anzalduas diversion dam shall not be operated for irrigation or water supply purposes in the United States unless suitable arrangements have been made with the prospective water users for repayment to the Government of such portions of the costs of said dam as shall have been allocated to such purposes by the Secretary of State.

48 Stat. 1621;
49 Stat. 660.
55 Stat. 338.
64 Stat. 846.
59 Stat. 1219.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

1 UST 694.

For expenses necessary to enable the President to perform the obligations of the United States pursuant to treaties between the United States and Great Britain, in respect to Canada, signed January 11, 1909 (36 Stat. 2448), and February 24, 1925 (44 Stat. 2102), the treaty between the United States and Canada signed February 27, 1950, including stenographic reporting services by contract; hire of passenger motor vehicles; \$325,000, to be disbursed under the direction of the Secretary of State, and to be available also for additional expenses of the American Sections, International Commissions, as hereinafter set forth:

International Joint Commission, United States and Canada, the salary of one Commissioner on the part of the United States who shall serve at the pleasure of the President (the other Commissioners to serve in that capacity without compensation therefor); salaries of clerks and other employees appointed by the Commissioners on the part of the United States with the approval solely of the Secretary of State; travel expenses and compensation of witnesses in attending hearings of the Commission at such places in the United States and Canada as the Commission or the American Commissioners shall determine to be necessary; and special and technical investigations in connection with matters falling within the Commission's jurisdiction: *Provided*, That transfers of funds may be made to other agencies of the Government for the performance of work for which this appropriation is made.

International Boundary Commission, United States, Alaska, and Canada, the completion of such remaining work as may be required under the award of the Alaskan Boundary Tribunal and the existing treaties between the United States and Great Britain; commutation of subsistence to employees while on field duty, not to exceed \$8 per day each (but not to exceed \$5 per day each when a member of a field party and subsisting in camp); hire of freight and passenger motor vehicles from temporary field employees; and payment for timber necessarily cut in keeping the boundary line clear.

PASSAMAQUODDY TIDAL POWER SURVEY

70 Stat. 9.
22 USC 268 note.
60 Stat. 810.

For expenses necessary to carry out the provisions of the Act of January 31, 1956 (Public Law 401), including services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), but not to exceed ten temporary employees at any one time, at rates not to exceed \$50 per diem for individuals; hire of passenger motor vehicles; and expenses of attendance at meetings concerned with the purpose of this appropriation; \$616,000, to remain available until expended.

INTERNATIONAL FISHERIES COMMISSIONS

For expenses, not otherwise provided for, necessary to enable the United States to meet its obligations in connection with participation in international fisheries commissions pursuant to treaties or conventions, and implementing Acts of Congress, \$1,644,900: *Provided*, That the United States share of such expenses may be advanced to the respective commissions.

EDUCATIONAL EXCHANGE

INTERNATIONAL EDUCATIONAL EXCHANGE ACTIVITIES

For necessary expenses, not otherwise provided for, to enable the Department of State to carry out international educational exchange

activities, as authorized by the United States Information and Educational Exchange Act of 1948 (22 U. S. C. 1431-1479), and the Act of August 9, 1939 (22 U. S. C. 501), and to administer the programs authorized by section 32 (b) (2) of the Surplus Property Act of 1944, as amended (50 U. S. C. App. 1641 (b)), the Act of August 24, 1949 (20 U. S. C. 222-224), and the Act of September 29, 1950 (20 U. S. C. 225), including salaries, expenses, and allowances of personnel and dependents as authorized by the Foreign Service Act of 1946, as amended (22 U. S. C. 801-1158); expenses of attendance at meetings concerned with activities provided for under this appropriation; hire of passenger motor vehicles; entertainment within the United States (not to exceed \$1,000); services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); and advance of funds notwithstanding section 3648 of the Revised Statutes as amended; \$22,800,000, of which not less than \$7,250,000 shall be used to purchase foreign currencies or credits owed to or owned by the Treasury of the United States: *Provided*, That not to exceed \$1,437,500 may be used for administrative expenses during the current fiscal year.

62 Stat. 6.
53 Stat. 1290.
60 Stat. 754.
63 Stat. 630.
64 Stat. 1081.
60 Stat. 999.
60 Stat. 810.
31 USC 529.

GENERAL PROVISIONS—DEPARTMENT OF STATE

SEC. 102. Appropriations under this title for "Salaries and expenses", "International contingencies", and "Missions to international organizations" are available for reimbursement of the General Services Administration for security guard services for protection of confidential files.

Security guard services.

SEC. 103. No part of any appropriation contained in this title shall be used to pay the salary or expenses of any person assigned to or serving in any office of any of the several States of the United States or any political subdivision thereof.

Restrictions.

SEC. 104. None of the funds appropriated in this title shall be used (1) to pay the United States contribution to any international organization which engages in the direct or indirect promotion of the principle or doctrine of one world government or one world citizenship; (2) for the promotion, direct or indirect, of the principle or doctrine of one world government or one world citizenship.

SEC. 105. It is the sense of the Congress that the Communist Chinese Government should not be admitted to membership in the United Nations as the representative of China.

UN Membership, Communist China.

SEC. 106. The Secretary of State, under such regulations as he may prescribe, may pay the cost of transportation to and from a place of storage and the cost of storing the furniture and household and personal effects of an employee of the Foreign Service who is assigned to a post at which he is unable to use his furniture and effects.

Transportation costs, etc.

This title may be cited as the "Department of State Appropriation Act, 1959".

Citation of title.

TITLE II—DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES AND GENERAL ADMINISTRATION

SALARIES AND EXPENSES, GENERAL ADMINISTRATION

For expenses necessary for the administration of the Department of Justice and for examination of judicial offices, including purchase (not to exceed two for replacement only, including one at not to exceed \$4,500) and hire of passenger motor vehicles; expenses of attendance at meetings of organizations concerned with the purposes of this appropriation; and miscellaneous and emergency expenses authorized or approved by the Attorney General or his Administrative Assistant; \$3,250,000.

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including miscellaneous and emergency expenses authorized or approved by the Attorney General or his Administrative Assistant; and advances of public moneys pursuant to law (31 U. S. C. 529); \$11,200,000.

60 Stat. 809.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, \$3,800,000: *Provided*, That none of this appropriation shall be expended for the establishment and maintenance of permanent regional offices of the Antitrust Division.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS AND MARSHALS

For necessary expenses of the offices of United States attorneys and marshals and United States district attorneys in Alaska, including purchase of ten passenger motor vehicles, including three for replacement only; services in Alaska in collecting evidence for the United States when specifically directed by the Attorney General, including not to exceed \$5,000 for emergencies to be accounted for solely on the certificate of the Attorney General; and firearms and ammunition; \$20,350,000, of which not to exceed \$50,000 shall be available for the employment of temporary deputy marshals in lieu of bailiffs at a rate not to exceed \$12 per day: *Provided*, That of the amount herein appropriated \$15,000 may be used for the emergency replacement of one prisoner-carrying bus upon certificate of the Attorney General.

FEES AND EXPENSES OF WITNESSES

For expenses, mileage, and per diems of witnesses and for per diems in lieu of subsistence, as authorized by law, and not to exceed \$225,000 for such compensation and expenses of witnesses (including expert witnesses) or informants pursuant to section 1 of the Act of July 28, 1950 (5 U. S. C. 341) and sections 4244-48 of title 18, United States Code; \$1,700,000: *Provided*, That no part of the sum herein appropriated shall be used to pay any witness more than one attendance fee for any one calendar day.

64 Stat. 380.

63 Stat. 686.

SALARIES AND EXPENSES, CLAIMS OF PERSONS OF JAPANESE ANCESTRY

For administrative expenses necessary for payment of claims of persons of Japanese ancestry, pursuant to the Act of July 2, 1948 (50 App. U. S. C. 1981-1987), \$210,000.

62 Stat. 1231; 70 Stat. 513.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For expenses necessary for the detection and prosecution of crimes against the United States; protection of the person of the President of the United States; acquisition, collection, classification and preservation of identification and other records and their exchange with, and for the official use of, the duly authorized officials of the Federal Government, of States, cities, and other institutions, such exchange to be subject to cancellation if dissemination is made outside the receiving departments or related agencies; and such other investigations regarding official matters under the control of the Department of Justice and the Department of State as may be directed by the

Attorney General, including purchase (not to exceed seven hundred and seventy-five for replacement only) and hire of passenger motor vehicles; purchase at not to exceed \$10,000, for replacement only, of one armored motor vehicle; firearms and ammunition; not to exceed \$10,000 for taxicab hire to be used exclusively for the purposes set forth in this paragraph; not to exceed \$4,500 for expenses of attendance at meetings of organizations concerned with the purposes of this appropriation; payment of rewards; and not to exceed \$70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General, and to be accounted for solely on his certificate; \$102,500,000: *Provided*, That the compensation of the Director of the Bureau shall be \$22,000 per annum so long as the position is held by the present incumbent.

Director.
Compensation.

None of the funds appropriated for the Federal Bureau of Investigation shall be used to pay the compensation of any civil-service employee.

Limitation.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, including advance of cash to aliens for meals and lodging while en route; payment of allowances (at a rate not in excess of \$1 per day) to aliens, while held in custody under the immigration laws, for work performed; payment of rewards; not to exceed \$35,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General and accounted for solely on his certificate; not to exceed \$5,000 for expenses of attendance at meetings of organizations concerned with the purposes of this appropriation; purchase (not to exceed two hundred and forty-six for replacement only) and hire of passenger motor vehicles; purchase (not to exceed four for replacement only) and maintenance and operation of aircraft; firearms and ammunition, attendance at firearms matches; refunds of head tax, maintenance bills, immigration fines, and other items properly returnable, except deposits of aliens who become public charges and deposits to secure payment of fines and passage money; operation, maintenance, remodeling, and repair of buildings and the purchase of equipment incident thereto; reimbursement of the General Services Administration for security guard services for protection of confidential files and for rental of buildings in the District of Columbia; and maintenance, care, detention, surveillance, parole, and transportation of alien enemies and their wives and dependent children, including return of such persons to place of bona fide residence or to such other place as may be authorized by the Attorney General; \$49,500,000: *Provided*, That of the amount herein appropriated, not to exceed \$50,000 may be used for the emergency replacement of aircraft upon certificate of the Attorney General: *Provided further*, That, hereafter, the compensation of the Commissioner of the Immigration and Naturalization Service shall be \$20,000 per annum.

Aircraft.

Commissioner,
INS.
Compensation.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES, BUREAU OF PRISONS

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including supervision of United States prisoners in non-Federal institutions and their support in Alaska; not to exceed \$18,000 for expenses of

attendance at meetings of organizations concerned with the purposes of this appropriation; purchase of not to exceed twenty-one (for replacement only) and hire of passenger motor vehicles; compilation of statistics relating to prisoners in Federal and non-Federal penal and correctional institutions; payment pursuant to law of claims of employees for loss, damage, or destruction of personal property (31 U. S. C. 238); firearms and ammunition; medals and other awards; payment of rewards; purchase and exchange of farm products and livestock; construction of buildings at prison camps; and acquisition of land as authorized by section 7 of the Act of July 28, 1950 (5 U. S. C. 341f); \$33,707,000: *Provided*, That there may be transferred to the Public Health Service such amounts as may be necessary, in the discretion of the Attorney General, for direct expenditure by that Service for medical relief for inmates of Federal penal and correctional institutions.

63 Stat. 167.

64 Stat. 381.

BUILDINGS AND FACILITIES

For constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, \$1,500,000: *Provided*, That labor of United States prisoners may be used for work performed under this appropriation.

SUPPORT OF UNITED STATES PRISONERS

For support of United States prisoners in non-Federal institutions, including necessary clothing and medical aid, and payment of rewards; \$2,600,000.

OFFICE OF ALIEN PROPERTY

LIMITATION ON SALARIES AND EXPENSES, OFFICE OF ALIEN PROPERTY

The Attorney General, or such officer as he may designate, is hereby authorized to pay out of any funds or other property or interest vested in him or transferred to him pursuant to or with respect to the Trading With the Enemy Act of October 6, 1917, as amended (50 U. S. C. App.) and the International Claims Settlement Act, as amended (22 U. S. C. 1631), necessary expenses incurred in carrying out the powers and duties conferred on the Attorney General pursuant to said Acts: *Provided*, That not to exceed \$2,500,000 shall be available in the current fiscal year for the general administrative expenses of the Office of Alien Property, including rent of private or Government-owned space in the District of Columbia; and expenses of attendance at meetings of organizations concerned with the purposes of this authorization: *Provided further*, That on or before November 1 of the current fiscal year, the Attorney General shall make a report to the Appropriations Committees of the Senate and the House of Representatives giving detailed information on all administrative and nonadministrative expenses incurred during the next preceding fiscal year in connection with the activities of the Office of Alien Property: *Provided further*, That of the total amount herein authorized the amount of \$100,000 is to be transferred to the appropriation for "Salaries and expenses, general administration", Justice.

40 Stat. 411.
50 USC app. 1.
69 Stat. 562.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 202. None of the funds appropriated by this title may be used to pay the compensation of any person hereafter employed as an

Attorneys.
License require-
ments.

attorney (except foreign counsel employed in special cases) unless such person shall be duly licensed and authorized to practice as an attorney under the laws of a State, Territory, or the District of Columbia.

SEC. 203. Seventy-five per centum of the expenditures for the offices of the United States attorney and the United States marshal for the District of Columbia from all appropriations in this title shall be reimbursed to the United States from any funds in the Treasury of the United States to the credit of the District of Columbia.

Reimbursement
to U.S.

SEC. 204. Appropriations and authorizations made in this title which are available for expenses of attendance at meetings shall be expended for such purposes in accordance with regulations prescribed by the Attorney General.

Attendance at
meetings.

SEC. 205. Appropriations and authorizations made in this title for salaries and expenses shall be available for services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), at rates not to exceed \$75 per diem for individuals.

60 Stat. 810.

SEC. 206. Appropriations for the current fiscal year for "Salaries and expenses, general administration", "Salaries and expenses, Federal Bureau of Investigation", "Salaries and expenses, Immigration and Naturalization Service", and "Salaries and expenses, Bureau of Prisons", shall be available for uniforms and allowances therefor as authorized by the Act of September 1, 1954, as amended (5 U. S. C. 2131).

Uniforms.

68 Stat. 1114.

This title may be cited as the "Department of Justice Appropriation Act, 1959".

Citation of title.

TITLE III—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES

For the Chief Justice and eight Associate Justices, and all other officers and employees, whose compensation shall be fixed by the Court, except as otherwise provided by law, and who may be employed and assigned by the Chief Justice to any office or work of the Court, \$1,249,000.

PRINTING AND BINDING SUPREME COURT REPORTS

For printing and binding the advance opinions, preliminary prints, and bound reports of the Court, \$90,000.

MISCELLANEOUS EXPENSES

For miscellaneous expenses to be expended as the Chief Justice may approve, \$74,500.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon him by the Act approved May 7, 1934 (40 U. S. C. 13a-13b), including improvements, maintenance, repairs, equipment, supplies, materials, and appurtenances; special clothing for workmen; and personal and other services (including temporary labor without reference to the Classification and Retirement Acts, as amended), and for snow removal by hire of men and equipment or under contract without compliance with section 3709 of the Revised Statutes, as amended (41 U. S. C. 5); \$284,000.

48 Stat. 668.

AUTOMOBILE FOR THE CHIEF JUSTICE

For purchase, exchange, lease, driving, maintenance, and operation of an automobile for the Chief Justice of the United States, \$5,835.

COURT OF CUSTOMS AND PATENT APPEALS

SALARIES AND EXPENSES

For salaries of the chief judge, four associate judges, and all other officers and employees of the court, and necessary expenses of the court, including exchange of books, and traveling expenses, as may be approved by the chief judge, \$308,450.

CUSTOMS COURT

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges; salaries of the officers and employees of the court; and necessary expenses of the court, including exchange of books, and traveling expenses, as may be approved by the chief judge; \$699,620: *Provided*, That traveling expenses of judges of the Customs Court shall be paid upon the written certificate of the judge.

COURT OF CLAIMS

SALARIES AND EXPENSES

For salaries of the chief judge, four associate judges, and all other officers and employees of the court, and for other necessary expenses, including stenographic and other fees and charges necessary in the taking of testimony, and travel, \$812,655.

REPAIRS AND IMPROVEMENTS

For necessary repairs and improvements to the Court of Claims buildings, to be expended under the supervision of the Architect of the Capitol, \$9,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES OF JUDGES

For salaries of circuit judges; district judges (including judges of the district courts of Alaska, the Virgin Islands, the Panama Canal Zone, and Guam); justices and judges of the Supreme Court and circuit courts of the Territory of Hawaii; justices and judges retired or resigned under title 28, United States Code, sections 371, 372, and 373; and annuities of widows of Justices of the Supreme Court of the United States in accordance with title 28, United States Code, section 375; \$9,358,500.

62 Stat. 903.

SALARIES OF SUPPORTING PERSONNEL

For salaries of all officials and employees of the Federal Judiciary, not otherwise specifically provided for, \$19,011,700: *Provided*, That the compensation of secretaries and law clerks of circuit and district judges shall be fixed by the Director of the Administrative Office without regard to the Classification Act of 1949, as amended, except that the salary of a secretary shall conform with that of the General Schedule grades (GS) 5, 6, 7, 8, 9, or 10, as the appointing judge shall

69 Stat. 172.
5 USC 1113.

determine, and the salary of a law clerk shall conform with that of the General Schedule grades (GS) 7, 8, 9, 10, 11, or 12, as the appointing judge shall determine, subject to review by the Judicial Conference if requested by the Director, such determination by the judge otherwise to be final: *Provided further*, That (exclusive of step increases corresponding with those provided for by title VII of the Classification Act of 1949, as amended, and of compensation paid for temporary assistance needed because of an emergency) the aggregate salaries paid to secretaries and law clerks appointed by one judge shall not exceed \$13,485 per annum, except in the case of the chief judge of each circuit and the chief judge of each district court having five or more district judges, in which case the aggregate salaries shall not exceed \$18,010 per annum.

63 Stat. 967.
5 USC 1121-1125.

FEEES OF JURORS AND COMMISSIONERS

For fees, expenses, and costs of jurors (including meals and lodging for jurors in Alaska, as provided by section 193, title II, of the Act of June 6, 1900, 31 Stat. 362); compensation of jury commissioners; and fees of United States commissioners and other committing magistrates acting under title 18, United States Code, section 3041; \$4,995,000: *Provided*, That \$70,000 of the foregoing amount shall be immediately available.

62 Stat. 815.

TRAVEL AND MISCELLANEOUS EXPENSES

For necessary travel and miscellaneous expenses, not otherwise provided for, incurred by the Judiciary, including the purchase of firearms and ammunition, the cost of contract statistical services for the office of Register of Wills of the District of Columbia and not to exceed \$1,000 for the payment of fees to attorneys appointed in accordance with the Act of June 8, 1938 (52 Stat. 625), not exceeding \$25, in any one case, \$2,975,000: *Provided*, That this sum shall be available in an amount not to exceed \$14,000 for expenses of attendance at meetings concerned with the work of Federal Probation when incurred on the written authorization of the Director of the Administrative Office of the United States Courts.

D. C. Code 21-308.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

For necessary expenses of the Administrative Office of the United States Courts, including travel, advertising, and rent in the District of Columbia and elsewhere, \$950,000.

SALARIES OF REFEREES

For salaries of referees as authorized by the Act of June 28, 1946, as amended (11 U. S. C. 68), not to exceed \$2,006,500, to be derived from the referees' salary fund established in pursuance of said Act.

60 Stat. 326.

EXPENSES OF REFEREES

For miscellaneous expenses of referees, United States courts, including the salaries of their clerical assistants, travel, purchase of envelopes without regard to the Act of June 26, 1906 (34 Stat. 476), not to exceed \$2,625,550, to be derived from the referees' expense fund established in pursuance of the Act of June 28, 1946, as amended (11 U. S. C. 68 (c) (4)).

39 USC 355.

60 Stat. 327.

GENERAL PROVISIONS—THE JUDICIARY

Reimbursement
to U. S.

SEC. 302. Sixty per centum of the expenditures for the District Court of the United States for the District of Columbia from all appropriations under this title and 30 per centum of the expenditures for the United States Court of Appeals for the District of Columbia from all appropriations under this title shall be reimbursed to the United States from any funds in the Treasury to the credit of the District of Columbia.

U. S. Court of
Appeals, reports.

SEC. 303. The reports of the United States Court of Appeals for the District of Columbia shall not be sold for a price exceeding that approved by the court and for not more than \$6.50 per volume.

Citation of title.

This title may be cited as the "Judiciary Appropriation Act, 1959".

TITLE IV—UNITED STATES INFORMATION AGENCY

SALARIES AND EXPENSES

67 Stat. 642,
5 USC 133z-15
note.

62 Stat. 6.

For expenses necessary to enable the United States Information Agency, as authorized by Reorganization Plan Numbered 8 of 1953, and the United States Information and Educational Exchange Act, as amended (22 U. S. C. 1431 et seq.), to carry out international information activities, including employment, without regard to the civil-service and classification laws, of (1) persons on a temporary basis (not to exceed \$120,000), (2) aliens within the United States, and (3) aliens abroad for service in the United States relating to the translation or narration of colloquial speech in foreign languages (such aliens to be investigated for such employment in accordance with procedures established by the Secretary of State and the Attorney General); travel expenses of aliens employed abroad for service in the United States and their dependents to and from the United States; salaries, expenses, and allowances of personnel and dependents as authorized by the Foreign Service Act of 1946, as amended (22 U. S. C. 801-1158); expenses of attendance at meetings concerned with activities provided for under this appropriation (not to exceed \$6,000); entertainment within the United States not to exceed \$500; hire of passenger motor vehicles; insurance on official motor vehicles in foreign countries; purchase of space in publications abroad, without regard to the provisions of law set forth in 44 U. S. C. 322; services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); payment of tort claims, in the manner authorized in the first paragraph of section 2672, as amended, of title 28 of the United States Code when such claims arise in foreign countries; advance of funds notwithstanding section 3648 of the Revised Statutes, as amended; dues for library membership in organizations which issue publications to members only, or to members at a price lower than to others; employment of aliens, by contract, for service abroad; purchase of ice and drinking water abroad; payment of excise taxes on negotiable instruments abroad; cost of transporting to and from a place of storage and the cost of storing the furniture and household and personal effects of an employee of the Foreign Service who is assigned to a post at which he is unable to use his furniture and effects, under such regulations as the Director may prescribe; actual expenses of preparing and transporting to their former homes the remains of persons, not United States Government employees, who may die away from their homes while participating in activities authorized under this appropriation; radio activities and acquisition and production of motion pictures and visual materials and purchase or rental of technical equipment and facilities therefor, narration, script-writing,

60 Stat. 999.

20 Stat. 216.

60 Stat. 810.

62 Stat. 983.

60 Stat. 809,
31 USC 529.

translation, and engineering services, by contract or otherwise; maintenance, improvement, and repair of properties used for information activities in foreign countries; fuel and utilities for Government-owned or leased property abroad; rental or lease for periods not exceeding five years of offices, buildings, grounds, and living quarters for officers and employees engaged in informational activities abroad; travel expenses for employees attending official international conferences, without regard to the Standardized Government Travel Regulations and to the rates of per diem allowances in lieu of subsistence expenses under the Travel Expense Act of 1949, but at rates not in excess of comparable allowances approved for such conferences by the Secretary of State; and purchase of objects for presentation to foreign governments, schools, or organizations; \$98,500,000, of which not less than \$9,000,000 shall be used to purchase foreign currencies or credits owed to or owned by the Treasury of the United States and of which sum not less than \$300,000 shall be available by contracts with one or more private international broadcasting licensees for the purpose of developing and broadcasting under private auspices, but under the general supervision of the United States Information Agency radio programs to Latin America, Western Europe, Africa, as well as other areas of the free world, which programs shall be designed to cultivate friendship with the peoples of the countries in those areas, and to build improved international understanding: *Provided*, That not to exceed \$90,000 may be used for representation abroad: *Provided further*, That this appropriation shall be available for expenses in connection with travel of personnel outside the continental United States, including travel of dependents and transportation of personal effects, household goods, or automobiles of such personnel, when any part of such travel or transportation begins in the current fiscal year pursuant to travel orders issued in that year, notwithstanding the fact that such travel or transportation may not be completed during the current year: *Provided further*, That funds may be exchanged for payment of expenses in connection with the operation of information establishments abroad without regard to the provisions of section 3651 of the Revised Statutes (31 U. S. C. 543): *Provided further*, That passenger motor vehicles used abroad exclusively for the purposes of this appropriation may be exchanged or sold, pursuant to section 201 (c) of the Act of June 30, 1949 (40 U. S. C. 481 (c)), and the exchange allowances or proceeds of such sales shall be available for replacement of an equal number of such vehicles and the cost, including the exchange allowance of each such replacement, except buses and station wagons, shall not exceed \$1,500: *Provided further*, That, notwithstanding the provisions of section 3679 of the Revised Statutes, as amended (31 U. S. C. 665), the United States Information Agency is authorized in making contracts for the use of international shortwave radio stations and facilities, to agree on behalf of the United States to indemnify the owners and operators of said radio stations and facilities from such funds as may be hereafter appropriated for the purpose against loss or damage on account of injury to persons or property arising from such use of said radio stations and facilities: *Provided further*, That existing appointments and assignments to the Foreign Service Reserve for the purposes of foreign information and educational activities which expire during

63 Stat. 166.
5 USC 835 note.

Travel expenses.

Information es-
tablishments
abroad.

63 Stat. 384.

the current fiscal year may be extended for a period of one year in addition to the period of appointment or assignment otherwise authorized.

ACQUISITION AND CONSTRUCTION OF RADIO FACILITIES

For an additional amount for the purchase, rent, construction, and improvement of facilities for radio transmission and reception, purchase and installation of necessary equipment for radio transmission and reception, without regard to the provisions of the Act of June 30, 1932 (40 U. S. C. 278a), and acquisition of land and interests in land by purchase, lease, rental, or otherwise, \$4,750,000, to remain available until expended: *Provided*, That this appropriation shall be available for acquisition of land outside the continental United States without regard to section 355 of the Revised Statutes (40 U. S. C. 255), and title to any land so acquired shall be approved by the Director of the United States Information Agency.

47 Stat. 412.

TITLE V—FUNDS APPROPRIATED TO THE PRESIDENT

PRESIDENT'S SPECIAL INTERNATIONAL PROGRAM

For expenses necessary to enable the President to carry out the provisions of the "International Cultural Exchange and Trade Fair Participation Act of 1956", \$6,410,500, to remain available until expended: *Provided*, That not to exceed a total of \$25,000 may be expended for representation.

70 Stat. 778.
22 USC 1991
note.

TITLE VI—FEDERAL PRISON INDUSTRIES, INCORPORATED

The following corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to such corporation, and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the program set forth in the budget for the fiscal year 1959 for such corporation, except as hereinafter provided:

61 Stat. 584.
31 USC 849.

LIMITATION ON ADMINISTRATIVE AND VOCATIONAL TRAINING EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed \$443,000 of the funds of the corporation shall be available for its administrative expenses, and not to exceed \$624,000 for the expenses of vocational training of prisoners, both amounts to be available for services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), and to be computed on an accrual basis and to be determined in accordance with the corporation's prescribed accounting system in effect on July 1, 1946, and shall be exclusive of depreciation, payment of claims, expenditures which the said accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

60 Stat. 810.

TITLE VII—GENERAL PROVISIONS

SEC. 701. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not heretofore authorized by the Congress.

This Act may be cited as the "Departments of State and Justice, the Judiciary, and Related Agencies Appropriation Act, 1959".

Approved June 30, 1958.

Publicity or
propaganda.

Short title.

Public Law 85-475

AN ACT

June 30, 1958
[H. R. 12695]

To provide a one-year extension of the existing corporate normal-tax rate and of certain excise-tax rates, and to provide for the repeal of the taxes on the transportation of property.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Tax Rate Extension Act of 1958".

Tax Rate Ex-
tension Act of
1958.

SEC. 2. ONE-YEAR EXTENSION OF CORPORATE NORMAL-TAX RATE.

Section 11 (b) (relating to corporate normal tax), section 821 (a) (1) (A) (relating to mutual insurance companies other than interinsurers), and section 821 (b) (1) (relating to interinsurers) of the Internal Revenue Code of 1954 are amended as follows:

71 Stat. 9.
26 USC 11, 821.

(1) By striking out "JULY 1, 1958" each place it appears and inserting in lieu thereof "JULY 1, 1959";

(2) By striking out "July 1, 1958" each place it appears and inserting in lieu thereof "July 1, 1959";

(3) By striking out "JUNE 30, 1958" each place it appears and inserting in lieu thereof "JUNE 30, 1959";

(4) By striking out "June 30, 1958" each place it appears and inserting in lieu thereof "June 30, 1959".

SEC. 3. ONE-YEAR EXTENSION OF CERTAIN EXCISE TAX RATES.

(a) EXTENSION OF RATES.—The following provisions of the Internal Revenue Code of 1954 are amended by striking out "July 1, 1958" each place it appears and inserting in lieu thereof "July 1, 1959"—

26 USC 4061-
5071, *passim*.

(1) section 4061 (relating to motor vehicles);

(2) section 5001 (a) (1) (relating to distilled spirits);

(3) section 5001 (a) (3) (relating to imported perfumes containing distilled spirits);

(4) section 5022 (relating to cordials and liqueurs containing wine);

(5) section 5041 (b) (relating to wines);

(6) section 5051 (a) (relating to beer); and

(7) section 5701 (c) (1) (relating to cigarettes).

(b) TECHNICAL AMENDMENTS.—The following provisions of the Internal Revenue Code of 1954 are amended as follows:

(1) Section 5063 (relating to floor stocks refunds on distilled spirits, wines, cordials, and beer) is amended by striking out "July 1, 1958" each place it appears and inserting in lieu thereof "July 1, 1959", and by striking out "August 1, 1958" and inserting in lieu thereof "August 1, 1959".

26 USC 5063.

(2) Section 5134 (a) (3) (relating to drawback in the case of distilled spirits) is amended by striking out "June 30, 1958" and inserting in lieu thereof "June 30, 1959".

26 USC 5134.

(3) Subsections (a) and (b) of section 5707 (relating to floor stocks refunds on cigarettes) are amended by striking out "July 1, 1958" each place it appears and inserting in lieu thereof "July

26 USC 5707.

1, 1959", and by striking out "October 1, 1958" and inserting in lieu thereof "October 1, 1959".

26 USC 6412.

(4) Section 6412 (a) (1) (relating to floor stocks refunds on automobiles) is amended by striking out "July 1, 1958" each place it appears and inserting in lieu thereof "July 1, 1959", by striking out "October 1, 1958" and inserting in lieu thereof "October 1, 1959", and by striking out "November 10, 1958" each place it appears and inserting in lieu thereof "November 10, 1959".

71 Stat. 10.

Section 497 of the Revenue Act of 1951 (relating to refunds on articles from foreign trade zones), as amended, is amended by striking out "July 1, 1958" each place it appears and inserting in lieu thereof "July 1, 1959".

SEC. 4. REPEAL OF TAXES ON TRANSPORTATION OF PROPERTY.

26 USC 4271,
4281.

(a) REPEAL.—Effective as provided in subsection (c), part II (relating to tax on transportation of property) and part III (relating to tax on transportation of oil by pipeline) of subchapter C of chapter 33 of the Internal Revenue Code of 1954 are hereby repealed.

(b) TECHNICAL AMENDMENTS.—Effective as provided in subsection (c):

(1) The table of subchapters for chapter 33 of the Internal Revenue Code of 1954 is amended by striking out

"SUBCHAPTER C. Transportation."

and inserting in lieu thereof

"SUBCHAPTER C. Transportation of persons."

(2) Subchapter C of chapter 33 of such Code is amended by striking out the table of parts for such subchapter and the heading of part I of such subchapter, and by striking out the heading of the subchapter and inserting in lieu thereof the following:

"Subchapter C—Transportation of Persons"

26 USC 4292.

(3) Section 4292 of such Code (relating to State and local governmental exemption) is amended to read as follows:

"SEC. 4292. STATE AND LOCAL GOVERNMENTAL EXEMPTION.

"Under regulations prescribed by the Secretary or his delegate, no tax shall be imposed under section 4251 or 4261 upon any payment received for services or facilities furnished to the Government of any State, Territory of the United States, or any political subdivision of the foregoing or the District of Columbia."

(4) Section 6415 of such Code (relating to credits or refunds to persons who collected certain taxes) is amended by striking out "4271," each place it appears therein.

(5) Section 6416 (a) of such Code (relating to credits or refunds of certain taxes on sales and services) is amended by striking out "or 4281".

(6) Section 6416 (f) of such Code (relating to credit on returns) is amended by striking out "or section 4281", and by striking out "by such chapter or section" and inserting in lieu thereof "by such chapter".

(7) Section 7012 of such Code (cross references) is amended by striking out subsection (i) and by redesignating subsection (j) as subsection (i).

(8) Section 7272 (b) of such Code (relating to penalty for failure to register) is amended by striking out "4273,".

(c) EFFECTIVE DATES.—

(1) Except as provided in paragraph (2), the repeals and amendments made by subsections (a) and (b) shall apply only with respect to amounts paid on or after August 1, 1958.

(2) In the case of transportation with respect to which the second sentence of section 4281 of the Internal Revenue Code of 1954 applies, the repeals and amendments made by subsections (a) and (b) shall apply only if the transportation begins on or after August 1, 1958.

Approved June 30, 1958.

Public Law 85-476

AN ACT

June 30, 1958
[H. R. 12586]

To amend section 14 (b) of the Federal Reserve Act, as amended, to extend for two years the authority of Federal Reserve banks to purchase United States obligations directly from the Treasury.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 14 (b) of the Federal Reserve Act, as amended (U. S. C., 1952 edition, supp. V, title 12, sec. 355), is amended by striking out "July 1, 1958" and inserting in lieu thereof "July 1, 1960" and by striking out "June 30, 1958" and inserting in lieu thereof "June 30, 1960".

70 Stat. 339.

Approved June 30, 1958.

Public Law 85-477

AN ACT

June 30, 1958
[H. R. 12181]

To amend further the Mutual Security Act of 1954, as amended, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Mutual Security Act of 1958".

Mutual Security
Act of 1958.

SEC. 2. The first section of the Mutual Security Act of 1954, as amended, is amended by adding at the end thereof the following: "This Act is divided into chapters and titles, according to the following table of contents:

68 Stat. 832.
22 USC 1751
note.

"TABLE OF CONTENTS

- "CHAPTER I—MILITARY ASSISTANCE
- "CHAPTER II—ECONOMIC ASSISTANCE
 - "Title I—Defense Support
 - "Title II—Development Loan Fund
 - "Title III—Technical Cooperation
 - "Title IV—Special Assistance and Other Programs
- "CHAPTER III—CONTINGENCY FUND
- "CHAPTER IV—GENERAL AND ADMINISTRATIVE PROVISIONS"

CHAPTER I—MILITARY ASSISTANCE

MILITARY ASSISTANCE

SEC. 101. Subsection (a) of section 103 of the Mutual Security Act of 1954, as amended, which relates to military assistance, is amended by striking out "1958" and "\$1,600,000,000" and inserting in lieu thereof "1959" and "\$1,605,000,000", respectively.

71 Stat. 355.
22 USC 1813.

PROCUREMENT PROGRAMS RELATING TO MILITARY ASSISTANCE

69 Stat. 284.
22 USC 1815.

SEC. 102. Paragraph (1) of subsection (b) of section 105 of the Mutual Security Act of 1954, as amended, which relates to conditions applicable to military assistance, is amended by inserting immediately before the period at the end thereof the following: “, including coordinated production and procurement programs participated in by the members of the North Atlantic Treaty Organization to the greatest extent possible with respect to military equipment and materials to be utilized for the defense of the North Atlantic area”.

POLICY ON MILITARY ASSISTANCE TO AMERICAN REPUBLICS

22 USC 1815.

SEC. 103. Paragraph (4) of subsection (b) of section 105 of the Mutual Security Act of 1954, as amended, which relates to military assistance to American Republics, is amended by adding the following sentences at the end thereof: “The President annually shall review such findings and shall determine whether military assistance is necessary. Internal security requirements shall not normally be the basis for military assistance programs to American Republics.”

CHAPTER II—ECONOMIC ASSISTANCE

DEFENSE SUPPORT

71 Stat. 356.
22 USC 1841.

SEC. 201. Subsection (b) of section 131 of the Mutual Security Act of 1954, as amended, which relates to defense support, is amended by striking out “1958” and “\$750,000,000” and inserting in lieu thereof “1959” and “\$810,000,000”, respectively.

UTILIZATION OF FUNDS IN SPECIAL ACCOUNTS

22 USC 1852.

SEC. 202. Paragraph (iii) of subsection (b) of section 142 of the Mutual Security Act of 1954, as amended, which relates to utilization of funds in Special Accounts, is amended by inserting immediately before the period at the end thereof the following: “: *Provided*, That if amounts in such remainder exceed the requirements of such programs, the recipient nation may utilize such excess amounts for other purposes agreed to by the United States which are consistent with the foreign policy of the United States: *Provided further*, That such utilization of such excess amounts in all Special Accounts shall not exceed the equivalent of \$4,000,000”.

DEVELOPMENT LOAN FUND

71 Stat. 357.
22 USC 1872.

SEC. 203. Title II of the chapter designated by paragraph (2) of section 501 of this Act as chapter II of the Mutual Security Act of 1954, as amended, which relates to the Development Loan Fund, is amended as follows:

(a) Amend section 202, which relates to general authority, as follows:

(1) Strike out subsection (a) and substitute the following:

General authority.

“(a) To carry out the purposes of this title, there is hereby created as an agency of the United States of America, subject to the direction and supervision of the President, a body corporate to be known as the ‘Development Loan Fund’ (hereinafter referred to in this title as the ‘Fund’) which shall have succession in its corporate name. The Fund shall have its principal office in the District of Columbia and shall be deemed, for purposes of venue in civil actions, to be a resident thereof. It may establish offices in such other place or places as it may deem necessary or appropriate.”

(2) In subsection (b), strike out all preceding "is hereby" in the first sentence and substitute "The Fund"; strike out "he" in the first sentence and substitute "it"; strike out "and (3)" in the first sentence and substitute "(3)"; insert before the period at the end of the first sentence "and (4) the possible adverse effects upon the economy of the United States, with special reference to areas of substantial labor surplus, of the activity and the financing operation or transaction involved"; strike out "from" in the second sentence and substitute "by"; insert after the third sentence "The provisions of section 955 of title 18 of the United States Code shall not apply to prevent any person, including any individual, partnership, corporation, or association, from acting for or participating with the Fund in any operation or transaction, or from acquiring any obligation issued in connection with any operation or transaction, engaged in by the Fund."; and strike out the last two sentences and substitute the following new sentence: "The President's semiannual reports to the Congress on operations under this Act, as provided for in section 534 of this Act, shall include detailed information on the implementation of this title."

62 Stat. 744.

Reports of President.

22 USC 1794.

22 USC 1874.

Fiscal provisions.

(b) Amend section 204, which relates to fiscal provisions, as follows:

(1) In subsection (b), substitute "Fund" for "President" in the first sentence and strike out "against the Fund" in that sentence; change "authorized" to "made available" in the second sentence; and insert "assets of the" before "Fund" in the third sentence.

(2) Strike out subsection (c) and substitute the following:

"(c) The Fund shall be deemed to be a wholly owned Government corporation and shall accordingly be subject to the applicable provisions of the Government Corporation Control Act, as amended."

59 Stat. 597; 61 Stat. 584.

31 USC 841 note, 849.

71 Stat. 358.
22 USC 1875.

(c) Amend section 205, which relates to powers and authorities, as follows:

(1) Insert "MANAGEMENT," before "POWERS" in the heading of the section.

Management, powers and authorities.

(2) Strike out subsections (a) and (b) and substitute the following new subsections:

"(a) The management of the Fund shall be vested in a Board of Directors (hereinafter referred to in this title as the 'Board') consisting of the Under Secretary of State for Economic Affairs, who shall be Chairman, the Director of the International Cooperation Administration, the Chairman of the Board of Directors of the Export-Import Bank, the Managing Director of the Fund, and the United States Executive Director on the International Bank for Reconstruction and Development. The Board shall carry out its functions subject to the foreign policy guidance of the Secretary of State. The Board shall act by a majority vote participated in by a quorum; and three members of the Board shall constitute a quorum. Subject to the foregoing sentence, vacancies in the membership of the Board shall not affect its power to act. The Board shall meet for organization purposes when and where called by the Chairman. The Board may, in addition to taking any other necessary or appropriate actions in connection with the management of the Fund, adopt, amend, and repeal bylaws governing the conduct of its business and the performance of the authorities, powers, and functions of the Fund and its officers and employees. The members of the Board shall receive no compensation for their services on the Board but may be paid actual travel expenses and per diem in lieu of subsistence under the Standardized Government Travel Regulations in connection with travel or absence from their homes or regular places of business for purposes of business of the Fund.

Board of Directors.

Managing Director.

“(b) There shall be a Managing Director of the Fund who shall be the chief executive officer of the Fund, who shall be appointed by the President of the United States by and with the advice and consent of the Senate, and whose compensation shall be at a rate of \$20,000 a year. There shall also be a Deputy Managing Director of the Fund, whose compensation shall be at a rate not in excess of \$19,000 a year, and three other officers of the Fund, whose titles shall be determined by the Board and whose compensation shall be at a rate not in excess of \$18,000 per year. Appointment to the offices provided for in the preceding sentence shall be by the Board. The Managing Director, in his capacity as chief executive officer of the Fund, the Deputy Managing Director and the other officers of the Fund shall perform such functions as the Board may designate and shall be subject to the supervision and direction of the Board. During the absence or disability of the Managing Director or in the event of a vacancy in the office of Managing Director, the Deputy Managing Director shall act as Managing Director, or, if the Deputy Managing Director is also absent or disabled or the office of Deputy Managing Director is vacant, such other officer as the Board may designate shall act as Managing Director. The offices provided for in this subsection shall be in addition to positions otherwise authorized by law.”

(3) In subsection (c) :

(i) Strike out all in the first sentence preceding “: enter into” and substitute “The Fund, in addition to other powers and authorities vested in or delegated or assigned to the Fund or its officers or the Board, may”;

(ii) Strike out “may be deemed” in the first clause of the first sentence and substitute “it may deem”;

(iii) Strike out “under this title” in the fourth clause of the first sentence and substitute “of the Fund”;

(iv) Strike out “the Manager of” in the fifth clause, both times it appears in the seventh clause, and in the last clause of the first sentence;

(v) Insert after the seventh clause of the first sentence, following “collection;”, the following: “adopt, alter and use a corporate seal which shall be judicially noticed; require bonds for the faithful performance of the duties of its officers, attorneys, agents and employees and pay the premiums thereon; sue and be sued in its corporate name (provided that no attachment, injunction, garnishment, or similar process, mesne or final, shall be issued against the Fund or any officer thereof, including the Board or any member thereof, in his official capacity or against property or funds owned or held by the Fund or any such officer in his official capacity); exercise, in the payment of debts out of bankrupt, insolvent or decedent’s estates, the priority of the Government of the United States; purchase one passenger motor vehicle for use in the continental United States and replace such vehicle from time to time as necessary; use the United States mails in the same manner and under the same conditions as the executive departments of the Federal Government;”;

(vi) Strike out all following “operation” in the last clause of the first sentence and substitute “, or in carrying out any function.”

(vii) Insert the following new sentence after the first sentence of the subsection: “Nothing herein shall be construed to exempt the Fund or its operations from the application of sections 507 (b) and 2679 of title 28, United States Code or of section 367 of the Revised Statutes (5 U. S. C. 316), or to authorize the Fund to borrow any funds from any source without the express legislative permission of the Congress.”

(4) Insert the following new subsections:

“(d) The Fund shall contribute, from the respective appropriation or fund used for payment of salaries, pay or compensation, to the civil service retirement and disability fund, a sum as provided by section 4 (a) of the Civil Service Retirement Act, as amended (5 U. S. C. 2254a), except that such sum shall be determined by applying to the total basic salaries (as defined in that Act) paid to the employees of the Fund covered by that Act, the per centum rate determined annually by the Civil Service Commission to be the excess of the total normal cost per centum rate of the civil service retirement system over the employee deduction rate specified in said section 4 (a). The Fund shall also contribute at least quarterly from such appropriation or fund, to the employees’ compensation fund, the amount determined by the Secretary of Labor to be the full cost of benefits and other payments made from such fund on account of injuries and deaths of its employees which may hereafter occur. The Fund shall also pay into the Treasury as miscellaneous receipts that portion of the cost of administration of the respective funds attributable to its employees, as determined by the Civil Service Commission and the Secretary of Labor.

Retirement, etc., provisions.

70 Stat. 747.

“(e) The assets of the Development Loan Fund on the date of enactment of the Mutual Security Act of 1958 shall be transferred as of such date to the body corporate created by section 202 (a) of this Act. In addition, records, personnel, and property of the International Cooperation Administration may, as agreed by the Managing Director and the Director of the International Cooperation Administration or as determined by the President, be transferred to the Fund. Obligations and liabilities incurred against, and rights established or acquired for the benefit of or with respect to, the Development Loan Fund during the period between August 14, 1957, and the date of enactment of the Mutual Security Act of 1958 are hereby transferred to, and accepted and assumed by, the body corporate created by section 202 (a) of this Act. A person serving as Manager of the Development Loan Fund as of the date of enactment of the Mutual Security Act of 1958 shall not, by reason of the enactment of that Act, require reappointment in order to serve in the office of Managing Director provided for in section 205 (b) of this Act.”

TECHNICAL COOPERATION

SEC. 204. Title III of the chapter designated by paragraph (2) of section 501 of this Act as chapter II of the Mutual Security Act of 1954, as amended, which relates to technical cooperation, is amended as follows:

(a) In section 304, which relates to authorization, strike out “\$151,900,000” and insert in lieu thereof “\$150,000,000 for use beginning in the fiscal year 1959”.

71 Stat. 359.
22 USC 1894.

(b) Amend section 306, which relates to multilateral technical cooperation, as follows:

22 USC 1896.

(1) Insert “AND RELATED PROGRAMS” after “COOPERATION” in the heading of the section; insert “and this Act” after “title” in the first sentence; and insert “and related” after “cooperation” in the first sentence.

(2) In subsection (a), which relates to contributions to the United Nations Expanded Program of Technical Assistance, strike out “\$15,500,000 for the fiscal year 1958” and substitute “\$20,000,000 for the fiscal year 1959”; insert “and such related fund as may hereafter be established” after “Assistance”; and in the proviso change “to this program” to “for such purpose” and after the word “contributed” the

22 USC 1896.

first time it appears, strike the remainder of the subsection and insert "for such purpose and for succeeding calendar years not to exceed 40 per centum of the total amount contributed for such purpose for each such year."

(3) In subsection (b), which relates to contributions to the technical cooperation program of the Organization of American States, strike out "1958" and substitute "1959".

SPECIAL ASSISTANCE AND OTHER PROGRAMS

SEC. 205. Title IV of the chapter designated by paragraph (2) of section 501 of this Act as chapter II of the Mutual Security Act of 1954, as amended, which relates to special assistance and other programs, is further amended as follows:

(a) In subsection (a) of section 400, which relates to special assistance, strike out "1958" and "\$250,000,000" in the first sentence and insert in lieu thereof "1959" and "\$202,500,000", respectively; and strike out all following "stability" in the first sentence and all of the last sentence and insert a period.

(b) In section 402, which relates to earmarking of funds, strike out "1958" in the first sentence and substitute "1959".

(c) Repeal sections 403 and 404, which relate, respectively, to special assistance in joint control areas and responsibilities in Germany, and substitute the following new section:

"SEC. 403. RESPONSIBILITIES IN GERMANY.—The President is hereby authorized to use during the fiscal year 1959 not to exceed \$8,200,000 of the funds made available pursuant to section 400 (a) of this Act in order to meet the responsibilities or objectives of the United States in Germany, including West Berlin. In carrying out this section, the President may also use currency which has been or may be deposited in the GARIOA (Government and Relief in Occupied Areas) Special Account, including that part of the German currency now or hereafter deposited under the bilateral agreement of December 15, 1949, between the United States and the Federal Republic of Germany (or any supplementary or succeeding agreement) which, upon approval by the President, shall be deposited in the GARIOA Special Account under the terms of article V of that agreement. The President may use the funds available for the purposes of this section on such terms and conditions as he may specify, and without regard to any provision of law which he determines must be disregarded."

(d) Amend section 405, which relates to migrants, refugees, and escapees, as follows:

(1) In subsection (c), strike out all following "fiscal year" and substitute "1959 not to exceed \$1,200,000 for contributions to the program of the United Nations High Commissioner for Refugees for assistance to refugees under his mandate."

(2) In subsection (d), strike out "1958" and "\$5,500,000" and substitute "1959" and "\$8,600,000", respectively.

(e) In section 406, which relates to children's welfare, strike out "1958" and substitute "1959".

(f) In section 407, which relates to Palestine refugees in the Near East, amend the first sentence to read as follows: "There is hereby authorized to be appropriated to the President for the fiscal year 1959 not to exceed \$25,000,000 to be used to make contributions to the United Nations Relief and Works Agency for Palestine Refugees in the Near East: *Provided*, That of the funds appropriated pursuant to this section fifteen per centum shall be available only for repatriation or resettlement of such refugees."

71 Stat. 360.
22 USC 1920.

71 Stat. 361.
22 USC 1922.

22 USC 1923,
1924.

22 USC 1920.

64 Stat. B81.

Migrants, etc.
22 USC 1925.

71 Stat. 361.

UN Children's
Fund.
22 USC 1926.
22 USC 1927.

(g) In section 409 (c), which relates to ocean freight charges, strike out "1958" and "\$2,200,000" and substitute "1959" and "\$2,100,000", respectively.

22 USC 1929.

(h) In section 410, which relates to Control Act expenses, strike out "1958" in the first sentence and substitute "1959".

22 USC 1930.

(i) Amend section 411, which relates to administrative and other expenses, as follows:

22 USC 1931.

(1) In subsection (b), strike out "1958" and "\$32,750,000" and substitute "1959" and "\$33,000,000", respectively; and insert "and title II of chapter II" immediately before the close of the first parentheses;

(2) In subsection (c), insert "functions of the Department under this Act or for" before "normal".

22 USC 1933.

(j) Amend section 413, which relates to encouragement of free enterprise and private participation, as follows:

Free enterprise.

(1) In section 413 (b) (4), which relates to encouragement of free enterprise and private participation, strike out "the agency primarily" and substitute "an agency"; insert immediately before the semicolon at the end of subparagraph (E) the following proviso: " : *Provided*, That in the event the fee to be charged for a type of guaranty is reduced, fees to be paid under existing contracts for the same type of guaranty may be similarly reduced"; and insert after "Director of the International Cooperation Administration" both times it appears in subparagraph (F) "or such other officer as the President may designate".

(2) Insert the following new subsection:

"(c) Under the direction of the President, the Departments of State and Commerce and such other agencies of the Government as the President shall deem appropriate, in cooperation to the fullest extent practicable with private enterprise concerned with international trade, foreign investment, and business operations in foreign countries, shall conduct a study of the ways and means in which the role of the private sector of the national economy can be more effectively utilized and protected in carrying out the purposes of this Act, so as to promote the foreign policy of the United States, to stabilize and to expand its economy and to prevent adverse effects, with special reference to areas of substantial labor surplus. Such study shall include specific recommendations for such legislative and administrative action as may be necessary to expand the role of private enterprise in advancing the foreign policy objectives of the United States."

(k) At the end of section 414 (b), which relates to munitions control, add the following: "Such regulations shall prohibit the return to the United States for sale in the United States (other than for the Armed Forces of the United States and its allies) of any military firearms or ammunition of United States manufacture furnished to foreign governments by the United States under this Act or any other foreign assistance program of the United States, whether or not advanced in value or improved in condition in a foreign country. This prohibition shall not extend to similar firearms that have been so substantially transformed as to become, in effect, articles of foreign manufacture."

68 Stat. 848.
22 USC 1934.

(l) In section 419 (a), which relates to atoms for peace, strike out "1958" and "\$7,000,000" in the second sentence and substitute "1959" and "\$5,500,000", respectively.

71 Stat. 352.
22 USC 1939.

(m) In section 420, which relates to malaria eradication, insert after the word "authorized" in the second sentence "to use funds made available under this Act (other than chapter I and title II of chapter II)"; insert immediately before the period at the end of the second sentence the following proviso: " : *Provided*, That this sec-

71 Stat. 352.
22 USC 1940.

tion shall not affect the authority of the Development Loan Fund to make loans for such purpose, so long as such loans are made in accordance with the provisions of title II of chapter II"; and strike out the last sentence.

CHAPTER III—CONTINGENCY FUND

PRESIDENT'S SPECIAL AUTHORITY AND CONTINGENCY FUND

22 USC 1921.

SEC. 301. The section of the Mutual Security Act of 1954, as amended, redesignated by paragraph (12) (B) of section 501 of this Act as section 451 of chapter III of the Mutual Security Act of 1954, as amended, which relates to the President's special authority, is amended as follows:

(a) Insert "AND CONTINGENCY FUND" after "AUTHORITY" in the heading of this section.

(b) Subsection (a) is amended as follows:

(1) In the first sentence, insert "for use" after "made available"; strike out "such use by section 400 (a) of this Act" and substitute "use under this subsection by subsection (b) of this section"; strike out "pursuant to authorizations contained in" and substitute "for use under"; and

(2) In the second and last sentence strike out "section" both times it appears and substitute "subsection".

(c) Redesignate subsection (b) as subsection (c), and insert the following new subsection (b):

Appropriation.

"(b) There is hereby authorized to be appropriated to the President for the fiscal year 1959 not to exceed \$155,000,000 for assistance authorized by this Act, other than by title II of chapter II, in accordance with the provisions of this Act applicable to the furnishing of such assistance. \$100,000,000 of the funds authorized to be appropriated pursuant to this subsection for any fiscal year may be used in such year in accordance with the provisions of subsection (a) of this section."

(d) In the last sentence of subsection (c), insert "subsection (a) of" after "under".

CHAPTER IV—GENERAL AND ADMINISTRATIVE PROVISIONS

GENERAL PROVISIONS

22 USC 1754.

SEC. 401. The chapter designated by paragraph (16) of section 501 of this Act as chapter IV of the Mutual Security Act of 1954, as amended, which relates to general and administrative provisions, is further amended as follows:

(a) Section 502, which relates to use of foreign currencies by committees of the Congress, is amended by striking out the proviso in subsection (b) and inserting the following: " : *Provided*, That each member or employee of any such committee shall make, to the chairman of such committee in accordance with regulations prescribed by such committee, an itemized report showing the amounts and dollar equivalent values of each such foreign currency expended, together with the purposes of the expenditure, including lodging, meals, transportation, and other purposes. Within the first sixty days that Congress is in session in each calendar year, the chairman of each such committee shall consolidate the reports of each member and employee of the committee and forward said consolidated report, showing the total itemized expenditures of the committee and each subcommittee thereof during

the preceding calendar year, to the Committee on House Administration of the House of Representatives (if the committee be a committee of the House of Representatives or a joint committee whose funds are disbursed by the Clerk of the House) or to the Committee on Appropriations of the Senate (if the committee be a Senate committee or a joint committee whose funds are disbursed by the Secretary of the Senate). Each such report submitted by each committee shall be published in the Congressional Record within ten legislative days after receipt by the Committee on House Administration of the House or the Committee on Appropriations of the Senate."

(b) Section 509, which relates to shipping on United States vessels, is amended by adding the following new sentence at the end thereof: "Sales of fresh fruit and the products thereof under this Act shall be exempt from the requirements of the cargo preference laws (Public Resolution 17, Seventy-third Congress, and section 901 (b) of the Merchant Marine Act, 1936, as amended)."

22 USC 1761.

(c) Section 510, which relates to purchase of commodities, is amended by striking out "title II or" in the first sentence.

48 Stat. 500; 68
Stat. 832.
15 U S C 616a;
46 USC 1241.
22 USC 1762.

(d) Add the following new sections immediately after section 515:

22 USC 1766a.

"SEC. 516. PROHIBITION AGAINST DEBT RETIREMENT.—None of the funds made available under this Act nor any of the counterpart funds generated as a result of assistance under this Act or any other Act shall be used to make payments on account of the principal or interest on any debt of any foreign government or on any loan made to such government by any other foreign government; nor shall any of these funds be expended for any purpose for which funds have been withdrawn by any recipient country to make payment on such debts: *Provided*, That to the extent that funds have been borrowed by any foreign government in order to make a deposit of counterpart and such deposit is in excess of the amount that would be required to be deposited pursuant to the formula prescribed by section 142 (b) of this Act, such counterpart may be used in such country for any agreed purpose consistent with the provisions of this Act.

22 USC 1852.

"SEC. 517. COMPLETION OF PLANS AND COST ESTIMATES.—After June 30, 1958, no agreement or grant which constitutes an obligation of the United States in excess of \$100,000 under section 1311 of the Supplemental Appropriation Act, 1955, shall be made for any assistance authorized under title I or III (except section 306) of chapter II, or section 400 (a)—

68 Stat. 830.
31 USC 200.

22 U S C 1896,
1920.

"(1) if such agreement or grant requires substantive technical or financial planning, until engineering, financial, and other plans necessary to carry out such assistance, and a reasonably firm estimate of the cost to the United States of providing such assistance, have been completed; and

"(2) if such agreement or grant requires legislative action within the recipient country, unless such legislative action may reasonably be anticipated to be completed within one year from the date the agreement or grant is made.

This section shall not apply to any assistance furnished for the sole purpose of preparation of engineering, financial, and other plans."

(e) Amend section 527, which relates to the employment of personnel, by adding the following new subsection, such amendment to take effect nine months after the date of enactment of this Act:

68 Stat. 857.
22 USC 1787.

"(e) Notwithstanding the provisions of title 10, United States Code, section 712, or any other law containing similar authority, officers and employees of the United States performing functions under this Act shall not accept from any foreign nation any compensation or other benefits. Arrangements may be made by the President with such nations for reimbursement to the United States or other sharing of the cost of performing such functions."

71 Stat. 364.
22 USC 1797.

71 Stat. 556.
42 USC 15941.
71 Stat. 556.

(f) Section 537, which relates to provisions on uses of funds, is amended as follows: in subsection (a) (1), strike out "for the fiscal year 1958"; in subsection (c), strike out "Not to exceed \$18,000,000" and substitute "Notwithstanding the provisions of section 406 (a) of Public Law 85-241, not to exceed \$26,000,000", and add the following new clause before the period: ", and not to exceed \$2,750,000 of funds made available for assistance in other countries under this Act may be used (in addition to funds available for such use under other authorities in this Act) for construction or acquisition of such facilities for such purposes elsewhere"; and add the following new subsection: "(f) During the annual presentation to the Congress of requests for authorizations and appropriations under this Act, a detailed explanation of the method by which the proposed programs for each country have been arrived at shall be submitted, including all significant factors considered in arriving at such proposed programs."

Savings clause.
71 Stat. 365.
22 USC 1768.

(g) Amend section 543 (d), which relates to saving provisions, by striking out "Act of 1956 or the Mutual Security Act of 1957" and substituting "Act of 1956, 1957, or 1958" in the first sentence and by inserting the following new sentence after the second sentence: "Until June 30, 1958, funds used for the purposes of this Act shall be so used in accordance with the provisions of this Act as in effect prior to the date of enactment of the Mutual Security Act of 1958."

22 USC 1442.

(h) Amend section 544, which relates to amendments to other laws, by striking out subsections (b) and (c) (which deletions shall not be deemed to affect amendments contained in such subsections to Acts other than the Mutual Security Act of 1954, as amended).

70 Stat. 565.
22 USC 1751.

(i) Amend section 545, which relates to definitions, as follows:

(1) In subsection (j), insert "the Development Loan Fund and" after "refer to" and strike out "title II,".

(2) In subsection (k), insert "the Board of Directors of the Development Loan Fund and" after "refer to" and strike out "title II,".

CHAPTER V—REORGANIZATION OF MUTUAL SECURITY ACT OF 1954; AMENDMENTS; AND WESTERN HEMISPHERE COOPERATION

REORGANIZATION OF MUTUAL SECURITY ACT OF 1954

68 Stat. 832.
22 USC 1751
note.

SEC. 501. The Mutual Security Act of 1954, as amended, is further amended as follows:

(1) Strike out the heading of title I and of chapter I of such title, and immediately before section 101, insert the following:

"CHAPTER I—MILITARY ASSISTANCE"

(2) Immediately above section 131, strike out the chapter heading and insert in lieu thereof the following:

"CHAPTER II—ECONOMIC ASSISTANCE"

"TITLE I—DEFENSE SUPPORT"

68 Stat. 838.
22 USC 1841.

(3) In section 131 (a), strike out "chapter 1 of this title" and insert in lieu thereof "chapter I".

(4) In section 131 (d), immediately after "title", insert "or chapter I".

22 USC 1851.

(5) Immediately above section 141, strike out the chapter heading.

(6) In section 141, immediately after "title" both times it appears insert "or chapter I".

- (7) (A) In section 142 (a), strike out "chapter 1 of this title" each place it appears and insert "chapter I". 69 Stat. 285.
22 USC 1852.
- (B) In such section 142 (a), strike out "under this title" and "purposes of this title" each place they appear and insert "under chapter I or under this title", and "purposes of chapter I or of this title", respectively.
- (8) Section 142 (b) is amended by striking out "chapter 3 of title I of this Act" and inserting in lieu thereof "this title".
- (9) Section 144 is amended by inserting immediately after "under this title" the following: "or chapter I". 71 Stat. 357.
22 USC 1854.
- (10) Section 202 (b) is amended by striking out "401 (a)" and inserting in lieu thereof "451 (a)". 22 USC 1872.
- (11) Amend the heading of title IV to read as follows: 22 USC 1920.

"TITLE IV—SPECIAL ASSISTANCE AND OTHER PROGRAMS".

- (12) (A) Immediately after section 420, insert the following new chapter heading: 71 Stat. 362.
22 USC 1940.

"CHAPTER III—CONTINGENCY FUND"

- (B) Section 401 is redesignated as section 451 of chapter III. 68 Stat. 843.
22 USC 1921.
- (13) Section 405 (d) is amended by striking out "401" and inserting in lieu thereof "451". 69 Stat. 286.
22 USC 1925.
- (14) Section 410 is amended by striking out "chapter 1 of title I" and inserting in lieu thereof "chapter I". 68 Stat. 846.
22 USC 1930.
- (15) Section 411 (b) is amended by striking out "chapter 1 of title I" and inserting in lieu thereof "chapter I". 22 USC 1931.
- (16) Immediately above section 501, strike out the heading of title V and of chapter 1 of that title and insert the following: 22 USC 1753.

"CHAPTER IV—GENERAL AND ADMINISTRATIVE PROVISIONS"

- (17) Section 503 is amended by striking out "chapter 1 of title I" and inserting in lieu thereof "chapter I". 68 Stat. 850.
22 USC 1755.
- (18) (A) Section 504 (a) is amended by striking out "titles II, III, and IV, and chapter 3 of title I," and inserting in lieu thereof "chapter II". 68 Stat. 851.
- (B) Section 504 (c) is amended by striking out "chapter 1 of title I" and inserting in lieu thereof "chapter I".
- (19) (A) The first sentence of section 510 is amended by striking out "chapter 3 of title I" and inserting in lieu thereof "title I of chapter II". 68 Stat. 853.
- (B) The third sentence of section 510 is amended by striking out "title II or chapter 3 of title I" and inserting in lieu thereof "title I or II of chapter II".
- (20) Section 511 (a) is amended by striking out "title I" and inserting in lieu thereof "chapter I or title I of chapter II". 68 Stat. 853.
- (21) Section 511 (c) is amended by striking out "chapter 1 of title I" and inserting in lieu thereof "chapter I".
- (22) Section 513 is amended by striking out "401" and inserting in lieu thereof "451". 71 Stat. 363.
- (23) Immediately above section 521, strike out the chapter heading. 68 Stat. 855.
- (24) In section 521 (b), insert "of chapter II" immediately after "title III".
- (25) In section 521 (c), strike out "chapter 3 of title I" and insert in lieu thereof "title I of chapter II". 71 Stat. 363.
22 USC 1781.

- 68 Stat. 855. (26) Sections 522 (c) and 522 (d) are each amended by striking out "chapter 1 of title I" and inserting in lieu thereof "chapter I".
- (27) Section 523 (c) (2) is amended by striking out "chapter 1 of title I" and inserting in lieu thereof "chapter I".
- 68 Stat. 856. (28) Section 524 is amended by striking out "chapter 1 of title I" and inserting in lieu thereof "chapter I".
- 70 Stat. 561. (29) The portion of section 537 (a) which precedes paragraph (1) is amended by striking out "chapter 1 of title I" and inserting in lieu thereof "chapter I".
- 68 Stat. 861. (30) Immediately above section 541, strike out the chapter heading.
- 68 Stat. 862. (31) Section 545 (c) is amended by striking out "chapter 1 of title I" and inserting in lieu thereof "chapter I".
- 68 Stat. 863. (32) Section 545 (h) is amended by striking out "chapter 1 of title I" each place it appears and inserting in lieu thereof "chapter I".
- 70 Stat. 565. (33) Sections 545 (j) and 545 (k) are each amended by striking out "chapter 3 of", and by inserting "of chapter II or under chapter III" immediately after "title IV".
- 70 Stat. 565. (34) Section 549 is amended by inserting "of chapter II" immediately after "title III".

AMENDMENTS TO OTHER LAWS

- 56 Stat. 1035. SEC. 502. (a) The Defense Base Act, as amended (42 U. S. C. 1651), is further amended as follows:
- (1) In subsection (a) of the first section, insert the following new subparagraph after subparagraph (4):
- "(5) under a contract approved and financed by the United States or any executive department, independent establishment, or agency thereof (including any corporate instrumentality of the United States), or any subcontract or subordinate contract with respect to such contract, where such contract is to be performed outside the continental United States, under the Mutual Security Act of 1954, as amended (other than title II of chapter II thereof), and not otherwise within the coverage of this section, and every such contract shall contain provisions requiring that the contractor (and subcontractor or subordinate contractor with respect to such contract) (A) shall, before commencing performance of such contract, provide for securing to or on behalf of employees engaged in work under such contract the payment of compensation and other benefits under the provisions of this Act, and (B) shall maintain in full force and effect during the term of such contract, subcontract, or subordinate contract, or while employees are engaged in work performed thereunder, the said security for the payment of such compensation and benefits, but nothing in this paragraph shall be construed to apply to any employee of such contractor or subcontractor who is engaged exclusively in furnishing materials or supplies under his contract;".
- (2) In subsection (e) of such section, strike "(3) or (4)" in the last sentence and substitute therefor "(3), (4), or (5)".
- (3) In subsection (f) of such section, insert "or in any work under subparagraph (5) subsection (a) of this section" between "this section" and "shall not apply".
- (b) In the first section of the Act of June 28, 1935, as amended (49 Stat. 425), strike out "\$30,000" and insert "\$33,000", and strike out "\$15,000" the first time it appears and insert "\$18,000".
- (c) In section 101 of the Government Corporation Control Act, as amended (31 U. S. C. 846), insert "Development Loan Fund;" before "Institute of Inter-American Affairs".
- 56 Stat. 1036.
42 USC 1651.
- 67 Stat. 135.
- 62 Stat. 19.
22 USC 276.
- 59 Stat. 597.

(d) In section 2 of the Act of July 11, 1956 (70 Stat. 523), strike out all beginning with "An" down through "Conference and" and substitute "There is authorized to be appropriated annually, for the annual contribution of the United States toward the maintenance of the North Atlantic Treaty Organization Parliamentary Conference, such sum as may be agreed upon by the United States Group and approved by such Conference, but in no event to exceed for any year an amount equal to 25 per centum of the total annual contributions made for that year by all members of the North Atlantic Treaty Organization toward the maintenance of such Conference, and".

22 USC 1928b.
Educational,
scientific and cul-
tural cooperation.

(e) Section 5 of the Act of July 30, 1946 (22 U. S. C. 287q) is amended by the addition of the following sentences at the end thereof: "The National Commission is further authorized to receive and accept services and gifts or bequests of money or materials to carry out any of the educational, scientific, or cultural purposes of the National Commission as set forth in this Act and in the constitution of the Organization. Any money so received shall be held by the Secretary of State and shall be subject to disbursement through the disbursement facilities of the Treasury Department as the terms of the gift or bequest may require and shall remain available for expenditure by grant or otherwise until expended: *Provided*, That no such gift or bequest may be accepted or disbursed if the terms thereof are inconsistent with the purposes of the National Commission as set forth in this Act and in the constitution of the Organization. In no event shall the National Commission accept gifts or bequests in excess of \$200,000 in the aggregate in any one year. Gifts or bequests provided for herein shall, for the purposes of Federal income, estate, and gift taxes, be deemed to be a gift to or for the United States. The National Commission and Secretary of State shall submit to Congress annual reports of receipts and expenditures of funds and bequests received and disbursed pursuant to the provisions of this section."

60 Stat. 713.

Reports to Con-
gress.

(f) The portion of subsection (a) of section 2 of the joint resolution of June 30, 1948, as amended (22 U. S. C. 272a (a)), which precedes "as apportioned" is amended to read as follows: "(a) such sums as may be necessary for the payment by the United States of its share of the expenses of the Organization, but not to exceed 25 per centum of such expenses".

International
Labor Organiza-
tion.
62 Stat. 1151.

(g) Section 101 (a) of the War Hazards Compensation Act, as amended (42 U. S. C. 1701), is further amended by inserting the following new subparagraph after subparagraph (3): "or (4) to any person who is an employee specified in section 1 (a) (5) of the Defense Base Act, as amended, if no compensation is payable with respect to such injury or death under such Act, or to any person engaged under a contract for his personal services outside the United States approved and financed by the United States under the Mutual Security Act of 1954, as amended (other than title II of chapter II thereof): *Provided*, That in cases where the United States is not a formal party to contracts approved and financed under the Mutual Security Act of 1954, as amended, the Secretary, upon the recommendation of the head of any department or agency of the United States, may, in the exercise of his discretion, waive the application of the provisions of this subparagraph with respect to any such contracts, subcontracts, or subordinate contracts, work location under such contracts, subcontracts, or subordinate contracts, or classification of employees."

56 Stat. 1028.

68 Stat. 832.
22 USC 1751
note.

(h) Section 571 (c) of the Foreign Service Act of 1946, as amended, is amended by deleting the words "in the Department" wherever they appear therein and by adding at the end thereof the following new sentences: "Any Foreign Service officer who resigned from the Service, or

60 Stat. 1011.
22 USC 961.

22 USC 1006.

retired in accordance with section 636 of this Act on or after November 14, 1957, but prior to the enactment of this sentence, for the purpose of accepting an immediate appointment to such a position, shall be considered as having been assigned to such other position under authority of this section as amended. Appropriate adjustment at the election of the officer may be made with respect to special contributions deposited immediately prior to resignation or retirement by any such officer under title VIII of this Act on salaries in excess of \$13,500."

60 Stat. 1019.

70 Stat. 564.
22 USC 1442.

(i) Section 1011 of the United States Information and Educational Exchange Act of 1948, as amended, is further amended by adding the following new subsection at the end thereof:

Information and
educational ex-
change activities.

"(h) (1) There is authorized to be appropriated annually an amount to restore in whole or in part any realized impairment to the capital used in carrying on the authority to make informational media guaranties, as provided in subsection (c), through the end of the last completed fiscal year.

"(2) Such impairment shall consist of the amount by which the losses incurred and interest accrued on notes exceed the revenue earned and any previous appropriations made for the restoration of impairment. Losses shall include the dollar losses on foreign currencies sold, and the dollar cost of foreign currencies which (a) the Secretary of the Treasury, after consultation with the Director, has determined to be unavailable for, or in excess of, requirements of the United States, or (b) have been transferred to other accounts without reimbursement to the special account.

"(3) Dollars appropriated pursuant to this section shall be applied to the payment of interest and in satisfaction of notes issued or assumed hereunder, and to the extent of such application to the principal of the notes, the Director is authorized to issue notes to the Secretary of the Treasury which will bear interest at a rate to be determined by the Secretary of the Treasury, taking into consideration the current average market yields of outstanding marketable obligations of the United States having maturities comparable to the guaranties. The currencies determined to be unavailable for, or in excess of, requirements of the United States as provided above shall be transferred to the Secretary of the Treasury to be held until disposed of, and any dollar proceeds realized from such disposition shall be deposited in miscellaneous receipts."

63 Stat. 111; 69
Stat. 536.

(j) The Act of May 26, 1949, as amended (5 U. S. C. 151a-151c), relating to the organization of the Department of State, is amended as follows:

(1) In the first section, strike out "three" and insert "two".

(2) In section 2, designate the present language as "(a)" and add the following new subsection:

Under Secretary
of State for Eco-
nomic Affairs.

"(b) There is hereby established in the Department of State the Office of Under Secretary of State for Economic Affairs, which shall be filled by appointment by the President, by and with the advice and consent of the Senate. The Under Secretary of State for Economic Affairs shall receive compensation at the rate of \$22,000 per year and shall perform such duties as may be prescribed by the Secretary of State. The President may initially fill the position of Under Secretary of State for Economic Affairs by appointing, without further advice and consent of the Senate, the officer who, on the date of the enactment of this subsection, held the position of Deputy Under Secretary of State for Economic Affairs. Any provision of law vesting authority in the 'Deputy Under Secretary of State for Economic Affairs' or any other reference with respect thereto, is

hereby amended to vest such authority in the Under Secretary of State for Economic Affairs."

(k) Section 712 (b) of title 10 of the United States Code is amended to read as follows, such amendment to take effect nine months after the date of enactment of this Act:

"(b) Subject to the prior approval of the Secretary of the military department concerned, a member detailed under this section may accept any office from the country to which he is detailed. He is entitled to credit for all service while so detailed, as if serving with the armed forces of the United States. Arrangements may be made by the President, with countries to which such members are detailed to perform functions under this section, for reimbursement to the United States or other sharing of the cost of performing such functions."

(l) Section 104 of the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480, Eighty-third Congress; 7 U. S. C. 1704), as amended, is further amended by adding after paragraph (j) the following new paragraph:

68 Stat. 456.

"(k) To collect, collate, translate, abstract, and disseminate scientific and technological information and to conduct and support scientific activities overseas including programs and projects of scientific cooperation between the United States and other countries such as coordinated research against diseases common to all of mankind or unique to individual regions of the globe, but no foreign currencies shall be used for the purposes of this subsection (k) unless specific appropriations be made therefor."

(m) The Act of June 14, 1948, as amended (22 U. S. C. 290) authorizing participation in the World Health Organization, is amended by adding the following new section 6:

62 Stat. 441.

"SEC. 6. The Congress of the United States, recognizing that the diseases of mankind, because of their widespread prevalence, debilitating effects, and heavy toll in human life, constitute a major deterrent to the efforts of many peoples to develop their economic resources and productive capacities, and to improve their living conditions, declares it to be the policy of the United States to continue and strengthen mutual efforts among the nations for research against diseases such as heart disease and cancer. In furtherance of this policy, the Congress invites the World Health Organization to initiate studies looking toward the strengthening of research and related programs against these and other diseases common to mankind or unique to individual regions of the globe."

COOPERATION IN WESTERN HEMISPHERE

SEC. 503. It is the sense of the Congress that, in view of the friendly relationships and mutual interests which exist between the United States and the other nations of the Western Hemisphere, the President should, pursuant to the provisions of the Mutual Security Act of 1954, as amended, and other applicable legislation, seek to strengthen cooperation in the Western Hemisphere to the maximum extent by encouraging joint programs of technical and economic development.

68 Stat. 832.
22 USC 1751
note.

Approved June 30, 1958.

Public Law 85-478

AN ACT

July 1, 1958
[S. 3342]

To continue the special milk program for children in the interest of improved nutrition by fostering the consumption of fluid milk in the schools.

Milk program.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for each of the three fiscal years in the period beginning July 1, 1958, and ending June 30, 1961, not to exceed \$75,000,000 of the funds of the Commodity Credit Corporation shall be used to increase the consumption of fluid milk by children (1) in nonprofit schools of high-school grade and under; and (2) in nonprofit nursery schools, child-care centers, settlement houses, summer camps, and similar nonprofit institutions devoted to the care and training of children. Amounts expended hereunder and under the authority contained in the last sentence of section 201 (c) of the Agricultural Act of 1949, as amended, shall not be considered as amounts expended for the purpose of carrying out the price-support program.

68 Stat. 849.
7 USC 1446.

Approved July 1, 1958.

Public Law 85-479

AN ACT

July 2, 1958
[H. R. 12716]

To amend the Atomic Energy Act of 1954, as amended.

Atomic Energy
Act of 1954,
amendments.
68 Stat. 936.
42 USC 2121.
Military applica-
tion.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 91 of the Atomic Energy Act of 1954, as amended, is amended by adding at the end thereof the following new subsection:

"c. The President may authorize the Commission or the Department of Defense, with the assistance of the other, to cooperate with another nation and, notwithstanding the provisions of section 57, 62, or 81, to transfer by sale, lease, or loan to that nation, in accordance with terms and conditions of a program approved by the President—

"(1) nonnuclear parts of atomic weapons provided that such nation has made substantial progress in the development of atomic weapons, and other nonnuclear parts of atomic weapons systems involving Restricted Data provided that such transfer will not contribute significantly to that nation's atomic weapon design, development, or fabrication capability; for the purpose of improving that nation's state of training and operational readiness;

"(2) utilization facilities for military applications; and

"(3) source, byproduct, or special nuclear material for research on, development of, production of, or use in utilization facilities for military applications; and

"(4) source, byproduct, or special nuclear material for research on, development of, or use in atomic weapons: *Provided, however,* That the transfer of such material to that nation is necessary to improve its atomic weapon design, development, or fabrication capability: *And provided further,* That such nation has made substantial progress in the development of atomic weapons, whenever the President determines that the proposed cooperation and each proposed transfer arrangement for the nonnuclear parts of atomic weapons and atomic weapons systems, utilization facilities or source, byproduct, or special nuclear material will promote and will not constitute an unreasonable risk to the common defense and security,

while such other nation is participating with the United States pursuant to an international arrangement by substantial and material contributions to the mutual defense and security: *Provided, however,* That the cooperation is undertaken pursuant to an agreement entered into in accordance with section 123: *And provided further,* That if an agreement for cooperation arranged pursuant to this subsection provides for transfer of utilization facilities for military applications the Commission, or the Department of Defense with respect to cooperation it has been authorized to undertake, may authorize any person to transfer such utilization facilities for military applications in accordance with the terms and conditions of this subsection and of the agreement for cooperation."

Agreement for cooperation.

SEC. 2. Section 92 of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

42 USC 2122.

"SEC. 92. PROHIBITION.—It shall be unlawful, except as provided in section 91, for any person to transfer or receive in interstate or foreign commerce, manufacture, produce, transfer, acquire, possess, import, or export any atomic weapon. Nothing in this section shall be deemed to modify the provisions of subsection 31 a. or section 101."

SEC. 3. Subsection 123 a. of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

42 USC 2153.

"SEC. 123. COOPERATION WITH OTHER NATIONS.—No cooperation with any nation or regional defense organization pursuant to section 54, 57, 64, 82, 91, 103, 104, or 144 shall be undertaken until—

Restricted data.

"a. the Commission or, in the case of those agreements for cooperation arranged pursuant to subsection 91 c. or 144 b. which are to be implemented by the Department of Defense, the Department of Defense has submitted to the President the proposed agreement for cooperation, together with its recommendations thereon, which proposed agreement shall include (1) the terms, conditions, duration, nature, and scope of the cooperation; (2) a guaranty by the cooperating party that security safeguards and standards as set forth in the agreement for cooperation will be maintained; (3) except in the case of those agreements for cooperation arranged pursuant to subsection 91 c. a guaranty by the cooperating party that any material to be transferred pursuant to such agreement will not be used for atomic weapons, or for research on or development of atomic weapons or for any other military purpose; and (4) a guaranty by the cooperating party that any material or any Restricted Data to be transferred pursuant to the agreement for cooperation will not be transferred to unauthorized persons or beyond the jurisdiction of the cooperating party, except as specified in the agreement for cooperation;"

SEC. 4. Section 123 of the Atomic Energy Act of 1954, as amended, is amended in subsection b. by deleting the word "and" at the end thereof; in subsection c. by changing the period at the end thereof to a semicolon and inserting thereafter "and;"; and by adding the following new subsection:

42 USC 2153.

"d. the proposed agreement for cooperation, together with the approval and determination of the President, if arranged pursuant to subsection 91 c., 144 b., or 144 c., has been submitted to the Congress and referred to the Joint Committee and a period of sixty days has elapsed while Congress is in session, but any such proposed agreement for cooperation shall not become effective if during such sixty-day period the Congress passes a concurrent resolution stating in substance that it does not favor the proposed agreement for cooperation: *Provided, however,* That during the Eighty-fifth Congress such period shall be thirty days (in computing such sixty days, or thirty days, as the case may be, there shall be excluded the days on which either House is not in session because of an adjournment of more than three days)."

Approval of Congress.

42 USC 2164.

SEC. 5. Section 144a of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

Civilian reactor
development.

"a. The President may authorize the Commission to cooperate with another nation and to communicate to that nation Restricted Data on—

- "(1) refining, purification, and subsequent treatment of source material;
- "(2) civilian reactor development;
- "(3) production of special nuclear material;
- "(4) health and safety;
- "(5) industrial and other applications of atomic energy for peaceful purposes; and
- "(6) research and development relating to the foregoing:

Restriction.

Provided, however, That no such cooperation shall involve the communication of Restricted Data relating to the design or fabrication of atomic weapons: *And provided further,* That the cooperation is undertaken pursuant to an agreement for cooperation entered into in accordance with section 123, or is undertaken pursuant to an agreement existing on the effective date of this Act."

42 USC 2164.

SEC. 6. Section 144 b. of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

Cooperation by
Defense Depart-
ment.

"b. The President may authorize the Department of Defense, with the assistance of the Commission, to cooperate with another nation or with a regional defense organization to which the United States is a party, and to communicate to that nation or organization such Restricted Data (including design information) as is necessary to—

- "(1) the development of defense plans;
- "(2) the training of personnel in the employment of and defense against atomic weapons and other military applications of atomic energy;
- "(3) the evaluation of the capabilities of potential enemies in the employment of atomic weapons and other military applications of atomic energy; and
- "(4) the development of compatible delivery systems for atomic weapons;

whenever the President determines that the proposed cooperation and the proposed communication of the Restricted Data will promote and will not constitute an unreasonable risk to the common defense and security, while such other nation or organization is participating with the United States pursuant to an international arrangement by substantial and material contributions to the mutual defense and security: *Provided, however,* That the cooperation is undertaken pursuant to an agreement entered into in accordance with section 123."

42 USC 2164.

SEC. 7. Section 144 of the Atomic Energy Act of 1954, as amended, is amended by adding at the end thereof the following new subsections:

Exchange of in-
formation.

"c. In addition to the cooperation authorized in subsections 144 a. and 144 b., the President may authorize the Commission, with the assistance of the Department of Defense, to cooperate with another nation and—

- "(1) to exchange with that nation Restricted Data concerning atomic weapons: *Provided,* That communication of such Restricted Data to that nation is necessary to improve its atomic weapon design, development, or fabrication capability and provided that nation has made substantial progress in the development of atomic weapons; and
- "(2) to communicate or exchange with that nation Restricted Data concerning research, development, or design, of military reactors,

whenever the President determines that the proposed cooperation and the communication of the proposed Restricted Data will promote and will not constitute an unreasonable risk to the common defense and security, while such other nation is participating with the United States pursuant to an international arrangement by substantial and material contributions to the mutual defense and security: *Provided, however,* That the cooperation is undertaken pursuant to an agreement entered into in accordance with section 123.

"d. The President may authorize any agency of the United States to communicate in accordance with the terms and conditions of an agreement for cooperation arranged pursuant to subsection 144 a., b., or c., such Restricted Data as is determined to be transmissible under the agreement for cooperation involved."

Approved July 2, 1958.

Public Law 85-480

AN ACT

To authorize the Chief of Engineers to publish information pamphlets, maps, brochures, and other material.

July 2, 1958
[H. R. 4260]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Chief of Engineers is hereby authorized to publish information pamphlets, maps, brochures, and other material on river and harbor, flood control, and other civil works activities, including related public park and recreation facilities, under his jurisdiction, as he may deem to be of value to the general public.

Chief of Engineers.
Publication of pamphlets, etc.

SEC. 2. The Chief of Engineers is further authorized to provide for the sale of any of the material prepared under authority of section 1 of this Act; and of publications, charts, or material prepared under his direction pursuant to other legislative authorization or appropriation, and to charge therefor a sum not less than the cost of reproduction. The money received from sales authorized by this Act shall be deposited into the Treasury to the credit of miscellaneous receipts, except that in any case in which the cost of reproduction has been paid from the revolving fund established pursuant to the Civil Functions Appropriation Act, 1954, the proceeds shall be deposited to the credit of such fund.

Sale.

67 Stat. 197.
33 USC 576.

Approved July 2, 1958.

Public Law 85-481

AN ACT

To designate the lake above the diversion dam of the Solano project in California as Lake Solano.

July 2, 1958
[H. R. 9381]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the lake above the diversion dam of the Solano project in California, which lake is below the main dam (Monticello Dam) of the project, shall hereafter be known as Lake Solano, and any law, regulations, document, or record of the United States in which such lake is designated or referred to shall be held to refer to such lake under and by the name of Lake Solano.

Lake Solano,
Calif.
Designation.

Approved July 2, 1958.

Public Law 85-482

AN ACT

July 2, 1958
[H. R. 6641]

To fix the boundary of Everglades National Park, Florida, to authorize the Secretary of the Interior to acquire land therein, and to provide for the transfer of certain land not included within said boundary, and for other purposes.

Everglades Na-
tional Park, Fla.
Boundary.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding section 1 of the Act of May 30, 1934 (48 Stat. 816, 16 U. S. C., sec 410), or any action taken pursuant to authority contained therein, the exterior boundary of Everglades National Park, Florida, is subject to the provisions of section 7 of this Act, hereby fixed to include the following described lands:

(1) Beginning at the intersection of the south right-of-way line of United States Highway Numbered 41, also known as the Tamiami Trail, and the west line of township 54 south, range 37 east, as shown on the Everglades National Park base map numbered NP-EVE-7109, revised August 10, 1949;

thence southerly along the west line of township 54 south, range 37 east, along the west line of Government lot 6 lying between township 54 south, and township 55 south, range 37 east, and along the west line of township 55 south, range 37 east, and township 56 south, range 37 east and along the west lines of sections 6, 7, and 18, township 57 south, range 37 east, to the southwest corner of section 18, said township and range;

thence easterly along the north line of sections 19, 20, 21, 22, and 23 of said township and range to the northeast corner of section 23;

thence southerly along the east line of sections 23, 26, and 35 of said township and range to the southeast corner of said section 35;

thence easterly along the south line of section 36, of said township and range, to the southeast corner of said section 36;

thence southerly along the east line of sections 1, 12, 13, 24, 25, and 36, township 58 south, range 37 east, and along the west line of sections 6, 7, and 18, township 59 south, range 38 east, to the northwest corner of section 19, said township and range;

thence easterly along the north line of sections 19, 20, 21, 22, 23, and 24 of township 59 south, range 38 east, and sections 19 and 20 of township 59 south, range 39 east, to the southwest right-of-way line of United States Highway Numbered 1;

thence southeasterly along the southwest right-of-way line of United States Highway Numbered 1 to a point which is the northerly point of a tract of land conveyed by the trustees of the internal improvement fund, State of Florida, to John E. Ravlin, and others, by deed dated November 5, 1943, recorded in deed book G16, page 72, in Monroe County public records;

thence following along the westerly and southerly boundary of said tract to its point of intersection with a line parallel with and 200 feet northwesterly from the centerline of Intracoastal Waterway near the southern point of said Ravlin tract;

thence southwesterly, following a line parallel to the centerline of said Intracoastal Waterway and 200 feet northwesterly from said centerline to a point due north of Long Key Light, approximately longitude 80 degrees 50 minutes west, latitude 24 degrees 51 minutes north;

thence northwesterly, following a line at all times parallel to the centerline of said Intracoastal Waterway and 200 feet north-easterly from said centerline to a point opposite the Oxford Bank

Light, approximately longitude 81 degrees 00 minutes 40 seconds west, latitude 24 degrees 59 minutes 10 seconds north;

thence northwesterly in a straight line to a point 3 miles due south of the most southernmost point of East Cape (Cape Sable);

thence due north in a straight line to a point 2 miles due south of the most southernmost point of East Cape (Cape Sable);

thence northwesterly in the Gulf of Mexico in a straight line to a point 2 miles due west of the southeast corner of fractional section 31 (Middle Cape), township 60 south, range 32 east;

thence northwesterly in a straight line to a point 2 miles due west of the most westernmost point of Northwest Cape (Cape Sable);

thence northeasterly in a straight line to a point 2 miles due west of the northwest corner of fractional section 6, township 59 south, range 32 east;

thence northwesterly in a straight line to a point 2 miles due west of the southwest corner of section 6, township 58 south, range 32 east;

thence northwesterly in a straight line to a point 2 miles due west of the northwest corner of fractional section 28, township 56 south, range 31 east;

thence northwesterly in a straight line to a point 3 miles due west of the southwest corner of fractional section 32, township 54 south, range 30 east;

thence northwesterly in a straight line to the southwest corner of section 28, township 53 south, range 28 east;

thence northerly along the west line of section 28, township 53 south, range 28 east, to the northwest corner of said section 28;

thence easterly along the north line of section 28, township 53 south, range 28 east, to the northeast corner of said section 28;

thence northerly along the west line of section 22, township 53 south, range 28 east, to the northwest corner of said section 22;

thence easterly along the north line of section 22, township 53 south, range 28 east, to the northeast corner of said section 22;

thence northerly along the west line of section 14, township 53 south, range 28 east, to the northwest corner of said section 14;

thence easterly along the north line of section 14, township 53 south, range 28 east, to the northeast corner of said section 14;

thence northerly along the west line of section 12, township 53 south, range 28 east, to the northwest corner of said section 12;

thence easterly along the north line of section 12, township 53 south, range 28 east, to the northeast corner of said section 12;

thence northerly along the west line of section 6, township 53 south, range 29 east, to the northwest corner of said section 6;

thence easterly along the north line of township 53 south, range 29 east, to the northeast corner of section 4, township 53 south, range 29 east;

thence southerly along the east lines of sections 4, 9, 16, and 21, township 53 south, range 29 east, to the southeast corner of the northeast quarter of said section 21;

thence easterly to the center of section 22, township 53 south, range 29 east;

thence southerly to the southeast corner of the southwest quarter of section 22, township 53 south, range 29 east;

thence easterly along the south line of section 22, township 53 south, range 29 east, to the southeast corner of said section 22;

thence southerly along the west line of section 26, township 53 south, range 29 east, to the southwest corner of the northwest quarter of said section 26;

thence easterly to the center of section 26, township 53 south, range 29 east;

thence southerly to the northwest corner of the southwest quarter of the southeast quarter of section 26, township 53 south, range 29 east;

thence easterly to the northeast corner of the southeast quarter of the southeast quarter of section 26, township 53 south, range 29 east;

thence southerly along the east line of section 26, township 53 south, range 29 east, to the southeast corner of said section 26;

thence easterly along the north line of section 36, township 53 south, range 29 east, to the northeast corner of the northwest quarter of said section 36;

thence southerly to the southwest corner of the northwest quarter of the southeast quarter of section 36, township 53 south, range 29 east;

thence easterly to the southeast corner of the northeast quarter of the southeast quarter of section 36, township 53 south, range 29 east;

thence continuing easterly to the southeast corner of the northwest quarter of the southwest quarter of section 31, township 53 south, range 30 east;

thence northerly to the northeast corner of the northwest quarter of the northwest quarter of section 31, township 53 south, range 30 east;

thence continuing northerly to the northeast corner of the southwest quarter of the southwest quarter of section 30, township 53 south, range 30 east;

thence westerly to the northeast corner of the southeast quarter of the southeast quarter of section 25, township 53 south, range 29 east;

thence northerly along the east lines of sections 25, 24, and 13, township 53 south, range 29 east, to the northeast corner of said section 13; thence easterly along the north lines of sections 18, 17, 16, 15, 14, and 13, to the northeast corner of section 13, township 53 south, range 30 east;

thence southerly along the east lines of sections 13, 24, 25, and 36 to the southeast corner section 36, township 53 south, range 30 east;

thence easterly along the north lines of sections 6, 5, and 4 to the northeast corner of section 4, township 54 south, range 31 east;

thence southerly along the east line of section 4 to the southeast corner of section 4, township 54 south, range 31 east;

thence easterly along the north line of section 10 to the northeast corner of section 10, township 54 south, range 31 east;

thence southerly along the east line of section 10 to the southeast corner of section 10, township 54 south, range 31 east;

thence easterly along the north line of section 14 to the northeast corner of section 14, township 54 south, range 31 east;

thence southerly along the east line of section 14 to the southeast corner of section 14, township 54 south, range 31 east;

thence easterly along the north line of section 24 to the northeast corner of section 24, township 54 south, range 31 east;

thence southerly along the east lines of sections 24 and 25 to the southeast corner of section 25, township 54 south, range 31 east;

thence easterly along the north lines of sections 31, 32, and 33 to the northeast corner of section 33, township 54 south, range 32 east;

thence southerly along the east line of section 33 to the southeast corner of section 33, township 54 south, range 32 east;

thence easterly along the north line of section 3, to the northeast corner of section 3, township 55 south, range 32 east;

thence southerly along the east lines of sections 3 and 10, to the southeast corner of section 10, township 55 south, range 32 east;

thence easterly along the north line of section 14, to the northeast corner of section 14, township 55 south, range 32 east;

thence southerly along the east line of section 14, to the southeast corner of section 14, township 55 south, range 32 east;

thence easterly along the north line of section 24, to the northeast corner of section 24, township 55 south, range 32 east;

thence southerly along the east lines of sections 24 and 25 to the northeast corner of the southeast quarter of section 25, township 55 south, range 32 east;

thence easterly along the north line of the south half of section 30 to the northeast corner of the south half of section 30, township 55 south, range 33 east;

thence southerly along the east lines of sections 30 and 31 to the southeast corner of section 31, township 55 south, range 33 east;

thence southerly along the east line of section 6, to the southeast corner of section 6, township 56 south, range 33 east;

thence easterly along the north lines of sections 8, 9, 10, 11, and 12, to the northeast corner of section 12, township 56 south, range 33 east;

thence easterly along the north lines of sections 7, 8, 9, 10, 11, and 12, to the northeast corner of section 12, township 56 south, range 34 east;

thence easterly along the north line of section 7 to the northeast corner of section 7, township 56 south, range 35 east;

thence northerly along the west line of section 5 to the northwest corner of section 5, township 56 south, range 35 east;

thence northerly along the west lines of sections 32, 29, 20, 17, 8, and 5 to the northwest corner of section 5, township 55 south, range 35 east;

thence northerly along the west lines of sections 32, 29, and 20 to the intersection of the south right-of-way line of the Loop Road, township 54 south, range 35 east;

thence easterly along the south right-of-way line of the Loop Road and the south right-of-way line of United States Highway Numbered 41, also known as the Tamiami Trail, through sections 20, 21, 22, 23, and 24, township 54 south, range 35 east, to the intersection of the east township line, township 54 south, range 35 east;

thence easterly along the south right-of-way line of United States Highway Numbered 41, also known as the Tamiami Trail, through sections 19, 20, 21, 22, 23, and 24, township 54 south, range 36 east, to the east township line of township 54 south, range 36 east;

thence easterly along the south right-of-way line of United States Highway Numbered 41, also known as the Tamiami Trail, across township 36½ east to the intersection of the west line of township 54 south, range 37 east, the point of beginning;

(2) Land acquired by the United States of America for furthering administration and use of the park by deeds dated January 25, 1954 (2), and February 27, 1954 (2), recorded in the public records of Monroe County, Florida, book OR-3, pages 302 to 308, inclusive, and book OR-2, pages 378 to 381, inclusive, respectively; and accepted by the National Park Service on April 7, 1954 (2), and April 5, 1954 (2), respectively; and

(3) Not to exceed 35 acres, to be acquired by donation only, in or in the vicinity of Everglades City, Florida, which the Secretary of the Interior may find necessary and suitable for furthering administration and use of the park.

Administration.

Land and water now in Federal ownership within said boundary shall continue to be administered as Everglades National Park; however, the land and water therein not in Federal ownership shall be administered as a part of the park only after being acquired as hereinafter provided.

Acquisition of land, water, etc.

SEC. 2. The authority of the Secretary of the Interior to acquire land and water for Everglades National Park shall hereafter be restricted to the area within the boundary described in section 1. Notwithstanding the proviso contained in section 1 of the Act of May 30, 1934 (48 Stat. 816, 16 U. S. C., sec. 410), or any other provision of law, the said Secretary is hereafter authorized, within the boundary fixed in this Act and with any funds made available for that purpose, to acquire land, water, and interests therein by purchase or otherwise subject to the proviso that no parcel within the following described area shall be acquired without the consent of its owner so long as it is used exclusively for agricultural purposes, including housing, directly incident thereto, or is lying fallow or remains in its natural state:

Consent of owner.

Beginning at the southwest corner of section 31, township 58 south, range 37 east;

thence southerly along the west line of sections 6 and 7, township 59 south, range 37 east, to the southeast corner of section 24, township 59 south, range 36 east;

thence westerly along the south lines of sections 24, 23, 22, 21, and 20, township 59 south, range 36 east, to the southwest corner of said section 20;

thence northerly along the west lines of sections 20, 17, 8, and 5, township 59 south, range 36 east, to the northwest corner of said section 5;

thence to the southwest corner of section 33, township 58 south, range 36 east;

thence northerly along the west lines of sections 33 and 28, township 58 south, range 36 east, to the northwest corner of said section 28;

thence easterly along the north lines of sections 28, 27, 26, and 25, township 58 south, range 36 east, to the northeast corner of said section 25;

thence southerly along the east line of section 25, township 58 south, range 36 east, to the point of intersection of the east line of said section 25 and the north line of section 18, township 58 south, range 37 east, extended westerly along the hiatus;

thence easterly across the hiatus to the northwest corner of section 18, township 58 south, range 37 east;

thence easterly along the north lines of sections 18, 17, and 16, township 58 south, range 37 east, to the northeast corner of said section 16;

thence southerly to the northeast corner of section 21, township 58 south, range 37 east;

thence westerly along the north lines of sections 21 and 20, township 58 south, range 37 east, to the northeast corner of the northwest quarter of said section 20;

thence southerly along the west line of the east half of section 20, township 58 south, range 37 east, to the southeast corner of the southwest quarter of said section 20;

thence westerly along the north lines of sections 29 and 30, township 58 south, range 37 east, to the northwest corner of said section 30;

thence southerly along the west lines of sections 30 and 31, township 58 south, range 37 east, to the southwest corner of said section 31; the point of beginning.

The authority to acquire land, water, and interests therein within the park boundary fixed in section 1 of this Act but outside the area designated in the Act of October 10, 1949 (63 Stat. 733), is further subject to the right of retention by the owners thereof, including owners of interests in oil, gas, and mineral rights or royalties, and by their heirs, executors, administrators, successors, and assigns, at their election of the following:

Reservations.

(1) The reservation until October 9, 1967, of all oil, gas, and mineral rights or interests, including the right to lease, explore for, produce, store, and remove oil, gas, and other minerals from such lands;

(2) In the event that on or before said date, oil, gas, or other minerals are being produced in commercial quantities anywhere within the boundary fixed in section 1 of this Act but outside the area designated in the Act of October 10, 1949, the time of the reservation provided in subsection (1) above shall automatically extend for all owners within said boundary and outside of said area regardless of whether such production is from land in which such owners have an interest, for so long as oil, gas, or other minerals are produced in commercial quantities anywhere within said boundary and outside of said area. To exercise this reservation, the owners, their lessees, agents, employees, and assigns shall have such right of ingress to and egress from such land and water as may be necessary; and

(3) After the termination of the reserved rights of owners as set forth in subsections (1) and (2) of this section, a further reservation of the right to customary royalties, applying at the time of production, in any oil, gas, or other minerals which may be produced from such land and water at any time before January 1, 1985, should production ever be authorized by the Federal Government or its assigns.

SEC. 3. Unless consented to by an owner retaining the reservation set forth in subsections (1) and (2) of section 2 of this Act, no action shall be taken by the Federal Government during the period of such reservation to purchase, acquire, or otherwise terminate or interfere with any lease or leases which may be applicable to said owner's land.

Restriction.

SEC. 4. Any reservations retained under the provisions of subsections (1) and (2) of section 2 of this Act shall be exercised by the owners subject to reasonable rules and regulations which the Secretary may prescribe for the protection of the park, but which shall permit the reserved rights to be exercised so that the oil, gas, and minerals may be explored for, developed, extracted, and removed from the park area in accordance with sound conservation practices. All operations shall be carried on under such regulations as the Secretary may prescribe to protect the land and area for park purposes.

Regulations.

SEC. 5. In acquiring any of the land or water within the area described in the first section of this Act the Secretary of the Interior shall exercise reasonable diligence to ascertain whether owners elect to retain reservations in accordance with the provisions of section 2 of this Act. If, after the exercise of such reasonable diligence, owners cannot be located, or do not appear in judicial proceedings to acquire the land and water, so that it may be ascertained whether they desire to retain reservations in accordance with the provisions hereof, the Secretary may acquire the fee simple title to their land free and clear of

Acquisition of fee simple title.

reservations as set forth in subsections (1), (2), and (3) of section 2 of this Act.

Drainage.

SEC. 6. Unless the Secretary, after notice and opportunity for hearing, shall find that the same is seriously detrimental to the preservation and propagation of the flora or fauna of Everglades National Park, he shall permit such drainage through the natural waterways of the park and the construction, operation, and maintenance of artificial works for conducting water thereto as is required for the reclamation by the State of Florida or any political subdivision thereof or any drainage district organized under its laws of lands lying easterly of the eastern boundary of the park in township 54 south, ranges 31 and 32 east, township 55 south, ranges 32 and 33 east, and township 56 south, range 33 east. He shall grant said permission, however, only after a master plan for the drainage of said lands has been approved by the State of Florida and after finding that the approved plan has engineering feasibility and is so designed as to minimize disruptions of the natural state of the park. Any right-of-way granted pursuant to this section shall be revocable upon breach of the conditions upon which it is granted, which conditions shall also be enforceable in any other appropriate manner, and the grantee shall be obligated to remove its improvements and to restore the land occupied by it to its previous condition in the event of such revocation.

Right-of-way.

Land, etc., exchange.

SEC. 7. The Secretary of the Interior is authorized to transfer to the State of Florida by quitclaim deed the land, water, and interests therein, previously acquired by the United States of America for Everglades National Park and not included within such park by section 1 of this Act, such transfer to be in exchange for the conveyance by the State of Florida to the United States of all land, water, and interests therein, owned by the State within the boundary of the park as described in section 1 of this Act: *Provided*, That exclusion of any land, water, and interests therein from the park boundary pursuant to section 1 of this Act shall be dependent upon the contemporaneous conveyance by the State to the United States of all land, water, and interests therein, owned by the State within the park boundary described in section 1 of this Act, including land, water, and interests therein, heretofore conveyed to the State for transfer to the United States for inclusion in Everglades National Park. The effectuation of the transfer provided for in this section shall be a condition precedent to the acquisition by the Secretary of any land, water, or interests therein held in private ownership within the boundaries set forth in section 1 of this Act and outside the area designated in the Act of October 10, 1949, except as such acquisition is by donation.

Appropriation.

SEC. 8. There are hereby authorized to be appropriated such sums, but not more than \$2,000,000 in all, as are required for the acquisition of land, water, and interests therein held in private ownership within the boundaries of Everglades National Park as fixed by section 1 of this Act and outside the area described in the Act of October 10, 1949.

Approved July 2, 1958.

Public Law 85-483

July 2, 1958
[H. R. 12164]

AN ACT

To permit use of Federal surplus foods in nonprofit summer camps for children.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That clause (3), sec-

tion 416, of the Agricultural Act of 1949, as amended, is amended by adding after the words "nonprofit school lunch programs," the words "in nonprofit summer camps for children,".

68 Stat. 458.
7 USC 143L.

SEC. 2. Public Law 165, Seventy-fifth Congress, as amended, is amended by adding at the end thereof the words "and for use in nonprofit summer camps for children."

50 Stat. 323.
15 USC 713c
note.

Approved July 2, 1958.

Public Law 85-484

AN ACT

To authorize payment for losses sustained by owners of wells in the vicinity of the construction area of the New Cumberland Dam project by reason of the lowering of the level of water in such wells as a result of the construction of New Cumberland Dam project.

July 2, 1958
[H. R. 2548]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army, through the Chief of Engineers, is authorized and directed to compensate the owners of water wells in the vicinity of the New Cumberland Dam project, Ohio River, Ohio, for losses determined by him to have been sustained by reason of the lowering of the level of water in such wells as a result, wholly or partially, of the construction or operation of the New Cumberland Dam project. Losses compensable under this Act shall include, but not be limited to, (1) the expense of improving or replacing the affected wells so that an amount of water equal to the amount previously obtainable from the affected wells will be available to the owners; (2) the expense of maintaining an adequate supply of water pending the completion of the improvement or replacement of the affected wells; and (3) injuries to property resulting from the lack of an adequate supply of water pending the completion of the improvement or replacement of the affected wells.

New Cumberland
Dam project, Ohio.
Compensation
for water wells.

SEC. 2. Claims for losses compensable under this Act shall be submitted to the Secretary of the Army, through the Chief of Engineers, in such form and in such manner as the Secretary may prescribe. Any such claim shall be submitted not later than two years after the date of enactment of this Act, or not later than two years after the lowering of the level of water which is the basis for the claim, whichever is the later.

Claims.

SEC. 3. Payment of claims for losses compensable under this Act shall be made by the Secretary of the Army out of any funds available for navigation.

Approved July 2, 1958.

Public Law 85-485

AN ACT

To designate the main dam of the Solano project in California as Monticello Dam.

July 2, 1958
[H. R. 9382]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the main dam of the Solano project in California, which is a reclamation project, shall hereafter be known as Monticello Dam, and any law, regulation, document, or record of the United States in which such dam is designated or referred to shall be held to refer to such dam under and by the name of Monticello Dam.

Monticello Dam,
Calif.
Designation.

Approved July 2, 1958.

Public Law 85-486

July 2, 1958
[S. 2224]

AN ACT

To amend the Federal Property and Administrative Services Act of 1949, as amended, regarding advertised and negotiated disposals of surplus property.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 203 (e) of the Federal Property and Administrative Services Act of 1949, as amended, is hereby further amended to read as follows:

Surplus property disposal.
63 Stat. 385; 70 Stat. 1020.
40 USC 484.
Bids.
Public advertising.

“(e) (1) All disposals or contracts for disposal of surplus property (other than by abandonment, destruction, donation, or through contract brokers) made or authorized by the Administrator shall be made after publicly advertising for bids, under regulations prescribed by the Administrator, except as provided in paragraphs (3) and (5) of this subsection.

Procedure.

“(2) Whenever public advertising for bids is required under paragraph (1) of this subsection—

“(A) the advertisement for bids shall be made at such time previous to the disposal or contract, through such methods, and on such terms and conditions as shall permit that full and free competition which is consistent with the value and nature of the property involved;

“(B) all bids shall be publicly disclosed at the time and place stated in the advertisement;

“(C) award shall be made with reasonable promptness by notice to the responsible bidder whose bid, conforming to the invitation for bids, will be most advantageous to the Government, price and other factors considered: *Provided*, That all bids may be rejected when it is in the public interest to do so.

Disposal by negotiation.

“(3) Disposals and contracts for disposal may be negotiated, under regulations prescribed by the Administrator, without regard to paragraphs (1) and (2) of this subsection but subject to obtaining such competition as is feasible under the circumstances, if—

“(A) necessary in the public interest during the period of a national emergency declared by the President or the Congress, with respect to a particular lot or lots of personal property or, for a period not exceeding three months, with respect to a specifically described category or categories of personal property as determined by the Administrator;

“(B) the public health, safety, or national security will thereby be promoted by a particular disposal of personal property;

“(C) public exigency will not admit of the delay incident to advertising certain personal property;

“(D) the personal property involved is of a nature and quantity which, if disposed of under paragraphs (1) and (2) of this subsection, would cause such an impact on an industry or industries as adversely to affect the national economy, and the estimated fair market value of such property and other satisfactory terms of disposal can be obtained by negotiation;

“(E) the estimated fair market value of the property involved does not exceed \$1,000;

“(F) bid prices after advertising therefor are not reasonable (either as to all or some part of the property) or have not been independently arrived at in open competition;

“(G) with respect to real property only, the character or condition of the property or unusual circumstances make it impractical to advertise publicly for competitive bids and the fair market value of the property and other satisfactory terms of disposal can be obtained by negotiation;

“(H) the disposal will be to States, Territories, possessions, political subdivisions thereof, or tax-supported agencies therein, and the estimated fair market value of the property and other satisfactory terms of disposal are obtained by negotiation; or

“(I) otherwise authorized by this Act or other law.

“(4) Disposals and contracts for disposal of surplus real and related personal property through contract realty brokers employed by the Administrator shall be made in the manner followed in similar commercial transactions under such regulations as may be prescribed by the Administrator: *Provided*, That such regulations shall require that wide public notice of availability of the property for disposal be given by the brokers.

Personal prop-
erty.

“(5) Negotiated sales of personal property at fixed prices may be made by the Administrator either directly or through the use of disposal contractors without regard to the limitations set forth in paragraphs (1) and (2) of this subsection: *Provided*, That such sales shall be publicized to the extent consistent with the value and nature of the property involved, that the prices established shall reflect the estimated fair market value thereof, and that such sales shall be limited to those categories of personal property as to which the Administrator determines that such method of disposal will best serve the interests of the Government.

Negotiated
sales.
Fixed prices.

“(6) Except as otherwise provided by this paragraph, an explanatory statement of the circumstances of each disposal by negotiation of any real or personal property having a fair market value in excess of \$1,000 shall be prepared. Each such statement shall be transmitted to the appropriate committees of the Congress in advance of such disposal, and a copy thereof shall be preserved in the files of the executive agency making such disposal. No such statement need be transmitted to any such committee with respect to any disposal of personal property made under paragraph (5) at a fixed price, or to property disposals authorized by any other provision of law to be made without advertising.

Explanatory
statement.
Transmittal to
Congress.

Exception.

“(7) Section 3709, Revised Statutes, as amended (41 U. S. C. 5), shall not apply to disposals or contracts for disposal made under this subsection.”

Nonapplicabil-
ity.

Approved July 2, 1958.

Public Law 85-487

AN ACT

To provide for the reconveyance of certain surplus real property to Newaygo, Michigan.

July 2, 1958
[H. R. 10009]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby directed to convey to the village of Newaygo, Michigan, by quitclaim deed and without monetary consideration therefor all right, title, and interest of the United States in and to that certain parcel comprising approximately seventeen thousand square feet of land in the village of Newaygo, county of Newaygo, State of Michigan, more particularly described in the proceeding in condemnation entitled United States against Certain Land in the Village of Newaygo, County of Newaygo, State of Michigan; and the Village of Newaygo, et al., civil action numbered 125, in the United States District Court in the Western District of Michigan, together with easements for rights-of-way acquired in connection therewith.

Newaygo, Mich.
Reconveyance.

Approved July 2, 1958.

Public Law 85-488

AN ACT

July 2, 1958
[H. R. 6322]

To provide that the dates for submission of plan for future control of property and transfer of the property of the Menominee Tribe shall be delayed.

Menominee Indians.

68 Stat. 251.

Management specialists.

Appropriation.

Tribal property control plan.

68 Stat. 250.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to provide for a per capita distribution of Menominee tribal funds and authorize the withdrawal of the Menominee Tribe from Federal jurisdiction", approved June 17, 1954, as amended, is further amended as follows:

(a) Section 6 is amended to read as follows:

"SEC. 6. The tribe is authorized to select and retain the services of qualified management specialists, including tax consultants, for the purpose of studying industrial programs on the Menominee Reservation and making such reports or recommendations, including appraisals of Menominee tribal property, as may be desired by the tribe, and to make other studies and reports as may be deemed necessary and desirable by the tribe in connection with the termination of Federal supervision as provided for hereinafter. Such reports shall be completed not later than February 1, 1959. Such specialists are to be retained under contracts entered into between them and authorized representatives of the tribe, subject to approval by the Secretary. Such amounts of Menominee tribal funds as may be required for this purpose shall be made available by the Secretary. In order to reimburse the tribe, in part, for expenditures of such tribal funds as the Secretary deems necessary for the purposes of carrying out the requirements of this section, there is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated, an amount equal to all of such expenditures incurred prior to the date this sentence becomes effective, plus one-half of such expenditures incurred thereafter, or the sum of \$275,000, whichever is the lesser amount."

(b) Section 7 is amended to read as follows:

"SEC. 7. The tribe shall as soon as possible and in no event later than February 1, 1959, formulate and submit to the Secretary a plan for the future control of the tribal property and service functions now conducted by or under the supervision of the United States, including but not limited to services in the fields of health, education, welfare, credit, roads, and law and order, and for all other matters involved in the withdrawal of Federal supervision. The Secretary is authorized to provide such reasonable assistance as may be requested by officials of the tribe in the formulation of the plan heretofore referred to, including necessary consultations with representatives of Federal departments and agencies, officials of the State of Wisconsin and political subdivisions thereof, and members of the tribe. The Secretary shall accept such tribal plan as the basis for the conveyance of the tribal property if he finds that it will treat with reasonable equity all members on the final roll of the tribe prepared pursuant to section 3 of this Act, and that it conforms to applicable Federal and State law. In the event the tribe fails to submit a plan approvable under the terms of this Act by February 1, 1959, the Secretary shall cause such a plan to be prepared and submitted to the tribe within three months thereafter. The tribe shall thereafter have three months within which to accept the plan of the Secretary or to submit to the Secretary tribal proposals for modification. If the Menominee Tribe and the Secretary cannot agree upon a plan within the aforementioned six months period the Secretary shall within the following six months transfer the tribal property to a trustee of his choice for management or disposition for the benefit of the Menominee Tribe. The responsi-

bility of the United States to furnish all such supervision and services to the tribe and to the members thereof, because of their status as Indians, shall cease on December 31, 1960, or on such earlier date as may be agreed upon by the tribe and the Secretary. The plan shall contain provision for protection of the forest on a sustained yield basis and for the protection of the water, soil, fish and wildlife. To the extent necessary, the plan shall provide for such terms of transfer pursuant to section 8 of this Act, by trust or otherwise, as shall insure the continued fulfillment of the plan. The Secretary, after approving the plan, shall cause the plan to be published in the Federal Register. The sustained yield management requirement contained in this Act, and the possible selection of a trustee in the event of a tribal planning default, shall not be construed by any court to impose a financial liability on the United States."

(c) Section 8 is amended by striking out "December 31, 1958," where it appears, and by inserting in lieu thereof "December 31, 1960".

Approved July 2, 1958.

68 Stat. 252.
Publication in
F.R.

Property title
transfer.

Public Law 85-489

AN ACT

To amend section 313 (g) of the Agricultural Adjustment Act of 1938, as amended, relating to tobacco acreage allotments.

July 2, 1958
[H. R. 11058]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 313 (g) of the Agricultural Adjustment Act of 1938, as amended, is amended by adding at the end thereof the following new sentence: "If in any calendar year more than one crop of tobacco is grown from (1) the same tobacco plants or (2) different tobacco plants, and is harvested for marketing from the same acreage of a farm, the acreage allotment next established for such farm shall be reduced by an amount equivalent to the acreage from which more than one crop of tobacco has been so grown and harvested."

Tobacco acre-
age allotments.
53 Stat. 1261.
7 USC 1313.

SEC. 2. The amendment made by this Act shall become effective beginning with the 1958 crop of tobacco.

Effective date.

Approved July 2, 1958.

Public Law 85-490

AN ACT

To designate the lock and dam to be constructed on the Calumet River, Illinois, as the "Thomas J. O'Brien lock and dam".

July 2, 1958
[H. R. 12613]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the lock and dam to be constructed on the Calumet River, Illinois, between turning basin numbered 5 at Lake Calumet and the junction of the Little Calumet River and the Grand Calumet River, such lock and dam to be located approximately at One Hundred and Thirty-fourth Street, authorized as one of the structures to replace the Blue Island lock and dam, by the River and Harbor Act of July 24, 1946, shall be known and designated hereafter as the "Thomas J. O'Brien lock and dam". Any law, regulation, map, document, record, or other paper of the United States in which such lock and dam are referred to shall be held to refer to such lock and dam as the "Thomas J. O'Brien lock and dam".

Thomas J.
O'Brien lock and
dam.

60 Stat. 634.

Approved July 2, 1958.

Public Law 85-491

AN ACT

July 2, 1958
[S. 1706]

To amend the Act entitled "An Act to grant additional powers to the Commissioners of the District of Columbia, and for other purposes", approved December 20, 1944, as amended.

D.C., municipal
publications.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act entitled "An Act to grant additional powers to the Commissioners of the District of Columbia, and for other purposes", approved December 20, 1944 (58 Stat. 819), as amended (sec. 1-244, D. C. Code, 1951), is amended by adding at the end of such section the following subsections:

Purchase and
sale.

"(i) (1) To purchase and sell maps, and regulations and parts of regulations issued by any agency of the government of the District of Columbia and amendments thereof, including binders therefor (hereinafter referred to as 'material'), at such prices as the Commissioners or their designated agent may from time to time determine to be necessary to approximate the cost thereof, including the cost of distribution. All receipts from the sale of such material on hand as of the effective date of this amendment, shall be deposited into a fund which is hereby established, to be known as the 'District of Columbia Publications Fund', which fund shall be available without fiscal year limitation for all necessary costs connected with the procurement, publication, and distribution of such material, including postage. There is hereby authorized to be appropriated from the revenues of the District of Columbia \$50,000 to provide working capital, which sum shall be deposited to the credit of the fund established by this section, and receipts from the sale of such material shall likewise be deposited to the credit of such fund: *Provided*, That as soon as practicable after the close of each fiscal year, after provision has been made for payment of all obligations then incurred, the amount in such fund in excess of \$50,000 shall be deposited to general revenues of the District of Columbia.

Publications
Fund.

Appropriation.

Distribution.

"(2) To issue such material without charge, in the discretion of the Commissioners, to officers and employees of the governments of the United States and the District of Columbia to States, Territories, and possessions of the United States, local governmental units, and foreign governments; to institutions of research and learning; to applicants for, or holders of, particular licenses issued by the District of Columbia; and to any other person when it is determined by said Commissioners or their designated agent or agents that it is in the best interest of the District of Columbia to furnish such material without charge; and to delegate to the heads of departments and agencies of the government of the District of Columbia the authority likewise to make the distribution authorized by this paragraph of such material as may be purchased by the departments and agencies. Material to be distributed under the authority of this paragraph shall be supplied to the District of Columbia department or agency proposing to make such distribution, only upon payment by the department or agency of the cost thereof.

Orders from
Federal agencies.

"(j) To place orders, if they determine it to be in the best interest of the District of Columbia, with any Federal department, establishment, bureau, or office for materials, supplies, equipment, work, or services of any kind that such Federal agency may be in a position to supply or be equipped to render, by contract or otherwise, and shall pay promptly by check to such Federal agency, upon its written request, either in advance or upon furnishing or performance thereof, all or part of the estimated or actual cost thereof as determined by

such department, establishment, bureau, or office as may be requisitioned; but proper adjustments on the basis of the actual costs of the materials, supplies or equipment furnished or work or services performed, paid for in advance, shall be made as may be agreed upon by the departments, establishments, bureaus, or offices concerned. Orders placed as provided in this subsection shall be considered as obligations upon appropriations in the same manner as orders or contracts placed with private contractors.

“(k) To authorize any department, office, or agency of the District of Columbia government, when it is determined to be in the best interest of the District of Columbia so to do, to place orders with any other department, office, or agency of the District for materials, supplies, equipment, work, or services of any kind that such requisitioned department, office, or agency may be in a position to supply or equipped to render. The department, office, or agency placing any such orders shall either advance, subject to proper adjustment on the basis of actual cost, or reimburse, such department, office, or agency the actual cost of materials, supplies, or equipment furnished or work or services performed as determined by such department, office, or agency as may be requisitioned. Orders placed as provided in this subsection shall be considered as obligations upon appropriations in the same manner as orders or contracts placed with private contractors.”

Orders from D.C. agencies.

SEC. 2. The Commissioners are authorized to delegate any of the functions to be performed by them under the authority of this Act to any officer or employee of the District of Columbia.

Delegation of authority.

SEC. 3. The second paragraph under the caption “DISTRICT OF COLUMBIA” of the Act entitled “An Act making appropriations to supply urgent deficiencies in appropriations for the fiscal year nineteen hundred and ten, and for other purposes”, approved February 25, 1910 (36 Stat. 202, 208), as amended (title 49, sec. 110, D. C. Code, 1951 edition), is hereby repealed.

Repeal.

Approved July 2, 1958.

Public Law 85-492

AN ACT

To authorize the Clerk of the House of Representatives to withhold certain amounts due employees of the House of Representatives.

July 2, 1958
[H. R. 12521]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever an employee of the House of Representatives becomes indebted to the House of Representatives, or to the trust fund account in the office of the Sergeant at Arms of the House of Representatives, and such employee fails to pay such indebtedness, the chairman of the committee, or the elected officer, of the House of Representatives having jurisdiction of the activity under which such indebtedness arose, is authorized to certify to the Clerk of the House of Representatives the amount of such indebtedness. The Clerk of the House of Representatives is authorized to withhold the amount so certified from any amount which is disbursed by him and which is due to, or on behalf of, such employee. Whenever an amount is withheld under this Act, the appropriate account shall be credited in an amount equal to the amount so withheld. As used in this Act, the term “employee of the House of Representatives” means any person in the legislative branch of the Government whose salary, wages, or other compensation is disbursed by the Clerk of the House of Representatives.

House of Representatives employees, deductions.

Approved July 2, 1958.

Public Law 85-493

July 2, 1958
[S. 2533]

AN ACT

To amend the Federal Property and Administrative Services Act of 1949 to authorize the Administrator of General Services to lease space for Federal agencies for periods not exceeding ten years, and for other purposes.

Lease agree-
ments.64 Stat. 580; 68
Stat. 1129.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 210 of the Federal Property and Administrative Services Act of 1949, as amended (40 U. S. C. 490), is amended by adding at the end thereof the following new subsection:

“(h) (1) The Administrator is authorized to enter into lease agreements with any person, copartnership, corporation, or other public or private entity, which do not bind the Government for periods in excess of ten years for each such lease agreement, on such terms as he deems to be in the interest of the United States and necessary for the accommodation of Federal agencies in buildings and improvements which are in existence or to be erected by the lessor for such purposes and to assign and reassign space therein to Federal agencies.

63 Stat. 388.

66 Stat. 594.

Repeals.

“(2) If the unexpired portion of any lease of space to the Government is determined by the Administrator to be surplus property and the property is thereafter disposed of by sublease by the Administrator, the Administrator is authorized, notwithstanding section 204 (a), to deposit rental received in the buildings management fund (40 U. S. C. 490 (f)) and defray from the fund any costs necessary to provide services to the Government's lessee and to pay the rent not otherwise provided for on the lease of the space to the Government”.

SEC. 2. The following laws are repealed: The portion of the Act of March 2, 1913, pertaining to the leasing of storage space in the District of Columbia (37 Stat. 718), as amended by section 6 of the Act of June 14, 1946 (60 Stat. 258; 40 U. S. C. 36); section 407, Act of June 16, 1949 (63 Stat. 199, as amended; 40 U. S. C. 37a); and the first sentence of amended section 3 of the Act of August 27, 1935 (60 Stat. 257; 40 U. S. C. 304c).

Approved July 2, 1958.

Public Law 85-494

July 2, 1958
[H. R. 4683]

AN ACT

To authorize adjustment, in the public interest, of rentals under leases entered into for the provision of commercial recreational facilities at the Lake Greeson Reservoir, Narrows Dam.

Lake Greeson
Reservoir, Nar-
rows Dam, Ark.
Leases.

68 Stat. 1266.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Chief of Engineers, under the supervision of the Secretary of the Army, is authorized to amend any lease providing for the construction, maintenance, and operation of commercial recreational facilities at the Lake Greeson Reservoir, Narrows Dam, entered into prior to the date of the enactment of this Act under section 4 of the Act of December 22, 1944, as amended (16 U. S. C. 460d), so as to provide for adjustment, either by increase or decrease, from time to time during the term of such lease of the amount of rental or other consideration payable to the United States under such lease, when and as he determines such adjustment to be necessary or advisable in the public interest. No adjustment shall be made under the authority of this Act so as to increase or decrease the amount of rental or other consideration payable under such lease for any period prior to the date of such adjustment.

Approved July 2, 1958.

Public Law 85-495

AN ACT

To authorize the acquisition by exchange of certain properties within Death Valley National Monument, California, and for other purposes.

July 2, 1958
[H. R. 10349]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized to grant and convey to the Death Valley Hotel Company, Ltd., or its successors, perpetual easements for rights-of-way and/or title to land aggregating not more than two hundred acres within Death Valley National Monument, California, subject to such terms and conditions as the Secretary may deem desirable, and to enter into an agreement with the Death Valley Hotel Company, Ltd., or its successors, defining, fixing and establishing the respective rights of the Death Valley Hotel Company, Ltd., or its successors, and the United States, as between themselves, to the use of the waters available from Texas Springs, Furnace Creek Wash and its tributaries, including Travertine Springs, and other waters in the vicinity thereof in said Death Valley National Monument, California, and to accept in exchange therefor the conveyance to the United States of parcels designated parcels F, G, and H, aggregating approximately four hundred and forty acres, on sheet 1 of 1 of a drawing entitled "N. P. S., reg. IV, drawing numbered NM-DV-2123, revised March 14, 1958", a copy of which drawing is on file with the Superintendent, Death Valley National Monument, California, said lands lying within the exterior boundaries of Death Valley National Monument. In order to facilitate the making of such exchange, the Secretary of the Interior may enter into an agreement with the Death Valley Hotel Company, Ltd., or its successors, pursuant to which the perpetual easements and land or any part thereof which he is hereby authorized to grant and convey to the Death Valley Hotel Company, Ltd., or its successors, will be conveyed from time to time over a period of time in parcels or portions in accordance with a schedule mutually satisfactory to the parties.

Death Valley
National Monu-
ment, Calif.
Exchange of
lands.

Approved July 2, 1958.

Public Law 85-496

AN ACT

To designate the dam and reservoir to be constructed at Stewarts Ferry, Tennessee, as the J. Percy Priest Dam and Reservoir.

July 2, 1958
[H. R. 12052]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the dam and reservoir authorized to be constructed at Stewarts Ferry, Tennessee, by the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved June 28, 1938 (52 Stat. 1215), as amended, and subsequent Acts of Congress, shall be known as the J. Percy Priest Dam and Reservoir, in honor of the late Representative J. Percy Priest. Any law, regulation, map, document, record, or other paper of the United States in which such projected dam and reservoir are referred to shall be held to refer to such dam and reservoir by the name of the J. Percy Priest Dam and Reservoir.

J. Percy Priest
Dam and Reser-
voir.

Approved July 2, 1958.

Public Law 85-497

AN ACT

July 2, 1958
[H. R. 11399]

Relating to price support for the 1958 and subsequent crops of extra long staple cotton.

Cotton price
support.
58 Stat. 899; 71
Stat. 27.
7 USC 1441.

7 USC 1421.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 101 (f) of the Agricultural Act of 1949, as amended, is amended by striking from the first sentence the words "shall be the same per centum of the parity price as for the 1956 crop" and substituting in lieu thereof the following: "shall not exceed the same per centum of the parity price as for the 1956 crop and shall be determined after consideration of the factors specified in section 401 (b) and the price levels for similar qualities of cotton produced outside the United States: *Provided,* That such level of price support shall be not less than 60 per centum of the parity price."

Approved July 2, 1958.

Public Law 85-498

JOINT RESOLUTION

July 3, 1958
[S. J. Res. 159]

To authorize and request the President to proclaim July 4, 1958, a day of rededication to the responsibilities of free citizenship.

Whereas, in the international crisis confronting the Nation, it is important that the American people, in a spirit of gratitude and rededication, review the foundations of human freedom, renew their faith in freedom and respond to the challenge of freedom: Therefore, be it

Independence
Day, 1958.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be and hereby is authorized and requested to issue a proclamation, calling upon the people of the United States to make the observance of Independence Day, July 4, 1958, a day of rededication to the responsibilities of free citizenship, with appropriate nationwide ceremonies.

Approved July 3, 1958.

Public Law 85-499

AN ACT

July 3, 1958
[H. R. 12088]

Extending the time in which the Boston National Historic Sites Commission shall complete its work.

Boston National
Historic Sites
Commission.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4 of the joint resolution entitled "Joint resolution to provide for investigating the feasibility of establishing a coordinated local, State, and Federal program in the city of Boston, Massachusetts, and general vicinity thereof, for the purpose of preserving the historic properties, objects, and buildings in that area", approved June 16, 1955 (69 Stat. 136), as amended by the Act of February 19, 1957 (71 Stat. 4), is further amended by striking out "three years" and inserting in lieu thereof "four years". Section 5 of the aforesaid joint resolution, as amended, is further amended by striking out "\$40,000" and by inserting in lieu thereof "\$60,000".

Approved July 3, 1958.

Public Law 85-500

AN ACT

Authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes.

July 3, 1958
[S. 3910]

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

TITLE I—RIVERS AND HARBORS

River and Harbor Act of 1958.

SEC. 101. That the following works of improvement of rivers and harbors and other waterways for navigation, flood control, and other purposes are hereby adopted and authorized to be prosecuted under the direction of the Secretary of the Army and supervision of the Chief of Engineers, in accordance with the plans and subject to the conditions recommended by the Chief of Engineers in the respective reports hereinafter designated: *Provided*, That the provisions of section 1 of the River and Harbor Act approved March 2, 1945 (Public Law Numbered 14, Seventy-ninth Congress, first session), shall govern with respect to projects authorized in this title; and the procedures therein set forth with respect to plans, proposals, or reports for works of improvement for navigation or flood control and for irrigation and purposes incidental thereto, shall apply as if herein set forth in full:

59 Stat. 10.

NAVIGATION

Josias River, Maine: House Document Numbered 377, Eighty-fifth Congress, at an estimated cost of \$258,400;

Maine and Massachusetts.

Salem Harbor, Massachusetts: House Document Numbered 31, Eighty-fifth Congress, at an estimated cost of \$1,100,000;

Boston Harbor, Massachusetts: House Document Numbered 349, Eighty-fourth Congress, at an estimated cost of \$720,000;

East Boat Basin, Cape Cod Canal, Massachusetts: House Document Numbered 168, Eighty-fifth Congress, at an estimated cost of \$360,000;

Bridgeport Harbor, Connecticut: House Document Numbered 136, Eighty-fifth Congress, at an estimated cost of \$2,300,000;

Connecticut.

New York Harbor, New York: Senate Document Numbered 45, Eighty-fourth Congress, at an estimated cost of \$1,678,000;

New York.

Baltimore Harbor and Channels, Maryland: House Document Numbered 86, Eighty-fifth Congress, at an estimated cost of \$28,161,000;

Maryland.

Herring Creek, Maryland: House Document Numbered 159, Eighty-fourth Congress, at an estimated cost of \$110,000;

Betterton Harbor, Maryland: House Document Numbered 333, Eighty-fourth Congress, at an estimated cost of \$78,000;

Delaware River Anchorages: House Document Numbered 185, Eighty-fifth Congress, at an estimated cost of \$24,447,000;

Delaware River anchorages.

Hull Creek, Virginia: House Document Numbered 287, Eighty-fifth Congress, at an estimated cost of \$269,800;

Virginia.

Morehead City Harbor, North Carolina: Senate Document Numbered 54, Eighty-fourth Congress, at an estimated cost of \$1,197,000;

North Carolina.

Intracoastal Waterway, Jacksonville to Miami, Florida: House Document Numbered 222, Eighty-fifth Congress, maintenance;

Florida.

Port Everglades Harbor, Florida: House Document Numbered 346, Eighty-fifth Congress, at an estimated cost of \$6,683,000;

Escambia River, Florida: House Document Numbered 75, Eighty-fifth Congress, at an estimated cost of \$61,000;

Gulfport Harbor, Mississippi: Senate Document Numbered 123, Eighty-fourth Congress, maintenance;

Mississippi.

- Louisiana. Barataria Bay, Louisiana: House Document Numbered 82, Eighty-fifth Congress, at an estimated cost of \$1,647,000;
- Chefuncte River and Bogue Falia, Louisiana: Senate Document Numbered 54, Eighty-fifth Congress, at an estimated cost of \$48,000;
- Texas. Pass Cavallo to Port Lavaca, Texas: House Document Numbered 131, Eighty-fourth Congress, at an estimated cost of \$413,000;
- Galveston Harbor and Houston Ship Channel, Texas: House Document Numbered 350, Eighty-fifth Congress, at an estimated cost of \$17,196,000;
- Matagorda Ship Channel, Port Lavaca, Texas: House Document Numbered 388, Eighty-fourth Congress, at an estimated cost of \$9,944,000;
- Port Aransas-Corpus Christi Waterway, Texas: House Document Numbered 361, Eighty-fifth Congress, at an estimated cost of \$6,272,000;
- Port Aransas-Corpus Christi Waterway, Texas, La Quinta Channel: Senate Document Numbered 33, Eighty-fifth Congress, at an estimated cost of \$954,000;
- Freeport Harbor, Texas: House Document Numbered 433, Eighty-fourth Congress, at an estimated cost of \$317,000;
- Mississippi River. Mississippi River between Missouri River and Minneapolis, Minnesota, damage to levee and drainage districts: House Document Numbered 135, Eighty-fourth Congress, at an estimated cost of \$2,476,000;
- Illinois. Mississippi River at Alton, Illinois, commercial harbor: House Document Numbered 136, Eighty-fourth Congress, at an estimated cost of \$246,000;
- Mississippi River at Alton, Illinois, small-boat harbor: House Document Numbered 136, Eighty-fourth Congress, at an estimated cost of \$101,000;
- Iowa. Mississippi River at Clinton, Iowa, Beaver Slough: House Document Numbered 345, Eighty-fourth Congress, at an estimated cost of \$241,000;
- Mississippi River at Clinton, Iowa, report on damages: House Document Numbered 412, Eighty-fourth Congress, at an estimated cost of \$147,000;
- Missouri. Mississippi River between Saint Louis, Missouri, and Lock and Dam Numbered 26: Senate Document Numbered 7, Eighty-fifth Congress, at an estimated cost of \$5,802,000;
- Minnesota. Mississippi River between the Missouri River and Minneapolis, Minnesota: Modification of the existing project in the Mississippi River at Saint Anthony Falls, Minneapolis, Minnesota, House Document Numbered 33, Eighty-fifth Congress;
- Minnesota River, Minnesota: Senate Document Numbered 144, Eighty-fourth Congress, at an estimated cost of \$2,539,000: *Provided*, That the channel may be extended five-tenths of a mile upstream to mile 14.7 at an estimated additional cost of \$5,000;
- Ohio. Vermilion Harbor, Ohio: House Document Numbered 231, Eighty-fifth Congress, at an estimated cost of \$474,000;
- Ohio River at Gallipolis, Ohio: House Document Numbered 423, Eighty-fourth Congress, at an estimated cost of \$66,000;
- Kentucky. Licking River, Kentucky: House Document Numbered 434, Eighty-fourth Congress, maintenance;
- Wisconsin. Saxon Harbor, Wisconsin: House Document Numbered 169, Eighty-fifth Congress, at an estimated cost of \$393,500;
- Two Rivers Harbor, Wisconsin: House Document Numbered 362, Eighty-fourth Congress, at an estimated cost of \$66,000;
- Port Washington Harbor, Wisconsin: House Document Numbered 446, Eighty-third Congress, at an estimated Federal cost of \$2,181,000: *Provided*, That local interests shall contribute 30 per cent of the total cost of the project;

- Saint Joseph Harbor, Michigan: Senate Document Numbered 95, Eighty-fourth Congress, maintenance; Michigan.
- Old Channel of Rouge River, Michigan: House Document Numbered 135, Eighty-fifth Congress, at an estimated cost of \$101,500;
- Cleveland Harbor, Ohio: House Document Numbered 107, Eighty-fifth Congress, at an estimated cost of \$14,927,000; Ohio.
- Toledo Harbor, Ohio: House Document Numbered 436, Eighty-fourth Congress, at an estimated cost of \$859,000;
- Irondequoit Bay, New York: House Document Numbered 332, Eighty-fourth Congress, at an estimated cost of \$1,938,000; New York.
- Santa Cruz Harbor, Santa Cruz, California: House Document Numbered 357, Eighty-fifth Congress, at an estimated cost of \$1,612,000; California.
- Yaquina Bay and Harbor, Oregon: Senate Document Numbered 8, Eighty-fifth Congress, at an estimated cost of \$19,800,000; Oregon.
- Siuslaw River, Oregon: House Document Numbered 204, Eighty-fifth Congress, at an estimated cost of \$1,693,100;
- Port Townsend Harbor, Washington: House Document Numbered 418, Eighty-fourth Congress, at an estimated cost of \$387,000; Washington.
- Bellingham Harbor, Washington: Senate Document Numbered 46, Eighty-fifth Congress, at an estimated cost of \$83,700;
- Douglas and Juneau Harbors, Alaska: House Document Numbered 286, Eighty-fourth Congress, at an estimated cost of \$1,394,000; Alaska.
- Dillingham Harbor, Alaska: House Document Numbered 390, Eighty-fourth Congress, at an estimated cost of \$372,000;
- Naknek River, Alaska: House Document Numbered 390, Eighty-fourth Congress, at an estimated cost of \$19,000;
- Cook Inlet, navigation improvements, Alaska: House Document Numbered 34, Eighty-fifth Congress, at an estimated cost of \$5,199,200;
- San Juan Harbor, Puerto Rico: House Document Numbered 38, Eighty-fifth Congress, at an estimated cost of \$6,476,800; Puerto Rico.

BEACH EROSION

- State of Connecticut, Area 9, East River to New Haven Harbor: House Document Numbered 395, Eighty-fourth Congress, at an estimated cost of \$12,000; Connecticut.
- Connecticut shoreline, Areas 8 and 11, Saugatuck River to Byram River: House Document Numbered 174, Eighty-fifth Congress, at an estimated cost of \$229,000;
- Fire Island Inlet, Long Island, New York: House Document Numbered 411, Eighty-fourth Congress, at an estimated cost of \$2,724,000; New York.
- Atlantic Coast of New Jersey, Sandy Hook to Barnegat Inlet: House Document Numbered 332, Eighty-fifth Congress, at an estimated cost of \$6,755,000; New Jersey.
- Delaware Coast from Kitts Hummock to Fenwick Island, Delaware: House Document Numbered 216, Eighty-fifth Congress, at an estimated cost of \$28,000; Delaware.
- Palm Beach County, from Lake Worth Inlet to South Lake Worth Inlet, Florida: House Document Numbered 342, Eighty-fifth Congress, at an estimated cost of \$222,500; Florida.
- Berrien County, Michigan: House Document Numbered 336, Eighty-fifth Congress, at an estimated cost of \$226,000; Michigan.
- Manitowoc County, Wisconsin: House Document Numbered 348, Eighty-fourth Congress, at an estimated cost of \$50,000; Wisconsin.
- Fair Haven Beach State Park, New York: House Document Numbered 134, Eighty-fourth Congress, at an estimated cost of \$114,000; New York.
- Hamlin Beach State Park, New York: House Document Numbered 138, Eighty-fourth Congress, at an estimated cost of \$404,000;

California.

Humboldt Bay, California: House Document Numbered 282, Eighty-fifth Congress, at an estimated cost of \$38,200;

Santa Cruz County, California: House Document Numbered 179, Eighty-fifth Congress, at an estimated cost of \$516,000;

San Diego County, California: House Document Numbered 399, Eighty-fourth Congress, at an estimated cost of \$289,000;

Hawaii.

Waimea Beach and Hanapepe Bay, Island of Kauai, Territory of Hawaii: House Document Numbered 432, Eighty-fourth Congress, at an estimated cost of \$20,000.

Reimbursement.

SEC. 102. That the Secretary of the Army is hereby authorized to reimburse local interests for such work done by them, on the beach erosion projects authorized in section 101, subsequent to the initiation of the cooperative studies which form the basis for the projects: *Provided*, That the work which may have been done on these projects is approved by the Chief of Engineers as being in accordance with the projects hereby adopted: *Provided further*, That such reimbursement shall be subject to appropriations applicable thereto or funds available therefor and shall not take precedence over other pending projects of higher priority for improvements.

Algiers Canal.
Bridge.
59 Stat. 10.

SEC. 103. That pending fulfillment of the conditions of local cooperation for the Gulf Intracoastal Waterway, Algiers Canal, as authorized by the River and Harbor Act of March 2, 1945, appropriations heretofore or hereafter made for maintenance of rivers and harbors may be used for operation and maintenance of the railroad bridge over Algiers Canal for the period from September 1, 1956, to December 31, 1958.

Aquatic plant
growths.
Control.

SEC. 104. That there is hereby authorized a comprehensive project to provide for control and progressive eradication of the waterhyacinth, alligatorweed, and other obnoxious aquatic plant growths from the navigable waters, tributary streams, connecting channels, and other allied waters in the States of North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas, in the combined interest of navigation, flood control, drainage, agriculture, fish and wildlife conservation, public health, and related purposes, including continued research for development of the most effective and economic control measures, at an estimated additional cost for the expanded program over that now underway of \$1,350,000 annually for five years, of which 70 per centum, presently estimated at \$945,000, shall be borne by the United States and 30 per centum, presently estimated at \$405,000, by local interests, to be administered by the Chief of Engineers, under the direction of the Secretary of the Army in cooperation with other Federal and State agencies in accordance with the report of the Chief of Engineers, published as House Document Numbered 37, Eighty-fifth Congress: *Provided*, That local interests agree to hold and save the United States free from claims that may occur from such operations and participate to the extent of 30 per centum of the cost of the additional program: *Provided further*, That Federal funds appropriated for this project shall be allocated by the Chief of Engineers on a priority basis, based upon the urgency and need of each area, and the availability of local funds.

Survey reports.

SEC. 105. That for preliminary examinations and surveys authorized in previous river and harbor and flood-control Acts, the Secretary of the Army is hereby directed to cause investigations and reports for navigation and allied purposes to be prepared under the supervision of the Chief of Engineers in the form of survey reports, and that preliminary examination reports shall no longer be required to be prepared.

Florida.
68 Stat. 1251.

SEC. 106. That the improvement of Apalachicola Bay, Florida, authorized by the River and Harbor Act of 1954 in accordance with

the recommendations of the Chief of Engineers in House Document Numbered 156, Eighty-second Congress; and the improvement of Apalachicola Bay, Florida, channel across Saint George Island, authorized by the River and Harbor Act of 1954, in accordance with the recommendations of the Chief of Engineers in House Document Numbered 557, Eighty-second Congress, are hereby modified to provide that the Secretary of the Army shall reimburse local interests for such work as they may have done upon the projects insofar as this work shall be approved by the Chief of Engineers and found to have been done in accordance with the projects adopted by the Act of 1954: *Provided*, That reimbursement shall be based upon the reduction in the amount of material which will have to be removed to provide project dimensions at such time as Federal dredging of the channels is undertaken: *Provided further*, That such reimbursement shall be subject to appropriations applicable thereto and shall not take precedence over authorized Federal improvements of higher priority.

68 Stat. 1251.

SEC. 107. That the improvement of Pascagoula Harbor, Dog River Cutoff, Mississippi, authorized by the River and Harbor Act of 1950, in accordance with the recommendations of the Chief of Engineers in House Document Numbered 188, Eighty-first Congress, is hereby modified to provide that the Secretary of the Army shall reimburse local interests for such work as they may have done on this project, within the limits of the Federal portion of the project, over and above any items required as a part of the local cooperation for the project, insofar as the same shall be approved by the Chief of Engineers and found to have been done in accordance with project modification adopted in said Act: *Provided*, That such payment shall not exceed the sum of \$44,000: *Provided further*, That such reimbursement shall be subject to appropriations therefor and shall not have precedence over authorized Federal improvements of higher priority: *And provided further*, That no reimbursement to local interests shall be made until they have met all the requirements of local cooperation in the recommendations of the Chief of Engineers in House Document Numbered 188, Eighty-first Congress.

Mississippi.
64 Stat. 163, 165.

SEC. 108. That the Federal project structures, appurtenances, and real property of the Upper Fox River, Wisconsin, shall be disposed of in accordance with the provisions of this section: *Provided*, That all or any part of the right, title, and interest of the United States to any portion of the said property may, regardless of any other provision of law, be conveyed, upon such terms and conditions as may be advisable: *Provided further*, That, if the State of Wisconsin offers to take over said property under the terms and conditions hereinafter prescribed, the Secretary of the Army is hereby authorized to convey by quitclaim deed to said State, without monetary consideration, all such right, title, and interest of the United States in said property, and the United States shall thereafter have no further obligations with respect to the property so conveyed. In consideration of the State accepting such conveyance, and assuming responsibility for said property, there is hereby authorized to be expended from appropriations hereafter made for civil functions administered by the Department of the Army toward the work of placing the project facilities in a condition suitable for public purposes, not to exceed \$300,000. The Chief of Engineers is authorized to enter into agreements with the duly authorized representatives of the State with respect to the details of the work to be performed and transfer of the property. If the State fails to present a satisfactory offer within two years after the date of enactment of this Act, said property may be disposed of pursuant to the provisions of existing law and upon such terms and conditions as may be determined to be in the public interest: *And*

Wisconsin.
Conveyance.

provided further, That, after acceptance of said property by the State of Wisconsin, the Federal laws, other than the Federal Power Act, governing the protection and preservation of navigable waters shall not apply to the reach of the Upper Fox River, Wisconsin, above its juncture with the mouth of the Wolf River.

Calumet-Sag
navigation project.
60 Stat. 636.

SEC. 109. The projects for the Illinois Waterway and Grand Calumet River, Illinois and Indiana (Calumet-Sag navigation project), authorized by the River and Harbor Act of July 24, 1946, is hereby modified in accordance with the recommendations in House Document Numbered 45, Eighty-fifth Congress, insofar as they apply to existing highway bridges in part I, Sag Junction to Lake Calumet, at an estimated additional cost of \$9,884,000.

Illinois and
Mississippi Canal.

SEC. 110. (a) The Secretary of the Army hereby is authorized to acquire on behalf of the United States the fee simple title in and to the lands in the lake (known as Sinnissippi Lake) created by the Government dam constructed across Rock River between Sterling and Rock Falls, Illinois, and over which the United States now holds flowage rights or easement, and in and to all other lands upon which the United States has rights or easements used for the purpose of and appurtenant to the operation of the Federal project known as the Illinois and Mississippi Canal (which lake, canal, feeder, and appurtenances thereto are referred to collectively in this section as the canal) in the State of Illinois; said fee simple title to be acquired subject to the continuing right of access to Sinnissippi Lake by the riparian owners whose land adjoins and abuts said lake. Such acquisition may be accomplished by purchase, acceptance of donation, exchange, exercise of the power of eminent domain, or otherwise.

Recreational
use.

(b) The Secretary of the Army further is authorized out of appropriations hereafter made for civil functions administered by the Department of the Army, to cause the canal to be repaired and modified for the purpose of placing the same in proper condition for public recreational use other than through-navigation, including (but not limited to) the repair or reconstruction of the aforesaid Government dam across Rock River; the repair or reconstruction of retaining walls, embankments, and fixed portions of the lock and dam structures, on both the feeder and the main portions of the canal; the removal of presently existing lock gates and the construction of fixed dams in lieu thereof; the repair of culverts, drainage ditches, fences, and other structures and improvements, except bridges and roads, which the United States has maintained or has been obligated to maintain; the replacement of aqueducts with inverted siphons or flumes; such other repair, renovation, or reconstruction work as the Chief of Engineers may deem necessary or advisable to prepare the canal for public recreational use other than through-navigation; and the sale or other disposition of equipment, building, and other structures, which are designated by the State of Illinois as not suitable or needed for such use. The work of repair and modification shall be performed by the Corps of Engineers, and upon completion thereof the Chief of Engineers shall certify such completion to the Secretary of the Army. The work of repair and modification authorized in this subsection, as well as the land acquisition authorized in the preceding subsection, shall not be commenced prior to the approval by the Chief of Engineers and the responsible State representative of the agreement authorized in subsection (e) which shall include assurance from the State of Illinois that it will accept the conveyance of all right, title, and interest of the United States in and to the canal. Upon such conveyance the United States shall have no further obligation with respect to the canal.

(c) Upon the request of the State of Illinois and of any corporation owning a railroad which crosses a bridge over the canal, the Secretary of the Army is authorized to convey to said corporation, at any time before the conveyance of the canal to the State of Illinois as provided in subsection (d) of this section, all right, title, and interest of the United States in and to such bridge, and the delivery of any such bridge conveyance shall operate as a complete release and discharge of the United States from all further obligation with respect to such bridge. If the request also provides for the replacement of such bridge with a land fill, the Secretary of the Army further is authorized to permit the said corporation to make such replacement, but shall require adequate provision for culverts and other structures allowing passage of the waters of the canal and necessary drainage, and for right-of-way for necessary and appropriate road crossings.

Bridge.

(d) The Secretary of the Army further is authorized and directed, upon execution of the foregoing provisions of this section, to convey and transfer to the State of Illinois, by quitclaim deed and such other instruments as the Secretary may deem appropriate, without further consideration, the property of the canal; and to execute such other documents and to perform such other acts as shall be necessary and appropriate to complete the transfer to the said State of all right, title, and interest of the United States in and to the canal. Upon and after the delivery of such deed, the State of Illinois is authorized, at all times, to use such quantity of water drawn from Rock River at Sinnissippi Lake, as is adequate and appropriate to operate the canal for public recreational use other than through-navigation.

Conveyance.

(e) In the execution of the provisions of this section, the Chief of Engineers is authorized to enter into agreements with the duly authorized representatives of the State of Illinois with respect to the details of repair and modification of the canal and the transfer thereof to the State.

Agreements.

(f) There is hereby authorized to be appropriated the sum of \$2,000,000 to carry out the provisions of this section.

Appropriation.

SEC. 111. Whenever, during the construction or reconstruction of any navigation, flood control, or related water development project under the direction of the Secretary of the Army, the Chief of Engineers determines that any structure or facility owned by an agency of government and utilized in the performance of a governmental function should be protected, altered, reconstructed, relocated, or replaced to meet the requirements of navigation or flood control, or both; or to preserve the safety or integrity of such facility when its safety or usefulness is determined by the Chief of Engineers to be adversely affected or threatened by the project, the Chief of Engineers may, if he deems such action to be in the public interest, enter into a contract providing for the payment from appropriations made for the construction or maintenance of such project, of the reasonable actual cost of such remedial work, or for the payment of a lump sum representing the estimated reasonable cost: *Provided*, That this section shall not be construed as modifying any existing or future requirement of local cooperation, or as indicating a policy that local interests shall not hereafter be required to assume costs of modifying such facilities. The provisions of this section may be applied to projects hereafter authorized and to those heretofore authorized but not completed as of the date of this Act, and notwithstanding the navigation servitude vested in the United States, they may be applied to such structures or facilities occupying the beds of navigable waters of the United States.

Remedial works.

Surveys.

SEC. 112. The Secretary of the Army is hereby authorized and directed to cause surveys to be made at the following named localities and subject to all applicable provisions of section 110 of the River and Harbor Act of 1950:

64 Stat. 168.

Stave Island Harbor at South Goldsboro, Maine.

Tashmoo Pond, Martha's Vineyard, Massachusetts.

Sachem's Head Harbor at Guilford, Connecticut.

Poquonock River at Groton, Connecticut.

Water route from Albany, New York, into Lake Champlain, New York and Vermont, including the advisability of modifying existing Federal and State improvements, with due consideration of ultimate connection with the Saint Lawrence River in Canada.

Hammonds Cove entrance to Locust Point Harbor, Long Island Sound, New York.

Indian River Bay to Assawoman Canal known as White's Creek, and up White's Creek, Delaware.

Indian River Bay via Pepper's Creek to Dagsboro, Delaware.

Chesapeake Bay and tributaries, Maryland, Delaware, and Virginia, with a view to elimination of the waterchestnut (*Trapa Natans*).

Area from Cuckold Creek through Neale Creek and Neale Sound to the Wicomico River, Charles County, Maryland, to determine the feasibility of providing a safe and continuous inland channel for the navigation of small boats.

Currioman Bay, Virginia.

Tabbs Creek, Lancaster County, Virginia.

Wrights Creek, North Carolina.

Savannah River, with a view to providing nine-foot navigation to Augusta, Georgia.

Little Gasparilla Pass, Charlotte County, Florida.

Frenchman Creek, Florida.

Streams and harbor facilities and needs therefor at and in the vicinity of Bayport, Florida, in the interest of present and prospective commerce and other purposes, with the view of improving the harbor facilities of Bayport as a port for commerce and for refuge on the Gulf of Mexico.

Channel from Lynn Haven Bayou, Florida, into North Bay, Florida.

Small-boat channel from the port of Panacea, Florida, into Apalachee Bay, Florida.

Dredged channel, vicinity of Sunshine Skyway, Tampa Bay, Florida.

Tampa Bay, Florida, with a view to determining the feasibility of a fresh-water lake at that location.

Apalachicola River Chipola Cutoff, Florida, via Wewahitchka, with a view to providing a channel nine feet deep and one hundred feet wide.

Apalachicola River, Florida, in the vicinity of Bristol and in the vicinity of Blountstown.

Streams at and in the vicinity of Gulfport, Florida.

Trinity River, Texas.

Missouri River, with a view to extending nine-foot navigation from Sioux City, Iowa, to Gavins Point Dam, South Dakota-Nebraska.

Channel from Port Inland, Michigan, to deep water in Lake Michigan.

Connecting channel between Namakan Lake and Ash River, Minnesota.

Camp Pendleton Harbor and Oceanside, California, with a view to determining the extent of Federal aid which should be granted

toward recommended beach erosion control measures at Oceanside, California, in equity without regard to limitations of Federal law applicable to beach erosion control.

Anaheim Bay, California, with a view to determining the extent of Federal aid which should be granted in equity without regard to limitations of Federal law applicable to beach erosion control.

SEC. 113. Title I may be cited as the "River and Harbor Act of 1958".

Short title.

TITLE II—FLOOD CONTROL

Flood Control Act of 1958.

SEC. 201. That section 3 of the Act approved June 22, 1936 (Public Law Numbered 738, Seventy-fourth Congress), as amended by section 2 of the Act approved June 28, 1938 (Public Law Numbered 761, Seventy-fifth Congress), shall apply to all works authorized in this title except that for any channel improvement or channel rectification project, provisions (a), (b), and (c) of section 3 of said Act of June 22, 1936, shall apply thereto, and except as otherwise provided by law: *Provided*, That the authorization for any flood-control project herein adopted requiring local cooperation shall expire five years from the date on which local interests are notified in writing by the Department of the Army of the requirements of local cooperation, unless said interests shall within said time furnish assurances satisfactory to the Secretary of the Army that the required cooperation will be furnished.

49 Stat. 1571; 52 Stat. 1215.

Expiration of authorization.

SEC. 202. The provisions of section 1 of the Act of December 22, 1944 (Public Law Numbered 534, Seventy-eighth Congress, second session), shall govern with respect to projects authorized in this Act, and the procedures therein set forth with respect to plans, proposals, or reports for works of improvement for navigation or flood control and for irrigation and purposes incidental thereto shall apply as if herein set forth in full.

Procedures. 58 Stat. 887.

SEC. 203. The following works of improvement for the benefit of navigation and the control of destructive floodwaters and other purposes are hereby adopted and authorized to be prosecuted under the direction of the Secretary of the Army and the supervision of the Chief of Engineers in accordance with the plans in the respective reports hereinafter designated and subject to the conditions set forth therein: *Provided*, That the necessary plans, specifications, and preliminary work may be prosecuted on any project authorized in this title with funds from appropriations heretofore or hereafter made for flood control so as to be ready for rapid inauguration of a construction program: *Provided further*, That the projects authorized herein shall be initiated as expeditiously and prosecuted as vigorously as may be consistent with budgetary requirements: *And provided further*, That penstocks and other similar facilities adapted to possible future use in the development of hydroelectric power shall be installed in any dam authorized in this Act for construction by the Department of the Army when approved by the Secretary of the Army on the recommendation of the Chief of Engineers and the Federal Power Commission.

Projects authorized.

NEW BEDFORD, FAIRHAVEN, AND ACUSHNET, MASSACHUSETTS

The project for hurricane-flood protection at New Bedford, Fairhaven, and Acushnet, Massachusetts, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 59, Eighty-fifth Congress, at an estimated Federal cost of \$10,480,000 and at an estimated Federal cost of maintenance and operation of \$55,000 annually: *Provided*, That in

lieu of the local cooperation recommended in the report of the Chief of Engineers in Senate Document Numbered 59, Eighty-fifth Congress, local interests (a) contribute 30 per centum of the first cost of the project, said 30 per centum being presently estimated at \$5,160,000, including the value of lands, easements, and rights-of-way; (b) contribute the capitalized value of annual maintenance and operation for the main harbor barrier presently estimated at \$1,560,000; (c) hold and save the United States free from damages due to the construction works; and (d) maintain and operate all the works except the main harbor barrier after completion in accordance with regulations prescribed by the Secretary of the Army.

NARRAGANSETT BAY AREA, RHODE ISLAND AND MASSACHUSETTS

The project for hurricane-flood protection in the Narragansett Bay area, Rhode Island and Massachusetts, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 230, Eighty-fifth Congress, at an estimated Federal cost of \$11,550,000: *Provided*, That in lieu of the local cooperation recommended in the report of the Chief of Engineers in House Document Numbered 230, Eighty-fifth Congress, local interests (a) contribute 30 per centum of the first cost of the project, said 30 per centum being presently estimated at \$4,950,000, including the value of lands, easements, and rights-of-way; (b) hold and save the United States free from damages due to the construction works; and (c) maintain and operate the improvements after completion in accordance with regulations prescribed by the Secretary of the Army.

Appropriation.

52 Stat. 1215.

In addition to previous authorizations, there is hereby authorized to be appropriated the sum of \$24,000,000 for the prosecution of the comprehensive plan for the Connecticut River Basin, approved in the Act of June 28, 1938, as amended and supplemented by subsequent Acts of Congress, and such comprehensive plan is hereby modified to include the construction of the Littleville Reservoir on the Middle Branch of Westfield River, Massachusetts, substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 17, Eighty-fifth Congress, at an estimated cost of \$5,090,000.

The project for the Mad River Dam and Reservoir on the Mad River above Winsted, Connecticut, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 137, Eighty-fifth Congress, at an estimated cost of \$5,430,000.

HOUSATONIC RIVER BASIN

The project for the flood control dam and reservoir on Hall Meadow Brook in Torrington and Goshen, Connecticut, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 81, Eighty-fifth Congress, at an estimated cost of \$1,960,000.

The project for the flood control dam and reservoir on the East Branch of the Naugatuck River in Torrington, Connecticut, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 81, Eighty-fifth Congress, at an estimated cost of \$1,780,000.

SUSQUEHANNA RIVER BASIN

The project for flood protection on the North Branch of the Susquehanna River, New York and Pennsylvania, is hereby authorized substantially in accordance with the recommendations of the Chief of

Engineers in House Document Numbered 394, Eighty-fourth Congress, and there is hereby authorized to be appropriated the sum of \$30,000,000 for partial accomplishment of that plan.

Appropriation.

HUDSON RIVER BASIN

The project for flood protection on the Mohawk River, New York, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 172, Eighty-fifth Congress, at an estimated cost of \$2,069,000.

PANTEGO AND CUCKLERS CREEK, NORTH CAROLINA

The project for flood protection on Pantego and Cucklers Creek, North Carolina, is hereby authorized substantially in accordance with recommendations of the Chief of Engineers in House Document Numbered 398, Eighty-fourth Congress, at an estimated cost of \$413,000.

SAVANNAH RIVER BASIN

In addition to previous authorizations, there is hereby authorized the completion of Hartwell Reservoir, approved in the Flood Control Acts of December 22, 1944, and May 17, 1950, in accordance with the report of the Chief of Engineers contained in House Document Numbered 657, Seventy-eighth Congress, at an estimated cost of \$44,300,000.

Hartwell Reservoir, completion.

CENTRAL AND SOUTHERN FLORIDA

In addition to previous authorizations, there is hereby authorized to be appropriated the sum of \$40,000,000 for the prosecution of the comprehensive plan for flood control and other purposes in central and southern Florida approved in the Act of June 30, 1948, and subsequent Acts of Congress, and such comprehensive plan is hereby modified as recommended by the Chief of Engineers in House Document Numbered 186, Eighty-fifth Congress, and to include the following items:

Appropriation.

62 Stat. 1176.

The project for canals, levees, water control structures on the west side of the Everglades agricultural and conservation areas in Hendry County, Florida, substantially in accordance with the recommendations of the Chief of Engineers contained in Senate Document Numbered 48, Eighty-fifth Congress, at an estimated cost of \$3,172,000.

MOBILE RIVER BASIN

(Tombigbee, Warrior, and Alabama-Coosa)

The project for flood control and related purposes on the Tombigbee River and tributaries, Mississippi and Alabama, is hereby authorized substantially in accordance with recommendations of the Chief of Engineers in his report published as House Document Numbered 167, Eighty-fourth Congress, at an estimated cost of \$19,311,000: *Provided*, That in lieu of the cash contribution contained in item (f) of the recommendations of the Chief of Engineers, local interests contribute in cash or equivalent work, the sum of \$1,473,000 in addition to other items of local cooperation.

The project for flood protection on the Alabama River at Montgomery, Alabama, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 83, Eighty-fifth Congress, at an estimated cost of \$1,300,000.

LOWER MISSISSIPPI RIVER

The project for flood control and improvement of the lower Mississippi River adopted by the Act approved May 15, 1928, as amended by subsequent Acts, is hereby modified and expanded to include the following items and the authorization for said project is increased accordingly:

(a) Modification of the White River Backwater project, Arkansas, substantially in accordance with the recommendation of the Chief of Engineers in Senate Document Numbered 26, Eighty-fifth Congress, at an estimated cost, over that now authorized, of \$2,380,000 for construction and \$57,000 annually for maintenance: *Provided*, That the Secretary of the Interior shall grant to the White River Drainage District of Phillips and Desha Counties, Arkansas, such permits, rights-of-way, and easements over lands of the United States in the White River Migratory Refuge, as the Chief of Engineers may determine to be required for the construction, operation, and maintenance of this project.

(b) Modification and extension of plan of improvement in the Boeuf and Tensas Rivers and Bayou Macon Basin, Arkansas, substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 108, Eighty-fifth Congress, at an estimated cost of \$1,212,000.

(c) In addition to the previous authorization, the sum of \$28,200,000 for prosecution of the plan of improvement for the control of Old and Atefalaya Rivers and a navigation lock approved in the Act of September 3, 1954.

(d) In addition to previous authorizations, the sum of \$35,674,000 for prosecution of the plan of improvement in the Saint Francis River Basin approved in the Act of May 17, 1950.

(e) The project for flood protection of Wolf River and tributaries, Tennessee, substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 76, Eighty-fifth Congress, at an estimated cost of \$1,932,000.

(f) The project for Greenville Harbor, Mississippi, substantially in accordance with the recommendations of the Mississippi River Commission, dated April 26, 1957, at an estimated Federal cost of \$1,799,500 for dredging twelve feet deep plus three feet overdepth, and one-half of the seventeen feet additional depth: *Provided*, That the cost for dredging the remaining one-half of the additional seventeen feet depth, estimated to cost \$383,500, shall be returned to the Federal Government with interest at 3 per centum in forty equal annual payments: *Provided further*, That the Secretary of the Army is authorized and directed to conduct a survey of Greenville Harbor, Mississippi, for purposes of navigation in accordance with section 206 of this title, with particular reference to the requirements of local cooperation.

The project for flood protection and related purposes on Bayou Chevreuil, Louisiana, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 347, Eighty-fourth Congress, at an estimated cost of \$547,000: *Provided*, That work already performed by local interests on this project, in accordance with the recommended plan as determined by the Chief of Engineers, may be credited to the cash contribution required of local interests.

TRINITY RIVER BASIN, TEXAS

Notwithstanding clause (b) of paragraph 5 of the report of the Chief of Engineers dated May 28, 1954, with respect to the project for

45 Stat. 534.
33 USC 702a-m,
704.

68 Stat. 1258.

64 Stat. 172.

Survey.

the Navarro Mills Reservoir on Richland Creek, Texas, authorized by section 203 of the Flood Control Act of 1954, local interests shall be required to pay \$300,000 as the total cost of the project attributable to increase in net returns from higher utilization of the downstream valley lands.

68 Stat. 1258.

RED-OUACHITA RIVER BASIN

The general plan for flood control on Red River, Texas, Oklahoma, Arkansas, and Louisiana, below Denison Dam, Texas and Oklahoma, as authorized by the Flood Control Act of 1946, is modified and expanded, at an estimated cost in addition to that now authorized of \$53,235,000, substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 170, Eighty-fifth Congress, on Millwood Reservoir and alternate reservoirs, Little River, Oklahoma and Arkansas, except as follows:

Red River.

60 Stat. 647.

(1) All flood-control and land-enhancement benefits shall be non-reimbursable.

(2) Penstocks or other facilities, to provide for future power installations, shall be provided in the reservoirs to be constructed above the Millwood Reservoir, if approved by the Secretary of the Army on the recommendations of the Chief of Engineers and the Federal Power Commission.

GULF OF MEXICO

The project for hurricane-flood protection on Galveston Bay, Texas, at and in the vicinity of Texas City, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 347, Eighty-fifth Congress, at an estimated Federal cost of \$5,662,000: *Provided*, That in lieu of the local cooperation recommended in the report of the Chief of Engineers in House Document Numbered 347, Eighty-fifth Congress, local interests (a) contribute 30 per centum of the first cost of the project, said 30 per centum being presently estimated at \$2,427,000, including the cost of lands, easements, and rights-of-way; (b) contribute, at their option, the additional cost of providing ramps in lieu of closure structures presently estimated at \$200,000; (c) hold and save the United States free from damages due to the construction works; and (d) maintain and operate all the works after completion.

ARKANSAS RIVER BASIN

The project for the Trinidad Dam on Purgatoire River, Colorado, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 325, Eighty-fourth Congress, at an estimated cost of \$16,628,000.

The first section of the Act entitled "An Act to provide for the construction of the Markham Ferry project on the Grand River in Oklahoma by the Grand River Dam Authority, an instrumentality of the State of Oklahoma", approved July 6, 1954 (68 Stat. 450), is amended by inserting after "as recommended by the Chief of Engineers," the following: "or such additional flood storage or pool elevations, or both as may be approved by the Chief of Engineers."

WHITE RIVER BASIN

In addition to previous authorizations, there is hereby authorized the sum of \$57,000,000 for the prosecution of the comprehensive plan for the White River Basin, approved in the Act of June 28, 1938, as amended and supplemented by subsequent Acts of Congress.

52 Stat. 1218.

PECOS RIVER BASIN

The project for flood protection on the Pecos River at Carlsbad, New Mexico, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 224, Eighty-fifth Congress, at an estimated Federal cost of \$1,791,000.

RIO GRANDE BASIN

The project for flood protection on the Rio Grande at Socorro, New Mexico, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 58, Eighty-fifth Congress, at an estimated Federal cost of \$3,102,700.

UPPER MISSISSIPPI RIVER BASIN

Appropriation.

In addition to previous authorizations, there is hereby authorized to be appropriated the sum of \$21,000,000 for the prosecution of the comprehensive plan for the Upper Mississippi River Basin, approved in the Act of June 28, 1938, as amended and supplemented by subsequent Acts of Congress.

The project for flood protection on the Rock and Green Rivers, Illinois, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 173, Eighty-fifth Congress, at an estimated cost of \$6,996,000.

The project for flood protection on Eau Galle River at Spring Valley, Wisconsin, is hereby authorized substantially in accordance with recommendations of the Chief of Engineers in Senate Document Numbered 52, Eighty-fourth Congress, at an estimated cost of \$6,690,000.

The project for flood protection on the Mississippi River at Winona, Minnesota, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 324, Eighty-fourth Congress, at an estimated cost of \$1,620,000.

The projects for flood protection on the Mississippi River at Saint Paul and South Saint Paul, Minnesota, are hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 223, Eighty-fifth Congress, at an estimated cost of \$5,705,500.

The project for flood protection on the Minnesota River at Mankato and North Mankato, Minnesota, is hereby authorized substantially as recommended by the Chief of Engineers in House Document Numbered 437, Eighty-fourth Congress, at an estimated cost of \$1,870,000.

The project for the Saylorville Reservoir on the Des Moines River, Iowa, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 9, Eighty-fifth Congress, at an estimated cost of \$44,500,000: *Provided*, That, if the reservoir is used for water conservation, such use shall be in accord with title III of this Act.

The project for the Kaskaskia River, Illinois, is hereby authorized substantially as recommended by the Chief of Engineers in House Document Numbered 232, Eighty-fifth Congress, at an estimated cost of \$23,000,000.

The project for flood protection on the Root River at Rushford, Minnesota, is hereby authorized substantially as recommended by the Chief of Engineers in House Document Numbered 431, Eighty-fourth Congress at an estimated cost of \$796,000.

GREAT LAKES BASIN

The project for flood protection on the Bad River at Mellen and Odanah, Wisconsin, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 165, Eighty-fourth Congress, at an estimated cost of \$917,000.

The project for flood protection on the Kalamazoo River at Kalamazoo, Michigan, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 53, Eighty-fourth Congress, at an estimated cost of \$5,358,000.

The project for flood protection on the Grand River, Michigan, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 132, Eighty-fourth Congress, at an estimated cost of \$9,825,000.

The project for flood protection on the Saginaw River, Michigan, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 346, Eighty-fourth Congress, at an estimated cost of \$16,085,000.

The project for flood protection on Owasco Outlet, tributary of Oswego River, at Auburn, New York, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 133, Eighty-fourth Congress, at an estimated cost of \$305,000.

MISSOURI RIVER BASIN

In addition to previous authorizations, there is hereby authorized to be appropriated the sum of \$200,000,000 for the prosecution of the comprehensive plan for the Missouri River Basin, approved in the Act of June 28, 1938, as amended and supplemented by subsequent Acts of Congress: *Provided*, That, with respect to any power attributable to any dam in such plan to be constructed by the Corps of Engineers, the construction of which has not been started, a reasonable amount of such power as may be determined by the Secretary of Interior, or such portions thereof as may be required from time to time to meet loads under contract made within this reservation, shall be made available for use in the State where such dam is constructed: *Provided*, That the distribution and sale of such reserved power within the State shall be made first to preference users in keeping with the provisions of section 5 of the Flood Control Act of 1944; and provided further that the power so reserved for use within the State shall be not to exceed 50 per centum of the output of such dam.

58 Stat. 890.

The Secretary of the Army, acting through the Corps of Engineers, is authorized and directed to undertake the construction and to provide suitable sewer facilities, conforming to applicable standards of the South Dakota Department of Health, to replace certain existing water or sewer facilities of (1) the Saint Joseph's Indian School, Chamberlain, South Dakota, by facilities to provide for treatment of sewage or connection to the city system not exceeding \$42,000 in cost; (2) Fort Pierre, South Dakota, sewer facilities not exceeding \$120,000, and water facilities not exceeding \$25,000; and (3) the city of Pierre, South Dakota, sewer facilities not exceeding \$210,000; and the Secretary of the Army, acting through the Corps of Engineers, is further authorized and directed to pay to the Chamberlain Water Company, Chamberlain, South Dakota, as reimbursement for removal expenses, not to exceed \$5,000, under the provisions of Public Law 534, Eighty-second Congress: *Provided*, That the Secretary of the Army is authorized to provide the sums necessary to carry out the

66 Stat. 624.

provisions of this paragraph out of any sums appropriated for the construction of the Oahe and Fort Randall Dam and Reservoir projects, Missouri River.

The project for flood protection on the Sun River at Great Falls, Montana, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 343, Eighty-fifth Congress, at an estimated cost of \$1,405,000.

The project for flood protection on the Cannonball River at Mott, North Dakota, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 35, Eighty-fifth Congress, at an estimated cost of \$434,000.

The project for flood protection on the Floyd River, Iowa, is hereby authorized substantially as recommended by the Chief of Engineers in House Document Numbered 417, Eighty-fourth Congress, at an estimated cost of \$8,060,000.

The project for flood protection on the Black Vermillion River at Frankfort, Kansas, is hereby authorized substantially as recommended by the Chief of Engineers in House Document Numbered 409, Eighty-fourth Congress, at an estimated cost of \$850,000.

The project for flood protection in the Gering and Mitchell Valleys, Nebraska, is hereby authorized substantially as recommended by the Chief of Engineers in Senate Document Numbered 139, Eighty-fourth Congress, at an estimated cost of \$1,214,000.

The project for flood control on Salt Creek and tributaries, Nebraska, is hereby authorized substantially as recommended by the Chief of Engineers in House Document Numbered 396, Eighty-fourth Congress, at an estimated cost of \$13,314,000.

The project for flood protection on Shell Creek, Nebraska, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 187, Eighty-fifth Congress, at an estimated cost of \$2,025,000.

RED RIVER OF THE NORTH BASIN

The project for flood protection on Ruffy Brook and Lost River, Minnesota, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 141, Eighty-fourth Congress, at an estimated cost of \$632,000.

OHIO RIVER BASIN

The project for the Saline River and tributaries, Illinois, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in his report published as House Document Numbered 316, Eighty-fourth Congress, at an estimated cost of \$5,272,000.

The project for the Upper Wabash River and tributaries, Indiana, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 435, Eighty-fourth Congress, at an estimated cost of \$45,500,000.

The project for flood protection on Brush Creek at Princeton, West Virginia, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 122, Eighty-fourth Congress, at an estimated cost of \$917,000.

The project for flood protection on Meadow River at East Rainelle, West Virginia, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 137, Eighty-fourth Congress, at an estimated cost of \$708,000.

The project for flood protection on Tug Fork of Big Sandy River at Williamson, West Virginia, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 105, Eighty-fifth Congress, at an estimated cost of \$625,000.

The project for flood protection on Lake Chautauqua and Chadakoin River at Jamestown, New York, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 103, Eighty-fourth Congress, at an estimated cost of \$4,796,000.

The project for flood protection on the West Branch of the Mahoning River, Ohio, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 191, Eighty-fifth Congress, at an estimated cost of \$12,585,000.

The project for flood protection on Chartiers Creek, at and in the vicinity of Washington, Pennsylvania, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 286, Eighty-fifth Congress, at an estimated cost of \$1,286,000.

The project for flood protection in the Turtle Creek Basin, Pennsylvania, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 390, Eighty-fifth Congress, at an estimated cost of \$13,417,000.

The project for flood protection on Sandy Lick Creek at Brookville, Pennsylvania, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 166, Eighty-fifth Congress, at an estimated cost of \$1,188,000.

The general comprehensive plan for flood control and other purposes in the Ohio River Basin is modified to provide for a reservoir at the Monroe Reservoir site, mile 25.6, on Salt Creek, White River Basin, Indiana, in accordance with the recommendations of the Chief of Engineers in House Document Numbered 192, Eighty-fifth Congress, at an estimated cost of \$4,359,000.

GILA RIVER BASIN

The comprehensive plan of improvement for the Gila River between Camelsback Reservoir site and the mouth of the Salt River, as set forth in paragraph 41 of the Report of the District Engineer, Los Angeles District, dated December 31, 1957, is approved as a basis for the future development of the Gila River, subject to further detailed study and specific authorization; and the channel improvement work recommended by the District Engineer in paragraph 58 of that report, is hereby authorized at an estimated Federal cost of \$1,570,000, subject to the condition that local interests furnish assurances satisfactory to the Secretary of the Army that they will (a) provide necessary lands, easements, and rights-of-way; (b) maintain and operate the channel improvements in accordance with regulations to be prescribed by the Secretary of the Army at an average annual cost estimated at \$50,000; (c) keep the flood channel of the Gila River from the upper end of Safford Valley to San Carlos Reservoir and from the mouth of the San Pedro River to Buttes Reservoir site free from encroachment; (d) hold and save the United States free from all damages arising from construction and operation of the work; and (e) adjust all water-rights claims resulting from construction, operation, and maintenance of the improvements: *Provided*, That in the consideration of benefits in connection with the study of any upstream reservoir, the channel improvements herein authorized and the up-

Repayment con-
tracts.

stream reservoir shall be considered as a single operating unit in the economic evaluation: *Provided further*, That in the event it is possible as determined by the Secretary of the Interior (a) to identify the organizations directly benefiting from the water conserved by these works and (b) to feasibly determine the extent of such benefit to each organization, the Secretary of the Interior shall enter into contracts with such organizations for the repayment of the portion of the cost of the work properly allocable to such organizations: *And provided further*, That such repayment shall be under terms and conditions satisfactory to the Secretary of the Interior and shall be in installments fixed in accordance with the ability of those organizations to pay as determined by the Secretary of the Interior in the light of their outstanding repayments and other obligations.

SACRAMENTO RIVER BASIN

Appropriation.

58 Stat. 900.

In addition to previous authorizations, there is hereby authorized to be appropriated the sum of \$17,000,000 for the prosecution of the comprehensive plan approved in the Act of December 22, 1944, as amended and supplemented by subsequent Acts of Congress.

The project for flood protection on the Sacramento River from Chico Landing to Red Bluff, California, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 272, Eighty-fourth Congress, at an estimated cost of \$1,560,000.

EEL RIVER BASIN

The project for flood protection on the Eel River, in the Sandy Prairie region, California, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 80, Eighty-fifth Congress, at an estimated cost of \$707,000.

WEBER RIVER BASIN, UTAH

The project for flood protection on the Weber River and tributaries, Utah, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 158, Eighty-fourth Congress, at an estimated cost of \$520,000.

SAN JOAQUIN RIVER BASIN

Appropriation.

58 Stat. 900.

In addition to previous authorizations, there is hereby authorized to be appropriated the sum of \$13,000,000 for the prosecution of the comprehensive plan approved in the Act of December 22, 1944, as amended and supplemented by subsequent Acts of Congress.

KAWEAH AND TULE RIVER BASINS

In addition to previous authorizations, the completion of the comprehensive plan approved in the Act of December 22, 1944, as amended and supplemented by subsequent acts of Congress, is hereby authorized at an estimated cost of \$28,000,000.

LOS ANGELES RIVER BASIN

Appropriation.

55 Stat. 647.

In addition to previous authorizations, there is hereby authorized to be appropriated the sum of \$44,000,000 for the prosecution of the comprehensive plan approved in the Act of August 18, 1941, as amended and supplemented by subsequent Acts of Congress.

SANTA ANA RIVER BASIN

In addition to previous authorizations, there is hereby authorized to be appropriated the sum of \$8,000,000 for the prosecution of the comprehensive plan approved in the Act of June 22, 1936, as amended and supplemented by subsequent Acts of Congress.

Appropriation.

49 Stat. 1589.

SAN DIEGUITO RIVER BASIN

The project for the San Dieguito River, California, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 288, Eighty-fifth Congress, at an estimated cost of \$1,961,000.

COLUMBIA RIVER BASIN

In addition to previous authorizations, there is hereby authorized to be appropriated the sum of \$112,000,000 for the prosecution of the projects and plans for the Columbia River Basin, including the Willamette River Basin, authorized by the Flood Control Act of June 28, 1938, and subsequent Acts of Congress, including the Flood Control Acts of May 17, 1950, and September 3, 1954.

Appropriation.

52 Stat. 1222,
1225.
64 Stat. 177, 178.
68 Stat. 1264.

In carrying out the review of House Document Numbered 531, Eighty-first Congress, second session, and other reports on the Columbia River and its tributaries, pursuant to the resolution of the Committee on Public Works of the United States Senate dated July 28, 1955, the Chief of Engineers shall be guided by flood control goals not less than those contained in said House Document Numbered 531.

The preparation of detailed plans for the Bruces Eddy Dam and Reservoir on the North Fork of the Clearwater River, Idaho, substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 51, Eighty-fourth Congress, is hereby authorized at an estimated cost of \$1,200,000.

SAMMAMISH RIVER BASIN

The project for flood protection and related purposes on the Sammamish River, Washington, is hereby authorized substantially as recommended by the Chief of Engineers in House Document Numbered 157, Eighty-fourth Congress, at an estimated cost of \$825,000.

TERRITORY OF ALASKA

The project for flood protection on Chena River at Fairbanks, Alaska, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 137, Eighty-fourth Congress, at an estimated cost of \$9,727,000.

The project for flood protection at Cook Inlet, Alaska (Talkeetna), is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 34, Eighty-fifth Congress, at an estimated cost of \$64,900.

SEC. 204. That, in recognition of the flood-control accomplishments of the multiple-purpose Oroville Dam and Reservoir, proposed to be constructed on the Feather River by the State of California, there is hereby authorized to be appropriated a monetary contribution toward the construction cost of such dam and reservoir and the amount of such contribution shall be determined by the Secretary of the Army in cooperation with the State of California, subject to a finding by the Secretary of the Army, approved by the President, of economic justification for allocation of the amount of flood control, such funds to be administered by the Secretary of the Army: *Provided*, That

Oroville Dam and
Reservoir, Calif.
Appropriation.

prior to making the monetary contribution or any part thereof, the Department of the Army and the State of California shall have entered into an agreement providing for operation of the Oroville Dam in such manner as will produce the flood-control benefits upon which the monetary contribution is predicated, and such operation of the dam for flood control shall be in accordance with rules prescribed by the Secretary of the Army pursuant to the provisions of section 7 of the Flood Control Act of 1944 (58 Stat. 890): *Provided further*, That the funds appropriated under this authorization shall be administered by the Secretary of the Army in a manner which shall assure that the annual Federal contribution during the project construction period does not exceed the percentage of the annual expenditure for the Oroville Dam and Reservoir which the total flood-control contribution bears to the total cost of the dam and reservoir: *And provided further*, That, unless construction of the Oroville Dam and Reservoir is undertaken within four years from the date of enactment of this Act, the authority for the monetary contribution contained herein shall expire.

Land recon-
veyances; limita-
tions.

SEC. 205. (a) In order to provide adjustments in the lands or interests in land heretofore acquired for the Grapevine, Garza-Little Elm, Benbrook, Belton, and Whitney Reservoir projects in Texas to conform such acquisition to a lesser estate in lands now being acquired to complete the real estate requirements of the projects the Secretary of the Army (hereinafter referred to as the "Secretary") is authorized to reconvey any such land heretofore acquired to the former owners thereof whenever he shall determine that such land is not required for public purposes, including public recreational use, and he shall have received an application for reconveyance as hereinafter provided, subject to the following limitations:

(1) No reconveyance shall be made if within thirty days after the last date that notice of the proposed reconveyance has been published by the Secretary in a local newspaper, an objection in writing is received by the former owner and the Secretary from a present record owner of land abutting a portion of the reservoir made available for reconveyance, unless within ninety days after receipt by the former owner and the Secretary of such notice of objection, the present record owner of land and the former owner involved indicate to the Secretary that agreement has been reached concerning the reconveyance.

(2) If no agreement is reached between the present record owner of land and the former owner within ninety days after notice of objection has been filed with the former owner and the Secretary, the land made available for reconveyance in accordance with this section shall be reported to the Administrator of General Services for disposal in accordance with the Federal Property and Administrative Services Act of 1949, as amended (63 Stat. 377).

(3) No lands heretofore conveyed to the United States Government by the city of Dallas in connection with the Garza-Little Elm Reservoir project shall be subject to reversion of title to private owners, but shall remain subject to the terms and conditions of the instrument or instruments of conveyance which transferred the title to the United States Government.

(b) Any such reconveyance of any such land or interests shall be made only after the Secretary (1) has given notice, in such manner (including publication) as regulations prescribe to the former owner of such land or interests, and (2) has received an application for the reconveyance of such land or interests from such former owner in such form as he shall by regulation prescribe. Such application shall

be made within a period of ninety days following the date of issuance of such notice, but on good cause the Secretary may waive this requirement.

(c) Any reconveyance of land therein made under this section shall be subject to such exceptions, restrictions, and reservations (including a reservation to the United States of flowage rights) as the Secretary may determine are in the public interest, except that no mineral rights may be reserved in said lands unless the Secretary finds that such reservation is needed for the efficient operation of the reservoir projects designated in this section.

Mineral rights.

(d) Any land reconveyed under this section shall be sold for an amount determined by the Secretary to be equal to the price for which the land was acquired by the United States, adjusted to reflect (1) any increase in the value thereof resulting from improvements made thereon by the United States (the Government shall receive no payment as a result of any enhancement of values resulting from the construction of the reservoir projects specified in subsection (a) of this section), or (2) any decrease in the value thereof resulting from (A) any reservation, exception, restrictions, and condition to which the reconveyance is made subject, and (B) any damage to the land caused by the United States. In addition, the cost of any surveys or boundary markings necessary as an incident of such reconveyance shall be borne by the grantee.

(e) The requirements of this section shall not be applicable with respect to the disposition of any land, or interest therein, described in subsection (a) if the Secretary shall certify that notice has been given to the former owner of such land or interest as provided in subsection (b) and that no qualified applicant has made timely application for the reconveyance of such land or interest.

(f) As used in this section the term "former owner" means the person from whom any land, or interests therein, was acquired by the United States, or if such person is deceased, his spouse, or if such spouse is deceased, his children or the heirs at law; and the term "present record owner of land" shall mean the person or persons in whose name such land shall, on the date of approval of this Act, be recorded on the deed records of the respective county in which such land is located.

(g) The Secretary of the Army may delegate any authority conferred upon him by this section of any officer or employee of the Department of the Army. Any such officer or employee shall exercise the authority so delegated under rules and regulations approved by the Secretary.

(h) Any proceeds from reconveyances made under this Act shall be covered into the Treasury of the United States as miscellaneous receipts.

(i) This section shall terminate three years after the date of its enactment.

Termination date.

SEC. 206. The Secretary of the Army is hereby authorized and directed to cause surveys for flood control and allied purposes, including channel and major drainage improvements, and floods aggravated by or due to wind or tidal effects, to be made under the direction of the Chief of Engineers, in drainage areas of the United States and its Territorial possessions, which include the following-named localities: *Provided*, That after the regular or formal reports made on any survey are submitted to Congress, no supplemental or additional report or estimate shall be made unless authorized by law except that the Secretary of the Army may cause a review of any examination or survey to be made and a report thereon submitted to Congress if such review is required by the national defense or by changed physical

Surveys. Reports to Congress.

- Restriction. or economic conditions: *Provided further*, That the Government shall not be deemed to have entered upon any project for the improvement of any waterway or harbor mentioned in this title until the project for the proposed work shall have been adopted by law:
- Maine. Short Sands section of York Beach, York County, Maine.
- New York and New Jersey. Streams, river basins, and areas in New York and New Jersey for flood control, major drainage, navigation, channel improvement, and land reclamation, as follows: Hackensack River, Passaic River, Raritan River, Arthur Kill, and Kill Van Kull, including the portions of these river basins in Bergen, Hudson, Essex, Middlesex, Passaic, Union, and Monmouth Counties, New Jersey.
- Maryland. Deep Creek, Saint Marys County, Maryland.
- Florida. Mills Creek, Florida.
Streams in Seminole County, Florida, draining into the Saint Johns River.
Streams in Brevard County, Florida, draining Indian River and adjacent coastal areas including Merritt Island, and the area of Turnbull Hammock in Volusia County.
- Louisiana. Lake Pontchartrain, Louisiana, in the interest of protecting Salt Bayou Road.
- Texas. San Felipi Creek, Texas, at and in the vicinity of Del Rio, Texas.
El Paso, El Paso County, Texas.
Rio Grande and tributaries, at and in the vicinity of Fort Hancock, Hudspeth County, Texas.
- New Mexico. Streams at and in the vicinity of Alamogordo, New Mexico.
- South Dakota. Missouri River Basin, South Dakota, with reference to utilization of floodwaters stored in authorized reservoirs for purposes of municipal and industrial use and maintenance of natural lake levels.
- Pennsylvania. Stump Creek, tributary of North Fork of Mahoning Creek, at Sykesville, Pennsylvania.
- New York. Little River and Cayuga Creek, at and in the vicinity of Cayuga Island, Niagara County, New York.
- Kansas. Bird, Caney, and Verdigris Rivers, Oklahoma and Kansas.
- Illinois and Indiana. Watersheds of the Illinois River, at and in the vicinity of Chicago, Illinois, the Chicago River, Illinois, the Calumet River, Illinois and Indiana, and their tributaries, and any areas in northeast Illinois and northwest Indiana which drain directly into Lake Michigan with respect to flood control and major drainage problems.
- Michigan. All streams flowing into Lake Saint Clair and Detroit River in Oakland, Macomb, and Wayne Counties, Michigan.
- California. Sacramento River Basin, California, with reference to cost allocation studies for Oroville Dam.
Pescadero Creek, California.
Soquel Creek, California.
San Gregorio Creek and tributaries, California.
Redwood Creek, San Mateo, California.
Streams at and in the vicinity of San Mateo, California.
Streams at and in the vicinity of South San Francisco, California.
Streams at and in the vicinity of Burlingame, California.
Kellogg and Marsh Creeks, Contra Costa County, California.
Eastkoot Creek, Stinson Beach area, Marin County, California.
Rodeo Creek, tributary of San Pablo Bay, Contra Costa County, California.
Pinole Creek, tributary of San Pablo Bay, Contra Costa County, California.
Rogue River, Oregon, in the interest of flood control, navigation, hydroelectric power, irrigation, and allied purposes.
- Hawaii. Kihei District, Island of Maui, Territory of Hawaii.

SEC. 207. In addition to previous authorizations, there is hereby authorized to be appropriated the sum of \$200,000,000 for the prosecution of the comprehensive plan adopted by section 9 (a) of the Act approved December 22, 1944 (Public Numbered 534, Seventy-eighth Congress), as amended and supplemented by subsequent Acts of Congress, for continuing the works in the Missouri River Basin to be undertaken under said plans by the Secretary of the Interior.

Appropriation.
Missouri River
Basin.
58 Stat. 891.

SEC. 208. That for preliminary examinations and surveys authorized in previous river and harbor and flood control Acts, the Secretary of the Army is hereby directed to cause investigations and reports for flood control and allied purposes, to be prepared under the supervision of the Chief of Engineers in the form of survey reports, and that preliminary examination reports shall no longer be required to be prepared.

Survey reports.

SEC. 209. Title II may be cited as the "Flood Control Act of 1958".

Short title.

TITLE III—WATER SUPPLY

Water Supply
Act of 1958.

SEC. 301. (a) It is hereby declared to be the policy of the Congress to recognize the primary responsibilities of the States and local interests in developing water supplies for domestic, municipal, industrial, and other purposes and that the Federal Government should participate and cooperate with States and local interests in developing such water supplies in connection with the construction, maintenance, and operation of Federal navigation, flood control, irrigation, or multiple purpose projects.

Congressional
policy.

(b) In carrying out the policy set forth in this section, it is hereby provided that storage may be included in any reservoir project surveyed, planned, constructed or to be planned, surveyed and/or constructed by the Corps of Engineers or the Bureau of Reclamation to impound water for present or anticipated future demand or need for municipal or industrial water, and the reasonable value thereof may be taken into account in estimating the economic value of the entire project: *Provided*, That before construction or modification of any project including water supply provisions is initiated, State or local interests shall agree to pay for the cost of such provisions on the basis that all authorized purposes served by the project shall share equitably in the benefits of multiple purpose construction as determined by the Secretary of the Army or the Secretary of the Interior as the case may be: *Provided further*, That not to exceed 30 per centum of the total estimated cost of any project may be allocated to anticipated future demands where States or local interests give reasonable assurances that they will contract for the use of storage for anticipated future demands within a period of time which will permit paying out the costs allocated to water supply within the life of the project: *And provided further*, That the entire amount of the construction costs, including interest during construction, allocated to water supply shall be repaid within the life of the project but in no event to exceed fifty years after the project is first used for the storage of water for water supply purposes, except that (1) no payment need be made with respect to storage for future water supply until such supply is first used, and (2) no interest shall be charged on such cost until such supply is first used, but in no case shall the interest-free period exceed ten years. The interest rate used for purposes of computing interest during construction and interest on the unpaid balance shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction is initiated, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations, which are

Storage.

Agreement.

Future demands.

Repayment.

Interest.

neither due nor callable for redemption for fifteen years from date of issue. The provisions of this subsection insofar as they relate to the Bureau of Reclamation and the Secretary of the Interior shall be alternative to and not a substitute for the provisions of the Reclamation Projects Act of 1939 (53 Stat. 1187) relating to the same subject.

43 USC 485-485k.

(c) The provisions of this section shall not be construed to modify the provisions of section 1 and section 8 of the Flood Control Act of 1944 (58 Stat. 887), as amended and extended, or the provisions of section 8 of the Reclamation Act of 1902 (32 Stat. 390).

33 USC 701-1;
43 USC 390.
43 USC 372, 383.

(d) Modifications of a reservoir project heretofore authorized, surveyed, planned, or constructed to include storage as provided in subsection (b), which would seriously affect the purposes for which the project was authorized, surveyed, planned, or constructed, or which would involve major structural or operational changes shall be made only upon the approval of Congress as now provided by law.

Approval of Congress.

SEC. 302. Title III of this Act may be cited as the "Water Supply Act of 1958".

Short title.

Approved July 3, 1958.

Public Law 85-501

AN ACT

July 3, 1958
[H. R. 6306]

To amend the Act entitled "An Act authorizing and directing the Commissioners of the District of Columbia to construct two four-lane bridges to replace the existing Fourteenth Street or Highway Bridge across the Potomac River, and for other purposes."

Bridges.
Potomac River.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act entitled "An Act authorizing and directing the Commissioners of the District of Columbia to construct two four-lane bridges to replace the existing Fourteenth Street or Highway Bridge across the Potomac River, and for other purposes", approved July 16, 1946 (60 Stat. 566), is amended (a) by striking "\$7,000,000" and inserting in lieu thereof "\$16,000,000"; and (b) by inserting immediately before the period at the end of such section a semicolon and the following: "except that the provisions of section 6 of such Act of 1906 shall not apply".

34 Stat. 86.
33 USC 496.

Approved July 3, 1958.

Public Law 85-502

AN ACT

July 3, 1958
[H. R. 5033]

To extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Friar Point, Mississippi, and Helena, Arkansas.

Bridge.
Mississippi
River.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the times for commencing and completing the construction of a bridge across the Mississippi River at or near Friar Point, Mississippi, and Helena, Arkansas, authorized to be built by the Arkansas-Mississippi Bridge Commission and its successors and assigns by the Act entitled "An Act creating the Arkansas-Mississippi Bridge Commission; defining the authority, power, and duties of said Commission and authorizing said Commission and its successors and assigns to construct, maintain,

and operate a bridge across the Mississippi River at or near Friar Point, Mississippi, and Helena, Arkansas, and for other purposes", approved May 17, 1939 (53 Stat. 747), shall be the four-year period and the six-year period, respectively, beginning on August 9, 1957.

Approved July 3, 1958.

Effective date.

Public Law 85-503

AN ACT

To amend the Act entitled "An Act to authorize the construction, protection, operation, and maintenance of public airports in the Territory of Alaska", as amended.

July 3, 1958
[S. 1366]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 of the Act entitled "An Act to authorize the construction, protection, operation, and maintenance of public airports in the Territory of Alaska", approved May 28, 1948 (62 Stat. 277), as amended, is further amended to read as follows:

Alaska.
Airports; leases.
48 USC 485d.

"SEC. 5. The Secretary of Commerce is empowered to lease under such conditions as he may deem proper and for such periods as may be desirable (not to exceed ten years) space or property within or upon the airports for purposes essential or appropriate to the operation of the airports: *Provided*, That real property within or upon the airports may be leased for purposes of erecting structures necessary or incident to the operation of the airports, for periods not exceeding fifty-five years, and any such lease heretofore made may be renewed or renegotiated for any such period."

Approved July 3, 1958.

Public Law 85-504

JOINT RESOLUTION

Granting the consent and approval of Congress to an amendment of the agreement between the States of Vermont and New York relating to the creation of the Lake Champlain Bridge Commission.

July 3, 1958
[H. J. Res. 382]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent and approval of Congress is given to the amendment by the States of Vermont and New York of the agreement between such States relating to the creation of the Lake Champlain Bridge Commission, as amended, as consented to and approved by the Congress in the joint resolutions of February 16, 1928 (45 Stat. 120), August 23, 1935 (49 Stat. 736), June 4, 1936 (49 Stat. 1472), and May 31, 1945 (59 Stat. 227). The amendment consented to and approved by this Act adds to such agreement the following articles:

Lake Champlain
Bridge Commission.
A mandatory
agreement by Ver-
mont and New York,
consent of Con-
gress.

"ARTICLE XLIV

"1. Article twenty-one and section three of article thirty of this compact or agreement as heretofore entered into between the states of Vermont and New York having stated the declared purpose of each of the contracting parties with respect to the future operation of the two highway bridges heretofore constructed by the Lake Champlain bridge commission at the time said provisions became effective, and the obligations of said commission heretofore issued having been

paid and the state of Vermont and the state of New York having been fully repaid for all the moneys advanced by them, this article shall supersede such article twenty-one and section three of article thirty and shall hereafter be controlling in accordance with its provisions.

"2. It continues to be the declared purpose of each of the contracting parties that both of said bridges will eventually be free bridges; provided, however, that until such time as said states by concurrent legislation shall provide a different method and procedure for the operation, maintenance and control of said bridges; they shall continue to be operated and maintained under the control of the Lake Champlain bridge commission, and said commission may continue to charge and collect reasonable tolls for the use of both said bridges in such amount as may be necessary in the judgment of the commission, (a) to meet all requirements for the proper operation and maintenance of the said bridges, (b) to establish a reserve fund to provide for future requirements for the proper operation and maintenance of the said bridges, and (c) to defray the expense of preliminary studies and surveys as to the feasibility of constructing a new highway bridge, and approaches, across Lake Champlain from a point in the vicinity of Plattsburgh in the state of New York to a point in Grand Isle county in the state of Vermont.

"ARTICLE XLV

"Such commission shall have the power to apply to the Congress of the United States, or any department of the United States, for consent or approval of this agreement or compact, as amended, but in the absence of such consent by Congress and until the same shall have been secured, this agreement or compact, as amended, shall be binding upon the state of Vermont when ratified by it and the state of New York when ratified by it without the consent of Congress to cooperate for the purposes enumerated in this agreement or compact, and in the manner herein provided and for all purposes that it legally may be."

SEC. 2. The right to alter, amend, or repeal this joint resolution is expressly reserved.

Approved July 3, 1958.

Public Law 85-505

AN ACT

To provide for the leasing of oil and gas deposits in lands beneath nontidal navigable waters in the Territory of Alaska, and for other purposes.

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

DEFINITIONS

SECTION 1. That, when used in this Act—

(a) the term "lands beneath nontidal navigable waters in the Territory of Alaska" means (1) all lands within the boundaries of the Territory of Alaska which are covered by nontidal waters that are navigable under the laws of the United States, up to the ordinary high-water mark as heretofore or hereafter modified by accretion, erosion, and reliction. For the purposes of this definition and this Act, streams shall be "nontidal" at all points upstream from a line connecting the headlands at the mouth or mouths of such streams.

July 3, 1958
[H. R. 8054]

Alaska.
Leasing of oil
and gas deposits.

(b) The term "Mineral Leasing Act" means the Act of February 25, 1920 (41 Stat. 437; 30 U. S. C. 181, et seq.), and all Acts heretofore or hereafter enacted which are amendatory thereof or supplementary thereto;

(c) The term "Secretary" means the Secretary of the Interior.

SEC. 2. All deposits of oil and gas owned or hereafter acquired by the United States in lands beneath nontidal navigable waters in the Territory of Alaska, together with the lands containing those deposits, may be leased and otherwise administered, treated and dealt with by the Secretary under and pursuant to the provisions of the Mineral Leasing Act which are applicable to oil and gas deposits generally and the lands containing such deposits owned by the United States in the Territory of Alaska and all such provisions of the Mineral Leasing Act shall be applicable to deposits of oil and gas owned or hereafter acquired by the United States in lands beneath nontidal navigable waters in the Territory of Alaska, except as otherwise provided in this Act.

Provisions applicable.

SEC. 3. All moneys received from the sale of, or as bonus, royalty, and rental under, any lease issued pursuant to this Act shall be paid into the Treasury of the United States. As soon as practicable after December 31 and June 30 of each year the Secretary of the Treasury shall pay 90 per centum of such moneys to the Territory of Alaska, 37½ per centum to be used for the construction and maintenance of public roads or for the support of public schools or other public educational institutions in such manner as the Legislature of the Territory of Alaska may direct, and 52½ per centum to be used for such purposes as the Legislature of the Territory of Alaska may direct.

Use of moneys.

SEC. 4. Upon written application from any lessee or applicant or offeror for lease hereunder the Secretary, unless a final determination has been previously made by a court of competent jurisdiction, shall determine whether any body of water, or any part of any body of water, is nontidal navigable waters in the Territory of Alaska as referred to in this Act, and shall determine and designate the line marking the mouth or mouths of any navigable stream.

Determination of nontidal navigable water.

SEC. 5. Nothing in this Act shall be construed as affecting existing rights, or rights acquired in the future, under existing laws, executive withdrawals, or reservations, to take natural resources, including fish and wild game, from the waters above lands beneath nontidal navigable waters in the Territory of Alaska, nor shall anything in this Act interfere with the free and unimpeded navigation of those waters or navigational servitudes therein, but the existence of such rights, withdrawals, or reservations shall not preclude simultaneous and unimpeded operations under any lease issued pursuant to this Act. All operations under leases issued pursuant to this Act shall be subject to such rules and regulations as the Secretary of the Interior may prescribe for the prevention of injury to fish and game.

Fishing, etc., rights.

SEC. 6. If any oil and gas lease issued for public land pursuant to the Mineral Leasing Act (or any application or offer for such a lease of such land, which is pending on the date of this Act and subsequently becomes effective), embraces within the boundaries described in the lease (or application or offer) any lands beneath nontidal navigable waters in the Territory of Alaska not within any known geological structure of a producing oil or gas field on the date the application or offer for any such lease was filed with the Bureau of Land Management, the lessee (or applicant or offeror) shall, upon application filed while such lease (or application or offer) is still in effect but not more than one year after the date of approval of this Act and under regulations to be prescribed by the Secretary, have a preference right to have included within such lease (or application or offer) such lands

Preference right. 41 Stat. 437. 30 USC 181 et seq.

beneath nontidal navigable waters in the Territory of Alaska. For the purposes of this section an area shall be considered to be within the boundaries described in the lease (or application or offer) even though it is excluded from such description by general terms which exclude all described lands that are or may be situated beneath navigable waters.

Transferred
lands.

SEC. 7. Upon the transfer to the Territory of Alaska or to any future State or States erected out of the Territory of Alaska of title to any of the lands beneath nontidal navigable waters in the Territory of Alaska, the provisions of this Act shall cease to apply to any lands which are so transferred: *Provided, however,* That any lease issued pursuant to this Act (or application or offer for such a lease) or unitization or other agreement approved or prescribed by the Secretary as to any of the lands covered by any such lease which is in effect at the time of such transfer of title to any of the lands beneath nontidal navigable waters in the Territory of Alaska shall not be terminated or otherwise affected by such transfer of title; but all the right, title, and interest of the United States under such lease (or application or offer for lease) or unitization or other agreement, including any authority to modify its terms and conditions that may have been retained by the United States, and all obligations thereunder shall vest in the Territory of Alaska or the State to which title to those lands beneath nontidal navigable waters in the Territory of Alaska covered by the lease (or application or offer for lease) or unitization or other agreement is transferred.

Savings pro-
vision.
48 USC 381.

SEC. 8. Nothing in this Act shall be deemed to repeal or modify any provision of the Act of August 8, 1947 (61 Stat. 916), entitled "An Act to amend section 26, title I, chapter 1, of the Act entitled 'An Act making further provision for a civil government for Alaska, and for other purposes'", permitting exploration and mining for gold and other precious metals in beds of navigable tidal and nontidal waters of Alaska, but nothing in said Act of August 8, 1947, nor any rights acquired thereunder shall preclude simultaneous and unimpeded operations under any lease issued pursuant to this Act.

Venue.

SEC. 9. Any proceeding affecting any lease issued pursuant to this Act may be brought in the United States District Court for the District of Alaska or in any United States district court for the district in which the defendant resides or has his principal place of business.

30 USC 251.

SEC. 10. Section 22 of the Act of February 25, 1920 (41 Stat. 446), is amended to read as follows:

Rental and roy-
alty concessions.

"SEC. 22. That any bona fide occupant or claimant of oil or gas bearing lands in the Territory of Alaska, who, or whose predecessors in interest, prior to withdrawal had complied otherwise with the requirements of the mining laws, but had made no discovery of oil or gas in wells and who prior to withdrawal had made substantial improvements for the discovery of oil or gas on or for each location or had prior to the passage of this Act expended not less than \$250 in improvements on or for each location shall be entitled, upon relinquishment or surrender to the United States within one year from the date of this Act, or within six months after final denial or withdrawal of application for patent, to a lease or leases, under this Act covering such lands, not exceeding five leases in number and not exceeding an aggregate of one thousand two hundred and eighty acres in each: *Provided,* That the annual lease rentals for lands in the Territory of Alaska not within any known geological structure of a producing oil or gas field and the royalty payments from production of oil or gas sold or removed from such lands shall be identical with those prescribed for such leases covering similar lands in the States of the United States, except that leases which may issue pursuant to applications or offers to lease such lands, which applications

Exception.

or offers were filed prior to and were pending on May 3, 1958, shall require the payment of 25 cents per acre as lease rental for the first year of such leases; but the aforesaid exception shall not apply in any way to royalties to be required under leases which may issue pursuant to offers or applications filed prior to May 3, 1958.

"The Secretary of the Interior shall neither prescribe nor approve any cooperative or unit plan of development or operation nor any operating, drilling, or development contract establishing different royalty or rental rates for Alaska lands than for similar lands within the States of the United States.

"No claimant for a lease who has been guilty of any fraud or who had knowledge or reasonable grounds to know of any fraud, or who has not acted honestly and in good faith, shall be entitled to any of the benefits of this section."

SEC. 11. The Secretary shall have authority to issue such rules and regulations as are appropriate and necessary to carry out the purposes of this Act.

Approved July 3, 1958.

Restriction.

Rules and regulations.

Public Law 85-506

AN ACT

To require the full and fair disclosure of certain information in connection with the distribution of new automobiles in commerce, and for other purposes.

July 7, 1958
[S. 3500]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Automobile Information Disclosure Act".

Automobile Information Disclosure Act.

DEFINITIONS

SEC. 2. For purposes of this Act—

(a) The term "manufacturer" shall mean any person engaged in the manufacturing or assembling of new automobiles, including any person importing new automobiles for resale and any person who acts for and is under the control of such manufacturer, assembler, or importer in connection with the distribution of new automobiles.

(b) The term "person" means an individual, partnership, corporation, business trust, or any organized group of persons.

(c) The term "automobile" includes any passenger car or station wagon.

(d) The term "new automobile" means an automobile the equitable or legal title to which has never been transferred by a manufacturer, distributor, or dealer to an ultimate purchaser.

(e) The term "dealer" shall mean any person resident or located in the United States or any Territory thereof or in the District of Columbia engaged in the sale or the distribution of new automobiles to the ultimate purchaser.

(f) The term "final assembly point" means—

(1) in the case of a new automobile manufactured or assembled in the United States, or in any Territory of the United States, the plant, factory, or other place at which a new automobile is produced or assembled by a manufacturer and from which such automobile is delivered to a dealer in such a condition that all component parts necessary to the mechanical operation of such automobile are included with such automobile, whether or not such component parts are permanently installed in or on such automobile; and

(2) in the case of a new automobile imported into the United States, the port of importation.

(g) The term "ultimate purchaser" means, with respect to any new automobile, the first person, other than a dealer purchasing in his capacity as a dealer, who in good faith purchases such new automobile for purposes other than resale.

(h) The term "commerce" shall mean commerce among the several States of the United States or with foreign nations, or in any Territory of the United States or in the District of Columbia, or among the Territories or between any Territory and any State or foreign nation, or between the District of Columbia and any State or Territory or foreign nation.

LABEL AND ENTRIES REQUIRED

SEC. 3. Every manufacturer of new automobiles distributed in commerce shall, prior to the delivery of any new automobile to any dealer, or at or prior to the introduction date of new models delivered to a dealer prior to such introduction date, securely affix to the windshield, or side window of such automobile a label on which such manufacturer shall endorse clearly, distinctly and legibly true and correct entries disclosing the following information concerning such automobile—

- (a) the make, model, and serial or identification number or numbers;
- (b) the final assembly point;
- (c) the name, and the location of the place of business, of the dealer to whom it is to be delivered;
- (d) the name of the city or town at which it is to be delivered to such dealer;
- (e) the method of transportation used in making delivery of such automobile, if driven or towed from final assembly point to place of delivery; and
- (f) the following information:
 - (1) the retail price of such automobile suggested by the manufacturer;
 - (2) the retail delivered price suggested by the manufacturer for each accessory or item of optional equipment, physically attached to such automobile at the time of its delivery to such dealer, which is not included within the price of such automobile as stated pursuant to paragraph (1);
 - (3) the amount charged, if any, to such dealer for the transportation of such automobile to the location at which it is delivered to such dealer;
 - (4) the total of the amounts specified pursuant to paragraphs (1), (2), and (3).

PENALTIES

SEC. 4. (a) Any manufacturer of automobiles distributed in commerce who willfully fails to affix to any new automobile manufactured or imported by him the label required by section 3 shall be fined not more than \$1,000. Such failure with respect to each automobile shall constitute a separate offense.

(b) Any manufacturer of automobiles distributed in commerce who willfully fails to endorse clearly, distinctly and legibly any label as required by section 3, or who makes a false endorsement of any such label, shall be fined not more than \$1,000. Such failure or false endorsement with respect to each automobile shall constitute a separate offense.

(c) Any person who willfully removes, alters, or renders illegible any label affixed to a new automobile pursuant to section 3, or any endorsement thereon, prior to the time that such automobile is delivered to the actual custody and possession of the ultimate purchaser of such new automobile, except where the manufacturer relabels the automobile in the event the same is rerouted, repurchased, or reacquired by the manufacturer of such automobile, shall be fined not more than \$1,000, or imprisoned not more than one year, or both. Such removal, alteration, or rendering illegible with respect to each automobile shall constitute a separate offense.

EFFECTIVE DATE

SEC. 5. This Act shall take effect on the first day of October 1958 or on the first day of the introduction of any new model of automobile in any line of automobile beginning after the date of enactment of this Act, whichever date shall last occur.

Approved July 7, 1958.

Public Law 85-507

AN ACT

July 7, 1958
[S. 385]

To increase efficiency and economy in the Government by providing for training programs for civilian officers and employees of the Government with respect to the performance of official duties.

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

Government Em-
ployees Training
Act.

SHORT TITLE

SECTION 1. This Act may be cited as the "Government Employees Training Act".

DECLARATION OF POLICY

SEC. 2. It is hereby declared to be the policy of the Congress—

(1) that, in order to promote efficiency and economy in the operation of the Government and provide means for the development of maximum proficiency in the performance of official duties by employees thereof, to establish and maintain the highest standards of performance in the transaction of the public business, and to install and utilize effectively the best modern practices and techniques which have been developed, tested, and proved within or outside of the Government, it is necessary and desirable in the public interest that self-education, self-improvement, and self-training by such employees be supplemented and extended by Government-sponsored programs, provided for by this Act, for the training of such employees in the performance of official duties and for the development of skills, knowledge, and abilities which will best qualify them for performance of official duties;

(2) that such programs shall be continuous in nature, shall be subject to supervision and control by the President and review by the Congress, and shall be so established as to be readily expandable in time of national emergency;

(3) that such programs shall be designed to lead to (A) improved public service, (B) dollar savings, (C) the building and retention of a permanent cadre of skilled and efficient

Government employees, well abreast of scientific, professional, technical, and management developments both in and out of Government, (D) lower turnover of personnel, (E) reasonably uniform administration of training, consistent with the missions of the Government departments and agencies, and (F) fair and equitable treatment of Government employees with respect to training; and

(4) that the United States Civil Service Commission shall be responsible and have authority, subject to supervision and control by the President, for the effective promotion and coordination of such programs and of training operations thereunder.

DEFINITIONS

SEC. 3. For the purposes of this Act—

(1) the term "Government" means the Government of the United States of America and the municipal government of the District of Columbia;

(2) the term "department", subject to the exceptions contained in section 4, means (A) each executive department, (B) each independent establishment or agency in the executive branch, (C) each Government-owned or controlled corporation subject to title I or title II of the Government Corporation Control Act, (D) the General Accounting Office, (E) the Library of Congress, (F) the Government Printing Office, and (G) the municipal government of the District of Columbia;

(3) the term "employee", subject to the exceptions contained in section 4, means any civilian officer or employee in or under a department, including officers of the Coast and Geodetic Survey in the Department of Commerce;

(4) the term "Commission" means the United States Civil Service Commission;

(5) the term "training" means the process of providing for and making available to an employee, and placing or enrolling such employee in, a planned, prepared, and coordinated program, course, curriculum, subject, system, or routine of instruction or education, in scientific, professional, technical, mechanical, trade, clerical, fiscal, administrative, or other fields which are or will be directly related to the performance by such employee of official duties for the Government, in order to increase the knowledge, proficiency, ability, skill, and qualifications of such employee in the performance of official duties;

(6) the term "Government facility" means any property owned or substantially controlled by the Government and the services of any civilian and military personnel of the Government; and

(7) the term "non-Government facility" means (A) the government of any State, Territory, or possession of the United States, the government of the Commonwealth of Puerto Rico, and any interstate governmental organization, or any unit, subdivision, or instrumentality of any of the foregoing, (B) any foreign government or international organization, or instrumentality of either, which is designated by the President as eligible to provide training under this Act, (C) any medical, scientific, technical, educational, research, or professional institution, foundation, agency, or organization, (D) any business, commercial, or industrial firm, corporation, partnership, proprietorship, or any other organization, and (E) any individual not a civilian or military officer or employee of the Government of the United States or of the municipal government of the District

of Columbia. For the purposes of furnishing training by, in, or through any of the foregoing, the term "non-Government facility" also shall include the services and property of any of the foregoing furnishing such training.

EXCLUSION

SEC. 4. (a) This Act shall not apply to—

- (1) the President or Vice President of the United States,
- (2) the Foreign Service of the United States under the Department of State,
- (3) any corporation under the supervision of the Farm Credit Administration of which corporation any member of the board of directors is elected or appointed by private interests,
- (4) the Tennessee Valley Authority,
- (5) any individual appointed by the President by and with the advice and consent of the Senate or by the President alone, unless such individual is specifically designated by the President for training under this Act, and
- (6) any individual (except an officer of the Coast and Geodetic Survey in the Department of Commerce) who is a member of the uniformed services as defined in section 102 (a) of the Career Compensation Act of 1949, as amended, during any period in which he is receiving compensation under title II of such Act.

63 Stat. 802, 807.
37 USC 231, 232-238.

(b) The President is authorized—

- (1) to designate at any time in the public interest any department or part thereof, or any employee or employees therein (either individually or by groups or classes), as excepted from this Act or any provision of this Act (other than this section, section 21, and section 22), and
- (2) to designate at any time in the public interest any such department or part thereof, or any such employee or employees therein, so excepted, as again subject to this Act or any such provision of this Act.

Such authority of the President shall not include the authority to except the Commission from any provision of this Act which vests in or imposes upon the Commission any function, duty, or responsibility with respect to any matter other than the establishment, operation, and maintenance by the Commission, in the same capacity as any other department, of programs of and plans of training for employees of the Commission.

DEPARTMENTAL REVIEWS OF TRAINING NEEDS

SEC. 5. Within ninety days after the date of enactment of this Act and at least once every three years after the expiration of such ninety-day period, the head of each department shall conduct and complete a review of the needs and requirements of such department for the training of employees under its jurisdiction. Upon request of a department, the Commission is authorized, in its discretion, to assist such department in connection with such review of needs and requirements. Information obtained or developed in any such review shall be made available to the Commission at its request.

TRAINING REGULATIONS OF COMMISSION

SEC. 6. (a) The Commission after consideration of the needs and requirements of each department for training of its employees and after consultation with those departments principally concerned, shall

prescribe regulations containing the principles, standards, and related requirements for the programs, and plans thereunder, for the training of employees of the departments under authority of this Act (including requirements for appropriate coordination of and reasonable uniformity in such training programs and plans of the departments). Such regulations, when promulgated, shall provide for the maintenance of necessary information with respect to the general conduct of the training activities of each department, and such other information as may be necessary to enable the President and the Congress to discharge effectively their respective duties and responsibilities for supervision, control, and review of training programs authorized by this Act. Such regulations also shall cover with respect to training by, in, and through Government facilities and non-Government facilities—

(1) requirements with respect to the determination and continuing review by each department of its needs and requirements in connection with such training;

(2) the scope and conduct of the programs and plans of each department for such training;

(3) the selection and assignment for such training of employees of each department;

(4) the utilization in each department of the services of employees who have undergone any such training;

(5) the evaluation of the results and effects of programs and plans for such training;

(6) the interchange among the departments of information concerning such training;

(7) the submission by the departments of reports on the results and effects of programs and plans of such training and economies resulting therefrom, including estimates of costs of training by, in, and through non-Government facilities;

(8) such requirements and limitations as may be necessary with respect to payments and reimbursements in accordance with section 10; and

(9) such other matters as the Commission deems appropriate or necessary to carry out the provisions of this Act.

(b) In addition to matters set forth in subsection (a) of this section, the regulations of the Commission shall, with respect to the training of employees by, in, or through non-Government facilities—

(1) prescribe general policies governing the selection of a non-Government facility to provide such training;

(2) authorize training of employees by, in, or through a non-Government facility only after determination by the head of the department concerned that adequate training for such employees by, in, or through a Government facility is not reasonably available and that appropriate consideration has been given to the then existing or reasonably foreseeable availability and utilization of fully trained employees; and

(3) prohibit the training of an employee by, in, or through a non-Government facility for the purpose of filling a position by promotion if there is in the department concerned another employee of equal ability and suitability who is fully qualified to fill such position and is available at, or within a reasonable distance from, the place or places where the duties of such position are to be performed.

(c) From time to time and in accordance with this Act, the Commission may revise, supplement, or abolish its regulations prescribed under this section and may prescribe additional regulations.

(d) Nothing contained in this section shall be construed to authorize the Commission to prescribe the types and methods of intradepartmental training or to regulate the details of intradepartmental training programs.

ESTABLISHMENT OF PROGRAMS OF TRAINING THROUGH GOVERNMENT AND
NON-GOVERNMENT FACILITIES

SEC. 7. Within two hundred and seventy days after the date of enactment of this Act, the head of each department shall prepare, establish, and place in effect a program or programs, and a plan or plans thereunder, in conformity with this Act, for the training of employees in or under such department by, in, and through Government facilities and non-Government facilities in order to increase economy and efficiency in the operations of the department and to raise the standard of performance by employees of their official duties to the maximum possible level of proficiency. Each such program, and plan or plans thereunder, shall conform, on and after the effective date of the regulations prescribed by the Commission under section 6 of this Act, to the principles, standards, and related requirements contained in such regulations then current, shall be operated and maintained in accordance with the provisions of this Act, and shall provide for adequate administrative control by appropriate authority. Two or more departments jointly may operate under any such training program. Each such program shall provide for the encouragement of self-training by employees by means of appropriate recognition of resultant increases in proficiency, skill, and capability.

GENERAL PROVISIONS OF PROGRAMS OF TRAINING THROUGH GOVERNMENT
FACILITIES

SEC. 8. The program or programs of each department for the training of employees by, in, and through Government facilities under authority of this Act—

(1) shall provide for training, insofar as practicable, by, in, and through those Government facilities which are under the jurisdiction or control of such department, and

(2) shall provide for the making by such department to the extent necessary and appropriate, of agreements with other departments, and with other agencies in any branch of the Government, on a reimbursable basis if so requested by such other departments and agencies, (A) for the utilization in such program or programs of those Government facilities under the jurisdiction or control of such other departments and agencies and (B) for extension to employees of such department of training programs of such other departments.

GENERAL PROVISIONS OF PROGRAMS OF TRAINING THROUGH
NON-GOVERNMENT FACILITIES

SEC. 9. (a) The head of each department is authorized to enter into agreements or make other appropriate arrangements for the training of employees of such department by, in, or through non-Government facilities in accordance with this Act, without regard to section 3709 of the Revised Statutes (41 U. S. C. 5).

(b) The program or programs of each department for the training of employees by, in, and through non-Government facilities under authority of this Act shall—

(1) provide for information to be made available to employees of such department with respect to the selection and assignment of such employees for training by, in, and through non-Government facilities and the limitations and restrictions applicable to such training in accordance with this Act, and

(2) give appropriate consideration to the needs and requirements of such department in recruiting and retaining scientific, professional, technical, and administrative employees.

(c) Each department shall issue such regulations as the department deems necessary to implement the regulations of the Commission issued under section 6 (a) (8) in order to protect the Government with respect to payment and reimbursement of training expenses.

EXPENSES OF TRAINING THROUGH GOVERNMENT FACILITIES AND NON-GOVERNMENT FACILITIES

SEC. 10. The head of each department in accordance with regulations issued by the Commission under authority of section 6 (a) (8) is authorized, from funds appropriated or otherwise available to such department, (1) to pay all or any part of the salary, pay, or compensation (excluding overtime, holiday, and night differential pay) of each employee of such department who is selected and assigned for training by, in, or through Government facilities or non-Government facilities under authority of this Act, for each period of such training of such employee, and (2) to pay, or reimburse such employee for, all or any part of the necessary expenses of such training, without regard to section 3648 of the Revised Statutes (31 U. S. C. 529), including among such expenses the necessary costs of (A) travel and per diem in lieu of subsistence in accordance with the Travel Expense Act of 1949, as amended, and the Standardized Government Travel Regulations, or, in the case of commissioned officers of the Coast and Geodetic Survey in the Department of Commerce, section 303 of the Career Compensation Act of 1949, as amended, and the Joint Travel Regulations for the Uniformed Services; (B) transportation of immediate family, household goods and personal effects, packing, crating, temporary storage, drayage, and unpacking in accordance with the first section of the Administrative Expenses Act of 1946, as amended, and Executive Order Numbered 9805, as amended (except that in the case of commissioned officers of the Coast and Geodetic Survey in the Department of Commerce, such expenses shall be paid under section 303 of the Career Compensation Act of 1949, as amended, and the Joint Travel Regulations for the Uniformed Services), whenever the estimated costs of such transportation and related services are less than the estimated aggregate per diem payments for the period of training, (C) tuition and matriculation fees, (D) library and laboratory services, (E) purchase or rental of books, materials, and supplies, and (F) other services or facilities directly related to the training of such employee. Such expenses of training shall not be deemed to include membership fees except to the extent that such fees are a necessary cost directly related to the training itself or that payment thereof is a condition precedent to undergoing such training.

AGREEMENTS OF EMPLOYEES RECEIVING TRAINING THROUGH NON-GOVERNMENT FACILITIES TO CONTINUE IN GOVERNMENT SERVICE FOR CERTAIN PERIODS

SEC. 11. (a) Each employee who is selected for training by, in, or through a non-Government facility under authority of this Act shall, prior to his actual assignment for such training, enter into a written

37 USC 253.

63 Stat. 166.
5 USC 835 note.

63 Stat. 813.
37 USC 253.

60 Stat. 806.
5 USC 73b-1
note.
3 CFR 1943-1948
Comp., p. 584.

agreement with the Government to the effect that (1) after the expiration of the period of his training, he will continue in the service of his department for a period at least equal to three times the length of the period of such training unless he is involuntarily separated from the service of his department, and (2) if he is voluntarily separated from the service of his department prior to the expiration of the period for which he has agreed to continue in the service of his department after such period of training, he will pay to the Government the amount of the additional expenses incurred by the Government in connection with his training. No employee selected for such training shall be assigned thereto unless he has entered into such agreement.

(b) An employee who, by reason of his entrance into the service of another department or of any other agency in any branch of the Government, fails to continue, after his training, in the service of his department for the period specified in such agreement, shall not be required to pay to the Government the amount of the additional expenses incurred by the Government in connection with his training unless the head of the department which has authorized such training notifies the employee prior to the effective date of his entrance into the service of such other department or agency that such payment will be required under authority of this section.

(c) If any employee (other than an employee relieved of liability under subsection (b) of this section or under subsection (b) of section 4) fails to fulfill his agreement to pay to the Government the additional expenses incurred by the Government in connection with his training, a sum equal to the amount of such additional expenses of training shall be recoverable by the Government from such employee or his estate (1) by setoff of accrued salary, pay, compensation, amount of retirement credit, or other amount due such employee from the Government and (2) by such other method as may be provided by law for the recovery of amounts owing to the Government. The head of the department concerned may, in accordance with regulations of the Commission, waive in whole or in part any right of recovery under this subsection, if it is shown that such recovery would be against equity and good conscience or against the public interest.

LIMITATIONS ON TRAINING OF EMPLOYEES THROUGH NON-GOVERNMENT FACILITIES

SEC. 12. (a) The training of employees by, in, and through non-Government facilities under authority of this Act shall be subject to the following provisions:

(1) The number of man-years of such training by, in, and through non-Government facilities for each department in any fiscal year shall not exceed 1 per centum of the total number of man-years of civilian employment for such department in the same fiscal year as disclosed by the budget estimates for such department for such year.

(2) No employee having less than one year of current, continuous civilian service in the Government shall be eligible for such training unless the head of his department determines, in accordance with regulations of the Commission, that such training for such employee is in the public interest.

(3) In the first ten-year period of his continuous or non-continuous civilian service in the Government following the date of his initial entry into the civilian service of the Government, and in each ten-year period of such service occurring thereafter, the time spent by an employee in such training shall not exceed one year.

(4) The Commission is authorized, in its discretion, to prescribe such other limitations, in accordance with the provisions and purposes of this Act, with respect to the time which may be spent by an employee in such training, as the Commission deems appropriate.

(b) The Commission is authorized, in its discretion, to waive, with respect to any department or part thereof or any employee or employees therein, any or all of the restrictions covered by subsection (a) of this section, upon recommendation of the head of the department concerned, if the Commission determines that the application of any or all of such restrictions to any department or part thereof or employee or employees therein is contrary to the public interest. The Commission is further authorized, in its discretion, to reimpose in the public interest, with respect to any such department or part thereof, or any such employee or employees therein, any or all of the restrictions so waived.

PROHIBITION ON TRAINING THROUGH NON-GOVERNMENT FACILITIES FOR
SOLE PURPOSE OF OBTAINING ACADEMIC DEGREES

SEC. 13. Nothing contained in this Act shall be construed to authorize the selection and assignment of any employee for training by, in, or through any non-Government facility under authority of this Act, or the payment or reimbursement by the Government of the costs of such training, either (1) for the purpose of providing an opportunity to such employee to obtain an academic degree in order to qualify for appointment to a particular position for which such academic degree is a basic requirement or (2) solely for the purpose of providing an opportunity to such employee to obtain one or more academic degrees.

PROHIBITION ON TRAINING THROUGH FACILITIES ADVOCATING OVERTHROW
OF THE GOVERNMENT BY FORCE OR VIOLENCE

SEC. 14. No part of any appropriation of, or of any funds available for expenditure by, any department shall be available for payment for the training of any employee by, in, or through any non-Government facility teaching or advocating the overthrow of the Government of the United States by force or violence, or by or through any individual with respect to whom determination has been made by a proper Government administrative or investigatory authority that, on the basis of information or evidence developed in investigations and procedures authorized by law or Executive orders of the President, there exists a reasonable doubt of his loyalty to the United States.

REVIEW BY COMMISSION OF PROGRAMS OF TRAINING THROUGH NON-
GOVERNMENT FACILITIES

SEC. 15. The Commission shall review, at such times and to such extent as it deems necessary, the operations, activities, and related transactions of each department in connection with the program or programs, and the plan or plans thereunder, of such department for the training of its employees by, in, and through non-Government facilities under authority of this Act in order to determine whether such operations, activities, and related transactions are in compliance with such programs and plans, with the provisions and purposes of this Act, and with the principles, standards, and related requirements contained in the regulations of the Commission prescribed thereunder.

Upon request of the Commission, each department shall cooperate with and assist the Commission in such review. If the Commission finds that noncompliance exists in any department, the Commission, after consultation with such department, shall certify to the head of such department its recommendations for modification or change of actions and procedures of such department thereafter in connection with such training programs and plans. If after a reasonable time for placing such recommendations in effect the Commission finds that noncompliance continues to exist in such department, the Commission shall report such noncompliance to the President for such action as he deems appropriate.

COLLECTION OF TRAINING INFORMATION BY COMMISSION

SEC. 16. The Commission is authorized, to the extent it deems appropriate in the public interest, to collect information, from time to time, with respect to training programs, plans, and methods in and outside the Government. Upon appropriate request, the Commission may make such information available to any department and to the Congress.

ASSISTANCE BY COMMISSION WITH RESPECT TO TRAINING PROGRAMS

SEC. 17. Upon request of any department, the Commission, to the extent of its facilities and personnel available for such purpose, shall provide advice and assistance in the establishment, operation, and maintenance of the programs and plans of such department for training under authority of this Act.

REPORTS

SEC. 18. (a) Each department annually shall prepare and submit to the Commission, at such times and in such form as the Commission shall prescribe, reports on the programs and plans of such department for the training of employees by, in, and through Government facilities and non-Government facilities under authority of this Act. Each such report shall contain—

(1) such information as the Commission deems appropriate with respect to the expenditures of such department in connection with such training,

(2) the name of each employee of such department (other than students participating in any cooperative educational program) who, during the period covered by the report, received training by, in, or through a non-Government facility for more than one hundred and twenty days; the grade, title, and primary duties of the position held by such employee; the name of the non-Government facility from which such training was received; the nature, length, and cost to the Government of such training; and the relationship of such training to official Government duties,

(3) the name of each employee of such department who, during the period covered by the report, received a contribution or award in the manner provided by section 19 (a) of this Act,

(4) a statement of the department with respect to the value of such training to the department,

(5) estimates of the extent to which economies and improved operations have resulted from such training, and

(6) such other information as the department or the Commission deems appropriate.

(b) The Commission shall include in its annual report a statement, in such form as shall be determined by the Commission with the approval of the President, with respect to the training of employees of the Government under authority of this Act. Each such statement shall include—

(1) a summary of information with respect to the operation and results of the programs and plans of the departments,

(2) a summary of information received by the Commission from the departments in accordance with subsection (a) of this section, and

(3) such recommendations and other matters as the President or the Commission may deem appropriate or which may be required by the Congress.

(c) The Commission annually shall submit to the President for his approval and for transmittal to the Congress a report including the information received by the Commission from the departments under paragraphs (2) and (3) of subsection (a) of this section.

GENERAL

SEC. 19. (a) To the extent authorized by regulation of the President, contributions and awards incident to training in non-Government facilities may be made to and accepted by employees, and payment of travel, subsistence, and other expenses incident to attendance at meetings may be made to and accepted by employees, without regard to the provisions of section 1914 of title 18 of the United States Code: *Provided*, That such contributions, awards, and payments are made by an organization determined by the Secretary of the Treasury to be an organization described in section 501 (c) (3) of the Internal Revenue Code of 1954 which is exempt from taxation under section 501 (a) of such Code.

(b) Hereafter any appropriation available to any department for expenses of travel shall be available for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities.

(c) Whenever, under the authority of subsection (a), a contribution, award, or payment, in cash or in kind, is made to an employee for travel, subsistence, or other expenses, an appropriate reduction in accordance with regulations of the Director of the Bureau of the Budget shall be made from any payment by the Government to such employee for travel, subsistence, or other expenses incident to training in a non-Government facility or incident to attendance at a meeting.

(d) Nothing in this Act shall be construed to authorize the training of any employee by, in, or through any non-Government facility any substantial part of the activities of which is (1) the carrying on of propaganda, or otherwise attempting, to influence legislation or (2) the participation or intervention in (including the publishing or distributing of statements) any political campaign on behalf of any candidate for public office.

(e) The functions, duties, and responsibilities of the Commission under this Act shall be exercised subject to supervision and control by the President and review by the Congress.

62 Stat. 793.

68A Stat. 163.
26 USC 501.

TRANSITION FROM EXISTING GOVERNMENT TRAINING PROGRAMS

SEC. 20. In order to facilitate the transition from existing Government training programs and notwithstanding any provision of this Act to the contrary or the repeal or amendment of any provision of law thereby, the education, instruction, and training, either within or outside the Government, of employees of any department, under any program in effect immediately prior to the date of enactment of this Act, may be initiated, continued, and completed until the expiration of the day immediately preceding (1) the day on which such department shall have placed in effect, in accordance with section 7 of this Act, a program or programs of training or (2) the first day following the date of expiration of the period of two hundred and seventy days following enactment of this Act specified in such section 7, whichever day first occurs. All such education, instruction, and training initiated or uncompleted prior to the day specified in clause (1) or the day specified in clause (2) of this section, whichever day first occurs, may be continued and completed under such program on and after such day.

REPEAL AND AMENDMENT OF EXISTING EMPLOYEE TRAINING LAWS

SEC. 21. (a) The respective provisions of law specified in subsections (b) and (c) of this section are each repealed or amended, as the case may be, as provided in such subsections, each such repeal and amendment to be effective (1) on and after the day on which the department listed with respect to such provision of law shall have placed in effect, in accordance with section 7 of this Act, a program or programs of training or (2) on and after the first day following the date of expiration of the period of two hundred and seventy days following enactment of this Act specified in such section 7, whichever day first occurs.

(b) The following provisions of law with respect to the following departments are repealed and amended, effective in the manner provided in subsection (a) of this section:

(1) Atomic Energy Commission: Paragraph n of section 161 of the Atomic Energy Act of 1954 (68 Stat. 950; 42 U. S. C. 2201 (n)) is repealed. Paragraphs o, p, q, r, and s of such section 161 are redesignated as paragraphs n, o, p, q, and r, respectively, of such section.

(2) Central Intelligence Agency: Section 4 of the Central Intelligence Agency Act of 1949 (63 Stat. 208; 50 U. S. C. 403d) is repealed. Sections 5, 6, 7, 8, 10, 11, and 12 of such Act are redesignated as sections 4, 5, 6, 7, 8, 9, and 10, respectively, of such Act.

(3) Civil Aeronautics Administration, Department of Commerce: Section 307 (b) and (c) of the Civil Aeronautics Act of 1938, as amended (64 Stat. 417; 49 U. S. C. 457 (b) and (c)), is repealed. Section 307 (a) of such Act is amended by striking out "(a)".

(4) Federal Maritime Board and the Maritime Administration, Department of Commerce: The last sentence in section 201 (e) of the Merchant Marine Act, 1936, as amended (53 Stat. 1182; 46 U. S. C. 1111 (e)), is repealed.

(5) National Advisory Committee for Aeronautics: The Act entitled "An Act to promote the national defense and to contribute to more effective aeronautical research by authorizing professional personnel of the National Advisory Committee for

Aeronautics to attend accredited graduate schools for research and study", approved April 11, 1950, as amended (64 Stat. 43; 68 Stat. 78; 50 U. S. C. 160a-160f), is repealed.

(6) Bureau of Public Roads, Department of Commerce: Section 16 of the Defense Highway Act of 1941 (55 Stat. 770; 23 U. S. C. 116) is repealed.

(7) Veterans' Administration: Section 235 of the Veterans' Benefits Act of 1957 (71 Stat. 94; Public Law 85-56), subsections (b) and (c) of section 1413 of the Veterans' Benefits Act of 1957 (71 Stat. 134 and 135; Public Law 85-56), and that part of the first sentence of paragraph 9 of part VII of Veterans Regulation Numbered 1 (a) (57 Stat. 45; 38 U. S. C., ch. 12A) which follows the words "The Administrator shall have the power" and ends with a semicolon and the words "and also", are repealed.

(c) Section 803 of the Civil Aeronautics Act of 1938, as amended (60 Stat. 945; 49 U. S. C. 603), is amended—

(1) by inserting "and" immediately following the semicolon at the end of clause (6) of such section,

(2) by striking out the semicolon at the end of clause (7) of such section, and

(3) by striking out "and (8) detail annually, within the limits of available appropriations made by Congress, members of the Weather Bureau personnel for training at Government expense, either at civilian institutions or otherwise, in advanced methods of meteorological science: *Provided*, That no such member shall lose his individual status or seniority rating in the Bureau merely by reason of absence due to such training".

EXISTING RIGHTS AND OBLIGATIONS

SEC. 22. Nothing contained in this Act shall affect (1) any contract, agreement, or arrangement entered into by the Government, either prior to the date of enactment of this Act or under authority of section 20, for the education, instruction, or training of personnel of the Government, and (2) the respective rights and liabilities (including seniority, status, pay, leave, and other rights of personnel of the Government) with respect to the Government in connection with any such education, instruction, and training or in connection with any such contract, agreement, or arrangement.

ABSORPTION OF COSTS WITHIN FUNDS AVAILABLE

SEC. 23. (a) The Director of the Bureau of the Budget is authorized and directed to provide by regulation for the absorption by the respective departments, from the respective applicable appropriations or funds available for the fiscal year in which this Act is enacted and for each succeeding fiscal year, to such extent as the Director deems practicable, of the costs of the training programs and plans provided for by this Act.

(b) Nothing contained in subsection (a) of this section shall be held or considered to require (1) the separation from the service of any individual by reduction in force or other personnel action or (2) the placing of any individual in a leave-without-pay status.

Approved July 7, 1958.

Public Law 85-508

AN ACT

To provide for the admission of the State of Alaska into the Union.

July 7, 1958
[H. R. 7999]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, subject to the provisions of this Act, and upon issuance of the proclamation required by section 8 (c) of this Act, the State of Alaska is hereby declared to be a State of the United States of America, is declared admitted into the Union on an equal footing with the other States in all respects whatever, and the constitution formed pursuant to the provisions of the Act of the Territorial Legislature of Alaska entitled, "An Act to provide for the holding of a constitutional convention to prepare a constitution for the State of Alaska; to submit the constitution to the people for adoption or rejection; to prepare for the admission of Alaska as a State; to make an appropriation; and setting an effective date", approved March 19, 1955 (Chapter 46, Session Laws of Alaska, 1955), and adopted by a vote of the people of Alaska in the election held on April 24, 1956, is hereby found to be republican in form and in conformity with the Constitution of the United States and the principles of the Declaration of Independence, and is hereby accepted, ratified, and confirmed.

Alaska, state-
hood.

SEC. 2. The State of Alaska shall consist of all the territory, together with the territorial waters appurtenant thereto, now included in the Territory of Alaska.

Territory.

SEC. 3. The constitution of the State of Alaska shall always be republican in form and shall not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence.

Constitution.

SEC. 4. As a compact with the United States said State and its people do agree and declare that they forever disclaim all right and title to any lands or other property not granted or confirmed to the State or its political subdivisions by or under the authority of this Act, the right or title to which is held by the United States or is subject to disposition by the United States, and to any lands or other property (including fishing rights), the right or title to which may be held by any Indians, Eskimos, or Aleuts (hereinafter called natives) or is held by the United States in trust for said natives; that all such lands or other property, belonging to the United States or which may belong to said natives, shall be and remain under the absolute jurisdiction and control of the United States until disposed of under its authority, except to such extent as the Congress has prescribed or may hereafter prescribe, and except when held by individual natives in fee without restrictions on alienation: *Provided*, That nothing contained in this Act shall recognize, deny, enlarge, impair, or otherwise affect any claim against the United States, and any such claim shall be governed by the laws of the United States applicable thereto; and nothing in this Act is intended or shall be construed as a finding, interpretation, or construction by the Congress that any law applicable thereto authorizes, establishes, recognizes, or confirms the validity or invalidity of any such claim, and the determination of the applicability or effect of any law to any such claim shall be unaffected by anything in this Act: *And provided further*, That no taxes shall be imposed by said State upon any lands or other property now owned or hereafter acquired by the United States or which, as hereinabove set forth, may belong to said natives, except to such extent as the Congress has prescribed or may hereafter prescribe, and except when held by individual natives in fee without restrictions on alienation.

Compact with
U.S.

Title to property.

SEC. 5. The State of Alaska and its political subdivisions, respectively, shall have and retain title to all property, real and personal, title to which is in the Territory of Alaska or any of the subdivisions. Except as provided in section 6 hereof, the United States shall retain title to all property, real and personal, to which it has title, including public lands.

Selection from public lands.

SEC. 6. (a) For the purposes of furthering the development of and expansion of communities, the State of Alaska is hereby granted and shall be entitled to select, within twenty-five years after the date of the admission of the State of Alaska into the Union, from lands within national forests in Alaska which are vacant and unappropriated at the time of their selection not to exceed four hundred thousand acres of land, and from the other public lands of the United States in Alaska which are vacant, unappropriated, and unreserved at the time of their selection not to exceed another four hundred thousand acres of land, all of which shall be adjacent to established communities or suitable for prospective community centers and recreational areas. Such lands shall be selected by the State of Alaska with the approval of the Secretary of Agriculture as to national forest lands and with the approval of the Secretary of the Interior as to other public lands: *Provided*, That nothing herein contained shall affect any valid existing claim, location, or entry under the laws of the United States, whether for homestead, mineral, right-of-way, or other purpose whatsoever, or shall affect the rights of any such owner, claimant, locator, or entryman to the full use and enjoyment of the land so occupied.

(b) The State of Alaska, in addition to any other grants made in this section, is hereby granted and shall be entitled to select, within twenty-five years after the admission of Alaska into the Union, not to exceed one hundred and two million five hundred and fifty thousand acres from the public lands of the United States in Alaska which are vacant, unappropriated, and unreserved at the time of their selection: *Provided*, That nothing herein contained shall affect any valid existing claim, location, or entry under the laws of the United States, whether for homestead, mineral, right-of-way, or other purpose whatsoever, or shall affect the rights of any such owner, claimant, locator, or entryman to the full use and enjoyment of the lands so occupied: *And provided further*, That no selection hereunder shall be made in the area north and west of the line described in section 10 without approval of the President or his designated representative.

(c) Block 32, and the structures and improvements thereon, in the city of Juneau are granted to the State of Alaska for any or all of the following purposes or a combination thereof: A residence for the Governor, a State museum, or park and recreational use.

(d) Block 19, and the structures and improvements thereon, and the interests of the United States in blocks C and 7, and the structures and improvements thereon, in the city of Juneau, are hereby granted to the State of Alaska.

Fish and wildlife resources.

(e) All real and personal property of the United States situated in the Territory of Alaska which is specifically used for the sole purpose of conservation and protection of the fisheries and wildlife of Alaska, under the provisions of the Alaska game law of July 1, 1943 (57 Stat. 301; 48 U. S. C., secs. 192-211), as amended, and under the provisions of the Alaska commercial fisheries laws of June 26, 1906 (34 Stat. 478; 48 U. S. C., secs. 230-239 and 241-242), and June 6, 1924 (43 Stat. 465; 48 U. S. C., secs. 221-228), as supplemented and amended, shall be transferred and conveyed to the State of Alaska by the appropriate Federal agency: *Provided*, That the administration and management of the fish and wildlife resources of Alaska shall be retained by the Federal Government under existing laws until the

first day of the first calendar year following the expiration of ninety legislative days after the Secretary of the Interior certifies to the Congress that the Alaska State Legislature has made adequate provision for the administration, management, and conservation of said resources in the broad national interest: *Provided*, That such transfer shall not include lands withdrawn or otherwise set apart as refuges or reservations for the protection of wildlife nor facilities utilized in connection therewith, or in connection with general research activities relating to fisheries or wildlife. Sums of money that are available for apportionment or which the Secretary of the Interior shall have apportioned, as of the date the State of Alaska shall be deemed to be admitted into the Union, for wildlife restoration in the Territory of Alaska, pursuant to section 8 (a) of the Act of September 2, 1937, as amended (16 U. S. C., sec. 669g-1), and for fish restoration and management in the Territory of Alaska, pursuant to section 12 of the Act of August 9, 1950 (16 U. S. C., sec. 777k), shall continue to be available for the period, and under the terms and conditions in effect at the time, the apportionments are made. Commencing with the year during which Alaska is admitted into the Union, the Secretary of the Treasury, at the close of each fiscal year, shall pay to the State of Alaska 70 per centum of the net proceeds, as determined by the Secretary of the Interior, derived during such fiscal year from all sales of sealskins or sea-otter skins made in accordance with the provisions of the Act of February 26, 1944 (58 Stat. 100; 16 U. S. C., secs. 631a-631q), as supplemented and amended. In arriving at the net proceeds, there shall be deducted from the receipts from all sales all costs to the United States in carrying out the provisions of the Act of February 26, 1944, as supplemented and amended, including, but not limited to, the costs of handling and dressing the skins, the costs of making the sales, and all expenses incurred in the administration of the Pribilof Islands. Nothing in this Act shall be construed as affecting the rights of the United States under the provisions of the Act of February 26, 1944, as supplemented and amended, and the Act of June 28, 1937 (50 Stat. 325), as amended (16 U. S. C., sec. 772 et seq.).

55 Stat. 632.

64 Stat. 434.

(f) Five per centum of the proceeds of sale of public lands lying within said State which shall be sold by the United States subsequent to the admission of said State into the Union, after deducting all the expenses incident to such sales, shall be paid to said State to be used for the support of the public schools within said State.

Public school support.

(g) Except as provided in subsection (a), all lands granted in quantity to and authorized to be selected by the State of Alaska by this Act shall be selected in such manner as the laws of the State may provide, and in conformity with such regulations as the Secretary of the Interior may prescribe. All selections shall be made in reasonably compact tracts, taking into account the situation and potential uses of the lands involved, and each tract selected shall contain at least five thousand seven hundred and sixty acres unless isolated from other tracts open to selection. The authority to make selections shall never be alienated or bargained away, in whole or in part, by the State. Upon the revocation of any order of withdrawal in Alaska, the order of revocation shall provide for a period of not less than ninety days before the date on which it otherwise becomes effective, if subsequent to the admission of Alaska into the Union, during which period the State of Alaska shall have a preferred right of selection, subject to the requirements of this Act, except as against prior existing valid rights or as against equitable claims subject to allowance and confirmation. Such preferred right of selection shall have precedence over the preferred right of application created by section 4 of the Act of September

27, 1944 (58 Stat. 748; 43 U. S. C., sec. 282), as now or hereafter amended, but not over other preference rights now conferred by law. Where any lands desired by the State are unsurveyed at the time of their selection, the Secretary of the Interior shall survey the exterior boundaries of the area requested without any interior subdivision thereof and shall issue a patent for such selected area in terms of the exterior boundary survey; where any lands desired by the State are surveyed at the time of their selection, the boundaries of the area requested shall conform to the public land subdivisions established by the approval of the survey. All lands duly selected by the State of Alaska pursuant to this Act shall be patented to the State by the Secretary of the Interior. Following the selection of lands by the State and the tentative approval of such selection by the Secretary of the Interior or his designee, but prior to the issuance of final patent, the State is hereby authorized to execute conditional leases and to make conditional sales of such selected lands. As used in this subsection, the words "equitable claims subject to allowance and confirmation" include, without limitation, claims of holders of permits issued by the Department of Agriculture on lands eliminated from national forests, whose permits have been terminated only because of such elimination and who own valuable improvements on such lands.

Mineral leases,
permits, etc.

48 USC 432,
passim.

(h) Any lease, permit, license, or contract issued under the Mineral Leasing Act of February 25, 1920 (41 Stat. 437; 30 U. S. C., sec. 181 and following), as amended, or under the Alaska Coal Leasing Act of October 20, 1914 (38 Stat. 741; 30 U. S. C., sec. 432 and following), as amended, shall have the effect of withdrawing the lands subject thereto from selection by the State of Alaska under this Act, unless such lease, permit, license, or contract is in effect on the date of approval of this Act, and unless an application to select such lands is filed with the Secretary of the Interior within a period of five years after the date of the admission of Alaska into the Union. Such selections shall be made only from lands that are otherwise open to selection under this Act, and shall include the entire area that is subject to each lease, permit, license, or contract involved in the selections. Any patent for lands so selected shall vest in the State of Alaska all right, title, and interest of the United States in and to any such lease, permit, license, or contract that remains outstanding on the effective date of the patent, including the right to all rentals, royalties, and other payments accruing after that date under such lease, permit, license, or contract, and including any authority that may have been retained by the United States to modify the terms and conditions of such lease, permit, license, or contract: *Provided*, That nothing herein contained shall affect the continued validity of any such lease, permit, license, or contract or any rights arising thereunder.

Mineral land
grants.

(i) All grants made or confirmed under this Act shall include mineral deposits. The grants of mineral lands to the State of Alaska under subsections (a) and (b) of this section are made upon the express condition that all sales, grants, deeds, or patents for any of the mineral lands so granted shall be subject to and contain a reservation to the State of all of the minerals in the lands so sold, granted, deeded, or patented, together with the right to prospect for, mine, and remove the same. Mineral deposits in such lands shall be subject to lease by the State as the State legislature may direct: *Provided*, That any lands or minerals hereafter disposed of contrary to the provisions of this section shall be forfeited to the United States by appropriate proceedings instituted by the Attorney General for that purpose in the United States District Court for the District of Alaska.

Schools and col-
leges.

(j) The schools and colleges provided for in this Act shall forever remain under the exclusive control of the State, or its governmental

subdivisions, and no part of the proceeds arising from the sale or disposal of any lands granted herein for educational purposes shall be used for the support of any sectarian or denominational school, college, or university.

(k) Grants previously made to the Territory of Alaska are hereby confirmed and transferred to the State of Alaska upon its admission. Effective upon the admission of the State of Alaska into the Union, section 1 of the Act of March 4, 1915 (38 Stat. 1214; 48 U. S. C., sec. 353), as amended, and the last sentence of section 35 of the Act of February 25, 1920 (41 Stat. 450; 30 U. S. C., sec. 191), as amended, are repealed and all lands therein reserved under the provisions of section 1 as of the date of this Act shall, upon the admission of said State into the Union, be granted to said State for the purposes for which they were reserved; but such repeal shall not affect any outstanding lease, permit, license, or contract issued under said section 1, as amended, or any rights or powers with respect to such lease, permit, license, or contract, and shall not affect the disposition of the proceeds or income derived prior to such repeal from any lands reserved under said section 1, as amended, or derived thereafter from any disposition of the reserved lands or an interest therein made prior to such repeal.

Confirmation of grants.

Repeals.

(l) The grants provided for in this Act shall be in lieu of the grant of land for purposes of internal improvements made to new States by section 8 of the Act of September 4, 1841 (5 Stat. 455), and sections 2378 and 2379 of the Revised Statutes (43 U. S. C., sec. 857), and in lieu of the swampland grant made by the Act of September 28, 1850 (9 Stat. 520), and section 2479 of the Revised Statutes (43 U. S. C., sec. 982), and in lieu of the grant of thirty thousand acres for each Senator and Representative in Congress made by the Act of July 2, 1862, as amended (12 Stat. 503; 7 U. S. C., secs. 301-308), which grants are hereby declared not to extend to the State of Alaska.

Internal improvements.

(m) The Submerged Lands Act of 1953 (Public Law 31, Eighty-third Congress, first session; 67 Stat. 29) shall be applicable to the State of Alaska and the said State shall have the same rights as do existing States thereunder.

Submerged lands.
43 USC 1301
note.

SEC. 7. Upon enactment of this Act, it shall be the duty of the President of the United States, not later than July 3, 1958, to certify such fact to the Governor of Alaska. Thereupon the Governor, on or after July 3, 1958, and not later than August 1, 1958, shall issue his proclamation for the elections, as hereinafter provided, for officers of all elective offices and in the manner provided for by the constitution of the proposed State of Alaska, but the officers so elected shall in any event include two Senators and one Representative in Congress.

Certification by President.

SEC. 8. (a) The proclamation of the Governor of Alaska required by section 7 shall provide for holding of a primary election and a general election on dates to be fixed by the Governor of Alaska: *Provided*, That the general election shall not be held later than December 1, 1958, and at such elections the officers required to be elected as provided in section 7 shall be, and officers for other elective offices provided for in the constitution of the proposed State of Alaska may be, chosen by the people. Such elections shall be held, and the qualifications of voters thereat shall be, as prescribed by the constitution of the proposed State of Alaska for the election of members of the proposed State legislature. The returns thereof shall be made and certified in such manner as the constitution of the proposed State of Alaska may prescribe. The Governor of Alaska shall certify the results of said elections to the President of the United States.

Election of officers; date, etc.

(b) At an election designated by proclamation of the Governor of Alaska, which may be the general election held pursuant to subsection (a) of this section, or a Territorial general election, or a special

election, there shall be submitted to the electors qualified to vote in said election, for adoption or rejection, by separate ballot on each, the following propositions:

“(1) Shall Alaska immediately be admitted into the Union as a State?

“(2) The boundaries of the State of Alaska shall be as prescribed in the Act of Congress approved _____ and all claims
(date of approval of this Act)

of this State to any areas of land or sea outside the boundaries so prescribed are hereby irrevocably relinquished to the United States.

“(3) All provisions of the Act of Congress approved _____
(date of approval of this Act) reserving rights or powers to the United States, as well as

those prescribing the terms or conditions of the grants of lands or other property therein made to the State of Alaska, are consented to fully by said State and its people.”

In the event each of the foregoing propositions is adopted at said election by a majority of the legal votes cast on said submission, the proposed constitution of the proposed State of Alaska, ratified by the people at the election held on April 24, 1956, shall be deemed amended accordingly. In the event any one of the foregoing propositions is not adopted at said election by a majority of the legal votes cast on said submission, the provisions of this Act shall thereupon cease to be effective.

The Governor of Alaska is hereby authorized and directed to take such action as may be necessary or appropriate to insure the submission of said propositions to the people. The return of the votes cast on said propositions shall be made by the election officers directly to the Secretary of Alaska, who shall certify the results of the submission to the Governor. The Governor shall certify the results of said submission, as so ascertained, to the President of the United States.

(c) If the President shall find that the propositions set forth in the preceding subsection have been duly adopted by the people of Alaska, the President, upon certification of the returns of the election of the officers required to be elected as provided in section 7 of this Act, shall thereupon issue his proclamation announcing the results of said election as so ascertained. Upon the issuance of said proclamation by the President, the State of Alaska shall be deemed admitted into the Union as provided in section 1 of this Act.

Until the said State is so admitted into the Union, all of the officers of said Territory, including the Delegate in Congress from said Territory, shall continue to discharge the duties of their respective offices. Upon the issuance of said proclamation by the President of the United States and the admission of the State of Alaska into the Union, the officers elected at said election, and qualified under the provisions of the constitution and laws of said State, shall proceed to exercise all the functions pertaining to their offices in or under or by authority of the government of said State, and officers not required to be elected at said initial election shall be selected or continued in office as provided by the constitution and laws of said State. The Governor of said State shall certify the election of the Senators and Representative in the manner required by law, and the said Senators and Representative shall be entitled to be admitted to seats in Congress and to all the rights and privileges of Senators and Representatives of other States in the Congress of the United States.

(d) Upon admission of the State of Alaska into the Union as herein provided, all of the Territorial laws then in force in the Territory of Alaska shall be and continue in full force and effect throughout said State except as modified or changed by this Act, or by the constitution

Certification of voting results by Governor.

Proclamation by President.

Laws in effect.

of the State, or as thereafter modified or changed by the legislature of the State. All of the laws of the United States shall have the same force and effect within said State as elsewhere within the United States. As used in this paragraph, the term "Territorial laws" includes (in addition to laws enacted by the Territorial Legislature of Alaska) all laws or parts thereof enacted by the Congress the validity of which is dependent solely upon the authority of the Congress to provide for the government of Alaska prior to the admission of the State of Alaska into the Union, and the term "laws of the United States" includes all laws or parts thereof enacted by the Congress that (1) apply to or within Alaska at the time of the admission of the State of Alaska into the Union, (2) are not "Territorial laws" as defined in this paragraph, and (3) are not in conflict with any other provisions of this Act.

Definitions.

SEC. 9. The State of Alaska upon its admission into the Union shall be entitled to one Representative until the taking effect of the next reapportionment, and such Representative shall be in addition to the membership of the House of Representatives as now prescribed by law: *Provided*, That such temporary increase in the membership shall not operate to either increase or decrease the permanent membership of the House of Representatives as prescribed in the Act of August 8, 1911 (37 Stat. 13) nor shall such temporary increase affect the basis of apportionment established by the Act of November 15, 1941 (55 Stat. 761; 2 U. S. C., sec. 2a), for the Eighty-third Congress and each Congress thereafter.

House of Representatives, membership.

SEC. 10. (a) The President of the United States is hereby authorized to establish, by Executive order or proclamation, one or more special national defense withdrawals within the exterior boundaries of Alaska, which withdrawal or withdrawals may thereafter be terminated in whole or in part by the President.

National defense withdrawals.

(b) Special national defense withdrawals established under subsection (a) of this section shall be confined to those portions of Alaska that are situated to the north or west of the following line: Beginning at the point where the Porcupine River crosses the international boundary between Alaska and Canada; thence along a line parallel to, and five miles from, the right bank of the main channel of the Porcupine River to its confluence with the Yukon River; thence along a line parallel to, and five miles from, the right bank of the main channel of the Yukon River to its most southerly point of intersection with the meridian of longitude 160 degrees west of Greenwich; thence south to the intersection of said meridian with the Kuskokwim River; thence along a line parallel to, and five miles from the right bank of the Kuskokwim River to the mouth of said river; thence along the shoreline of Kuskokwim Bay to its intersection with the meridian of longitude 162 degrees 30 minutes west of Greenwich; thence south to the intersection of said meridian with the parallel of latitude 57 degrees 30 minutes north; thence east to the intersection of said parallel with the meridian of longitude 156 degrees west of Greenwich; thence south to the intersection of said meridian with the parallel of latitude 50 degrees north.

(c) Effective upon the issuance of such Executive order or proclamation, exclusive jurisdiction over all special national defense withdrawals established under this section is hereby reserved to the United States, which shall have sole legislative, judicial, and executive power within such withdrawals, except as provided hereinafter. The exclusive jurisdiction so established shall extend to all lands within the exterior boundaries of each such withdrawal, and shall remain in effect with respect to any particular tract or parcel of land only so long as such tract or parcel remains within the exterior boundaries of such a

Jurisdiction.

withdrawal. The laws of the State of Alaska shall not apply to areas within any special national defense withdrawal established under this section while such areas remain subject to the exclusive jurisdiction hereby authorized: *Provided, however,* That such exclusive jurisdiction shall not prevent the execution of any process, civil or criminal, of the State of Alaska, upon any person found within said withdrawals: *And provided further,* That such exclusive jurisdiction shall not prohibit the State of Alaska from enacting and enforcing all laws necessary to establish voting districts, and the qualification and procedures for voting in all elections.

(d) During the continuance in effect of any special national defense withdrawal established under this section, or until the Congress otherwise provides, such exclusive jurisdiction shall be exercised within each such withdrawal in accordance with the following provisions of law:

(1) All laws enacted by the Congress that are of general application to areas under the exclusive jurisdiction of the United States, including, but without limiting the generality of the foregoing, those provisions of title 18, United States Code, that are applicable within the special maritime and territorial jurisdiction of the United States as defined in section 7 of said title, shall apply to all areas within such withdrawals.

(2) In addition, any areas within the withdrawals that are reserved by Act of Congress or by Executive action for a particular military or civilian use of the United States shall be subject to all laws enacted by the Congress that have application to lands withdrawn for that particular use, and any other areas within the withdrawals shall be subject to all laws enacted by the Congress that are of general application to lands withdrawn for defense purposes of the United States.

(3) To the extent consistent with the laws described in paragraphs (1) and (2) of this subsection and with regulations made or other actions taken under their authority, all laws in force within such withdrawals immediately prior to the creation thereof by Executive order or proclamation shall apply within the withdrawals and, for this purpose, are adopted as laws of the United States: *Provided, however,* That the laws of the State or Territory relating to the organization or powers of municipalities or local political subdivisions, and the laws or ordinances of such municipalities or political subdivisions shall not be adopted as laws of the United States.

(4) All functions vested in the United States commissioners by the laws described in this subsection shall continue to be performed within the withdrawals by such commissioners.

(5) All functions vested in any municipal corporation, school district, or other local political subdivision by the laws described in this subsection shall continue to be performed within the withdrawals by such corporation, district, or other subdivision, and the laws of the State or the laws or ordinances of such municipalities or local political subdivision shall remain in full force and effect notwithstanding any withdrawal made under this section.

(6) All other functions vested in the government of Alaska or in any officer or agency thereof, except judicial functions over which the United States District Court for the District of Alaska is given jurisdiction by this Act or other provisions of law, shall be performed within the withdrawals by such civilian individuals or civilian agencies and in such manner as the President shall from time to time, by Executive order, direct or authorize.

(7) The United States District Court for the District of Alaska shall have original jurisdiction, without regard to the sum or value of any matter in controversy, over all civil actions arising within such withdrawals under the laws made applicable thereto by this subsection, as well as over all offenses committed within the withdrawals.

(e) Nothing contained in subsection (d) of this section shall be construed as limiting the exclusive jurisdiction established in the United States by subsection (c) of this section or the authority of the Congress to implement such exclusive jurisdiction by appropriate legislation, or as denying to persons now or hereafter residing within any portion of the areas described in subsection (b) of this section the right to vote at all elections held within the political subdivisions as prescribed by the State of Alaska where they respectively reside, or as limiting the jurisdiction conferred on the United States District Court for the District of Alaska by any other provision of law, or as continuing in effect laws relating to the Legislature of the Territory of Alaska. Nothing contained in this section shall be construed as limiting any authority otherwise vested in the Congress or the President.

SEC. 11. (a) Nothing in this Act shall affect the establishment, or the right, ownership, and authority of the United States in Mount McKinley National Park, as now or hereafter constituted; but exclusive jurisdiction, in all cases, shall be exercised by the United States for the national park, as now or hereafter constituted; saving, however, to the State of Alaska the right to serve civil or criminal process within the limits of the aforesaid park in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed in said State, but outside of said park; and saving further to the said State the right to tax persons and corporations, their franchises and property on the lands included in said park; and saving also to the persons residing now or hereafter in such area the right to vote at all elections held within the respective political subdivisions of their residence in which the park is situated.

Mount McKinley
National Park.

(b) Notwithstanding the admission of the State of Alaska into the Union, authority is reserved in the United States, subject to the proviso hereinafter set forth, for the exercise by the Congress of the United States of the power of exclusive legislation, as provided by article I, section 8, clause 17, of the Constitution of the United States, in all cases whatsoever over such tracts or parcels of land as, immediately prior to the admission of said State, are owned by the United States and held for military, naval, Air Force, or Coast Guard purposes, including naval petroleum reserve numbered 4, whether such lands were acquired by cession and transfer to the United States by Russia and set aside by Act of Congress or by Executive order or proclamation of the President or the Governor of Alaska for the use of the United States, or were acquired by the United States by purchase, condemnation, donation, exchange, or otherwise: *Provided*,

Military, naval,
etc., lands.

USC prec. Title 1.

(i) That the State of Alaska shall always have the right to serve civil or criminal process within the said tracts or parcels of land in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed within the said State but outside of the said tracts or parcels of land; (ii) that the reservation of authority in the United States for the exercise by the Congress of the United States of the power of exclusive legislation over the lands aforesaid shall not operate to prevent such lands from being a part of the State of Alaska, or to prevent the said State from exercising over or upon such lands, concurrently with the United States, any jurisdiction whatsoever which it would have in the absence of such reservation of authority and which is consistent with the laws hereafter enacted by the Congress pursuant to such reservation of authority; and (iii) that such power of exclusive legislation shall rest and remain in the United States only so long as the particular tract or parcel of land involved is owned by the United States and used for military, naval, Air Force, or Coast Guard purposes. The provisions of this subsection shall not apply to lands within such special national defense with-

Civil and criminal
jurisdiction.

drawal or withdrawals as may be established pursuant to section 10 of this Act until such lands cease to be subject to the exclusive jurisdiction reserved to the United States by that section.

Judicial and
criminal provi-
sions.

SEC. 12. Effective upon the admission of Alaska into the Union—

(a) The analysis of chapter 5 of title 28, United States Code, immediately preceding section 81 of such title, is amended by inserting immediately after and underneath item 81 of such analysis, a new item to be designated as item 81A and to read as follows:

“81A. Alaska”;

(b) Title 28, United States Code, is amended by inserting immediately after section 81 thereof a new section, to be designated as section 81A, and to read as follows:

“§ 81A. Alaska

“Alaska constitutes one judicial district.

“Court shall be held at Anchorage, Fairbanks, Juneau, and Nome.”;

(c) Section 133 of title 28, United States Code, is amended by inserting in the table of districts and judges in such section immediately above the item: “Arizona * * * 2”, a new item as follows: “Alaska * * * 1”;

(d) The first paragraph of section 373 of title 28, United States Code, as heretofore amended, is further amended by striking out the words: “the District Court for the Territory of Alaska,”: *Provided*, That the amendment made by this subsection shall not affect the rights of any judge who may have retired before it takes effect;

(e) The words “the District Court for the Territory of Alaska,” are stricken out wherever they appear in sections 333, 460, 610, 753, 1252, 1291, 1292, and 1346 of title 28, United States Code;

(f) The first paragraph of section 1252 of title 28, United States Code, is further amended by striking out the word “Alaska,” from the clause relating to courts of record;

(g) Subsection (2) of section 1294 of title 28, United States Code, is repealed and the later subsections of such section are renumbered accordingly;

(h) Subsection (a) of section 2410 of title 28, United States Code, is amended by striking out the words: “including the District Court for the Territory of Alaska,”;

(i) Section 3241 of title 18, United States Code, is amended by striking out the words: “District Court for the Territory of Alaska, the”;

(j) Subsection (e) of section 3401 of title 18, United States Code, is amended by striking out the words: “for Alaska or”;

(k) Section 3771 of title 18, United States Code, as heretofore amended, is further amended by striking out from the first paragraph of such section the words: “the Territory of Alaska,”;

(l) Section 3772 of title 18, United States Code, as heretofore amended, is further amended by striking out from the first paragraph of such section the words: “the Territory of Alaska,”;

(m) Section 2072 of title 28, United States Code, as heretofore amended, is further amended by striking out from the first paragraph of such section the words: “and of the District Court for the Territory of Alaska”;

(n) Subsection (q) of section 376 of title 28, United States Code, is amended by striking out the words: “the District Court for the Territory of Alaska,”: *Provided*, That the amendment made by this subsection shall not affect the rights under such section 376 of any present or former judge of the District Court for the Territory of Alaska or his survivors;

(o) The last paragraph of section 1963 of title 28, United States Code, is repealed;

(p) Section 2201 of title 28, United States Code, is amended by striking out the words: "and the District Court for the Territory of Alaska"; and

(q) Section 4 of the Act of July 28, 1950 (64 Stat. 380; 5 U. S. C., sec. 341b) is amended by striking out the word: "Alaska,".

SEC. 13. No writ, action, indictment, cause, or proceeding pending in the District Court for the Territory of Alaska on the date when said Territory shall become a State, and no case pending in an appellate court upon appeal from the District Court for the Territory of Alaska at the time said Territory shall become a State, shall abate by the admission of the State of Alaska into the Union, but the same shall be transferred and proceeded with as hereinafter provided.

Continuation of
suits.

All civil causes of action and all criminal offenses which shall have arisen or been committed prior to the admission of said State, but as to which no suit, action, or prosecution shall be pending at the date of such admission, shall be subject to prosecution in the appropriate State courts or in the United States District Court for the District of Alaska in like manner, to the same extent, and with like right of appellate review, as if said State had been created and said courts had been established prior to the accrual of said causes of action or the commission of such offenses; and such of said criminal offenses as shall have been committed against the laws of the Territory shall be tried and punished by the appropriate courts of said State, and such as shall have been committed against the laws of the United States shall be tried and punished in the United States District Court for the District of Alaska.

SEC. 14. All appeals taken from the District Court for the Territory of Alaska to the Supreme Court of the United States or the United States Court of Appeals for the Ninth Circuit, previous to the admission of Alaska as a State, shall be prosecuted to final determination as though this Act had not been passed. All cases in which final judgment has been rendered in such district court, and in which appeals might be had except for the admission of such State, may still be sued out, taken, and prosecuted to the Supreme Court of the United States or the United States Court of Appeals for the Ninth Circuit under the provisions of then existing law, and there held and determined in like manner; and in either case, the Supreme Court of the United States, or the United States Court of Appeals, in the event of reversal, shall remand the said cause to either the State supreme court or other final appellate court of said State, or the United States district court for said district, as the case may require: *Provided*, That the time allowed by existing law for appeals from the district court for said Territory shall not be enlarged thereby.

Appeals.

SEC. 15. All causes pending or determined in the District Court for the Territory of Alaska at the time of the admission of Alaska as a State which are of such nature as to be within the jurisdiction of a district court of the United States shall be transferred to the United States District Court for the District of Alaska for final disposition and enforcement in the same manner as is now provided by law with reference to the judgments and decrees in existing United States district courts. All other causes pending or determined in the District Court for the Territory of Alaska at the time of the admission of Alaska as a State shall be transferred to the appropriate State court of Alaska. All final judgments and decrees rendered upon such transferred cases in the United States District Court for the District of Alaska may be reviewed by the Supreme Court of the United States or by the United States Court of Appeals for the Ninth Circuit in

Transfer of
cases.

the same manner as is now provided by law with reference to the judgments and decrees in existing United States district courts.

Succession of courts.

SEC. 16. Jurisdiction of all cases pending or determined in the District Court for the Territory of Alaska not transferred to the United States District Court for the District of Alaska shall devolve upon and be exercised by the courts of original jurisdiction created by said State, which shall be deemed to be the successor of the District Court for the Territory of Alaska with respect to cases not so transferred and, as such, shall take and retain custody of all records, dockets, journals, and files of such court pertaining to such cases. The files and papers in all cases so transferred to the United States district court, together with a transcript of all book entries to complete the record in such particular cases so transferred, shall be in like manner transferred to said district court.

SEC. 17. All cases pending in the District Court for the Territory of Alaska at the time said Territory becomes a State not transferred to the United States District Court for the District of Alaska shall be proceeded with and determined by the courts created by said State with the right to prosecute appeals to the appellate courts created by said State, and also with the same right to prosecute appeals or writs of certiorari from the final determination in said causes made by the court of last resort created by such State to the Supreme Court of the United States, as now provided by law for appeals and writs of certiorari from the court of last resort of a State to the Supreme Court of the United States.

Jurisdiction of District Court. Termination date.

SEC. 18. The provisions of the preceding sections with respect to the termination of the jurisdiction of the District Court for the Territory of Alaska, the continuation of suits, the succession of courts, and the satisfaction of rights of litigants in suits before such courts, shall not be effective until three years after the effective date of this Act, unless the President, by Executive order, shall sooner proclaim that the United States District Court for the District of Alaska, established in accordance with the provisions of this Act, is prepared to assume the functions imposed upon it. During such period of three years or until such Executive order is issued, the United States District Court for the Territory of Alaska shall continue to function as heretofore. The tenure of the judges, the United States attorneys, marshals, and other officers of the United States District Court for the Territory of Alaska shall terminate at such time as that court shall cease to function as provided in this section.

Federal Reserve System.

SEC. 19. The first paragraph of section 2 of the Federal Reserve Act (38 Stat. 251) is amended by striking out the last sentence thereof and inserting in lieu of such sentence the following: "When the State of Alaska is hereafter admitted to the Union the Federal Reserve districts shall be readjusted by the Board of Governors of the Federal Reserve System in such manner as to include such State. Every national bank in any State shall, upon commencing business or within ninety days after admission into the Union of the State in which it is located, become a member bank of the Federal Reserve System by subscribing and paying for stock in the Federal Reserve bank of its district in accordance with the provisions of this Act and shall thereupon be an insured bank under the Federal Deposit Insurance Act, and failure to do so shall subject such bank to the penalty provided by the sixth paragraph of this section."

48 Stat. 168.
64 Stat. 873.
12 USC 1811
note.

SEC. 20. Section 2 of the Act of October 20, 1914 (38 Stat. 742; 48 U. S. C., sec. 433), is hereby repealed. Repeal.

SEC. 21. Nothing contained in this Act shall operate to confer United States nationality, nor to terminate nationality heretofore lawfully acquired, nor restore nationality heretofore lost under any law of the United States or under any treaty to which the United States may have been a party. Immigration and nationality.

SEC. 22. Section 101 (a) (36) of the Immigration and Nationality Act (66 Stat. 170, 8 U. S. C., sec. 1101 (a) (36)) is amended by deleting the word "Alaska."

SEC. 23. The first sentence of section 212 (d) (7) of the Immigration and Nationality Act (66 Stat. 188, 8 U. S. C., sec. 1182 (d) (7)) is amended by deleting the word "Alaska."

SEC. 24. Nothing contained in this Act shall be held to repeal, amend, or modify the provisions of section 304 of the Immigration and Nationality Act (66 Stat. 237, 8 U. S. C., sec. 1404).

SEC. 25. The first sentence of section 310 (a) of the Immigration and Nationality Act (66 Stat. 239, 8 U. S. C., sec. 1421 (a)) is amended by deleting the words "District Courts of the United States for the Territories of Hawaii and Alaska" and substituting therefor the words "District Court of the United States for the Territory of Hawaii".

SEC. 26. Section 344 (d) of the Immigration and Nationality Act (66 Stat. 265, 8 U. S. C., sec. 1455 (d)) is amended by deleting the words "in Alaska and".

SEC. 27. (a) The third proviso in section 27 of the Merchant Marine Act, 1920, as amended (46 U. S. C., sec. 883), is further amended by striking out the word "excluding" and inserting in lieu thereof the word "including". Transportation by water.
41 Stat. 999.

(b) Nothing contained in this or any other Act shall be construed as depriving the Federal Maritime Board of the exclusive jurisdiction heretofore conferred on it over common carriers engaged in transportation by water between any port in the State of Alaska and other ports in the United States, its Territories or possessions, or as conferring upon the Interstate Commerce Commission jurisdiction over transportation by water between any such ports.

SEC. 28. (a) The last sentence of section 9 of the Act entitled "An Act to provide for the leasing of coal lands in the Territory of Alaska, and for other purposes", approved October 20, 1914 (48 U. S. C. 439), is hereby amended to read as follows: "All net profits from operation of Government mines, and all bonuses, royalties, and rentals under leases as herein provided and all other payments received under this Act shall be distributed as follows as soon as practicable after December 31 and June 30 of each year: (1) 90 per centum thereof shall be paid by the Secretary of the Treasury to the State of Alaska for disposition by the legislature thereof; and (2) 10 per centum shall be deposited in the Treasury of the United States to the credit of miscellaneous receipts." Mines and mining.
38 Stat. 744.

(b) Section 35 of the Act entitled "An Act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain", approved February 25, 1920, as amended (30 U. S. C. 191), is hereby amended by inserting immediately before the colon preceding the first proviso thereof the following: "and of those from Alaska 52½ per centum thereof shall be paid to the State of Alaska for disposition by the legislature thereof". 41 Stat. 450.

Separability clause.

SEC. 29. If any provision of this Act, or any section, subsection, sentence, clause, phrase, or individual word, or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the Act and of the application of any such provision, section, subsection, sentence, clause, phrase, or individual word to other persons and circumstances shall not be affected thereby.

Repeals.

SEC. 30. All Acts or parts of Acts in conflict with the provisions of this Act, whether passed by the legislature of said Territory or by Congress, are hereby repealed.

Approved July 7, 1958.

Public Law 85-509

AN ACT

July 11, 1958
[S. 2007]

To amend the United States Grain Standards Act, 1916, as amended, to permit the Secretary of Agriculture to charge and collect for certain services performed, and for other purposes.

United States Grain Standards Act, amendment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6 of the United States Grain Standards Act (39 Stat. 484; 7 U. S. C. 78) is hereby amended to read as follows:

“SEC. 6. Whenever standards shall have been fixed and established under this Act for any grain and any quantity of such grain sold, offered for sale, or consigned for sale, or which has been shipped, or delivered for shipment in interstate or foreign commerce shall have been inspected and a dispute arises as to whether the grade as determined by such inspection of any such grain in fact conforms to the standard of the specified grade, any interested party may, either with or without reinspection, appeal the question to the Secretary of Agriculture, and the Secretary of Agriculture is authorized to cause such investigation to be made and such tests to be applied as he may deem necessary and to determine the true grade: *Provided,* That any appeal from such inspection and grading to the Secretary of Agriculture shall be taken before the grain leaves the place where the inspection appealed from was made and before the identity of the grain has been lost, under such rules and regulations as the Secretary of Agriculture shall prescribe. Whenever an appeal shall be taken or a dispute referred to the Secretary of Agriculture under this Act, he shall charge and assess, and cause to be collected, a reasonable fee, in amount to be fixed by him. The fee, in case of an appeal, shall be refunded if the appeal is sustained. All such fees, not so refunded, shall be deposited and covered into the Treasury as miscellaneous receipts. The Secretary of Agriculture is authorized to pay employees assigned to perform appeal inspections for all overtime, night, or holiday work at such rates as he may determine and to accept from persons, Government agencies and departments, and Government corporations for whom such work is performed reimbursement for any sums paid for such work. The findings of the Secretary of Agriculture as to grade, signed by him or by such officer or officers, agent or agents, of the Department of Agriculture as he may designate, made after the parties in interest have had opportunity to be heard, shall be accepted in the courts of the United States as prima facie evidence of the true grade of the grain determined by him at the time and place specified in the findings.”

Approved July 11, 1958.

Public Law 85-510

AN ACT

To amend the National Science Foundation Act of 1950, to provide for a program of study, research, and evaluation in the field of weather modification.

July 11, 1958
[S. 86]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 3 of the National Science Foundation Act of 1950, as amended, is amended by striking out "and" at the end of paragraph (7), by striking out the period at the end of paragraph (8) and inserting in lieu thereof a semicolon, and by adding after paragraph (8) the following new paragraph:

National Science
Foundation.
Weather modifi-
cation.
Research.
64 Stat. 149.
42 USC 1862.

"(9) to initiate and support a program of study, research, and evaluation in the field of weather modification, giving particular attention to areas that have experienced floods, drought, hail, lightning, fog, tornadoes, hurricanes, or other weather phenomena, and to report annually to the President and the Congress thereon."

Reports.

SEC. 2. The National Science Foundation Act of 1950, as amended, is amended by changing the designations of sections 14, 15, and 16 (and all reference to such sections in any provision of law) to 15, 16, and 17, respectively, and by inserting after section 13 the following section:

64 Stat. 154.
42 USC 1873-75.

"WEATHER MODIFICATION

"SEC. 14. (a) In carrying out the provisions of paragraph (9) of section 3 (a), the Foundation shall consult with meteorologists and scientists in private life and with agencies of Government interested in, or affected by, experimental research in the field of weather control.

Research con-
tracts.

"(b) Research programs to carry out the purposes of such paragraph (9), whether conducted by the Foundation or by other Government agencies or departments, may be accomplished through contracts with, or grants to, private or public institutions or agencies, including but not limited to cooperative programs with any State through such instrumentalities as may be designated by the governor of such State.

Gifts.

"(c) For the purposes of such paragraph (9), the Foundation is authorized to accept as a gift, money, material, or services: *Provided*, That notwithstanding section 11 (f), use of any such gift, if the donor so specifies, may be restricted or limited to certain projects or areas.

42 USC 1870.

"(d) For the purposes of such paragraph (9), other agencies of the Government are authorized to loan to the Foundation without reimbursement, and the Foundation is authorized to accept and make use of, such property and personnel as may be deemed useful, with the approval of the Director of the Bureau of the Budget.

Loan of prop-
erty, etc.

"(e) The Director of the Foundation, or any employee of the Foundation designated by him, may for the purpose of carrying out the provisions of such paragraph (9) hold such hearings and sit and act at such times and places and take such testimony as he shall deem advisable. The Director or any employee of the Foundation designated by him may administer oaths or affirmations to witnesses appearing before the Director or such employee.

Hearings.

"(f) (1) The Director of the Foundation may obtain by regulation, subpoena, or otherwise such information in the form of testimony, books, records, or other writings, may require the keeping of and furnishing such reports and records, and may make such inspections of the books, records, and other writings and premises or property of any person or persons as may be deemed necessary or appropriate by him to carry out the provisions of such paragraph (9), but this authority

Documentary
evidence.

shall not be exercised if adequate and authoritative data are available from any Federal agency. In case of contumacy by, or refusal to obey a subpoena served upon, any person referred to in this subsection, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the Director, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce documents, or both; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

“(2) The production of a person’s books, records, or other documentary evidence shall not be required at any place other than the place where such person usually keeps them, if, prior to the return date specified in the regulations, subpoena, or other document issued with respect thereto, such person furnishes the Foundation with a true copy of such books, records, or other documentary evidence (certified by such person under oath to be a true and correct copy) or enters into a stipulation with the Director as to the information contained in such books, records, or other documentary evidence. Witnesses shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

Violation and
penalty.

“(3) Any person who willfully performs any act prohibited or willfully fails to perform any act required by the above provisions of this subsection, or any regulation issued thereunder, shall upon conviction be fined not more than \$500.

“(4) Information contained in any statement, report, record, or other document furnished pursuant to this subsection shall be available for public inspection, except (A) information authorized or required by statute to be withheld and (B) information classified in accordance with law to protect the national security. The foregoing sentence shall not be interpreted to authorize or require the publication, divulging, or disclosure of any information described in section 1905 of title 18 of the United States Code, except that the Director may disclose information described in such section 1905, furnished pursuant to this subsection, whenever he determines that the withholding thereof would be contrary to the purposes of this section and section 3 (a) (9) of this Act.”

62 Stat. 791.

Approved July 11, 1958.

Public Law 85-511

AN ACT

To amend the Act of September 7, 1950 (relating to the construction of a public airport in or near the District of Columbia), to remove the limitation on the amount authorized to be appropriated for construction.

July 11, 1958
[H. R. 12311]

Public airport,
D. C.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 12 of the Act entitled “An Act to authorize the construction, protection, operation, and maintenance of a public airport in or in the vicinity of the District of Columbia”, approved September 7, 1950 (64 Stat. 770, ch. 905), is amended to read as follows:

Appropriation.

“SEC. 12. There is hereby authorized to be appropriated such sum as may be necessary for the construction of the airport authorized by this Act, and such sum shall remain available until expended. There are hereby authorized to be appropriated such other sums as may be necessary to carry out the purposes of this Act.”

Approved July 11, 1958.

Public Law 85-512

AN ACT

July 11, 1958
[H. R. 11861]

Authorizing the city of Chester, Illinois, to construct new approaches to and to reconstruct, repair, or improve the existing approaches to a toll bridge across the Mississippi River at or near Chester, Illinois.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to promote interstate commerce, improve the postal service, and provide for military and other purposes, the city of Chester, Illinois, be, and is hereby, authorized to construct new approaches to and to reconstruct, repair, or improve existing approaches to a toll bridge across the Mississippi River at or near Chester, Illinois, heretofore constructed by said city pursuant to Public Numbered 191, Seventy-sixth Congress, as amended by Public Numbered 751, Seventy-sixth Congress, to reconstruct, repair, and improve said toll bridge, and to operate and maintain said new approaches, said reconstructed, repaired, or improved approaches and said toll bridge and existing approaches, provided said reconstructed toll bridge and new approaches are reconstructed, constructed, repaired, and improved at points suitable to the interests of navigation, in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this Act.

Bridge,
Chester, Ill.
Reconstruction,
etc.

53 Stat. 1058; 54
Stat. 765.

34 Stat. 84.
33 USC 491-498.

Refund of bonds.

SEC. 2. That for the purpose of effecting the reconstruction, repair and improvement of existing approaches and the construction of new approaches to the toll bridge across the Mississippi River at or near Chester, Illinois, referred to in section 1 hereof, and the reconstruction, repair and improvement of said toll bridge, said city of Chester, Illinois, be, and is hereby authorized to refund the outstanding bonds of an issue of revenue bonds of said city heretofore issued to finance the cost of construction of said bridge and existing approaches.

Acquisition of
property.

SEC. 3. There is hereby conferred upon the city of Chester, Illinois, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess and use real estate and other property needed for the location, construction, reconstruction, repair, improvement, maintenance and operation of such existing approaches to be reconstructed, repaired or improved, and the new approaches and said reconstructed, repaired or improved toll bridge and existing approaches, as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes or by municipalities for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

Toll charges.

SEC. 4. The said city of Chester, Illinois, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of tolls so fixed shall be the legal rate until changed by the Secretary of the Army under the authority contained in the Act of March 23, 1906.

Funds for main-
tenance, repair,
etc.

SEC. 5. In fixing the rates of tolls to be charged for the use of such bridge the same shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the reconstructed, repaired, or improved toll bridge and existing approaches as well as the reconstructed, repaired, or improved approaches and new approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of such reconstructed, repaired, or improved toll bridge, such reconstructed, repaired, or improved approaches and such new approaches

Interest rate.

as well as the cost of refunding the outstanding revenue bonds of said city issued to finance the cost of construction of such bridge and its approaches, including interest at a rate of not to exceed 6 per centum per annum and reasonable financing cost, as soon as possible, under reasonable charges but within a period of not to exceed thirty years from the completion of reconstruction, repair, and improvement of such toll bridge, reconstruction, repair, and improvement of existing approaches and the construction of new approaches herein authorized. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls. An accurate record of the cost of the reconstruction, repair, and improvement of the toll bridge, the reconstruction of the existing approaches and the construction of new approaches, the expenditures for maintaining, repairing, and operating the bridge and existing approaches as well as the reconstructed and new approaches, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 6. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved July 11, 1958.

Public Law 85-513

AN ACT

July 11, 1958
[H. R. 10154]

To empower the Judicial Conference to study and recommend changes in and additions to the rules of practice and procedure in the Federal courts.

Judicial Confer-
ence.
62 Stat. 497.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 331 of title 28 of the United States Code, as amended, is further amended by inserting therein immediately after the fourth paragraph and before the fifth paragraph thereof an additional paragraph reading as follows:

Study of court
procedure, etc.

"The Conference shall also carry on a continuous study of the operation and effect of the general rules of practice and procedure now or hereafter in use as prescribed by the Supreme Court for the other courts of the United States pursuant to law. Such changes in and additions to those rules as the Conference may deem desirable to promote simplicity in procedure, fairness in administration, the just determination of litigation, and the elimination of unjustifiable expense and delay shall be recommended by the Conference from time to time to the Supreme Court for its consideration and adoption, modification or rejection, in accordance with law."

Approved July 11, 1958.

Public Law 85-514

AN ACT

July 11, 1958
[H. R. 12827]

To amend the provisions of title III of the Federal Civil Defense Act of 1950, as amended.

64 Stat. 1254; 68
Stat. 170.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 307 of the Federal Civil Defense Act of 1950, as amended (50 U. S. C. App. 2297), is further amended by striking out the date "June 30, 1958" and inserting in lieu thereof the date "June 30, 1962".

Approved July 11, 1958.

Public Law 85-515

AN ACT

To amend section 77 (c) (6) of the Bankruptcy Act.

July 11, 1958
[H. R. 982]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (6) of section 77 (c) of the Bankruptcy Act (11 U. S. C. 205 (c)) is amended to read as follows:

“(6) If a lease of a line of railroad is rejected, and if the lessee, with the approval of the judge, shall elect no longer to operate the leased line, it shall be the duty of the lessor at the end of a period to be fixed by the judge to begin the operation of such line, unless the judge, upon the petition of the lessor, shall decree after hearing that it would be impracticable and contrary to the public interest for the lessor to operate the said line, in which event it shall be the duty of the lessee to continue operation on or for the account of the lessor, until abandonment of such line is authorized in accordance with the provisions of section 1 of the Interstate Commerce Act, as amended, or until such operation pursuant to this paragraph is otherwise lawfully terminated. During any such operation, the lessor shall be deemed to be a carrier subject to all applicable provisions of the Interstate Commerce Act, as amended, and shall be entitled to receive just, reasonable, and equitable divisions of rates, fares, or charges applicable to the transportation of persons or property over its line or lines of railroad and the lines of the lessee or other carriers, and the provisions of section 15 (6) of the Interstate Commerce Act, as now or hereafter amended, shall apply to said divisions whether or not joint rates covering such transportation have been established.”

Approved July 11, 1958.

Bankruptcy.
49 Stat. 915.Railroads.
Carrier revenues.24 Stat. 379.
49 USC 1.

49 USC 15.

Public Law 85-516

AN ACT

To extend the authority of the Secretary of Agriculture to extend special livestock loans, and for other purposes.

July 11, 1958
[H. R. 11424]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 (c) of the Act of April 6, 1949, as amended (12 U. S. C. 1148a-2 (c)), is further amended by striking out in the second sentence thereof “1959” and inserting in lieu thereof “1961”.

Approved July 11, 1958.

Livestock loans.
69 Stat. 366.

Public Law 85-517

AN ACT

To extend for two years the existing authority of the Secretary of the Treasury in respect of transfers of distilled spirits for purposes deemed necessary to meet the requirements of the national defense.

July 11, 1958
[H. R. 13130]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5217 (c) of the Internal Revenue Code of 1954 is amended by striking out “July 11, 1958” and inserting in lieu thereof “July 11, 1960”.

Approved July 11, 1958.

70 Stat. 530.

Public Law 85-518

AN ACT

July 11, 1958
[H. R. 11936]

To extend the time for the collection of tolls to amortize the cost, including reasonable interest and financing cost, of the construction of a bridge across the Missouri River at Brownville, Nebraska.

63 Stat. 889.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 18 (d) of the Act of August 30, 1935 (relating to the construction of certain bridges), as amended by the Act of October 25, 1949, is hereby amended by striking out "thirty years" and inserting in lieu thereof "forty years".

Approved July 11, 1958.

Public Law 85-519

AN ACT

July 15, 1958
[H. R. 12457]

To further amend Public Law 85-162 and Public Law 84-141, to increase the authorization for appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

Atomic Energy
Commission.
Appropriations.
Ante, p. 117.

71 Stat. 404.

69 Stat. 291.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 101 of Public Law 85-162, as amended, is further amended by striking therefrom the figure "\$257,230,000" and inserting in lieu thereof the figure "\$259,480,000".

SEC. 2. Section 101 (e) of Public Law 85-162 is amended by striking therefrom the figure "\$7,750,000" for project 58-e-6, project Sherwood plant, and substituting therefor the figure "\$10,000,000".

SEC. 3. Section 101 (c) of Public Law 84-141, as amended, is further amended by striking therefrom the figure "\$10,000,000" for project 56-c-1, particle accelerator program, and substituting therefor the figure "\$19,406,000".

Approved July 15, 1958.

Public Law 85-520

AN ACT

July 15, 1958
[H. R. 12739]

To amend section 1105 (b) of title XI (Federal Ship Mortgage Insurance) of the Merchant Marine Act, 1936, as amended, to implement the pledge of faith clause.

Vessels.
Federal Ship
Mortgage Insur-
ance.
68 Stat. 1268.
46 USC 1272.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1105 (b) of the Merchant Marine Act, 1936, as amended (46 U. S. C. 1275 (b)), is amended by inserting at the end thereof the following sentences: "If at any time the moneys in the Federal Ship Mortgage Insurance Fund authorized by section 1102 of this Act are not sufficient to pay any amount the Secretary of Commerce is required to pay by subsection (a) of this section, the Secretary of Commerce is authorized to issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions as may be prescribed by the Secretary of Commerce, with the approval of the Secretary of the Treasury. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into con-

sideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of such notes or other obligations. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations to be issued hereunder and for such purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under such Act, as amended, are extended to include any purchases of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this section. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States. Funds borrowed under this section shall be deposited in the Federal Ship Mortgage Insurance Fund and redemptions of such notes and obligations shall be made by the Secretary of Commerce from such Fund."

Approved July 15, 1958.

40 Stat. 288.
31 USC 774(2).

Public Law 85-521

AN ACT

To authorize the construction and sale by the Federal Maritime Board of a superliner passenger vessel equivalent to the steamship United States, and a superliner passenger vessel for operation in the Pacific Ocean, and for other purposes.

July 15, 1958
[H. R. 11451]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is necessary, in order to carry out the merchant marine policy declared in the Merchant Marine Act, 1936, as amended, to have (a) a superliner passenger vessel equivalent to the steamship United States, to replace the steamship America for operation on an essential trade route in the North Atlantic, and (b) a superliner passenger vessel with capacity of approximately one thousand four hundred passengers for operation on an essential trade route in the Pacific Ocean. Nothing herein shall preclude the operation of either of these vessels in other areas, subject to the approval of the Federal Maritime Board. There is hereby authorized to be appropriated to the Department of Commerce such sums as may be necessary, to remain available until expended, for the construction, outfitting, and equipping of such vessels.

Superliner passenger vessels, construction.
49 Stat. 1985.
46 USC 1245.

Appropriation.

SEC. 2. Concurrently with entering into contracts with shipbuilders for the construction of said vessels, the Board is authorized to enter into contracts for the sale of the vessels, fully outfitted and equipped, upon their completion, (a) with respect to the superliner passenger vessel equivalent to the steamship United States, to the United States Lines Company, for the fixed price of \$47,000,000, and (b) with respect to the superliner passenger vessel for operation in the Pacific Ocean, to the American President Lines, Limited, for the fixed price of \$34,000,000, or 45 per centum of the domestic construction cost of the vessel fully outfitted and equipped (excluding national defense features and escalation) whichever is the greater. The sales prices stated herein shall include the cost of stabilizers, all outfit and equipment not covered by the shipbuilders' bids, customary architects' and interior decorators' fees for design, inspection during construction, and all escalation provided for in the shipbuilders' bids: *Provided, however,* That such prices shall be increased in an amount equal to

Sale contracts.

Prices.

45 per centum of any net change in the cost of the vessels (other than national defense features) arising out of any changes in the bid specifications approved by the Federal Maritime Board or any changes in the usual outfitting and equipping of the vessels if such changes are requested by the purchasers and approved by the Federal Maritime Board after the enactment hereof. Terms and conditions of payment of the purchase price shall be as provided for in sections 502 (c) and 503 of the Merchant Marine Act, 1936, as amended. In order that such construction of the superliner passenger vessel equivalent to the steamship United States may be accomplished promptly, the Federal Maritime Board, in its discretion, may have such a vessel constructed, without further bidding, under outstanding bids which have hitherto been made by United States shipbuilders on a similar vessel.

SEC. 3. Except as otherwise provided in this Act, the construction and sale of the superliner passenger vessels authorized by this Act shall be in accordance with the provisions of the Merchant Marine Act, 1936, as amended.

SEC. 4. For the purposes of this Act the words "construction differential subsidy" used in the Merchant Marine Act, 1936, as amended, shall mean the difference between the sales price paid by the purchaser hereunder and the cost of the vessel (less national defense features) including the cost of stabilizers, all outfit and equipment not covered by the shipbuilders' bids, customary architects' and interior decorators' fees for design, inspection during construction, and all escalation provided for in the shipbuilders' bids.

SEC. 5. Any contract for an operating differential subsidy on the operation of a vessel constructed and sold under this Act shall be subject to the provisions of title VI of the Merchant Marine Act, 1936, as amended: *Provided, however,* That such contract shall provide that, if at the end of any recapture period, the net profits on the operation of such vessel for such recapture period, computed without regard to profits or losses on other vessels operated by the contractor, exceed 10 per centum per annum on a cumulative basis upon the contractor's capital necessarily employed in the operation of such vessel, as determined by the Federal Maritime Board, the contractor shall account to the United States for an amount equal to 75 per centum of such excess profits.

Approved July 15, 1958.

Public Law 85-522

JOINT RESOLUTION

To designate the lake formed by the Ferrells Bridge Dam across Cypress Creek in Texas as Lake O' the Pines.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the reservoir formed by the Ferrells Bridge Dam across Cypress Creek in Texas, authorized to be constructed by section 11 of the Flood Control Act of 1946, is hereby designated as Lake O' the Pines. Any law, regulation, map, document, record, or other paper of the United States in which such reservoir is referred to shall be held to refer to such reservoir by the name of Lake O' the Pines.

Approved July 15, 1958.

Terms.
46 U S C 1152,
1153.

"Construction
differential sub-
sidy".

Recapture pro-
vision.
46 U S C 1171-
1182.

July 15, 1958
[H. J. Res. 633]

L a k e O' t h e
P i n e s . , T e x .
60 Stat. 651.
33 USC 701f.

Public Law 85-523

JOINT RESOLUTION

To provide for transfer of right-of-way for Yellowtail Dam and Reservoir, Hardin unit, Missouri River Basin project and payment to Crow Indian Tribe in connection therewith, and for other purposes.

July 15, 1958
[S. J. Res. 12]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, from funds appropriated to the Department of the Interior, Bureau of Reclamation, for the Missouri River Basin project, there shall be transferred in the Treasury of the United States to the credit of the Crow Tribe of Indians, Montana, the sum of \$2,500,000. Said sum is intended to include both just compensation for the transfer to the United States as herein provided of all right, title, and interest of the Crow Tribe in and to the tribal lands described in section 2 of this resolution, except such as is reserved or excluded in said section 2, and a share of the special value to the United States of said lands for utilization in connection with its authorized Missouri River Basin project, in addition to other justifiable considerations. Nothing contained in this joint resolution shall be taken as an admission by the United States that it is under any legal obligation to pay more than just compensation to said Crow Tribe and, in any suit brought as provided in section 3 of this resolution, no amount in excess of the sum above stated shall be awarded unless the court finds that the whole of said sum is less than just compensation for all of the tribal right, title, and interest taken. No attorney fees shall be allowed out of the amount paid under authority of this section. Neither the initial transfer of such funds to the Tribe, as provided herein, nor any subsequent per capita distribution thereof shall be subject to Federal income tax.

Yellowtail Dam
and Reservoir.
Right-of-way
payment.

Tax exemption.

SEC. 2. (a) Subject to the provisions of this section, there is hereby transferred to the United States the right, title, and interest of the Crow Tribe in and to lands situated in the Big Horn County, Montana, hereinafter described under the headings "PARCEL A" and "PARCEL B."

Crow Tribe.
Land transfer.

PARCEL A

Lots 7, 8, 9, 10, 11, and 12, northeast quarter of the southwest quarter and the east half of the southeast quarter of section 18; lots 1, 2, 3, 4, 5, and 6, southwest quarter of the northeast quarter, southeast quarter of the northwest quarter, and the northeast quarter of the southwest quarter of section 19, all in township 6 south, range 31 east, Montana principal meridian, and containing 573.84 acres, more or less.

A tract of unsurveyed, unallotted Indian land described as follows: Beginning on the westerly side of the Big Horn River at a point on the west line of lot 9, section 18, township 6 south, range 31 east, Montana principal meridian, said point being at elevation 3,675; thence running upstream along a contour line whose elevation is 3,675, to a point of intersection with the east line of the southeast quarter of the northeast quarter of section 22, township 6 south, range 30 east, Montana principal meridian; thence southerly along the east line of said southeast quarter of the northeast quarter to a point on the east line of said southeast quarter of the northeast quarter, whose elevation is 3,675; thence running upstream along a contour line whose elevation is 3,675, to a point of intersection with the south boundary of the Crow Indian Reservation on the westerly side of the Big Horn River; thence easterly along the said south boundary of the Crow Indian Reservation to a point of intersection with the middle of the thread of the Big Horn River; thence running upstream along

the middle of the thread of the Big Horn River to a point of intersection with the south line of township 9 south, range 28 east, Montana principal meridian; thence easterly along the south line of said township 9 south, range 28 east, to a point on the south line of said township 9 south, range 28 east, Montana principal meridian; whose elevation is 3,675 feet; thence running downstream along a contour line whose elevation is 3,675 to a point of intersection with the west line of township 6 south, range 31 east, Montana principal meridian; thence northerly along the west line of said township 6 south, range 31 east, to the point of beginning, and containing 4,771.6 acres, more or less.

Also, a parcel of land lying along the south boundary of the Crow Indian Reservation, further described as follows: Beginning at a point where the 3,675-foot contour to the left of the Big Horn River intersects the south boundary of the Crow Indian Reservation, said point being approximately 5,400 feet westerly of the point of intersection of the Big Horn River and the south boundary of the Crow Indian Reservation; thence running upstream on the 3,675-foot contour to a point where the 3,675-foot contour intersects the south boundary of the Crow Indian Reservation; thence running easterly along the south boundary of the Crow Indian Reservation to the point of beginning and containing 5.7 acres, more or less.

Also, a parcel of land lying along the south boundary of the Crow Indian Reservation and along Hoodoo Creek further described as follows: Beginning at a point on the south boundary of the Crow Indian Reservation where the 3,675-foot contour on the east bank of Hoodoo Creek intersects the south boundary of the Crow Indian Reservation; thence running upstream on the 3,675-foot contour to its intersection with the middle of the thread of Hoodoo Creek; thence running downstream on the 3,675-foot contour to a point where the 3,675-foot contour intersects the south boundary of the Crow Indian Reservation; thence easterly along the south boundary of the Crow Indian Reservation to the point of beginning and containing 1.3 acres, more or less.

The total area above described is 5,352.44 acres, more or less, situated in Big Horn County, Montana.

PARCEL B

Lots 1, 5, and 6 of section 18, lots 4, 6, 7, and 8, and the south half of the northwest quarter of section 17, lots 6 and 7, section 16, all in township 6 south, range 31 east, Montana principal meridian, containing 325.50 acres, more or less, and situated in Big Horn County, Montana.

(b) There is reserved from the right, title, and interest transferred as to parcel B, the Indian Irrigation Service canal and appurtenant facilities, Big Horn unit, Crow Indian Irrigation Department, as now constructed or as they may be hereafter modified, until such time as said canal and appurtenant facilities may be replaced.

(c) Except as to such area as the Secretary determines to be required for the dam site and the construction and operating camp site, the right, title and interest transferred shall be exclusive of the rights to minerals, including gas and oil, beneath the surface: *Provided*, That no permit, license, lease or other document covering the exploration for or the extraction of such minerals shall be granted by or under the authority of the Secretary except under such conditions and with such stipulations as the Secretary deems adequate to protect the interests of the United States in the construction, operation, maintenance and use of the Yellowtail unit.

(d) The members of the Crow Tribe of Indians of Montana shall be permitted to hunt and fish in and on the Yellowtail Reservoir and taking area without a license.

Hunting and fishing rights.

SEC. 3. Unless suit is brought by the Crow Tribe in the United States District Court for the District of Montana or the Court of Claims within three years after the effective date of this joint resolution to determine whether an amount additional to that specified in section 1 hereof is due as just compensation, the sum provided by section 1 hereof shall be deemed to constitute full, complete, and final settlement of any and all claims by the tribe on account of the transfer to the United States as therein provided of the tribe's right, title, and interest in and to the lands referred to in section 2 hereof, including claims based on their power site and dam site values. In the event a suit to determine just compensation is so brought, either of said courts shall have jurisdiction as under section 1505, title 28, United States Code, and in determining just compensation shall take into account the rights reserved to the tribe by subsections (b), (c), and (d) of section 2 hereof and shall, if judgment be for the tribe, deduct from the amount thereof the sum specified in and paid under section 1 of this joint resolution. Review of the judgment shall be in the same manner, and subject to the same limitations, as govern in the case of other claims cognizable under the aforementioned section 1505. Nothing contained in this joint resolution shall be taken as an admission on the part of the United States that just compensation is required for any particular element of value, including power site and dam site value, now or hereafter claimed by the Crow Tribe, but the same shall be determined in accordance with the Constitution and laws of the United States.

Final settlement.

63 Stat. 102.

Approved July 15, 1958.

Public Law 85-524

AN ACT

To authorize the appointment of one additional Assistant Secretary of State.

July 18, 1958
[S. 1832]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Act of May 26, 1949, as amended (5 U. S. C. 151a), is amended by striking out "ten" and inserting in lieu thereof "eleven".

63 Stat. 111.

SEC. 2. Section 106 (a) (17) of the Federal Executive Pay Act of 1956 (70 Stat. 738) is amended by striking out "(10)" and inserting in lieu thereof "(11)".

5 USC 2205.

Approved July 18, 1958.

Public Law 85-525

AN ACT

To amend section 401 of the Federal Employees Pay Act of 1945, as amended.

July 18, 1958
[S. 1901]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 401, paragraph (1), of the Federal Employees Pay Act of 1945, as amended (5 U. S. C. 926), is amended by inserting before the period at the end of the first sentence a comma and the words, "except for irregular, unscheduled overtime duty in excess of his regularly scheduled weekly tour".

68 Stat. 1111.

Approved July 18, 1958.

Public Law 85-526

July 18, 1958
[S. 2964]

AN ACT

Granting the consent and approval of Congress to a compact between the State of Connecticut and the State of Massachusetts relating to flood control.

Connecticut-
Massachusetts
Compact.
Consent of Con-
gress.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent and approval of Congress is given to the compact between the State of Connecticut and the State of Massachusetts relating to flood control. Such compact reads as follows:

"ARTICLE I

"The principal purposes of this compact are: (a) To promote interstate comity among and between the signatory states; (b) to assure adequate storage capacity for impounding the waters of the Thames River and its tributaries for the protection of life and property from floods; (c) to provide a joint or common agency through which the signatory states, while promoting, protecting and preserving to each the local interest and sovereignty of the respective signatory states, may more effectively cooperate in accomplishing the object of flood control and water resources utilization in the basin of the Thames River and its tributaries.

"ARTICLE II

"There is hereby created 'The Thames River Valley Flood Control Commission', hereinafter referred to as the 'commission', which shall consist of six members, three of whom shall be residents of the commonwealth of Massachusetts; three of whom shall be residents of the state of Connecticut.

"The members of the commission shall be chosen by their respective states in such manner and for such terms as may be fixed and determined from time to time by the law of each of said states respectively by which they are appointed. A member of the commission may be removed or suspended from office as provided by the law of the state for which he shall be appointed, and any vacancy occurring in the commission shall be filled in accordance with the laws of the state wherein such vacancy exists.

"A majority of the members from each state shall constitute a quorum for the transaction of business, the exercise of any of its powers or the performance of any of its duties, but no action of the commission shall be binding unless at least two of the members from each state shall vote in favor thereof.

"The compensation of members of the commission shall be fixed, determined, and paid by the state which they respectively represent. All necessary expenses incurred in the performance of their duties shall be paid from the funds of the commission.

"The commission shall elect from its members a chairman, vice-chairman, and a clerk-treasurer. Such clerk-treasurer shall furnish to the commission, at its expense, a bond with corporate surety, to be approved by the commission, in such amount as the commission may determine, conditioned for the faithful performance of his duties.

"The commission shall adopt suitable by-laws and shall make such rules and regulations as it may deem advisable not inconsistent with laws of the United States, of the signatory states or with any rules or regulations lawfully promulgated thereunder.

"The commission shall make an annual report to the governor and legislature of each of the signatory states, setting forth in detail the

operations and the transactions conducted by it pursuant to this compact.

"The commission shall keep a record of all its meetings and proceedings, contracts and accounts, and shall maintain a suitable office, where its maps, plans, documents, records and accounts shall be kept, subject to public inspection at such times and under such regulations as the commission shall determine.

"ARTICLE III

"The commission shall constitute a body, both corporate and politic, with full power and authority: (1) to sue and be sued; (2) to have a seal and alter the same at pleasure; (3) to appoint and employ such agents and employees as may be required in the proper performance of the duties hereby committed to it and to fix and determine their qualifications, duties and compensation; (4) to enter into such contracts and agreements and to do and perform any and all other acts, matters and things as may be necessary and essential to the full and complete performance of the powers and duties hereby committed to and imposed upon it and as may be incidental thereto; (5) to have such additional powers and duties as may hereafter be delegated to or imposed upon it from time to time by the action of the legislature of either of said states, concurred in by the legislature of the other state and by the Congress of the United States.

"The commission shall make, or cause to be made, such studies as it may deem necessary, in cooperation with the Corps of Engineers, United States Army, and other federal agencies, for the development of a comprehensive plan for flood control and for utilization of the water resources of the Thames River Valley.

"The commission shall not pledge the credit of the signatory states or either of them.

"ARTICLE IV

"The Commonwealth of Massachusetts wherein is located the site of each of the following dams and reservoirs agrees to the construction by the United States of each such dam and reservoir in accordance with authorization by the Congress:

"(1) At East Brimfield on the Quinebaug River controlling a drainage area of approximately sixty-seven (67) square miles and providing flood storage of approximately eight (8) inches of run-off from said drainage area.

"(2) At Buffumville on the Little River controlling a net drainage area of approximately twenty-six (26) square miles and providing flood control storage of approximately eight (8) inches of run-off from said drainage area.

"(3) At Hodges Village on the French River controlling a drainage area of approximately thirty (30) square miles and providing flood control storage for approximately eight (8) inches of run-off from said drainage area.

"(4) At Westville on the Quinebaug River controlling a drainage area of approximately ninety (90) square miles and providing flood control storage for approximately two and five-tenths (2.5) inches of run-off from said drainage area.

"ARTICLE V

"The State of Connecticut agrees to reimburse the Commonwealth of Massachusetts forty (40) per cent of the amount of taxes lost to their political subdivisions by reason of acquisition and ownership by the United States of lands, rights or other property therein for construction in the future of any flood control dam and reservoir specified in Article IV and also for any other flood control dam and reservoir hereafter constructed by the United States in the Thames River Valley in Massachusetts.

"Annually, not later than November first of each year, the commission shall determine the loss of taxes resulting to political subdivisions of the Commonwealth of Massachusetts by reason of acquisition and ownership therein by the United States of lands, rights or other property in connection with each flood control dam and reservoir for which provision for tax reimbursement has been made in the paragraph next above. Such losses of taxes as determined by the commission shall be based on the tax rate then current in each such political subdivision and on the average assessed valuation for a period of five years prior to the acquisition by the United States of the site of the dam for such reservoir, provided that whenever a political subdivision wherein a flood control dam and reservoir or portion thereof is located shall have made a general revaluation of property subject to the annual municipal taxes of such subdivisions, the commission may use such revaluation for the purpose of determining the amount of taxes for which reimbursement shall be made. Using the percentage of payment agreed to in this Article, the commission shall then compute the sum, if any, due from the State of Connecticut to the Commonwealth of Massachusetts and shall send a notice to the treasurer of each signatory state setting forth in detail the sum, if any, Connecticut is to pay and Massachusetts is to receive in reimbursement of tax losses.

"The State of Connecticut on receipt of formal notification from the commission of the sum which it is to pay in reimbursement for tax losses shall, not later than July first of the following year, make its payment for such tax losses to the Commonwealth of Massachusetts wherein such loss or losses occur, except that in case of the first annual payment for tax losses at any dam or reservoir such payment shall be made by the State of Connecticut not later than July first of the year in which the next regular session of its legislature is held.

"Payment by the State of Connecticut of its share of reimbursement for taxes in accordance with formal notification received from the commission shall be a complete and final discharge of all liability by the state to the Commonwealth of Massachusetts for each flood control dam and reservoir within that state for the time specified in such formal notification. The Commonwealth of Massachusetts shall have full responsibility for distributing or expending all such sums received, and no agency or political subdivision of the Commonwealth shall have any claim against the State of Connecticut or against the commission relative to tax losses covered by such payments.

"The two states may agree, through the commission, on a lump sum payment in lieu of annual payments and when such lump sum payment has been made and received, the requirement that the commission annually shall determine the tax losses, compute sums due and send notice thereof to the treasurer of each state shall no longer apply with respect to any flood control dam and reservoir for which lump sum payment has been made and received.

"On receipt of information from the Chief of Engineers, United States Army, that request is to be made for funds for the purpose of preparing detailed plans and specifications for any flood control dam

and reservoir proposed to be constructed in the Thames River Valley in Massachusetts, including those specified in Article IV, the commission shall make an estimate of the amount of taxes which would be lost to the political subdivisions of that state by reason of acquisition and ownership by the United States of lands, rights or other property for the construction and operation of such flood control dam and reservoir and shall decide whether the flood control benefits to be derived from such flood control dam and reservoir, both by itself and as a unit of a comprehensive flood control plan, justifies, in the opinion of the commission, the assumption by Connecticut of the obligation to make reimbursement for loss of taxes. Such estimate and decision shall thereafter be reviewed by the commission at five-year intervals until such time as the United States shall have acquired title to the site of such flood control dam or plans for its construction are abandoned. The commission shall notify the governor, the members of the United States Senate and the members of the United States House of Representatives from each signatory state and the chief of engineers as to the commission's decision and as to any change in such decision.

"On receipt of information from the Chief of Engineers that any flood control dam and reservoir is to be constructed, reconstructed, altered, or used for any purpose in addition to flood control, including those flood control dams and reservoirs heretofore constructed and those specified in Article IV, the commission shall make a separate estimate of the amount of taxes which would be lost to the political subdivisions of the Commonwealth of Massachusetts by reason of acquisition and ownership by the United States of lands, rights or other property for construction and operation of such dam and reservoir in excess of the estimated amount of taxes which would be lost if the dam were constructed and operated for flood control only and the commission shall decide the extent to which, in its opinion, the State of Connecticut would be justified in making reimbursement for loss of taxes in addition to reimbursement for such dam and reservoir if constructed and used for flood control only. Such estimate and decision shall thereafter be reviewed by the commission at five-year intervals until such time as such dam and reservoir shall be so constructed, reconstructed, altered or used or plans for such construction, reconstruction, alteration or use are abandoned. The commission shall notify the governor, the members of the United States Senate and the members of the United States House of Representatives from each signatory state as to the commission's decision and as to any change in such decision.

"A signatory state may, in agreement with the commission and the Chief of Engineers, acquire title or option to acquire title to any or all lands, rights or other property required for any flood control dam and reservoir within its boundaries and transfer such titles or options to the United States. Whenever the fair cost to said signatory state for such titles or options, as determined by the commission, is greater than the amount received therefor from the United States, the State of Connecticut shall pay its share of such excess cost to said signatory state, such share to be determined by the commission.

"Whenever the commission shall not agree, within a reasonable time or within sixty days after a formal request from the governor of any signatory state, concerning reimbursement for loss of taxes at any flood control dam and reservoir heretofore or hereafter constructed by the United States in the Thames River Valley in Massachusetts, or concerning the extent, if any, to which reimbursement shall be made for additional loss of taxes caused by construction, reconstruction, alteration or use of any such dam for purposes other than flood control, the governor of each signatory state shall designate a person from his

state as a member of a board of arbitration, hereinafter called the board, and the members so designated shall choose one additional member who shall be chairman of such board. Whenever the members appointed by the governors to such board shall not agree within sixty days on such additional member of the board, the governors of such signatory states shall jointly designate the additional member. The board shall by majority vote decide the question referred to it and shall do so in accordance with the provisions of this compact concerning such reimbursement. The decision of the board on each question referred to it concerning reimbursement for loss of taxes shall be binding on the commission and on each signatory state, notwithstanding any other provision of this compact.

“ARTICLE VI

“Nothing contained in this compact shall be construed as a limitation upon the authority of the United States.

“ARTICLE VII

“The signatory states agree to appropriate for compensation of agents and employees of the commission and for office, administration, travel and other expenses on recommendation of the commission subject to limitations as follows: The Commonwealth of Massachusetts obligates itself to not more than seven thousand (\$7,000) dollars in any one year and the State of Connecticut obligates itself to not more than five thousand (\$5,000) dollars in any one year.

“ARTICLE VIII

“Should any part of this compact be held to be contrary to the constitution of any signatory state or of the United States, all other parts thereof shall continue to be in full force and effect.

“ARTICLE IX

“This compact shall become operative and effective when ratified by the Commonwealth of Massachusetts and the State of Connecticut and approved by the Congress of the United States. Notice of ratification shall be given by the governor of each state to the governor of the other state and to the President of the United States, and the President of the United States is requested to give notice to the governors of each of the signatory states of approval by the Congress of the United States.”

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

Approved July 18, 1958.

Public Law 85-527

AN ACT

To provide for the acquisition of additional land to be used in connection with the Cowpens National Battleground site.

July 18, 1958
[S. 602]

Cowpens National Battleground site.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in addition to the land heretofore acquired by the United States by gift pursuant to

the Act entitled "An Act to erect a national monument at Cowpens battleground", approved March 4, 1929 (45 Stat. 1558), for the purpose of erecting a monument on the site of the Cowpens battleground, the Secretary of the Interior is authorized, in his discretion, to accept, on behalf of the United States, donations of land not to exceed one acre, situated adjacent to and between the present battlefield site and relocated Highway 11.

Approved July 18, 1958.

Public Law 85-528

AN ACT

To provide for the conveyance of certain land of the United States to the city of Salem, Oregon.

July 18, 1958
[S. 2318]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to convey by quitclaim deed to the city of Salem, Oregon, all right, title, and interest of the United States in and to a tract of revested Oregon and California railroad land containing approximately 28.84 acres. Such tract is lot 9, section 13, township 9 south, range 1 west, Willamette meridian, in Linn County, Oregon, which includes Stayton Island and the left bank of the North Santiam River.

Salem, Oreg.
Conveyance.

SEC. 2. The conveyance authorized by this Act shall be conditioned upon the city of Salem paying to the Secretary of the Interior as consideration for the tract conveyed an amount equal to its fair market value as determined by the Secretary. The deed of conveyance of such tract shall contain such other terms and conditions as may be considered by the Secretary to be necessary to protect the interests of the United States.

Payment.

SEC. 3. If a sale is not made hereunder within three years after the date of enactment of this Act, all authority conferred by this Act shall terminate.

Limitation.

SEC. 4. Nothing in this Act shall be deemed to relieve the city of Salem of any liability existing on the date of approval of this Act with respect to the land described in section 1.

Approved July 18, 1958.

Public Law 85-529

JOINT RESOLUTION

To designate the 1st day of May of each year as Loyalty Day.

July 18, 1958
[H. J. Res. 479]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the 1st day of May of each year is hereby designated as Loyalty Day and is to be set aside as a special day for the reaffirmation of loyalty to the United States of America and for the recognition of the heritage of American freedom; and the President of the United States is authorized and requested to issue a proclamation calling upon officials of the Government to display the flag of the United States on all Government buildings on such day and inviting the people of the United States to observe such day, in schools and other suitable places, with appropriate ceremonies.

Loyalty Day.
Designation.

Approved July 18, 1958.

Public Law 85-530

AN ACT

July 18, 1958
[H. R. 11077]

To incorporate the Veterans of World War I of the United States of America.

Veterans of
World War I of the
U.S.A.
Incorporation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following-named persons provided that they meet the eligibility requirements set forth in section 5 of this Act: Harlan W. Barnes, Portland, Oregon; Lewis Brake, Mount Vernon, Illinois; Fred J. Hollenbeck, Cape Vincent, New York; Reginald H. Murphy, Junior, Washington, District of Columbia; Stanton L. Smiley, Gary, Indiana; Emerson R. J. Follett, Dover, New Hampshire; M. George Deutch, Buffalo, New York; Patrick F. O'Connor, Braddock, Pennsylvania; Charles L. Gore, Baltimore, Maryland; Arch MacIntyre, Tampa, Florida;

G. Edwin Slater, Detroit, Michigan; John E. Erickson, Minneapolis, Minnesota; Al. H. Ohlsen, San Francisco, California; Arthur G. Estes, Albuquerque, New Mexico; M. C. Hermann, San Francisco, California; Merle E. Hopper, Roscommon, Michigan; Harry J. Millen, Watertown, New York; John C. Van Etten, Olympia, Washington; Emanuel Levy, Fort Wayne, Indiana; A. T. G. Novak, Seattle, Washington; Doctor Harry E. Mort, Saint Louis, Missouri; Martin F. Iverson, Washington, District of Columbia; Monte C. Walton, Portland, Oregon; Bert Mansfield, Portland, Oregon; W. N. Knight, Salisbury, North Carolina; Reverend George G. Shurtz, Newcomers-town, Ohio;

David G. Bollinger, Lakewood, Ohio; Catherine Sawyer, Napa County, California; Joseph Bergrath, Madison, Illinois; Arthur Means, Mena, Arkansas; James Butler, Long Beach, California; Joseph P. Crider, Westerly, Rhode Island; Frank Heise, Washington, District of Columbia; Joseph W. Padderatz, New Smyrna Beach, Florida; George Burdick, Twin Falls, Idaho; Dean V. Thompson, Boise, Idaho; M. H. Bond, Centralia, Illinois; Denton Opp, Aurora, Indiana; Paul Hadley, Rehoboth Beach, Delaware; George M. Leary, Quincy, Massachusetts; Charles Cooper, Clare, Michigan; Jack Greenwood, Minneapolis, Minnesota; Howard E. White, Kansas City, Missouri; C. P. Biffle, Polson, Montana;

John Twardus, Stratham, New Hampshire; Gustave G. W. Laegeler, Newark, New Jersey; George F. Patton, Portales, New Mexico; William F. Schwab, Buffalo, New York; E. G. Kittles, Charlotte, North Carolina; Victor E. Morgan, Bridgeport, Ohio; Ray Snider, La Grande, Oregon; Leslie E. Barnhart, Uniontown, Pennsylvania; J. L. FitzGibbon, Columbia, South Carolina; C. W. Nevins, Fort Worth, Texas; Howard Houck, San Pedro, California; Charles Wetter, Santa Ana, California; A. Thomas Wheaton, Dearborn, Michigan; T. D. Ladd, Amarillo, Texas; Cornelius B. Prins, Fort Pierce, Florida;

Charles Ulmer, Wellington, Kansas; Louis Alterici, Charleroi, Pennsylvania; Robert Brown, Minneapolis, Minnesota; Joseph J. Strobel, Molalla, Oregon; James R. McClain, Springfield, Illinois; Henry H. Hitchings, Johnson City, New York; Albert J. Graf, Lake View, New York; William E. Kilgore, Ludlow, Kentucky; Leo Thornton, Hammond, Indiana; Daniel A. Chester, Spencer, North Carolina; Frank B. Pace, Oklahoma City, Oklahoma; O. B. Pritchett, Jefferson City, Missouri; Dayton H. Montgomery, Hot Springs, Arkansas; Melvin D. Eddy, Belmont, Massachusetts; James L. Culbert, Haverhill, Massachusetts;

Joseph Perrone, New London, Connecticut; George H. Hoak, Houton Lake Heights, Michigan; and William A. McVeigh, Victor-

ville, California, and their associates and successors, are created and declared to be a body corporate of the District of Columbia, where its legal domicile shall be, the name of which shall be Veterans of World War I of the United States of America, Incorporated (hereinafter referred to as the "corporation"), and by such name the said corporation shall be known and have perpetual succession, the powers, limitations, and restrictions herein contained.

COMPLETION OF ORGANIZATION

SEC. 2. The persons named in the first section of this Act are authorized, a majority concurring, to complete the organization of the corporation by the selection of officers and employees, the adoption of regulations and bylaws, not inconsistent with this Act, and the doing of such other acts as may be necessary for such purpose.

OBJECTS AND PURPOSES OF CORPORATION

SEC. 3. The purposes of the corporation shall be patriotic, fraternal, historical, and educational, in the service and for the benefit of veterans of World War I and are as follows:

(1) To provide for the veterans of World War I an organization for their mutual benefit, pleasure, and amusement, which will afford them the opportunities and means for personal contact with each other in order to keep alive friendships and memories of World War I and to venerate the memory of their honored dead;

(2) To cooperate to the fullest extent and in a harmonious manner with all veterans' organizations to the end that the best interests of all veterans of all wars in which the United States of America has participated, and the widows and orphans of deceased veterans of such wars, may be best served;

(3) To stimulate communities and political subdivisions into taking more interest in veterans of World War I, the widows and orphans of such deceased veterans, and the problems of such veterans and their widows and orphans;

(4) To collate, preserve, and encourage the study of historical episodes, chronicles, mementos, and events pertaining to World War I;

(5) To fight vigorously to uphold the Constitution and laws of the United States, as well as the individual States of the Union and to foster the spirit and practice of true Americanism;

(6) To fight unceasingly for our national security in order to protect Americans from enemies within our borders, as well as those from without, to the end that our American way of life be preserved;

(7) To fight to the utmost all those alien forces, particularly forces such as communism, whose objectives are to deny our very existence as a free people; and

(8) To do any and all acts and things necessary and proper to carry out the objects and purposes of the corporation.

POWERS OF CORPORATION

SEC. 4. The corporation shall have power—

(1) to have succession by its corporate name;

(2) to sue and be sued, complain and defend in any court of competent jurisdiction;

(3) to adopt, use, alter a corporate seal;

(4) to choose such officers, managers, agents, and employees as the activities of the corporation may require;

(5) to adopt, amend, and alter a constitution and bylaws not inconsistent with the laws of the United States or any State in

which the corporation is to operate, for the management of its property and the regulation of its affairs;

(6) to contract and be contracted with;

(7) to take by lease, gift, purchase, grant, devise, or bequest from any public body or agency or any private corporation, association, partnership, firm, or individual and to hold absolutely or in trust for any of the purposes of the corporation any property, real, personal, or mixed, necessary or convenient for attaining the objects and carrying into effect the purposes of the corporation, subject, however, to applicable provisions of law of any State (A) governing the amount or kind of property which may be held by, or (B) otherwise limiting or controlling the ownership of property by, a corporation operating in such State;

(8) to transfer, convey, lease, sublease, encumber, and otherwise alienate real, personal, or mixed property;

(9) to borrow money for the purposes of the corporation, issue bonds therefor, and secure the same by mortgage, deed of trust, pledge, or otherwise, subject in every case to all applicable provisions of Federal and State laws; and

(10) to do any and all acts and things necessary and proper to carry out the objects and purposes of the corporation.

MEMBERSHIP

SEC. 5. Eligibility for membership in the corporation and the rights, privileges, and designation of classes of members shall be determined as the constitution and bylaws of the corporation may provide but in no case shall eligibility for all classes of membership include persons who did not serve honorably in the armed forces of the United States during the period beginning April 6, 1917 and ending November 11, 1918.

GOVERNMENT; COMPOSITION; FORM; MEETING PLACES

SEC. 6. (a) The supreme governing authority of the corporation shall be the national convention thereof, composed of such officers and elected representatives from the several States and other local subdivisions of the corporate organization as shall be provided by the constitution and bylaws, each of such duly elected representatives to be entitled to one vote at such national convention. The form of the government of the corporation shall always be representative of the membership at large and shall not permit the concentration of the control thereof in the hands of a limited number of members or in a self-perpetuating group not so representative. The meetings of the national convention may be held in any State or Territory or in the District of Columbia.

(b) Each member of the corporation, other than associate or honorary members, shall have the right to one vote on each matter submitted to a vote at all other meetings of the members of the corporation.

BOARD OF ADMINISTRATION; COMPOSITION

SEC. 7. (a) During the intervals between the national convention, the board of administration shall be the governing board of the corporation and shall be responsible for the general policies, programs, and activities of the corporation.

(b) Upon the enactment of this Act the membership of the initial board of administration of the corporation shall consist of such of the following present members of the board of administration of the Veterans of World War I of the United States of America, Incor-

porated (the corporation described in section 18 of this Act) as qualify for membership under section 5 of this Act and who are qualified members of said board of administration, to wit: Harlan W. Barnes, Lewis Brake, Fred J. Hollenbeck, Reginald H. Murphy, Junior, Stanton L. Smiley, Catherine Sawyer, Emerson R. J. Follett, M. George Deutsch, Patrick F. O'Connor, Charles L. Gore, Arch MacIntyre, G. Edwin Slater, John E. Erickson, A. H. Ohlsen, and Arthur G. Estes.

(c) Thereafter, the board of administration of the corporation shall consist of not less than seven members elected in the manner and for the term prescribed in the constitution and bylaws of the corporation.

OFFICERS OF CORPORATION : SELECTION, TERMS, DUTIES

SEC. 8. The officers of the corporation shall be a national commander, a national senior vice commander, a national junior vice commander, a national quartermaster, a national adjutant (which latter two offices may be held by one person), a national judge advocate, nine regional vice commanders, and such other officers as may be prescribed in the constitution and bylaws. The officers of the corporation shall be selected in such manner and for such terms and with such duties and titles as may be prescribed in the constitution and bylaws of the corporation.

PRINCIPAL OFFICE; TERRITORIAL SCOPE OF ACTIVITIES

SEC. 9. (a) The principal office of the corporation shall be located in Washington, District of Columbia, or in such other place as may be determined by the board of administration; but the activities of the corporation shall not be confined to that place, but may be conducted throughout the various States, the District of Columbia, and Territories and possessions of the United States.

(b) The corporation shall have in the District of Columbia at all times a designated agent authorized to accept services of process for the corporation; and notice to or service upon such agent, or mailed to the business address of such agent, will be deemed notice to or service upon the corporation.

DISTRIBUTION OF INCOME OR ASSETS TO MEMBERS; LOANS

SEC. 10. (a) No part of the income or assets of the corporation shall inure to any of its members or officers as such, or be distributed to any of them during the life of the corporation or upon its dissolution or final liquidation. Nothing in this subsection, however, shall be construed to prevent the payment of compensation to officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the board of administration of the corporation.

(b) The corporation shall not make loans to its officers or employees. Any member of the board of administration who votes for or assents to the making of a loan or advance to an officer or employee of the corporation, and any officer who participates in the making of such a loan or advance, shall be jointly and severally liable to the corporation for the amount of such loan until the repayment thereof.

NONPOLITICAL NATURE OF CORPORATION

SEC. 11. The corporation and its officers and agents as such shall not contribute to or otherwise support or assist any political party or candidate for public office.

LIABILITY FOR ACTS OF OFFICERS AND AGENTS

SEC. 12. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

PROHIBITION AGAINST ISSUANCE OF STOCK OR PAYMENT OF DIVIDENDS

SEC. 13. The corporation shall have no power to issue any shares of stock or to declare or pay any dividends.

BOOKS AND RECORDS; INSPECTION

SEC. 14. The corporation shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its national convention and board of administration. All books and records of the corporation may be inspected by any member, or his agent or attorney, for any proper purpose, at any reasonable time.

AUDIT OF FINANCIAL TRANSACTIONS; REPORT TO CONGRESS

SEC. 15. (a) The financial transactions of the corporation shall be audited annually by an independent certified public accountant in accordance with the principles and procedures applicable to commercial corporate transactions. The audit shall be conducted at the place or places where the accounts of the corporation are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the corporation and necessary to facilitate the audit shall be made available to the person or persons conducting the audit; and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

(b) A report of such audit shall be made by the corporation to the Congress not later than March 1 of each year. The report shall set forth the scope of the audit and shall include a verification by the person or persons conducting the audit of statements of (1) assets and liabilities, (2) capital and surplus or deficit, (3) surplus or deficit analysis, (4) income and expense, and (5) sources and application of funds. Such reports shall not be printed as a public document.

ACTIVITIES REPORT TO CONGRESS

SEC. 16. On or before March 1 of each year the corporation shall report to the Congress on its activities during the preceding fiscal year. Such report may consist of a report on the proceedings of the national convention covering such fiscal year. Such report shall not be printed as a public document.

EXCLUSIVE RIGHT TO NAME, EMBLEMS, SEALS, AND BADGES

SEC. 17. The corporation and its subordinate divisions shall have the sole and exclusive right to use the name "Veterans of World War I of the United States of America, Incorporated". The corporation shall have the exclusive and sole right to use, or to allow or refuse the use of, such emblems, seals, and badges as it may legally adopt, and such emblems, seals, and badges as have heretofore been used by the Ohio corporation described in section 18 of this Act and the right to which may be lawfully transferred to the corporation.

ACQUISITION OF ASSETS AND LIABILITIES OF EXISTING CORPORATION

SEC. 18. The corporation may acquire the assets of the Veterans of World War I of the United States of America, Incorporated, a corporation organized under the laws of the State of Ohio, upon discharging or satisfactorily providing for the payment and discharge of all of the liability of such corporation and upon complying with all laws of the State of Ohio applicable thereto.

DISSOLUTION OR LIQUIDATION

SEC. 19. The national convention may, by resolution, declare the event upon which the corporate existence of the organization is to terminate and provide for the disposition of any property remaining to the corporation after the discharge or satisfaction of all outstanding obligations and liabilities. A duly authenticated copy of such resolution shall be filed in the office of the United States District Court for the District of Columbia. Upon the happening of the event thus declared, and upon the filing of a petition in said United States District Court reciting said facts, said court shall take jurisdiction thereof, and upon due proof being made the court shall enter a decree which shall be effectual to vest title and ownership in accordance with the provisions of such resolution.

RESERVATION OF RIGHT TO AMEND OR REPEAL ACT

SEC. 20. The right to alter, amend, or repeal this Act is expressly reserved.

Approved July 18, 1958.

Public Law 85-531

AN ACT

To cancel certain bonds posted pursuant to the Immigration Act of 1924, as amended, or the Immigration and Nationality Act.

July 18, 1958
[H. R. 8439]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Attorney General shall, upon application made pursuant to such rules and regulations as he shall promulgate pursuant to this Act, cancel any departure bond posted pursuant to the Immigration Act of 1924, as amended, or the Immigration and Nationality Act, on behalf of any refugee who entered the United States as a nonimmigrant after May 6, 1945, and prior to July 1, 1953, and who had his immigration status adjusted to that of an alien admitted for permanent residence pursuant to any public or private law: *Provided, however,* That such application is made not later than five years after the date of enactment of this Act.

Immigration.
Departure bonds,
cancellation.

43 Stat. 152; 66
Stat. 163.
8 USC 201, 1101
note.

SEC. 2. For the purposes of this Act, the term "refugee" shall mean any alien who (1) establishes that he lawfully entered the United States as a nonimmigrant, (2) that he is or was a person displaced from the country of his birth or nationality or of his last residence as a result of events subsequent to the outbreak of World War II, and (3) that he cannot or could not return to any of such countries because of persecution or fear of persecution on account of race, religion, or political opinions.

"Refugee".

SEC. 3. The Attorney General is hereby authorized and directed to refund any sum or sums of moneys received by the Treasury of the United States pursuant to the forfeiture of any bond posted in the

Refund.

case of a refugee as defined in sections 1 and 2 of this Act, whose status has been adjusted, on application by the person, persons, organization, or corporation entitled to the refund, and if a person who would have been entitled to the refund is deceased, the application shall be made by, and payment made to, his estate: *Provided, however,* That such application is made not later than five years after the date of enactment of this Act. As used in this section, the term "entitled to the refund" refers to the person or persons, or organization, or corporation, who or which have paid the moneys upon the forfeiture of the bonds. There are hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, such amounts as may be necessary to effect the refunds authorized by this section.

Approved July 18, 1958.

Appropriation.

Public Law 85-532

AN ACT

To authorize the transfer of naval vessels to friendly foreign countries.

July 18, 1958
[S. 3506]

Vessels.
Transfer to for-
eign countries.
70A Stat. 452.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding section 7307 of title 10, United States Code, or any other law, the President may extend the loan of one aircraft carrier to the Government of France until June 30, 1960, and may in addition lend or otherwise make available to friendly foreign nations, from the reserve fleet, on such terms and under such conditions as he deems appropriate, destroyers, destroyer escorts, and submarines, as follows: (1) North Atlantic Treaty Organization and European Area (the Federal Republic of Germany, Greece, Italy, Norway, Spain and Turkey) not to exceed nineteen ships; (2) Latin American area (Argentina, Brazil, Chile, Colombia, Cuba, Ecuador, Peru and Uruguay) not to exceed eighteen ships; (3) far eastern area (Japan, Taiwan, and Thailand) not to exceed four ships; and (4) a pool of not to exceed two such ships to be loaned to friendly nations in an emergency. The President may promulgate such rules and regulations as he deems necessary to carry out the provisions of this Act.

Loans.
Condition.

SEC. 2. Loans under this Act shall be for periods not exceeding five years. All loans shall be made on the condition that they may be terminated at an earlier date if necessitated by the defense requirements of the United States.

Expenses of re-
pairs, etc.

SEC. 3. All expenses involved in the activation, rehabilitation, and outfitting, including repairs, alterations, and logistic support, of vessels transferred under this Act shall be charged to funds programed for the recipient government under the Mutual Security Act of 1954, as amended, or to funds provided by the recipient government under the reimbursable provisions of that Act. In the event that a loan is terminated by the United States prior to the expiration of the loan period, the Secretary of Defense may reimburse the recipient government on a pro rata basis for funds provided by it under the reimbursable provisions of the Mutual Security Act of 1954, as amended, in connection with the loan.

68 Stat. 832.
22 USC 1751
note.

Report to Con-
gress.

SEC. 4. No vessel may be made available under this Act unless the Secretary of Defense, after consultation with the Joint Chiefs of Staff, determines that its transfer is in the best interests of the United States. The Secretary of Defense shall keep the Congress currently advised of all transfers under this Act.

Termination
date.

SEC. 5. The authority of the President to transfer naval vessels under this Act terminates on December 31, 1960.

Approved July 18, 1958.

Public Law 85-533

AN ACT

July 18, 1958
[H. R. 7452]

To provide for the designation of holidays for the officers and employees of the government of the District of Columbia for pay and leave purposes, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 302 of the Federal Employees Pay Act of 1945, as amended (59 Stat. 295; 5 U. S. C. 922), is amended by striking out "or Executive order," and inserting in lieu thereof ", Executive order, or with respect to employees of the municipal government of the District of Columbia, by order of the Board of Commissioners of the District of Columbia,".

D.C. employees.
Compensation
for holidays.

SEC. 2. The first section of the joint resolution entitled "Joint resolution providing compensation for certain employees", approved June 29, 1938, as amended (52 Stat. 1246; 5 U. S. C. 86a), is amended to read as follows: "That hereafter whenever regular employees of the Federal Government or the municipal government of the District of Columbia whose compensation is fixed at a rate per day, per hour, or on a piece work basis are relieved or prevented from working solely because of the occurrence of a holiday such as New Year's Day, Washington's Birthday, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, Christmas Day, Veterans Day, or any other day declared to be a holiday by Federal statute, Executive order, or, with respect to employees of the municipal government of the District of Columbia, by order of the Board of Commissioners of the District of Columbia, or on any day on which the departments and establishments of the Government are closed by Executive order, or, with respect to the employees of the municipal government of the District of Columbia, on any day on which the departments or establishments of such government are closed by order of the Board of Commissioners of the District of Columbia, or, on any day on which such employees are relieved or prevented from working by administrative order issued under such regulations as may be promulgated by the President, or, with respect to the employees of the municipal government of the District of Columbia, on any day on which such employees are relieved or prevented from working by administrative order issued under such regulations as may be promulgated by the Board of Commissioners of the District of Columbia, they shall receive the same pay for such days as for days on which an ordinary day's work is performed."

Wage-scale em-
ployees.

SEC. 3. The Board of Commissioners of the District of Columbia, for purposes of the administration of holidays for employees of the municipal government of the District of Columbia, shall have the same authority to prescribe regulations as that possessed by the President for purposes of the administration of holidays for employees of the Federal Government.

D.C. Commis-
sioners, authority.

SEC. 4. (a) The first sentence of the first section of the Act entitled "An Act to provide for granting to officers and members of the Metropolitan Police Force, the Fire Department of the District of Columbia, and the White House and United States Park Police forces additional compensation for working on holidays", approved October 24, 1951, as amended (65 Stat. 607; D. C. Code, sec. 4-807), is amended by striking out "six or more hours on any holiday, shall be entitled to receive as compensation for such holiday work, in lieu of his regular pay for that day, an amount equal to twice his daily rate of basic com-

Metropolitan Po-
lice and Firemen,
etc.

compensation: *Provided*", and by inserting in lieu thereof: "on any holiday, shall be compensated for such duty, excluding periods when he is in a leave status, in lieu of his regular rate of basic compensation for such work, at the rate of twice such regular rate of basic compensation: *Provided*, That for the purposes of this Act, each such officer or member who works eight hours or less on any holiday shall be compensated for such duty in addition to his regular rate of basic compensation for such work, at the rate of one-eighth of his daily rate of basic compensation for each hour so worked, computed to the nearest hour, counting thirty minutes or more as a full hour, but notwithstanding the foregoing clause of this proviso, officers and members of the Fire Department of the District of Columbia performing duty from 6 o'clock postmeridian on a holiday until 8 o'clock antemeridian the day following such holiday shall be entitled to receive additional compensation for the period from 6 o'clock postmeridian until 12 o'clock midnight equal to one day's basic compensation, and officers and members of such Fire Department performing duty from 6 o'clock postmeridian on the day preceding a holiday until 8 o'clock antemeridian on a holiday shall be entitled to receive additional compensation for the period from 12 o'clock midnight until 8 o'clock antemeridian equal to one day's basic compensation: *Provided further*, That the total compensation to be paid any such officer or member for duty performed on a holiday shall not exceed an amount equal to twice the daily rate of pay to which such officer or member shall be entitled for performing one regular tour of duty on a day other than a holiday: *And provided further*".

"Holidays".

(b) Section 2 of such Act approved October 24, 1951, as amended (65 Stat. 607; D. C. Code, sec. 4-808), is amended by striking therefrom "and such other days designated by Executive order." and inserting in lieu thereof the following: "and, with respect to officers and members of the Metropolitan Police force and the Fire Department of the District of Columbia, such other holidays as may be designated by the Commissioners of the District of Columbia, and with respect to officers and members of the White House Police force and the United States Park Police force, such other holidays as may be designated by Executive order."

Computation of rates.

SEC. 5. Subsection (b) of section 405 of the District of Columbia Police and Firemen's Salary Act of 1953, as amended (67 Stat. 76; D. C. Code, sec. 4-821), is amended to read as follows:

"(b) Whenever for any such purpose it is necessary to convert a basic annual rate established by this Act to a basic biweekly, weekly, daily, half-daily, or hourly rate, the following rules shall govern:

"(A) The annual rate shall be divided by fifty-two or twenty-six, as the case may be, to derive a weekly or biweekly rate;

"(B) A weekly or biweekly rate shall be divided by five or ten, as the case may be, to derive a daily rate;

"(C) A daily rate shall be divided by two to derive a one-half daily rate; and

"(D) Except with respect to computation of holiday pay, a biweekly rate shall be divided by the number of hours constituting the biweekly tour of duty in order to derive an hourly rate.

All rates shall be computed to the nearest cent, counting one-half cent and over as a whole cent."

Approved July 18, 1958.

Public Law 85-534

AN ACT

July 18, 1958
[H. R. 10347]

To amend section 73 (q) of the Hawaiian Organic Act; to approve and ratify joint resolution 32, session laws of Hawaii, 1957, authorizing the issuance of \$14,000,000 in aviation revenue bonds; to authorize certain land exchanges at Honolulu, Oahu, Territory of Hawaii, for the development of the Honolulu airport complex; and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 73 (q) of the Hawaiian Organic Act (31 Stat. 141), as amended (48 U. S. C. 677), is further amended as follows:

(a) By inserting in the first sentence, after the words "all sales and other dispositions of such land shall" a comma and the following: "except as otherwise provided by the Congress."

(b) By inserting at the end thereof the following new paragraph: "Within the meaning of this section, the management of lands set aside for public purposes may, if within the scope of authority conferred by the legislature, include the making of leases by the Hawaii Aeronautics Commission with respect to land set aside to it, on reasonable terms, for carrying out the purposes for which such land was set aside to it, such as for occupancy of land at an airport for facilities for carriers or to serve the traveling public. No such lease shall continue in effect for a longer term than fifty-five years. If, at the time of the execution of any such lease, the Governor shall have approved the same, then and in that event the Governor shall have no further authority under this or any other Act to set aside any or all of the lands subject to such lease for any other public purpose during the term of such lease."

SEC. 2. (a) Joint Resolution 32, Session Laws of Hawaii, 1957, is hereby amended by inserting in the place provided in section 137-94 thereof the public law number assigned to this Act, and by striking the words "first session,"

(b) The Territory of Hawaii, any provision of the Hawaiian Organic Act or any other Act of Congress to the contrary notwithstanding, is authorized and empowered to issue aviation revenue bonds in a sum not to exceed \$14,000,000 payable from funds derived from aviation fuel taxes and all other revenues of the Hawaii Aeronautics Commission, including rents, fees, and other charges for the purpose of providing for the construction, operation, and maintenance of airports and air navigation facilities, including acquisition of real property and interests therein, in the Territory, and for expenses incurred for engraving, printing, advertising, legal services, financial consultant's services, or otherwise, with respect to the issuance of such aviation revenue bonds. The issuance of such aviation revenue bonds shall not constitute the incurrence of an indebtedness within the meaning of the Hawaiian Organic Act, and shall not require the approval of the President of the United States.

(c) All aviation revenue bonds issued under authority of section 2 above shall be issued pursuant to legislation enacted by the legislature of the Territory which shall provide (1) that, so long as any of the bonds are outstanding, aviation fuel taxes shall be levied and collected in amounts at least sufficient to provide for the payment of the principal of the bonds and the interest thereon, as such principal and interest become due, and for such reserve funds and sinking funds as may be provided therefor; (2) that the Hawaii Aeronautics Commission or any officer or agency succeeding to its powers and duties, shall have the power to issue and sell the bonds and to expend the proceeds thereof and provide for the repayment thereof, in accordance with standards and pursuant to provisions which shall be set

Hawaii Aeronautics Commission.
Public land leases.

Aviation revenue bonds.

31 Stat. 141.
48 USC 678.

forth in such legislation; and (3) that the Hawaii Aeronautics Commission, or any officer or agency succeeding to the powers and duties of that commission, shall be continued in existence and shall retain the powers and duties set forth in such legislation, so long as any of the bonds are outstanding.

(d) Nothing in this Act shall be deemed to prevent the application of Federal funds to aid in the retirement of said bonds, to the extent now or hereafter permitted by the Acts of Congress relating to the use of such funds.

(e) As used in this Act, the term "aviation fuel taxes" shall have the same meaning as is now or hereafter ascribed to it by the laws of the Territory of Hawaii.

(f) Joint resolution 32 of the session laws of Hawaii, 1957, as amended by subsection (a) hereof, is hereby approved and ratified.

Land exchanges.
Navy.

SEC. 3. The Secretary of the Navy is authorized to convey without reimbursement, to the Territory of Hawaii, all of the right, title, and interest of the United States in and to those portions of the former naval air facility, Honolulu, and the general supply depot, Damon Tract, naval supply center, Pearl Harbor, comprising an area of 77 acres, more or less, and described as follows:

LAND SITUATE AT MOANALUA, HONOLULU, OAHU, TERRITORY OF HAWAII

Being lot 35, area 12.973 acres, as shown on map 77, and lot 36-B, area 63.678 acres, as shown on map 144, said maps having been filed with the assistant registrar of the land court of the Territory of Hawaii in land court application numbered 1074 of the trustees under the will and of the estate of Samuel M. Damon, deceased. Said lot 35 being the land described in transfer certificate of title numbered 38090, and lot 36-B being a portion of the land described in transfer certificate of title numbered 38094, both issued to the United States of America.

Together with any or all improvements or utilities thereon or used in connection therewith.

Air Force.

SEC. 4. The Secretary of the Air Force is authorized to convey without reimbursement, to the Territory of Hawaii, all of the right, title, and interest of the United States in and to that portion of Hickam Air Force Base, Honolulu, comprising an area of 170 acres, more or less, and described as follows:

A PORTION OF HICKAM AIR FORCE BASE

Being a portion of Hickam Field, United States Military Reservation (portion of parcel III, final order of condemnation, United States of America civil numbered 289 dated April 9, 1935). Being also a portion of R. P. 7858 land commission award 7715 Apana 2 to Lot Kamehameha and a portion of grant 4776 to Samuel M. Damon.

LAND SITUATE AT MOANALUA, HONOLULU, OAHU, TERRITORY OF HAWAII

Beginning at the northeast corner of this piece of land, on the west side of John Rodgers-Keehi Lagoon Access Road, Hawaii project DA-NR 10-B (1), and on the south side of lot C-4-B-1, map 136 of land court application 1074, the true azimuth and distance from the southeast corner of said lot C-4-B-1 being 97 degrees 20 minutes 15.99 feet, and the coordinates of said point of beginning referred to Government survey triangulation station "Salt Lake" being 10,524.00 feet south and 5,894.95 feet west, thence running by azimuths measured clockwise from true south:

SOUTH

1. 00 degrees 00 minutes 626.01 feet along lot C-6, map 74 of land court application 1074, along Territorial law numbered 17194;

2. 00 degrees 00 minutes 563.79 feet along lot 36, map 77 of land court application 1074, along United States civil numbered 527;

3. 349 degrees 19 minutes 24 seconds 3,178.18 feet along present Honolulu International Airport, Governor's executive order numbered 1016;

4. 90 degrees 03 minutes 20 seconds 1,922.84 feet along the remainder of Hickam Air Force Base to a pipe;

5. 180 degrees 03 minutes 20 seconds 1,760.25 feet along same to a spike in pavement;

6. 90 degrees 03 minutes 20 seconds 400.00 feet along same to a pipe;

7. 180 degrees 03 minutes 20 seconds 1,908.49 feet along same to a spike in pavement;

8. 276 degrees 29 minutes 450.90 feet along same to a spike in pavement;

9. 186 degrees 29 minutes 851.01 feet along same;

10. 277 degrees 20 minutes 1,196.15 feet along lot C-4-B-1, map 136 of land court application 1074, along United States civil numbered 436 to the point of beginning and containing an area of 170.990 acres.

Together with any or all improvements or utilities thereon or used in connection therewith.

SEC. 5. The Governor of the Territory of Hawaii is authorized to convey without reimbursement to the United States all of the right, title, and interest of the Territory of Hawaii in and to that portion of the Honolulu International Airport, comprising an area of 174 acres, more or less, and described as follows:

Conveyance to
U. S.

LAND SITUATE AT MOANALUA, HONOLULU, OAHU, TERRITORY OF HAWAII

Being a portion of the Honolulu International (formerly John Rodgers) Airport as described in and set aside by the Governor of the Territory of Hawaii by executive order numbered 1016, and being also a portion of the land as described in and title transferred to the Territory of Hawaii by Presidential Executive Order Numbered 10121.

3 C F R, 1949-
1953 Comp., p.311.

Beginning at the westerly corner of this tract of land, being also a point in common on the converging boundaries of Hickam Field and Fort Kamehameha Military Reservations, the coordinates of said point of beginning referred to Government survey triangulation station "Salt Lake" being 16,874.10 feet south and 5,896.30 feet west, and running by azimuths measured clockwise from true south:

1. 228 degrees 49 minutes 0.35 foot along Hickam Field, United States Military Reservation (United States civil numbered 289), being along parcel 2 of proposed Navy seadrome area;

2. 244 degrees 22 minutes 33.00 feet along same;

3. 231 degrees 55 minutes 30 seconds 298.50 feet along same;

4. 222 degrees 20 minutes 30 seconds 401.40 feet along same;

5. 212 degrees 53 minutes 139.80 feet along same;

6. 207 degrees 57 minutes 30 seconds 222.80 feet along same;

7. 201 degrees 40 minutes 104.87 feet along same;

8. 233 degrees 00 minutes 878.84 feet along the remainder of Honolulu International Airport, being a portion of reclaimed lands transferred to the Territory of Hawaii by Presidential Executive Order Numbered 10121;

9. 270 degrees 00 minutes 3,607.69 feet along same, along the remainder of area 3 as reserved for purposes of the United States of America in Presidential Executive Order Numbered 10121, to high-

water mark at seaplane docking basin; thence along the seaplane docking basin and seaplane runway "A" following along highwater mark for the next three courses the direct azimuth and distance between points at said highwater mark being:

10. 52 degrees 30 minutes 1,871.69 feet;
11. 16 degrees 00 minutes 767.64 feet;
12. 52 degrees 59 minutes 05 seconds 1,722.70 feet;

13. 110 degrees 00 minutes 414.47 feet along the remainder of Honolulu International Airport; along the remainder of Moanalua fishery (Territory of Hawaii final order of condemnation law numbered 16653) to a point on the easterly boundary of Fort Kamehameha United States Military Reservation;

14. 216 degrees 30 minutes 421.10 feet along Fort Kamehameha United States Military Reservation, and along area 9 of the United States Naval Reservation;

15. 163 degrees 00 minutes 260.00 feet along area 9 of the United States Naval Reservation (formerly portion of Fort Kamehameha United States Military Reservation);

16. 105 degrees 44 minutes 1,607.00 feet along same, and along Fort Kamehameha United States Military Reservation;

17. 143 degrees 45 minutes 389.25 feet along Fort Kamehameha United States Military Reservation to the point of beginning and containing an area of 174 acres, more or less.

Together with access thereto and easements for utilities to be used in connection therewith.

Conveyance to
U. S.

SEC. 6. The Governor of the Territory of Hawaii is authorized to convey without reimbursement to the United States all of the right, title, and interest which the Territory may have in and to those portions of the Halawa and Moanalua fisheries, and the submerged lands subjacent thereto, comprising an area of 156 acres, more or less, and described as follows:

Being a portion of Moanalua fishery (Governor's executive order numbered 1016) and a portion of Halawa fishery.

SITUATE AT MOANALUA, HONOLULU, AND HALAWA, EWA, OAHU,
TERRITORY OF HAWAII

Beginning at the northeasterly corner of this piece of land, on the easterly side of Fort Kamehameha Military Reservation, the coordinates of said point of beginning referred to Government survey triangulation station "Salt Lake" being 18,210.90 feet south and 4,293.81 feet west, thence running by azimuths measured clockwise from true south:

1. 290 degrees 00 minutes 414.49 feet along the remainder of Moanalua fishery (Governor's executive order numbered 1016);

2. 52 degrees 59 minutes 05 seconds 2,503.69 feet along same;

3. 110 degrees 00 minutes 7,986.50 feet along same;

4. 110 degrees 00 minutes 957.00 feet along the remainder of Halawa fishery; thence along shoreline, along Fort Kamehameha Military Reservation for the next nineteen courses, the direct azimuths and distances from point to point along said shoreline being:

5. 270 degrees 35 minutes 20 seconds 225.02 feet;

6. 280 degrees 05 minutes 40 seconds 290.85 feet;

7. 257 degrees 50 minutes 239.14 feet;

8. 243 degrees 05 minutes 142.51 feet;

9. 233 degrees 12 minutes 92.13 feet to Kumumau;

10. 268 degrees 46 minutes 1,342.70 feet;

11. 285 degrees 45 minutes 1,560.00 feet;

12. 301 degrees 53 minutes 1,208.00 feet;

13. 287 degrees 00 minutes 30 seconds 311.80 feet;
14. 290 degrees 41 minutes 980.80 feet;
15. 298 degrees 23 minutes 30 seconds 797.00 feet;
16. 293 degrees 26 minutes 768.70 feet;
17. 318 degrees 40 minutes 498.20 feet;
18. 278 degrees 48 minutes 494.10 feet;
19. 268 degrees 30 minutes 568.80 feet;
20. 256 degrees 00 minutes 360.00 feet;
21. 187 degrees 00 minutes 235.00 feet;
22. 232 degrees 00 minutes 790.00 feet;
23. 216 degrees 30 minutes 318.90 feet to the point of beginning and containing an area of 156.844 acres, more or less.

Together with access thereto and easements for utilities to be used in connection therewith.

SEC. 7. The Governor of the Territory of Hawaii is authorized to convey without reimbursement to the United States all of the right, title, and interest which the Territory may have in and to those portions of the Halawa and Moanalua fisheries, and the submerged lands subjacent thereto, comprising an area of 344 acres, more or less, and described as follows:

Conveyance to
U. S.

Being a strip of land 1,000 feet wide and 15,000 feet long, and being a portion of Moanalua fishery (Governor's executive order numbered 1016) and a portion of Halawa fishery.

Situated offshore at Moanalua, District of Honolulu, and Halawa, District of Ewa, Oahu, Territory of Hawaii. Beginning at the most easterly corner of this piece of land, on the southeasterly side and offshore of Fort Kamehameha Military Reservation, the true azimuth and distance from the most southerly corner of proposed Navy sea-plane base being 329 degrees 35 minutes 51 seconds 4,029.15 feet, the coordinates of said point of beginning referred to Government survey triangulation station "Salt Lake" being 21,827.76 feet south and 1,865.30 feet west, thence running by azimuths measured clockwise from true south:

1. 19 degrees 00 minutes 1,000.00 feet along the remainder of Moanalua fishery (Governor's executive order numbered 1016);
2. 109 degrees 00 minutes 15,000.00 feet along same and along the remainder of Halawa fishery;
3. 199 degrees 00 minutes 1,000.00 feet along the remainder of Halawa fishery;
4. 289 degrees 00 minutes 15,000.00 feet along same and along the remainder of Moanalua fishery (Governor's executive order numbered 1016) to the point of beginning and containing an area of 344.353 acres.

Approved July 18, 1958.

Public Law 85-535

AN ACT

To amend an Act extending the authorized taking area for public building construction under the Public Buildings Act of 1926, as amended, to exclude therefrom the area within E and F Streets and Nineteenth Street and Virginia Avenue Northwest, in the District of Columbia.

July 18, 1958
[S. 2109]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of March 31, 1938 (ch. 58 (52 Stat. 149)) is amended by deleting, following the term "squares", the numbers "122, 104, 81, 58".

40 USC 341 note.

Approved July 18, 1958.

Public Law 85-536

AN ACT

To amend the Small Business Act of 1953, as amended.

July 18, 1958
[H. R. 7963]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title II of the Act of July 30, 1953 (Public Law 163, Eighty-third Congress), as amended, is hereby withdrawn as a part of that Act and is made a separate Act to be known as the "Small Business Act".

Small Business Act.
67 Stat. 232.
15 USC 631.

SEC. 2. The Small Business Act is amended to read as follows:

"SEC. 1. This Act may be cited as the 'Small Business Act'.

Policy of Congress.

"SEC. 2. (a) The essence of the American economic system of private enterprise is free competition. Only through full and free competition can free markets, free entry into business, and opportunities for the expression and growth of personal initiative and individual judgment be assured. The preservation and expansion of such competition is basic not only to the economic well-being but to the security of this Nation. Such security and well-being cannot be realized unless the actual and potential capacity of small business is encouraged and developed. It is the declared policy of the Congress that the Government should aid, counsel, assist, and protect, insofar as is possible, the interests of small-business concerns in order to preserve free competitive enterprise, to insure that a fair proportion of the total purchases and contracts for property and services for the Government (including but not limited to contracts for maintenance, repair, and construction) be placed with small-business enterprises, to insure that a fair proportion of the total sales of Government property be made to such enterprises, and to maintain and strengthen the overall economy of the Nation.

"(b) Further, it is the declared policy of the Congress that the Government should aid and assist victims of floods and other catastrophes.

Definition.

"SEC. 3. For the purposes of this Act, a small-business concern shall be deemed to be one which is independently owned and operated and which is not dominant in its field of operation. In addition to the foregoing criteria the Administrator, in making a detailed definition, may use these criteria, among others: Number of employees and dollar volume of business. Where the number of employees is used as one of the criteria in making such definition for any of the purposes of this Act, the maximum number of employees which a small-business concern may have under the definition shall vary from industry to industry to the extent necessary to reflect differing characteristics of such industries and to take proper account of other relevant factors.

Small Business Administration.

"SEC. 4. (a) In order to carry out the policies of this Act there is hereby created an agency under the name 'Small Business Administration' (herein referred to as the Administration), which Administration shall be under the general direction and supervision of the President and shall not be affiliated with or be within any other agency or department of the Federal Government. The principal office of the Administration shall be located in the District of Columbia. The Administration may establish such branch and regional offices in other places in the United States as may be determined by the Administrator of the Administration. As used in this Act, the term 'United States' includes the several States, the Territories and possessions of the United States, the Commonwealth of Puerto Rico, and the District of Columbia.

"United States".

Administrator. Appointment.

"(b) The management of the Administration shall be vested in an Administrator who shall be appointed from civilian life by the President, by and with the advice and consent of the Senate, and

who shall be a person of outstanding qualifications known to be familiar and sympathetic with small-business needs and problems. The Administrator shall not engage in any other business, vocation, or employment than that of serving as Administrator. The Administrator is authorized to appoint three Deputy Administrators to assist in the execution of the functions vested in the Administration.

“(c) The Administration is authorized to obtain money from the Treasury of the United States for use in the performance of the powers and duties granted to or imposed upon it by law, not to exceed a total of \$650,000,000 outstanding at any one time. For this purpose appropriations not to exceed \$650,000,000 are hereby authorized to be made to a revolving fund in the Treasury. Advances shall be made to the Administration from the revolving fund when requested by the Administration. This revolving fund shall be used for the purposes enumerated subsequently in sections 7 (a), 7 (b), and 8 (a). Not to exceed an aggregate of \$500,000,000 shall be outstanding at any one time for the purposes enumerated in section 7 (a). Not to exceed an aggregate of \$125,000,000 shall be outstanding at any one time for the purposes enumerated in section 7 (b). Not to exceed an aggregate of \$25,000,000 shall be outstanding at any one time for the purposes enumerated in section 8 (a). The Administration shall pay into miscellaneous receipts of the Treasury, at the close of each fiscal year, interest on the net amount of the cash disbursements from such advances at a rate determined by the Secretary of the Treasury, taking into consideration the current average rate on outstanding interest-bearing marketable public debt obligations of the United States of comparable maturities.

Appropriations.
Revolving fund.

“(d) There is hereby created the Loan Policy Board of the Small Business Administration, which shall consist of the following members, all ex officio: The Administrator, as Chairman, the Secretary of the Treasury, and the Secretary of Commerce. Either of the said Secretaries may designate an officer of his Department, who has been appointed by the President by and with the advice and consent of the Senate, to act in his stead as a member of the Loan Policy Board with respect to any matter or matters. The Loan Policy Board shall establish general policies (particularly with reference to the public interest involved in the granting and denial of applications for financial assistance by the Administration and with reference to the coordination of the functions of the Administration with other activities and policies of the Government), which shall govern the granting and denial of applications for financial assistance by the Administration.

Loan Policy
Board.

“SEC. 5. (a) The Administration shall have power to adopt, alter, and use a seal, which shall be judicially noticed. The Administrator is authorized, subject to the civil-service and classification laws, to select, employ, appoint, and fix the compensation of such officers, employees, attorneys, and agents as shall be necessary to carry out the provisions of this Act; to define their authority and duties; to provide bonds for them in such amounts as the Administrator shall determine; and to pay the costs of qualification of certain of them as notaries public. The Administration, with the consent of any board, commission, independent establishment, or executive department of the Government, may avail itself on a reimbursable or nonreimbursable basis of the use of information, services, facilities (including any field service thereof), officers, and employees thereof, in carrying out the provisions of this Act. Subject to the standards and procedures under section 505 of the Classification Act of 1949, as amended, not to exceed fifteen positions in the Administration may be placed in grades 16, 17, and 18 of the General Schedule established by that Act, and any such positions shall be additional to the number authorized by such section.

Seal, employees,
etc.

69 Stat. 179;
Ante, p. 213.
5 USC 1105.
Supergrade po-
sitions.

- Functions, etc. “(b) In the performance of, and with respect to, the functions, powers, and duties vested in him by this Act the Administrator may—
- Suits. “(1) sue and be sued in any court of record of a State having general jurisdiction, or in any United States district court, and jurisdiction is conferred upon such district court to determine such controversies without regard to the amount in controversy; but no attachment, injunction, garnishment, or other similar process, mesne or final, shall be issued against the Administrator or his property;
- Disposals for collection of loans. “(2) under regulations prescribed by him, assign or sell at public or private sale, or otherwise dispose of for cash or credit, in his discretion and upon such terms and conditions and for such consideration as the Administrator shall determine to be reasonable, any evidence of debt, contract, claim, personal property, or security assigned to or held by him in connection with the payment of loans granted under this Act, and to collect or compromise all obligations assigned to or held by him and all legal or equitable rights accruing to him in connection with the payment of such loans until such time as such obligations may be referred to the Attorney General for suit or collection;
- Property. “(3) deal with, complete, renovate, improve, modernize, insure, or rent, or sell for cash or credit upon such terms and conditions and for such consideration as the Administrator shall determine to be reasonable, any real property conveyed to or otherwise acquired by him in connection with the payment of loans granted under this Act;
- Claims and judgments. “(4) pursue to final collection, by way of compromise or otherwise, all claims against third parties assigned to the Administrator in connection with loans made by him. This shall include authority to obtain deficiency judgments or otherwise in the case of mortgages assigned to the Administrator. Section 3709 of the Revised Statutes, as amended (41 U. S. C., sec. 5), shall not be construed to apply to any contract of hazard insurance or to any purchase or contract for services or supplies on account of property obtained by the Administrator as a result of loans made under this Act if the premium therefor or the amount thereof does not exceed \$1,000. The power to convey and to execute in the name of the Administrator deeds of conveyance, deeds of release, assignments and satisfactions of mortgages, and any other written instrument relating to real property or any interest therein acquired by the Administrator pursuant to the provisions of this Act may be exercised by the Administrator or by any officer or agent appointed by him without the execution of any express delegation of power or power of attorney. Nothing in this section shall be construed to prevent the Administrator from delegating such power by order or by power of attorney, in his discretion, to any officer or agent he may appoint;
- Acquisitions. “(5) acquire, in any lawful manner, any property (real, personal, or mixed, tangible or intangible), whenever deemed necessary or appropriate to the conduct of the activities authorized in sections 7 (a) and 7 (b);
- Rules and regulations. “(6) make such rules and regulations as he deems necessary to carry out the authority vested in him by or pursuant to this Act;
- Actions. Service of attorneys, etc. “(7) in addition to any powers, functions, privileges, and immunities otherwise vested in him, take any and all actions, including the procurement of the services of attorneys by contract, determined by him to be necessary or desirable in making, servicing, compromising, modifying, liquidating, or otherwise dealing with or realizing on loans made under the provisions of this Act;

but no attorneys' services shall be procured by contract in any office where an attorney or attorneys are or can be economically employed full time to render such services;

"(8) pay the transportation expenses and per diem in lieu of subsistence expenses, in accordance with the Travel Expense Act of 1949, for travel of any person employed by the Administration to render temporary services not in excess of six months in connection with any disaster referred to in section 7 (b) from place of appointment to, and while at, the disaster area and any other temporary posts of duty and return upon completion of the assignment; and

"(9) accept the services and facilities of Federal, State, and local agencies and groups, both public and private, and utilize such gratuitous services and facilities as may, from time to time, be necessary, to further the objectives of section 7 (b).

"(c) To such extent as he finds necessary to carry out the provisions of this Act, the Administrator is authorized to procure the temporary (not in excess of one year) or intermittent services of experts or consultants or organizations thereof, including stenographic reporting services, by contract or appointment, and in such cases such services shall be without regard to the civil-service and classification laws and, except in the case of stenographic reporting services by organizations, without regard to section 3709 of the Revised Statutes, as amended (41 U. S. C., sec. 5). Any individual so employed may be compensated at a rate not in excess of \$50 per diem, and, while such individual is away from his home or regular place of business, he may be allowed transportation and not to exceed \$15 per diem in lieu of subsistence and other expenses.

"SEC. 6. (a) All moneys of the Administration not otherwise employed may be deposited with the Treasury of the United States subject to check by authority of the Administration. The Federal Reserve banks are authorized and directed to act as depositaries, custodians, and fiscal agents for the Administration in the general performance of its powers conferred by this Act. Any banks insured by the Federal Deposit Insurance Corporation, when designated by the Secretary of the Treasury, shall act as custodians and financial agents for the Administration. Each Federal Reserve bank, when designated by the Administrator as fiscal agent for the Administration, shall be entitled to be reimbursed for all expenses incurred as such fiscal agent.

"(b) The Administrator shall contribute to the employees' compensation fund, on the basis of annual billings as determined by the Secretary of Labor, for the benefit payments made from such fund on account of employees engaged in carrying out functions financed by the revolving fund established by section 4 (c) of this Act. The annual billings shall also include a statement of the fair portion of the cost of the administration of such fund, which shall be paid by the Administrator into the Treasury as miscellaneous receipts.

"SEC. 7. (a) The Administration is empowered to make loans to enable small-business concerns to finance plant construction, conversion, or expansion, including the acquisition of land; or to finance the acquisition of equipment, facilities, machinery, supplies, or materials; or to supply such concerns with working capital to be used in the manufacture of articles, equipment, supplies, or materials for war, defense, or civilian production or as may be necessary to insure a well-balanced national economy; and such loans may be made or effected either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or

Disaster service.
Expenses.
63 Stat. 166.
5 USC 835 note.

Temporary ex-
perts or consul-
tants.

Fiscal provi-
sions.

Employees' com-
pensation fund.

Loans.

Restrictions and
limitations.

deferred basis. The foregoing powers shall be subject, however, to the following restrictions and limitations:

“(1) No financial assistance shall be extended pursuant to this subsection unless the financial assistance applied for is not otherwise available on reasonable terms.

“(2) No immediate participation may be purchased unless it is shown that a deferred participation is not available; and no loan may be made unless it is shown that a participation is not available.

“(3) In agreements to participate in loans on a deferred basis under this subsection, such participation by the Administration shall not be in excess of 90 per centum of the balance of the loan outstanding at the time of disbursement.

“(4) Except as provided in paragraph (5), (A) no loan under this subsection shall be made if the total amount outstanding and committed (by participation or otherwise) to the borrower from the revolving fund established by this Act would exceed \$350,000; (B) the rate of interest for the Administration's share of any such loan shall be no more than 5½ per centum per annum; and (C) no such loan, including renewals or extensions thereof, may be made for a period or periods exceeding ten years except that a loan made for the purpose of constructing facilities may have a maturity of ten years plus such additional period as is estimated may be required to complete such construction.

“(5) In the case of any loan made under this subsection to a corporation formed and capitalized by a group of small-business concerns with resources provided by them for the purpose of obtaining for the use of such concerns raw materials, equipment, inventories, supplies or the benefits of research and development, or for establishing facilities for such purpose, (A) the limitation of \$350,000 prescribed in paragraph (4) shall not apply, but the limit of such loan shall be \$250,000 multiplied by the number of separate small businesses which formed and capitalized such corporation; (B) the rate of interest for the Administration's share of such loan shall be no less than 3 nor more than 5 per centum per annum; and (C) such loan, including renewals and extensions thereof, may not be made for a period or periods exceeding ten years except that if such loan is made for the purpose of constructing facilities it may have a maturity of twenty years plus such additional time as is required to complete such construction.

“(6) The Administrator is authorized to consult with representatives of small-business concerns with a view to encouraging the formation by such concerns of the corporation referred to in paragraph (5). No act or omission to act, if requested by the Administrator pursuant to this paragraph, and if found and approved by the Administration as contributing to the needs of small business, shall be construed to be within the prohibitions of the antitrust laws or the Federal Trade Commission Act of the United States. A copy of the statement of any such finding and approval intended to be within the coverage of this section, and any modification or withdrawal thereof, shall be furnished to the Attorney General and the Chairman of the Federal Trade Commission when made, and it shall be published in the Federal Register. The authority granted in this paragraph shall be exercised only (A) by the Administrator, (B) upon the condition that the Administrator consult with the Attorney General and with the Chairman of the Federal Trade Commission, and (C) upon the condition that the Administrator obtain the approval of the Attorney General before exercising such authority. Upon withdrawal of any request or finding hereunder or upon withdrawal

Antitrust exemp-
tion.

38 Stat. 717.
15 USC 58.

Publication in
F.R.

by the Attorney General of his approval granted under the preceding sentence, the provisions of this paragraph shall not apply to any subsequent act or omission to act by reason of such finding or request.

"(7) All loans made under this subsection shall be of such sound value or so secured as reasonably to assure repayment.

"(b) The Administration also is empowered—

"(1) to make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary or appropriate because of floods or other catastrophes; and

"(2) to make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary or appropriate to any small-business concern located in an area affected by a drought or excessive rainfall, if the Administration determines that the small-business concern has suffered a substantial economic injury as a result of such drought or excessive rainfall and the President has determined under the Act entitled 'An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes', approved September 30, 1950, as amended (42 U. S. C., secs. 1855-1855g), that such drought or excessive rainfall is a major disaster, or the Secretary of Agriculture has found under the Act entitled 'An Act to abolish the Regional Agricultural Credit Corporation of Washington, District of Columbia, and transfer its functions to the Secretary of Agriculture, to authorize the Secretary of Agriculture to make disaster loans, and for other purposes', approved April 6, 1949, as amended (12 U. S. C., secs. 1148a-1-1148a-3), that such drought or excessive rainfall constitutes a production or economic disaster in such area.

No loan under this subsection, including renewals and extensions thereof, may be made for a period or periods exceeding twenty years. The interest rate on the Administration's share of any loan made under this subsection shall not exceed 3 per centum per annum. In agreements to participate in loans on a deferred basis under this subsection, such participation by the Administration shall not be in excess of 90 per centum of the balance of the loan outstanding at the time of disbursement.

"(c) The Administration may further extend the maturity of or renew any loan made pursuant to this section, or any loan transferred to the Administration pursuant to Reorganization Plan Numbered 2 of 1954, or Reorganization Plan Numbered 1 of 1957, for additional periods not to exceed ten years beyond the period stated therein, if such extension or renewal will aid in the orderly liquidation of such loan.

"SEC. 8. (a) It shall be the duty of the Administration and it is hereby empowered, whenever it determines such action is necessary—

"(1) to enter into contracts with the United States Government and any department, agency, or officer thereof having procurement powers obligating the Administration to furnish articles, equipment, supplies, or materials to the Government. In any case in which the Administration certifies to any officer of the Government having procurement powers that the Administration is competent to perform any specific Government procurement contract to be let by any such officer, such officer shall be authorized in his discretion to let such procurement contract to the Adminis-

Disaster Loans.

64 Stat. 1109-1111.

63 Stat. 43, 44.

Limitation.

Interest.

RFC Loans. Extension.

68 Stat. 1280; 71 Stat. 647.

Procurement contracts.

tration upon such terms and conditions as may be agreed upon between the Administration and the procurement officer; and

"(2) to arrange for the performance of such contracts by negotiating or otherwise letting subcontracts to small-business concerns or others for the manufacture, supply, or assembly of such articles, equipment, supplies, or materials, or parts thereof, or servicing or processing in connection therewith, or such management services as may be necessary to enable the Administration to perform such contracts.

"(b) It shall also be the duty of the Administration and it is hereby empowered, whenever it determines such action is necessary—

"(1) to provide technical and managerial aids to small-business concerns, by advising and counseling on matters in connection with Government procurement and property disposal and on policies, principles, and practices of good management, including but not limited to cost accounting, methods of financing, business insurance, accident control, wage incentives, and methods engineering, by cooperating and advising with voluntary business, professional, educational, and other nonprofit organizations, associations, and institutions and with other Federal and State agencies, by maintaining a clearinghouse for information concerning the managing, financing, and operation of small-business enterprises, by disseminating such information, and by such other activities as are deemed appropriate by the Administration;

"(2) to make a complete inventory of all productive facilities of small-business concerns or to arrange for such inventory to be made by any other governmental agency which has the facilities. In making any such inventory, the appropriate agencies in the several States may be requested to furnish an inventory of the productive facilities of small-business concerns in each respective State if such an inventory is available or in prospect;

"(3) to coordinate and to ascertain the means by which the productive capacity of small-business concerns can be most effectively utilized;

"(4) to consult and cooperate with officers of the Government having procurement or property disposal powers, in order to utilize the potential productive capacity of plants operated by small-business concerns;

"(5) to obtain information as to methods and practices which Government prime contractors utilize in letting subcontracts and to take action to encourage the letting of subcontracts by prime contractors to small-business concerns at prices and on conditions and terms which are fair and equitable;

"(6) to determine within any industry the concerns, firms, persons, corporations, partnerships, cooperatives, or other business enterprises which are to be designated 'small-business concerns' for the purpose of effectuating the provisions of this Act. To carry out this purpose the Administrator, when requested to do so, shall issue in response to each such request an appropriate certificate certifying an individual concern as a 'small-business concern' in accordance with the criteria expressed in this Act. Any such certificate shall be subject to revocation when the concern covered thereby ceases to be a 'small-business concern'. Offices of the Government having procurement or lending powers, or engaging in the disposal of Federal property or allocating materials or supplies, or promulgating regulations affecting the distribution of materials or supplies, shall accept as conclusive the Administration's determination as to which enterprises are to

Procurement and
property disposal
powers.

Inventory.

Utilization.

Subcontracts.

"Small business
concern."

be designated 'small-business concerns', as authorized and directed under this paragraph;

"(7) to certify to Government procurement officers, and officers engaged in the sale and disposal of Federal property, with respect to the competency, as to capacity and credit, of any small-business concern or group of such concerns to perform a specific Government contract. In any case in which a small-business concern or group of such concerns has been certified by or under the authority of the Administration to be a competent Government contractor with respect to capacity and credit as to a specific Government contract, the officers of the Government having procurement or property disposal powers are directed to accept such certification as conclusive, and are authorized to let such Government contract to such concern or group of concerns without requiring it to meet any other requirement with respect to capacity and credit;

Certification.

"(8) to obtain from any Federal department, establishment, or agency engaged in procurement or in the financing of procurement or production such reports concerning the letting of contracts and subcontracts and the making of loans to business concerns as it may deem pertinent in carrying out its functions under this Act;

Federal contract information.

"(9) to obtain from any Federal department, establishment, or agency engaged in the disposal of Federal property such reports concerning the solicitation of bids, time of sale, or otherwise as it may deem pertinent in carrying out its functions under this Act;

"(10) to obtain from suppliers of materials information pertaining to the method of filling orders and the bases for allocating their supply, whenever it appears that any small business is unable to obtain materials from its normal sources;

"(11) to make studies and recommendations to the appropriate Federal agencies to insure that a fair proportion of the total purchases and contracts for property and services for the Government be placed with small-business enterprises, to insure that a fair proportion of Government contracts for research and development be placed with small-business concerns, to insure that a fair proportion of the total sales of Government property be made to small-business concerns, and to insure a fair and equitable share of materials, supplies, and equipment to small-business concerns;

Studies and recommendations.

"(12) to consult and cooperate with all Government agencies for the purpose of insuring that small-business concerns shall receive fair and reasonable treatment from such agencies; and

"(13) to establish such small business advisory boards and committees truly representative of small business as may be necessary to achieve the purposes of this Act.

Advisory boards.

"(c) The Administration shall from time to time make studies of matters materially affecting the competitive strength of small business, and of the effect on small business of Federal laws, programs, and regulations, and shall make recommendations to the appropriate Federal agency or agencies for the adjustment of such programs and regulations to the needs of small business.

"SEC. 9. (a) Research and development are major factors in the growth and progress of industry and the national economy. The expense of carrying on research and development programs is beyond the means of many small-business concerns, and such concerns are handicapped in obtaining the benefits of research and development programs conducted at Government expense. These small-business

Research and development.

concerns are thereby placed at a competitive disadvantage. This weakens the competitive free enterprise system and prevents the orderly development of the national economy. It is the policy of the Congress that assistance be given to small-business concerns to enable them to undertake and to obtain the benefits of research and development in order to maintain and strengthen the competitive free enterprise system and the national economy.

“(b) It shall be the duty of the Administration, and it is hereby empowered—

“(1) to assist small-business concerns to obtain Government contracts for research and development;

“(2) to assist small-business concerns to obtain the benefits of research and development performed under Government contracts or at Government expense; and

“(3) to provide technical assistance to small-business concerns to accomplish the purposes of this section.

Studies and recommendations.

“(c) The Administration is authorized to consult and cooperate with all Government agencies and to make studies and recommendations to such agencies, and such agencies are authorized and directed to cooperate with the Administration in order to carry out and to accomplish the purposes of this section.

Joint programs.

“(d) (1) The Administrator is authorized to consult with representatives of small-business concerns with a view to assisting and encouraging such firms to undertake joint programs for research and development carried out through such corporate or other mechanism as may be most appropriate for the purpose. Such joint programs may, among other things, include the following purposes:

“(A) to construct, acquire, or establish laboratories and other facilities for the conduct of research;

“(B) to undertake and utilize applied research;

“(C) to collect research information related to a particular industry and disseminate it to participating members;

“(D) to conduct applied research on a protected, proprietary, and contractual basis with member or nonmember firms, Government agencies, and others;

“(E) to prosecute applications for patents and render patent services for participating members; and

“(F) to negotiate and grant licenses under patents held under the joint program, and to establish corporations designed to exploit particular patents obtained by it.

Agreements, Approval.

“(2) The Administrator may, after consultation with the Attorney General and the Chairman of the Federal Trade Commission, and with the prior written approval of the Attorney General, approve any agreement between small-business firms providing for a joint program of research and development, if the Administrator finds that the joint program proposed will maintain and strengthen the free enterprise system and the economy of the Nation. The Administrator or the Attorney General may at any time withdraw his approval of the agreement and the joint program of research and development covered thereby, if he finds that the agreement or the joint program carried on under it is no longer in the best interests of the competitive free enterprise system and the economy of the Nation. A copy of the statement of any such finding and approval intended to be within the coverage of this subsection, and a copy of any modification or withdrawal of approval, shall be published in the Federal Register. The authority conferred by this subsection on the Administrator shall not be delegated by him.

Withdrawal.

Publication in F.R.

Antitrust exemption.

“(3) No act or omission to act pursuant to and within the scope of any joint program for research and development, under an agree-

ment approved by the Administrator under this subsection, shall be construed to be within the prohibitions of the antitrust laws or the Federal Trade Commission Act. Upon publication in the Federal Register of the notice of withdrawal of his approval of the agreement granted under this subsection, either by the Administrator or by the Attorney General, the provisions of this subsection shall not apply to any subsequent act or omission to act by reason of such agreement or approval.

"SEC. 10. (a) The Administration shall make a report every six months of operations under this Act to the President, the President of the Senate, and the Speaker of the House of Representatives. Such report shall include the names of the business concerns to whom contracts are let and for whom financing is arranged by the Administration, together with the amounts involved, and such report shall include such other information and such comments and recommendations as the Administration may deem appropriate.

"(b) The Administration shall make a report to the President, the President of the Senate, and the Speaker of the House of Representatives, to the Senate Select Committee on Small Business, and to the House Select Committee To Conduct a Study and Investigation of the Problems of Small Business, on June 30 and December 31 of each year, showing as accurately as possible for each such period the amount of funds appropriated to it that it has expended in the conduct of each of its principal activities such as lending, procurement, contracting, and providing technical and managerial aids.

"(c) The Attorney General is directed to make, or request the Federal Trade Commission to make for him, surveys for the purpose of determining any factors which may tend to eliminate competition, create or strengthen monopolies, injure small business, or otherwise promote undue concentration of economic power in the course of the administration of this Act. The Attorney General shall submit to the Congress and the President, at such times as he deems desirable, reports setting forth the results of such surveys and including such recommendations as he may deem desirable.

"(d) For the purpose of aiding in carrying out the national policy to insure that a fair proportion of the total purchases and contracts for property and services for the Government be placed with small-business enterprises, and to maintain and strengthen the overall economy of the Nation, the Department of Defense shall make a monthly report to the President, the President of the Senate, and the Speaker of the House of Representatives not less than forty-five days after the close of the month, showing the amount of funds appropriated to the Department of Defense which have been expended, obligated, or contracted to be spent with small-business concerns and the amount of such funds expended, obligated, or contracted to be spent with firms other than small business in the same fields of operation; and such monthly reports shall show separately the funds expended, obligated, or contracted to be spent for basic and applied scientific research and development.

"(e) The Administration shall retain all correspondence, records of inquiries, memoranda, reports, books, and records, including memoranda as to all investigations conducted by or for the Administration, for a period of at least one year from the date of each thereof, and shall at all times keep the same available for inspection and examination by the Senate Select Committee on Small Business and the House Select Committee To Conduct a Study and Investigation of the Problems of Small Business, or their duly authorized representatives.

"(f) To the extent deemed necessary by the Administrator to protect and preserve small-business interests, the Administration shall

38 Stat. 717.
15 USC 58.
Publication in
F.R.

Semiannual re-
ports.

Dept. of Justice.
Reports.

Defense Dept.
Reports.

Records reten-
tion.

Agency coopera-
tion.

consult and cooperate with other departments and agencies of the Federal Government in the formulation by the Administration of policies affecting small-business concerns. When requested by the Administrator, each department and agency of the Federal Government shall consult and cooperate with the Administration in the formulation by such department or agency of policies affecting small-business concerns, in order to insure that small-business interests will be recognized, protected, and preserved. This subsection shall not require any department or agency to consult or cooperate with the Administration in any case where the head of such department or agency determines that such consultation or cooperation would unduly delay action which must be taken by such department or agency to protect the national interest in an emergency.

Presidential authority.

"SEC. 11. (a) The President is authorized to consult with representatives of small-business concerns with a view to encouraging the making by such persons with the approval of the President of voluntary agreements and programs to further the objectives of this Act.

Antitrust exemption.

"(b) No act or omission to act pursuant to this Act which occurs while this Act is in effect, if requested by the President pursuant to a voluntary agreement or program approved under subsection (a) of this section and found by the President to be in the public interest as contributing to the national defense, shall be construed to be within the prohibitions of the antitrust laws or the Federal Trade Commission Act of the United States. A copy of each such request intended to be within the coverage of this section, and any modification or withdrawal thereof, shall be furnished to the Attorney General and the Chairman of the Federal Trade Commission when made, and it shall be published in the Federal Register unless publication thereof would, in the opinion of the President, endanger the national security.

38 Stat. 717.
15 USC 58.
Publication in F.R.

Delegation of authority.

"(c) The authority granted in subsection (b) of this section shall be delegated only (1) to an official who shall for the purpose of such delegation be required to be appointed by the President by and with the advice and consent of the Senate, (2) upon the condition that such official consult with the Attorney General and the Chairman of the Federal Trade Commission not less than ten days before making any request or finding thereunder, and (3) upon the condition that such official obtain the approval of the Attorney General to any request thereunder before making the request.

Nonapplicability.

"(d) Upon withdrawal of any request or finding hereunder, or upon withdrawal by the Attorney General of his approval of the voluntary agreement or program on which the request or finding is based, the provisions of this section shall not apply to any subsequent act, or omission to act, by reason of such finding or request.

Transfer of functions, etc.

"SEC. 12. The President may transfer to the Administration any functions, powers, and duties of any department or agency which relate primarily to small-business problems. In connection with any such transfer, the President may provide for appropriate transfers of records, property, necessary personnel, and unexpended balances of appropriations and other funds available to the department or agency from which the transfer is made.

Conditions for loans, etc.

"SEC. 13. No loan shall be made or equipment, facilities, or services furnished by the Administration under this Act to any business enterprise unless the owners, partners, or officers of such business enterprise (1) certify to the Administration the names of any attorneys, agents, or other persons engaged by or on behalf of such business enterprise for the purpose of expediting applications made to the Administration for assistance of any sort, and the fees paid or to be paid to any such persons; (2) execute an agreement binding any such business enterprise for a period of two years after any assistance is

rendered by the Administration to such business enterprise, to refrain from employing, tendering any office or employment to, or retaining for professional services, any person who, on the date such assistance or any part thereof was rendered, or within one year prior thereto, shall have served as an officer, attorney, agent, or employee of the Administration occupying a position or engaging in activities which the Administration shall have determined involve discretion with respect to the granting of assistance under this Act; and (3) furnish the names of lending institutions to which such business enterprise has applied for loans together with dates, amounts, terms, and proof of refusal.

"SEC. 14. To the fullest extent the Administration deems practicable, it shall make a fair charge for the use of Government-owned property and make and let contracts on a basis that will result in a recovery of the direct costs incurred by the Administration.

Charge for Gov-
ernment-owned
property.

"SEC. 15. To effectuate the purposes of this Act, small-business concerns within the meaning of this Act shall receive any award or contract or any part thereof, and be awarded any contract for the sale of Government property, as to which it is determined by the Administration and the contracting procurement or disposal agency (1) to be in the interest of maintaining or mobilizing the Nation's full productive capacity, (2) to be in the interest of war or national defense programs, (3) to be in the interest of assuring that a fair proportion of the total purchases and contracts for property and services for the Government are placed with small-business concerns, or (4) to be in the interest of assuring that a fair proportion of the total sales of Government property be made to small-business concerns; but nothing contained in this Act shall be construed to change any preferences or priorities established by law with respect to the sale of electrical power or other property by the Government or any agency thereof. These determinations may be made for individual awards or contracts or for classes of awards or contracts. Whenever the Administration and the contracting procurement agency fail to agree, the matter shall be submitted for determination to the Secretary or the head of the appropriate department or agency by the Administrator.

Determination of
awards or con-
tracts.

"SEC. 16. (a) Whoever makes any statement knowing it to be false, or whoever willfully overvalues any security, for the purpose of obtaining for himself or for any applicant any loan, or extension thereof by renewal, deferment of action, or otherwise, or the acceptance, release, or substitution of security therefor, or for the purpose of influencing in any way the action of the Administration, or for the purpose of obtaining money, property, or anything of value, under this Act, shall be punished by a fine of not more than \$5,000 or by imprisonment for not more than two years, or both.

Violations and
penalties.

"(b) Whoever, being connected in any capacity with the Administration, (1) embezzles, abstracts, purloins, or willfully misapplies any moneys, funds, securities, or other things of value, whether belonging to it or pledged or otherwise entrusted to it, or (2) with intent to defraud the Administration or any other body politic or corporate, or any individual, or to deceive any officer, auditor, or examiner of the Administration, makes any false entry in any book, report, or statement of or to the Administration, or, without being duly authorized, draws any order or issues, puts forth, or assigns any note, debenture, bond, or other obligation, or draft, bill of exchange, mortgage, judgment, or decree thereof, or (3) with intent to defraud participates or shares in or receives directly or indirectly any money, profit, property, or benefit through any transaction, loan, commission, contract, or any other act of the Administration, or (4) gives any unauthorized information concerning any future action or plan of the

Administration which might affect the value of securities, or, having such knowledge, invests or speculates, directly or indirectly, in the securities or property of any company or corporation receiving loans or other assistance from the Administration, shall be punished by a fine of not more than \$10,000 or by imprisonment for not more than five years, or both.

Liens.

"SEC. 17. Any interest held by the Administration in property, as security for a loan, shall be subordinate to any lien on such property for taxes due on the property to a State, or political subdivision thereof, in any case where such lien would, under applicable State law, be superior to such interest if such interest were held by any party other than the United States.

Duplication of activities.

"SEC. 18. The Administration shall not duplicate the work or activity of any other department or agency of the Federal Government and nothing contained in this Act shall be construed to authorize any such duplication unless such work or activity is expressly provided for in this Act.

Separability.

"SEC. 19. If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of this Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

Appropriation.

"SEC. 20. There are hereby authorized to be appropriated such sums as may be necessary and appropriate for the carrying out of the provisions and purposes of this Act.

Repeals.

"SEC. 21. All laws and parts of laws inconsistent with this Act are hereby repealed to the extent of such inconsistency."

Real estate loans by National Banks.

38 Stat. 273.
12 USC 371.

SEC. 3. The fourth paragraph of section 24 of the Federal Reserve Act is amended (1) by striking out "or the Small Business Administration" and "or of the Small Business Act of 1953," and (2) by adding at the end thereof the following new sentence: "Loans in which the Small Business Administration cooperates through agreements to participate on an immediate or deferred basis under the Small Business Act shall not be subject to the restrictions or limitations of this section imposed upon loans secured by real estate."

RFC loans.

SEC. 4. The Secretary of the Treasury is hereby authorized to further extend the maturity of or renew any loan transferred to the Secretary of the Treasury pursuant to Reorganization Plan Numbered 1 of 1957, for additional periods not to exceed ten years, if such extension or renewal will aid in the orderly liquidation of such loan.

71 Stat. 647.

Approved July 18, 1958.

Public Law 85-537

AN ACT

To amend the Act regulating the business of executing bonds for compensation in criminal cases in the District of Columbia.

July 18, 1958
[H. R. 7349]

D. C. courts.
Bondsmen.

D.C. Code 23-
608.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 8 (a) of the Act entitled "An Act to regulate the business of executing bonds for compensation in criminal cases and to improve the administration of justice in the District of Columbia", approved March 3, 1933, as amended (47 Stat. 1484; 67 Stat. 106), is amended by striking out the words "police court, juvenile court, and the criminal divisions of the Supreme Court of the District of Columbia" and inserting in lieu thereof the words "United States District Court for the District of Columbia, the municipal court for the District of Columbia, and the juvenile court of the District of Columbia."

Approved July 18, 1958.

Public Law 85-538

AN ACT

To make the provisions of the Longshoremen's and Harbor Workers' Compensation Act applicable to certain civilian employees of nonappropriated fund instrumentalities of the Armed Forces, and for other purposes.

July 18, 1958
[H. R. 10504]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act of June 19, 1952 (66 Stat. 139; Public Law 397, Eighty-second Congress; 5 U. S. C. 150k-1), is amended to read as follows:

Armed Forces.
Certain civilian
employees.
Death or dis-
ability compensa-
tion.
44 Stat. 1424.

"SEC. 2. (a) The Longshoremen's and Harbor Workers' Compensation Act (33 U. S. C. 901-950) shall apply with respect to the disability or death resulting from injury, as defined in section 2 (2) of such Act (33 U. S. C. 902 (2)), occurring to a civilian employee of any nonappropriated fund instrumentality described in the first section of this Act, subject to the following provisions of this section:

"(1) For the purposes of this Act, the term 'employee' in section 2 (3) of the Longshoremen's and Harbor Workers' Compensation Act shall include only—

Definitions.

"(A) those employees of such nonappropriated fund instrumentalities as are employed within the continental United States and

"(B) those United States citizens or permanent residents of the United States or a Territory who are employees of such nonappropriated fund instrumentalities outside the continental limits of the United States.

"(2) For the purposes of this Act, the term 'employer' in section 2 (4) of the Longshoremen's and Harbor Workers' Compensation Act shall include each of the nonappropriated fund instrumentalities described in the first section of this Act.

"(3) For the purposes of this Act, only that part of section 3 (a) of the Longshoremen's and Harbor Workers' Compensation Act which precedes the first comma shall apply.

Applicability.
33 USC 903.

"(4) The Secretary of Labor is authorized—

Districts.
Extension, etc.

"(A) to extend compensation districts established under section 39 (b) of the Longshoremen's and Harbor Workers' Compensation Act or to establish new districts to include the areas outside the continental limits of the United States and

33 USC 939.

"(B) to assign to each such district one or more deputy commissioners as the Secretary deems advisable.

Judicial proceedings under sections 18 and 21 of such Act with respect to any injury or death occurring outside the continental limits of the United States shall be instituted in the district court within the territorial jurisdiction of which is located the office of the deputy commissioner having jurisdiction in respect of such injury or death (or in the United States District Court for the District of Columbia if such office is located in such district).

33 USC 918, 921.

"(b) In case of disability or death resulting from injury, as defined in section 2 (2) of the Longshoremen's and Harbor Workers' Compensation Act (33 U. S. C. 902 (2)), of an employee who is not a citizen or permanent resident of the United States or a Territory, employed outside the continental limits of the United States by any nonappropriated fund instrumentality described in the first section of this Act, compensation shall be provided in accordance with regulations prescribed by the Secretary of the military department concerned and approved by the Secretary of Defense or regulations prescribed by the Secretary of the Treasury, as the case may be.

Employees out-
side U.S.

"(c) The liability of the United States or of any nonappropriated fund instrumentality described in the first section of this Act, with

respect to the disability or death resulting from injury, as defined in section 2 (2) of the Longshoremen's and Harbor Workers' Compensation Act (33 U. S. C. 902 (2)), of any employee referred to in section 2 (a) or 2 (b) of this Act, shall be determined as provided in this Act. Such liability shall be exclusive and in the place of all other liability of the United States or such instrumentality to the employee, his legal representative, spouse, dependents, next of kin, and any person otherwise entitled to recover damages from the United States or such nonappropriated fund instrumentality on account of such disability or death in any direct judicial proceedings, in a civil action, or in admiralty, or by proceedings whether administrative or judicial, under any workmen's compensation law or under any Federal tort liability statute."

Applicability.

SEC. 2. The amendment made by the first section of this Act shall apply only to an injury, defined in section 2 (2) of the Longshoremen's and Harbor Workers' Compensation Act (33 U. S. C. 902 (2)), occurring on or after the effective date of such amendment, and any disability or death resulting from such injury.

Effective date.

SEC. 3. The amendment made by the first section of this Act shall become effective on the one hundred and twentieth day following the date of enactment of this Act.

Approved July 18, 1958.

Public Law 85-539

July 18, 1958
[H. R. 12643]

AN ACT

To amend the Act entitled "An Act to consolidate the Police Court of the District of Columbia and the Municipal Court of the District of Columbia, to be known as 'The Municipal Court for the District of Columbia', to create 'The Municipal Court of Appeals for the District of Columbia', and for other purposes", approved April 1, 1942, as amended.

D.C. courts.
Oaths, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6 of the Act entitled "An Act to consolidate the Police Court of the District of Columbia and the Municipal Court of the District of Columbia, to be known as 'The Municipal Court for the District of Columbia', to create 'The Municipal Court of Appeals for the District of Columbia', and for other purposes", approved April 1, 1942 (ch. 207, 56 Stat. 194; sec. 11-771, D. C. Code, 1951 edition), as amended, is hereby amended by adding at the end of such section the following new paragraph:

"Each judge, the clerk and each deputy clerk of the court may administer oaths and affirmations and take acknowledgements."

Approved July 18, 1958.

Public Law 85-540

July 18, 1958
[S. 3431]

AN ACT

To provide for the addition of certain excess Federal property in the village of Hatteras, North Carolina, to the Cape Hatteras National Seashore Recreational Area, and for other purposes.

Cape Hatteras
National Seashore
Recreational Area,
N.C.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the tracts of excess Federal lands and improvements thereon in the village of Hatteras, Dare County, North Carolina, bearing General Services Administration control numbers T-NC-442 and C-NC-444, comprising forty-three one-hundredths and one and five-tenths acres of land,

respectively, the exact descriptions for which shall be determined by the Administrator of General Services, are hereby transferred, without exchange of funds, to the administrative jurisdiction of the Secretary of the Interior to be administered as a part of the Cape Hatteras National Seashore Recreational Area, authorized by the Act of August 17, 1937, as amended (50 Stat. 669; 16 U. S. C. 459-459-a-4), and shall be subject to all the laws and regulations applicable thereto.

Approved July 18, 1958.

Public Law 85-541

AN ACT

To amend the charter of Saint Thomas' Literary Society.

July 18, 1958
[H. R. 9285]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act entitled "An Act to incorporate St. Thomas' Literary Society in the District of Columbia", approved June 2, 1856 (11 Stat. 448), is amended by striking out "purposes of charity and education" and inserting in lieu thereof "purposes of religion, charity, and education"; and by striking out "not exceeding in value the sum of five hundred thousand dollars at any one time,".

SEC. 2. Such Act is further amended by striking out section 4 thereof, and redesignating section 5 as section 4.

Approved July 18, 1958.

Public Law 85-542

AN ACT

To amend the Public Buildings Act of 1949, to authorize the Administrator of General Services to name, rename, or otherwise designate any building under the custody and control of the General Services Administration.

July 18, 1958
[S. 2108]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 410 of the Public Buildings Act of 1949, as amended (40 U. S. C. 298d), is hereby amended to read as follows:

"SEC. 410. The Administrator of General Services is authorized, notwithstanding any other provision of law, to name, rename, or otherwise designate any building under the custody and control of the General Services Administration, regardless of whether it was previously named by statute."

Approved July 18, 1958.

Public Buildings
Act of 1949,
amendment,
63 Stat. 200.

Public Law 85-543

AN ACT

To authorize the Secretary of Defense to lend certain Army, Navy, and Air Force equipment, and to provide certain services to the Girl Scouts of the United States of America, and to permit use of certain lands of the Air Force Academy for use at the Girl Scout Senior Roundup Encampment, and for other purposes.

July 18, 1958
[S. 2630]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of Defense is hereby authorized, under such regulations as he may prescribe, to lend to the Girl Scouts of the United States of

Girl Scouts,
U.S.A.

64 Stat. 22.
36 USC 31-38.

America, a corporation created under the Act of March 16, 1950, for the use and accommodation of the approximately ten thousand Girl Scouts and officials who are to attend the Girl Scout Senior Roundup Encampment to be held during the period beginning in June 1959 and ending in July 1959, at Colorado Springs, Colorado, such tents, cots, blankets, commissary equipment, flags, refrigerators, and other equipment and services as may be necessary or useful, to the extent that items are in stock and available and their issue will not jeopardize the national defense program.

(b) Such equipment is authorized to be delivered at such time prior to the holding of such encampment, and to be returned at such time after the close of such encampment, as may be agreed upon by the Secretary of Defense and the Girl Scouts of the United States of America. No expense shall be incurred by the United States Government for the delivery, return, rehabilitation, or replacement of such equipment.

Bond.

(c) The Secretary of Defense, before delivering such property, shall take from the Girl Scouts of the United States of America a good and sufficient bond for the safe return of such property in good order and condition, and the whole without expense to the United States.

Air Force Academy land, use.

SEC. 2. The Secretary of Defense is hereby authorized, under such regulations as he may provide, to permit, without expense to the United States Government, the Girl Scouts of the United States of America to use such portions of the undeveloped lands of the United States Air Force Academy adjacent to such encampment as may be necessary or useful, to the extent that their use will not interfere with the activities of such Academy, and will not jeopardize the national defense program.

Approved July 18, 1958.

Public Law 85-544

AN ACT

July 22, 1958
[H. R. 11414]

To amend section 314 (c) of the Public Health Service Act, so as to authorize the Surgeon General to make certain grants-in-aid for provision in public or nonprofit accredited schools of public health of training and services in the fields of public health and in the administration of State and local public health programs.

Public Health Service Act, amendment.
58 Stat. 694.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the last sentence of subsection (c) of section 314 of the Public Health Service Act, as amended (42 U. S. C. 246 (c)), is amended by inserting "(1)" immediately after "available", and by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "and (2) an amount, not to exceed \$1,000,000 to enable the Surgeon General to make grants-in-aid, under such terms and conditions as may be prescribed by regulations, for provision in public or nonprofit schools of public health accredited by a body or bodies recognized by the Surgeon General, of comprehensive professional training, specialized consultive services, and technical assistance in the fields of public health and in the administration of State and local public health programs, except that in allocating funds made available under this clause (2) among such schools of public health the Surgeon General shall give primary consideration to the number of federally sponsored students attending each such school."

SEC. 2. The amendment made by the first section of this Act shall be applicable only to the fiscal years beginning July 1, 1958, and July 1, 1959.

Applicable
dates.

Approved July 22, 1958.

Public Law 85-545

AN ACT

Directing the Secretary of the Navy to convey certain land situated in the State of Virginia to the Board of Supervisors of York County, Virginia.

July 22, 1958
[S. 2474]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy is authorized and directed to convey, by quitclaim deed, to the Board of Supervisors of York County, Virginia, for park and recreational purposes, all right, title, and interest of the United States in and to that tract of land situated in York County, Virginia, described as parcel numbered 202 on the property map, United States Naval Construction Training Center, York and James City Counties, Virginia, and consisting of three hundred acres more or less.

York County, Va.
Conveyance.

SEC. 2. The conveyance authorized by this Act shall be conditional upon the Board of Supervisors of York County, Virginia, paying to the Secretary of the Navy, as consideration for the tract of land conveyed under the provisions of this Act, an amount equal to 50 per centum of its fair market value as determined by the Secretary of the Navy after appraisal of such tract.

Market value.

SEC. 3. The cost of any surveys and appraisals necessary as an incident to the conveyance authorized herein shall be borne by the Board of Supervisors of York County, Virginia.

Survey costs.

SEC. 4. All mineral rights, including gas and oil, in the lands authorized to be conveyed by this Act shall be reserved to the United States.

Mineral rights.

SEC. 5. The conveyance of the property authorized by this Act shall be upon condition that such property shall be used for park and recreational purposes, and that if the Board of Supervisors of York County, Virginia, shall cease to use the property so conveyed for the purposes intended, then title thereto shall immediately revert to the United States.

Recreational
purposes.

SEC. 6. The conveyance of the property authorized by this Act shall be upon the further provision that whenever the Congress of the United States declares a state of war or other national emergency, or the President declares a state of emergency, and upon the determination by the Secretary of Defense that the property conveyed under this Act is useful or necessary for military, air, or naval purposes, or in the interest of national defense, the United States shall have the right to reenter upon the property and use the same or any part thereof, including any and all improvements made thereon by the Board of Supervisors of York County, Virginia, for the duration of such state of war or of such emergency. Upon the termination of such state of war or such emergency plus six months, such property shall revert to the Board of Supervisors of York County, Virginia, together with all appurtenances and utilities belonging or appertaining thereto.

National emer-
gency.

SEC. 7. In executing the deed of conveyance authorized by this Act, the Secretary of the Navy or his designee shall include specific provisions covering the reservations and conditions contained in sections 3, 4, 5, and 6 of this Act.

Conditions.

Approved July 22, 1958.

Public Law 85-546

AN ACT

July 22, 1958
[S. 3314]

For the relief of the city of Fort Myers, Florida, and Lee County, Florida.

Fort Myers and
Lee County, Fla.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated—

(a) to the city of Fort Myers, Florida, the sum of \$137,997.64.

(1) plus the interest payable on bonds issued by such city (for the purpose hereinafter stated) as of the date the next interest payment becomes due (following the date of the enactment of this Act) which is attributable to the period commencing with the date on which the last interest payment became due and ending on the date of payment by the United States of this claim, and

(2) reduced by the amount of interest which the sum of money heretofore paid by the United States on account of such claim (\$174,838.41) would have earned (as determined by the Secretary of the Treasury) had such an amount been invested at the average rate of interest on all marketable obligations of the United States on the last day of the month preceding such payment for the period from the date such amount was paid to such city to the date of payment under this Act.

(b) to Lee County, Florida, the sum of \$209,538.99.

(1) reduced by the amount of interest (as determined by the Secretary of the Treasury) remaining to be paid on bonds issued by such county (for the purpose hereinafter stated) attributable to the period beginning on the date of payment of this claim by the United States and ending on the date such bonds are payable in full, and

(2) further reduced by the amount of interest which the sum of money heretofore paid by the United States on account of such claim (\$237,441.59) would have earned (as determined by the Secretary of the Treasury) had such an amount been invested at the average rate of interest on all marketable obligations of the United States on the last day of the month preceding such payment for the period from the date such amount was paid to such county to the date of payment under this section.

Settlement of
claims.

SEC. 2. The payment of such sums shall be in full satisfaction of the claims of the city of Fort Myers, and Lee County, against the United States for compensation for expenses and obligations incurred in connection with the construction of the Buckingham Weapons Center project, Fort Myers, Florida, which project was abandoned by the United States Air Force subsequent to the time such expenditures and obligations were incurred: *Provided*, That no part of the amounts appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with these claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Penalty.

Approved July 22, 1958.

Public Law 85-547

AN ACT

To determine the rights and interests of the Navaho Tribe, Hopi Tribe, and individual Indians to the area set aside by Executive order of December 16, 1882, and for other purposes.

July 22, 1958
[S. 692]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That lands described in the Executive order dated December 16, 1882, are hereby declared to be held by the United States in trust for the Hopi Indians and such other Indians, if any, as heretofore have been settled thereon by the Secretary of the Interior pursuant to such Executive order. The Navaho Indian Tribe and the Hopi Indian Tribe, acting through the chairmen of their respective tribal councils for and on behalf of said tribes, including all villages and clans thereof, and on behalf of any Navaho or Hopi Indians claiming an interest in the area set aside by Executive order dated December 16, 1882, and the Attorney General on behalf of the United States, are each hereby authorized to commence or defend in the United States District Court for the District of Arizona an action against each other and any other tribe of Indians claiming any interest in or to the area described in such Executive order for the purpose of determining the rights and interests of said parties in and to said lands and quieting title thereto in the tribes or Indians establishing such claims pursuant to such Executive order as may be just and fair in law and equity. The action shall be heard and determined by a district court of three judges in accordance with the provisions of title 28, United States Code, section 2284, and any party may appeal directly to the Supreme Court from the final determination by such three judge district court.

Indian lands.
Trust title.

Adjudication of
claims.

62 Stat. 968.

Navaho and Hopi
Reservations.

Purchase or ex-
change of lands.

SEC. 2. Lands, if any, in which the Navaho Indian Tribe or individual Navaho Indians are determined by the court to have the exclusive interest shall thereafter be a part of the Navaho Indian Reservation. Lands, if any, in which the Hopi Indian Tribe, including any Hopi village or clan thereof, or individual Hopi Indians are determined by the court to have the exclusive interest shall thereafter be a reservation for the Hopi Indian Tribe. The Navaho and Hopi Tribes, respectively, are authorized to sell, buy, or exchange any lands within their reservations, with the approval of the Secretary of the Interior, and any such lands acquired by either tribe through purchase or exchange shall become a part of the reservation of such tribe.

SEC. 3. Nothing in this Act shall be deemed to be a congressional determination of the merits of the conflicting tribal or individual Indian claims to the lands that are subject to adjudication pursuant to this Act, or to affect the liability of the United States, if any, under litigation now pending before the Indian Claims Commission.

Approved July 22, 1958.

Public Law 85-548

AN ACT

To direct the Secretary of the Army to convey certain property located at Boston Neck, Narragansett, Washington County, Rhode Island, to the State of Rhode Island.

July 22, 1958
[S. 628]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army is authorized and directed to convey by quitclaim deed, without consideration, to the State of Rhode Island all right, title,

Boston Neck,
R.I.
Conveyance.

and interest of the United States, except as retained in this Act, in and to a tract of land located at Boston Neck, Narragansett, Washington County, Rhode Island, together with all buildings and improvements thereon, and all appurtenances and utilities belonging or appertaining thereto, such land including approximately thirty-three and seventy-nine one-hundredths acres and formerly designated as Fort Varnum, as shown on maps on file with the Office of the Chief of Engineers, and being the same property now utilized by the Rhode Island National Guard under a license granted by the Secretary of the Army.

Mineral rights.

SEC. 2. All mineral rights in the lands authorized to be conveyed by this Act shall be reserved to the United States.

Use.

SEC. 3. The conveyance of the property authorized by this Act shall be upon condition that such property shall be used primarily for training of the National Guard and for other military purposes, and that if the State of Rhode Island shall cease to use the property so conveyed for the purposes intended, then title thereto shall immediately revert to the United States, and in addition all improvements made by the State of Rhode Island during its occupancy shall vest in the United States without payment of compensation therefor.

National emergency.

SEC. 4. The conveyance of the property authorized by this Act shall be upon the further provision that whenever the Congress of the United States declares a state of war or other national emergency, or the President declares a state of emergency, and upon the determination by the Secretary of Defense that the property conveyed under this Act is useful or necessary for military, air, or naval purposes, or in the interest of national defense, the United States shall have the right, without obligation to make payment of any kind, to reenter upon the property and use the same or any part thereof, including any and all improvements made thereon by the State of Rhode Island, for a period not to exceed the duration of such state of war or national emergency plus six months. Upon the termination of such use the property shall revert to the State of Rhode Island, together with any or all improvements thereon and appurtenances appertaining thereto.

SEC. 5. In executing the deed of conveyance authorized by this Act, the Secretary of the Army shall include specific provisions covering the reservations and conditions contained in sections 2, 3, and 4 of this Act.

Approved July 22, 1958.

Public Law 85-549

AN ACT

To amend the charter of the National Union Insurance Company of Washington.

July 25, 1958
[S. 3735]

National Union
Insurance Co.,
Wash., D.C.
13 Stat. 428; 27
Stat. 29; 49 Stat.
1543.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the charter of the National Union Insurance Company of Washington, granted by an Act of Congress approved February 14, 1865, and amended by an Act of Congress approved May 11, 1892, and further amended by an Act of Congress approved June 20, 1936, is hereby further amended so that the authorized capital stock of said company shall be \$1,000,000, divided into one hundred thousand shares of the par value of \$10 each.

Repeal.

SEC. 2. Section 4 of the Act entitled "An Act to incorporate the National Union Insurance Company of Washington", approved February 14, 1865, as amended, is hereby repealed.

Approved July 25, 1958.

Public Law 85-550

AN ACT

July 25, 1958
[S. 1850]

To implement item 1 of a Memorandum of Understandings attached to the treaty of January 25, 1955, entered into by the Government of the United States of America and the Government of the Republic of Panama with respect to wage and employment practices of the Government of the United States of America in the Canal Zone.

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

United States—
Panama.
Wage and em-
ployment prac-
tices.

FINDINGS

SECTION 1. (a) The Congress of the United States of America hereby finds that the Government of the United States of America and the Government of the Republic of Panama on January 25, 1955, entered into a treaty (known as the Treaty of Mutual Understanding and Cooperation), to which was attached a Memorandum of Understandings Reached (otherwise referred to as the Memorandum of Understandings), signed by such governments on such date.

(b) The Congress further finds that, under such Memorandum of Understandings, the Government of the United States assumed certain obligations set forth in item 1 of such Memorandum as follows:

"1. Legislation will be sought which will authorize each agency of the United States Government in the Canal Zone to conform its existing wage practices in the Zone to the following principles:

"(a) The basic wage for any given grade level will be the same for any employee eligible for appointment to the position without regard to whether he is a citizen of the United States or of the Republic of Panama.

"(b) In the case of an employee who is a citizen of the United States, there may be added to the base pay an increment representing an overseas differential plus an allowance for those elements, such as taxes, which operate to reduce the disposable income of such an employee as compared with an employee who is a resident of the area.

"(c) The employee who is a citizen of the United States will also be eligible for greater annual leave benefits and travel allowances because of the necessity for periodic vacations in the United States for recuperation purposes and to maintain contact with the employee's home environment.

"Legislation will be sought to make the Civil Service Retirement Act uniformly applicable to citizens of the United States and the Republic of Panama employed by the Government of the United States in the Canal Zone.

70 Stat. 743.
5 USC 2251 et
seq.

"The United States will afford equality of opportunity to citizens of Panama for employment in all United States Government positions in the Canal Zone for which they are qualified and in which the employment of United States citizens is not required, in the judgment of the United States, for security reasons.

"The agencies of the United States Government will evaluate, classify, and title all positions in the Canal Zone without regard to the nationality of the incumbent or proposed incumbent.

"Citizens of Panama will be afforded opportunity to participate in such training programs as may be conducted for employees by the United States agencies in the Canal Zone."

(c) The Congress further finds that the enactment of legislation containing a statement of general policies and principles and other provisions in implementation of item 1 of such Memorandum of Understandings is necessary to the faithful and proper discharge of the

obligations assumed by the Government of the United States under such item.

DEFINITIONS

SEC. 2. As used in the following provisions of this Act, the term—

(1) "department" means a department, agency, or independent establishment in the executive branch of the Government of the United States (including a corporation wholly owned or controlled by the United States) which conducts operations in the Canal Zone;

(2) "position" means those duties and responsibilities of a civilian nature under the jurisdiction of a department (A) which are performed in the Canal Zone or (B) with respect to which the exclusion of individuals from the Classification Act of 1949, as amended, is provided for by section 202 (21) (B) of such Act as amended by section 16 (a) of this Act;

(3) "employee" means any individual holding a position; and

(4) "continental United States" means the several States of the United States of America existing on the date of enactment of this Act and the District of Columbia.

Post, p. 410.

GENERAL RULES FOR EMPLOYMENT AND WAGE PRACTICES OF UNITED STATES GOVERNMENT IN THE CANAL ZONE

SEC. 3. (a) The head of each department is authorized and directed to conduct the employment and wage practices in the Canal Zone of such department in accordance with—

(1) the principles established in item 1 of the Memorandum of Understandings set forth in section 1 (b) of this Act,

(2) the provisions of this Act;

(3) the regulations promulgated by, or under authority of, the President of the United States in accordance with this Act; and

(4) provisions of applicable law.

(b) The President is authorized, to the extent he deems appropriate—

(1) to exclude any employee or position from this Act or from any provision of this Act, and

(2) to extend to any employee, whether or not such employee is a citizen of the United States, the same rights and privileges as are provided by applicable laws and regulations for citizens of the United States employed in the competitive civil service of the Government of the United States.

EMPLOYMENT STANDARDS

SEC. 4. (a) The head of each department shall establish written standards, in conformity with this Act, the regulations promulgated under section 15 (b) of this Act, and the Canal Zone Merit System established under section 10 of this Act, for—

(1) the determination of the qualifications and fitness of employees and of individuals under consideration for appointment to positions, and

(2) the selection of individuals for appointment, promotion, or transfer to positions.

(b) Such standards shall be placed in effect on such date as the President shall prescribe but not later than the one hundred and eightieth day following the date of enactment of this Act.

COMPENSATION

SEC. 5. (a) The head of each department shall establish and may revise, from time to time, in accordance with this Act, the rates of basic compensation for positions and employees under his jurisdiction.

(b) Such rates of basic compensation may be established and revised in relation to the rates of compensation for the same or similar work performed in the continental United States or in such areas outside the continental United States as may be designated in regulations promulgated under section 15 (b) of this Act.

(c) The head of each department may grant increases in such rates of basic compensation in amounts not to exceed the amounts of the increases granted, from time to time, by Act of Congress in corresponding rates of compensation in the appropriate schedule or scale of pay. The head of the department concerned may make such increases effective as of such date as he may designate but not earlier than the effective date of the corresponding increases provided by Act of Congress.

(d) No rate of basic compensation established under this section shall exceed by more than 25 per centum, when increased by the amounts of the allowance and the differential authorized by section 7 of this Act, the rate of basic compensation for the same or similar work performed in the continental United States by employees of the Government of the United States.

(e) The initial adjustments in rates of basic compensation under authority of this section shall be effective on the first day of the first pay period which begins more than sixty days after the date on which regulations are promulgated under section 15 (b) of this Act.

UNIFORM APPLICATION OF EMPLOYMENT STANDARDS AND RATES OF
COMPENSATION

SEC. 6. The employment standards established under section 4 of this Act and the rates of basic compensation established under section 5 of this Act shall be applied uniformly, within and among all departments, to the respective positions, employees (other than employees who are citizens of the United States and are assigned to work in the Canal Zone on temporary detail), and individuals under consideration for appointment to positions, irrespective of whether the employee or individual concerned is a citizen of the United States or a citizen of the Republic of Panama.

ADDITIONAL ALLOWANCE AND DIFFERENTIAL

SEC. 7. (a) Each employee who is a citizen of the United States shall receive, in addition to basic compensation at the rate established under section 5 of this Act, such amounts as the head of the department concerned may determine to be payable, as follows:

(1) an allowance for taxes which operate to reduce the disposable income of such United States citizen employee in comparison with the disposable incomes of those employees who are not citizens of the United States; and

(2) an overseas (tropical) differential not in excess of an amount equal to 25 per centum of the aggregate amount of the rate of basic compensation established under section 5 of this Act and the amount of the allowance provided in accordance with paragraph (1) of this subsection.

(b) The allowances and differentials provided for by subsection (a) of this section shall become effective initially on the first day of the first pay period which begins more than sixty days after the date on which regulations are promulgated under section 15 (b) of this Act.

SECURITY POSITIONS

SEC. 8. Notwithstanding any other provision of this Act but subject to regulations promulgated under section 15 (b) of this Act, the head of each department may designate any position under his jurisdiction as a position which for security reasons shall be filled by a citizen of the United States.

BENEFITS BASED ON COMPENSATION

SEC. 9. For the purposes of determining—

- 68 Stat. 736. (1) amounts of insurance under the Federal Employees' Group Life Insurance Act of 1954, as amended (5 U. S. C. 2091-2103),
- 39 Stat. 742.
63 Stat. 854. (2) amounts of compensation for death or disability under the Federal Employees' Compensation Act, as amended (5 U. S. C. 751 et seq.),
- 70 Stat. 743. (3) amounts of overtime pay or other premium compensation,
- (4) benefits under the Civil Service Retirement Act, as amended (5 U. S. C. 2251-2267),
- (5) annual leave benefits, and
- (6) any other benefits which are related to basic compensation, the basic compensation of each employee who is a citizen of the United States shall include—
- (A) the rate of basic compensation for his position established in the manner provided by section 5 of this Act, and
- (B) the amount of the allowance and the differential determined in the manner provided by section 7 of this Act.

CANAL ZONE MERIT SYSTEM

SEC. 10. (a) There shall be established, in conformity with this Act, and by regulations promulgated by, or under authority of, the President, a Canal Zone Merit System of selection for appointment, reappointment, reinstatement, reemployment, and retention with respect to positions, employees, and individuals under consideration for appointment to positions.

(b) The Canal Zone Merit System, irrespective of whether the employees or individuals concerned are citizens of the United States or citizens of the Republic of Panama, shall—

(1) be based solely on the merit of the employee or individual and upon his qualifications and fitness to hold the position concerned, and

(2) apply uniformly within and among all departments to positions, employees, and individuals concerned.

(c) The Canal Zone Merit System—

(1) shall conform generally to policies, principles, and standards established by or in accordance with the Civil Service Act of January 16, 1883, as amended and supplemented, and

(2) shall include provision for appropriate interchange of citizens of the United States employed by the Government of the United States between such merit system and the competitive civil service of the Government of the United States.

(d) The Canal Zone Merit System shall be placed in effect on such date as the President shall prescribe but not later than the one hundred and eightieth day following the date of enactment of this Act.

SALARY PROTECTION IN CONNECTION WITH CONVERSION OF COMPENSATION
BASE

SEC. 11. Whenever the rate of basic compensation of an employee established prior to, on, or after the date of enactment of this Act in relation to rates of compensation for the same or similar work in the continental United States is converted on or after the effective date of the initial adjustments under authority of section 5 of this Act to a rate of basic compensation established in relation to rates in areas other than the continental United States in the manner provided by section 5 (b) of this Act, such employee shall, pending transfer to a position for which the rate of basic compensation is established in relation to rates of compensation in the continental United States in the manner provided by such section 5 (b), continue to receive a rate of basic compensation not less than the rate of basic compensation to which he was entitled immediately prior to such conversion so long as he remains in the same position or in a position of equal or higher grade.

APPEALS

SEC. 12. (a) There shall be established, in conformity with this Act and by regulations promulgated by, or under authority of, the President, a Canal Zone Board of Appeals. It shall be the duty of the Board to review and determine the appeals of employees in accordance with this section.

Canal Zone
Board of Appeals.

(b) The regulations referred to in subsection (a) shall provide for, in accordance with this Act, the number of members of the Board, the appointment, compensation, and terms of office of such members, the selection of a Chairman of the Board, the appointment and compensation of employees of the Board, and such other matters as may be relevant and appropriate.

(c) Any employee may request at any time that the department in which he is employed—

(1) review the classification of his position or the grade or pay level for his position, or both, and

(2) revise or adjust such classification, grade, and pay level, or any of them, as the case may be.

Such request for review and revision or adjustment shall be submitted and adjudicated in accordance with the regularly established appeals procedure of such department.

(d) Each employee shall have the right to appeal to the Board from an adverse determination made under subsection (c) of this section. Such appeal shall be made in writing within a reasonable time, as prescribed in regulations promulgated by, or under authority of, the President, after the date of the transmittal by the department to the employee of written notice of such adverse determination.

(e) The Board, in its discretion, may authorize, in connection with an appeal under subsection (d) of this section, a personal appearance before the Board by such employee, or by his representative designated for such purpose.

(f) After investigation and consideration of the evidence submitted, the Board shall—

(1) prepare a written decision on each such appeal,

(2) transmit its decision to the department concerned, and

(3) transmit copies of such decision to the employee concerned or to his designated representative.

(g) The decision of the Board on any question or other matter relating to any such appeal shall be final and conclusive. It shall be mandatory on the department concerned to take action in accordance with the decision of the Board.

CIVIL SERVICE RETIREMENT COVERAGE

SEC. 13. (a) Effective on and after the first day of the first pay period which begins in the third calendar month following the calendar month in which this Act is enacted—

(1) the Act of July 8, 1937 (50 Stat. 478; 68 Stat. 17; Public Numbered 191, Seventy-fifth Congress; Public Law 299, Eighty-third Congress), shall apply only with respect to those individuals within the classes of individuals subject to such Act of July 8, 1937, whose employment shall have been terminated, prior to such first day of such first pay period, in the manner provided by the first section of such Act; and

70 Stat. 743.

(2) the Civil Service Retirement Act (5 U. S. C. 2251-2267) shall apply with respect to those individuals who are in the service of the Canal Zone Government or the Panama Canal Company and who, except for the operation of paragraph (1) of this subsection, would be within the classes of individuals subject to such Act of July 8, 1937.

(b) On or before the first day of the first pay period which begins in the third calendar month following the calendar month in which this Act is enacted, the Panama Canal Company shall pay, as an agency contribution, into the civil service retirement and disability fund created by the Act of May 22, 1920, for each individual—

41 Stat. 618,
5 USC 719-721.

(1) who is employed, on such first day of such first pay period, by the Canal Zone Government or by the Panama Canal Company, and

(2) who, by reason of the enactment of this section and the operation of the Civil Service Retirement Act (5 U. S. C. 2251-2267), is subject to such Act on and after such first day of such first pay period,

for service performed by such individual in the employment of—

(A) the Panama Railroad Company during the period which began on June 29, 1948, and ended on June 30, 1951, or

(B) the Panama Canal (former independent agency), the Canal Zone Government, or the Panama Canal Company during the period which began on July 1, 1951, and which ends immediately prior to such first day of such first pay period,

an amount equal to the aggregate amount which such individual would have been required to contribute for retirement purposes if he had been subject to the Civil Service Retirement Act during such periods of service.

(c) Nothing contained in this section shall affect—

(1) the rights of any individual existing immediately prior to such first day of such first pay period above specified, or

(2) the continuing obligations of the Canal Zone Government and the Panama Canal Company under section 4 (a) of the Civil Service Retirement Act (5 U. S. C. 2254 (a)), to reimburse the civil service retirement and disability fund for Government contributions to such fund covering service performed, on or after such first day of such first pay period above specified, by the employees concerned.

PARTICIPATION IN TRAINING PROGRAMS

SEC. 14. Any training program established by a department shall be applied uniformly to each employee irrespective of whether such employee is a citizen of the United States or of the Republic of Panama. Each such employee who is a citizen of the Republic of

Panama shall be afforded opportunity to participate in such training program on the same basis as that upon which opportunity to participate in such training program is afforded to employees who are citizens of the United States.

ADMINISTRATION

SEC. 15. (a) The President shall coordinate the policies and activities of the respective departments under this Act.

(b) The President is authorized to promulgate such regulations as may be necessary and appropriate to carry out the provisions and accomplish the purposes of this Act.

(c) The President is authorized to delegate any authority vested in him by this Act and to provide for the redelegation of any such authority.

CHANGES IN EXISTING LAW

SEC. 16. (a) Paragraph (21) of section 202 of the Classification Act of 1949, as amended (5 U. S. C. 1082), is amended to read as follows:

63 Stat. 954.

“(21) (A) employees of any department who are stationed in the Canal Zone and (B) upon approval by the Civil Service Commission of the request of any department which has employees stationed in both the Republic of Panama and the Canal Zone, employees of such department who are stationed in the Republic of Panama;”.

(b) The following provisions of law are hereby repealed:

Repeals.

(1) paragraph (32) of section 202 of the Classification Act of 1949, as amended (5 U. S. C. 1182);

(2) subsection (c) of the first section of the Act of October 25, 1951 (65 Stat. 637);

(3) section 804 of the Postal Field Service Compensation Act of 1955 (69 Stat. 130; 39 U. S. C. 1034); and

(4) section 404 of the Act of May 27, 1958 (72 Stat. 146; Public Law 85-426).

(c) Subsections (a) and (b) of this section shall become effective on the first day of the first pay period which begins more than sixty days after the date on which regulations are promulgated under section 15 (b) of this Act.

APPLICABILITY OF CERTAIN EXISTING LAW

SEC. 17. Nothing contained in this Act shall affect the applicability of—

(1) the Veterans' Preference Act of 1944, as amended (5 U. S. C. 851-869),

58 Stat. 387.

(2) section 6 of the Act of August 24, 1912, as amended (5 U. S. C. 652), and

62 Stat. 354.

(3) section 23 of the Independent Offices Appropriation Act, 1935 (48 Stat. 522), as amended (5 U. S. C. 673c), or section 205 of the Federal Employees Pay Act of 1945, as amended (5 U. S. C. 913), to those classes of employees within the scope of such sections 23 and 205 on the date of enactment of this Act.

59 Stat. 297.

EFFECTIVE DATES

SEC. 18. Except as otherwise provided in sections 4, 5, 7, 10, 13, and 16 of this Act, this Act shall become effective on the date of its enactment.

Approved July 25, 1958.

Public Law 85-551

JOINT RESOLUTION

July 25, 1958
[H. J. Res. 582]

To authorize the Commissioners of the District of Columbia to promulgate special regulations for the period of the Middle Atlantic Shrine Association Meeting of A. A. O. N. M. S. in September 1958, to authorize the granting of certain permits to Almas Temple Shrine Activities, Incorporated, on the occasions of such meetings, and for other purposes.

D. C., Middle
Atlantic Shrine
Association.
Regulations and
permits.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That for the period of the Middle Atlantic Shrine Association Meeting of A. A. O. N. M. S. to be held in the District of Columbia from September 4, 1958, to September 6, 1958, both dates inclusive, the Commissioners are authorized and directed to make all reasonable regulations necessary to secure the preservation of public order and protection of life, health, and property; to make special regulations respecting the standing, movement, and operation of vehicles of whatever character or kind during said period; and to grant under such conditions as they may impose, special licenses to peddlers and vendors for the privilege of selling goods, wares, and merchandise in such places in the District of Columbia, and to charge such fees for such privilege, as they may deem proper.

Definitions.

SEC. 2. For the purposes of this Act—

(a) The term "Commissioners" means the Commissioners of the District of Columbia or their designated agent or agents;

(b) The term "corporation" means Almas Temple Shrine Activities, Incorporated, or its designated agent or agents;

(c) The term "meeting" means the Middle Atlantic Shrine Association Meeting of A. A. O. N. M. S. to be held in the District of Columbia on September 4, 5, and 6, 1958;

(d) The term "period" or "meeting period" means the five-day period beginning September 3, 1958, and ending September 7, 1958, both dates inclusive;

(e) The term "Secretary of Defense" means the Secretary of Defense or his designated agent or agents; and

(f) The term "Secretary of the Interior" means the Secretary of the Interior or his designated agent or agents.

Appropriations.

SEC. 3. There are hereby authorized to be appropriated such sums as may be necessary, payable in like manner as other appropriations for the expenses of the District of Columbia, to enable the Commissioners to provide additional municipal services in said District during the meeting period, including employment of personal services without regard to the civil-service and classification laws; travel expenses of enforcement personnel from other jurisdictions; hire of means of transportation; meals for policemen and firemen, cost of removing and relocating streetcar loading platforms, construction, rent, maintenance, and expenses incident to the operation of temporary public comfort stations, first-aid stations, and information booths; and other incidental expenses in the discretion of the Commissioners.

Permits.

SEC. 4. The Secretary of the Interior, with the approval of such officer as may exercise jurisdiction over any of the Federal reservations or grounds in the District of Columbia, is authorized to grant to the corporation permits for the use of such reservations or grounds during the meeting period, including a reasonable time prior and subsequent thereto; and the Commissioners are authorized to grant like permits for the use of public space under their jurisdiction. Each such permit shall be subject to such restrictions, terms, and conditions as may be imposed by the grantor of such permit. With respect to public space, no reviewing stand or any stand or structure for the sale of goods, wares, merchandise, food, or drink shall be built on

any sidewalk, street, park, reservation, or other public grounds in the District of Columbia, except with the approval of the corporation, and with the approval of the Secretary of the Interior or the Commissioners, as the case may be, depending on the location of such stand or structure. The reservation, ground, or public space occupied by any such stand or structure shall, after the meeting, be promptly restored to its previous condition. The corporation shall indemnify and save harmless the District of Columbia and the appropriate agency or agencies of the Federal Government against any loss or damage to such property and against any liability arising from the use of such property, either by the corporation or a licensee of the corporation.

SEC. 5. The Commissioners are authorized to permit the corporation to install suitable overhead conductors and install suitable lighting or other electrical facilities, with adequate supports, for illumination or other purposes. If it should be necessary to place wires for illuminating or other purposes over any park, reservation, or highway in the District of Columbia, such placing of wires and their removal shall be under the supervision of the official in charge of said park, reservation, or highway. Such conductors with their supports shall be removed within five days after the end of the meeting period. The Commissioners, or such other officials as may have jurisdiction in the premises, shall enforce the provisions of this joint resolution, take needful precautions for the protection of the public, and insure that the pavement of any street, sidewalk, avenue, or alley which is disturbed or damaged is restored to its previous condition. No expense or damage from the installation, operation, or removal of said temporary overhead conductors or said illumination or other electrical facilities shall be incurred by the United States or the District of Columbia, and the corporation shall indemnify and save harmless the District of Columbia and the appropriate agency or agencies of the Federal Government against any loss or damage and against any liability whatsoever arising from any act of the corporation or any agent, licensee, servant, or employee of the corporation.

SEC. 6. The Secretary of Defense is authorized to lend to the corporation such hospital tents, smaller tents, camp appliances, hospital furniture, ensigns, flags, ambulances, drivers, stretchers, and Red Cross flags and poles (except battle flags) as may be spared without detriment to the public service, and under such conditions as he may prescribe. Such loan shall be returned within five days after the end of the meeting period, the corporation shall indemnify the Government for any loss or damage to any such property, and no expense shall be incurred by the United States Government for the delivery, return, rehabilitation, replacement, or operation of such equipment. The corporation shall give a good and sufficient bond for the safe return of such property in good order and condition, and the whole without expense to the United States.

SEC. 7. The Commissioners, the Secretary of the Interior, and the corporation are authorized to permit electric lighting, telegraph, telephone, radio-broadcasting, and television companies to extend overhead wires to such points along and across the line of any parade as shall be deemed convenient for use in connection with such parade and other meeting purposes. Such wires shall be removed within ten days after the conclusion of the meeting period.

SEC. 8. The regulations and licenses authorized by this Act shall be in full force and effect only during the meeting period, but the expiration of said period shall not prevent the arrest or trial of any person for any violation of such regulations committed during the time they were in force and effect. Such regulations shall be pub-

Temporary electrical equipment.

Loan of equipment.

Bond.

Overhead wires.

Removal date.

Violations and penalties.

Publication of regulations.

lished in one or more of the daily newspapers published in the District of Columbia and no penalty prescribed for the violation of any such regulation shall be enforced until five days after such publication. Any person violating any regulation promulgated by the Commissioners under the authority of this Act shall be fined not more than \$100 or imprisoned for not more than thirty days. Each and every day a violation of any such regulation exists shall constitute a separate offense, and the penalty prescribed shall be applicable to each such separate offense.

Penalty.

Nonapplicability.

SEC. 9. Nothing contained in this Act shall be applicable to the United States Capitol Buildings or Grounds or other properties under the jurisdiction of the Congress or any committee, commission, or officer thereof.

Approved July 25, 1958.

Public Law 85-552

AN ACT

July 25, 1958 [S. 3057]

To increase the compensation of the Superintendent of Schools and the Commissioners of the District of Columbia.

D. C. Superintendent of Schools; salary increase.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That class 1 of section 1 of the District of Columbia Teachers' Salary Act of 1955, approved August 5, 1955 (69 Stat. 521; sec. 31-659a-1, D. C. Code, 1951 edition, supp. V), is amended to read as follows:

"Class 1. Superintendent of Schools-----\$19,000".

D. C. Commissioners; salary increase.

SEC. 2. Except as provided by section 3 of this Act, the compensation of the Commissioners of the District of Columbia shall be at the rate of \$19,000 each per annum.

SEC. 3. The Commissioner detailed from the Corps of Engineers of the United States Army shall receive an annual compensation which, when added to any compensation he receives as an officer of the United States Army, will equal the compensation authorized for a Commissioner by section 2 of this Act.

Effective date.

SEC. 4. (a) This section shall take effect on the date of enactment of this Act.

(b) The first section of this Act shall take effect on the first day of the first pay period which begins after the date of enactment of this Act.

(c) Sections 2 and 3, inclusive, of this Act shall take effect on the first day of the first month which begins after the date of enactment of this Act.

Approved July 25, 1958.

Public Law 85-553

AN ACT

July 25, 1958 [H. R. 1045]

To amend the Soil Conservation and Domestic Allotment Act, as amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8 of the Soil Conservation and Domestic Allotment Act, as amended (16 U. S. C. 590h), is amended by striking out of subsection (a) "January 1, 1959" and "December 31, 1958", wherever they appear therein, and inserting in lieu thereof "January 1, 1963" and "December 31, 1962", respectively.

Approved July 25, 1958.

70 Stat. 597.

Public Law 85-554

AN ACT

Amending the jurisdiction of district courts in civil actions with regard to the amount in controversy and diversity of citizenship.

July 25, 1958
[H. R. 11102]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1331 of title 28 of the United States Code is amended to read as follows:

District courts.
Jurisdiction.
62 Stat. 930.

“§ 1331. Federal question; amount in controversy; costs

“(a) The district courts shall have original jurisdiction of all civil actions wherein the matter in controversy exceeds the sum or value of \$10,000, exclusive of interest and costs, and arises under the Constitution, laws, or treaties of the United States.

“(b) Except when express provision therefor is otherwise made in a statute of the United States, where the plaintiff is finally adjudged to be entitled to recover less than the sum or value of \$10,000, computed without regard to any setoff or counterclaim to which the defendant may be adjudged to be entitled, and exclusive of interests and costs, the district court may deny costs to the plaintiff and, in addition, may impose costs on the plaintiff.”

SEC. 2. That section 1332 of title 28 of the United States Code is amended to read as follows:

“§1332. Diversity of citizenship; amount in controversy; costs

“(a) The district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$10,000, exclusive of interest and costs, and is between—

“(1) citizens of different States;

“(2) citizens of a State, and foreign states or citizens or subjects thereof; and

“(3) citizens of different States and in which foreign states or citizens or subjects thereof are additional parties.

“(b) Except when express provision therefor is otherwise made in a statute of the United States, where the plaintiff who files the case originally in the Federal courts is finally adjudged to be entitled to recover less than the sum or value of \$10,000, computed without regard to any setoff or counterclaim to which the defendant may be adjudged to be entitled, and exclusive of interest and costs, the district court may deny costs to the plaintiff and, in addition, may impose costs on the plaintiff.

“(c) For the purposes of this section and section 1441 of this title, a corporation shall be deemed a citizen of any State by which it has been incorporated and of the State where it has its principal place of business.

“(d) The word ‘States’, as used in this section, includes the Territories, the District of Columbia, and the Commonwealth of Puerto Rico.”

SEC. 3. This Act shall apply only in the case of actions commenced after the date of the enactment of this Act.

Effective date.

SEC. 4. The first two items in the chapter analysis of chapter 85, title 28, United States Code are amended to read as follows:

“1331. Federal question; amount in controversy; costs.

“1332. Diversity of citizenship; amount in controversy; costs.”

SEC. 5. (a) Section 1445 of title 28 of the United States Code is amended by adding at the end thereof a new paragraph as follows:

“(c) A civil action in any State court arising under the workmen’s compensation laws of such State may not be removed to any district court of the United States.”

State courts.
Nonremoval ac-
tions.
62 Stat. 939.

(b) The caption at the beginning of such section, and the reference to such section in the analysis at the beginning of chapter 89 of title 28, are amended by striking out "Carriers; nonremovable actions" and inserting in lieu thereof "Nonremovable actions".

Approved July 25, 1958.

Public Law 85-555

AN ACT

For the relief of the Oceanside-Libby Union School District, San Diego County, California.

July 25, 1958
[H. R. 3261]

Oceanside-Libby
Union School Dis-
trict, San Diego
County, Calif.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Oceanside-Libby Union School District, San Diego County, California, the sum of \$6,028. The payment of such sum shall be in full settlement of all claims of such school district against the United States arising out of the payment of such sum to the United States by such school district, in order to obtain the consent of the United States for such school district to grant to the State of California an easement for highway purposes over certain real property acquired from the United States by such school district under the provisions of the Federal Property and Administrative Services Act of 1949, even though (before the acquisition of such property by such school district) the United States, under the provisions of the Federal Highway Act, could have granted such easement to such State without reimbursement: *Provided,* That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

63 Stat. 377.
40 USC 471 note.

42 Stat. 212.
23 USC 1 note.

Approved July 25, 1958.

Public Law 85-556

AN ACT

To amend the Act of August 5, 1953, creating the Corregidor Bataan Memorial Commission.

July 25, 1958
[H. R. 10069]

Corregidor Bata-
aan Memorial
Commission.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first paragraph of the Act of August 5, 1953, entitled "An Act to create a Commission to be known as the Corregidor Bataan Memorial Commission", as amended (36 U. S. C. 426), is amended as follows:

(1) The first sentence of such paragraph is amended by striking out "Commission to be appointed for" and inserting in lieu thereof the following: "members to be appointed for".

(2) The second sentence of such paragraph is amended by inserting immediately after "283 or 284 of" the following: "title 18 of".

(3) The third sentence of such paragraph is amended (A) by striking out "including a replica of the Statue of Liberty", and (B) by striking out "in the Philippines" and inserting in lieu thereof the following: "in the Pacific area".

69 Stat. 589.

SEC. 2. The last paragraph of the Act of August 5, 1953, entitled "An Act to create a Commission to be known as the Corregidor Bataan Memorial Commission", as amended (36 U. S. C. 426), is amended by striking out "\$100,000" and inserting in lieu thereof "\$200,000".

Approved July 25, 1958.

Public Law 85-557

AN ACT

To amend the District of Columbia Unemployment Compensation Act, and for other purposes.

July 25, 1958
[S. 2419]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the District of Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat. 946), as amended (title 46, ch. 3, D. C. Code, 1951 edition), is further amended as follows:

Section 1 (b) (5) is amended by adding the following:

"(S) service performed in the employ of a Senator, Representative, Delegate, Resident Commissioner or any organization composed solely of a group of the foregoing, insofar as such service is in connection with political matters;"

Section 4 (b) is amended by adding at the end of the first sentence the following: "Wages unpaid solely because of a court order appointing a fiduciary shall be deemed constructively paid when due."

Section 4 (c) is amended to read as follows:

"(c) (1) If contributions are not paid when due, there shall be added, as part of the contributions, interest at the rate of one-half of 1 per centum per month or fraction thereof from the date the contributions became due until paid: *Provided*, That interest shall not run against a court appointed fiduciary when the contributions are not paid timely because of a court order.

"(2) If contributions or wage reports are not filed on or before the fifteenth day of the second month following the close of the calendar quarter for which they are due or contributions are not paid by that time, there shall be added as part of the contributions a penalty of 10 per centum of the contributions but such penalty shall not be less than \$5 nor more than \$25 and for good cause such penalty may be waived by the Board with the approval of the Commissioners of the District of Columbia."

Section 19 (e) is amended to read as follows:

"(e) Any person who the Board finds has made a false statement or representation knowing it to be false, or who knowingly fails to disclose a material fact to obtain or increase any benefit under this Act may be disqualified for benefits for all or part of the remainder of such benefit year and for a period of not more than one year commencing with the end of such benefit year. Such disqualification shall not affect benefits otherwise properly paid after the date of such fraud and prior to the date of the ruling of disqualification.

"All findings under this subsection shall be made by a claims deputy of the Board and such findings shall be subject to review in the same manner as all other disqualifications made by a claim deputy of the Board."

SEC. 2. This Act shall take effect on the first day of the next succeeding calendar quarter following the enactment of this Act except that the amendment to section 1 (b) (5) (S) shall be retroactive to January 1, 1936. No refund may be made because of any retroactive provision in this Act.

Approved July 25, 1958.

D.C. unemployment compensation.

Exemptions.
68 Stat. 988.
D.C. Code 46-301.

57 Stat. 109.
D.C. Code 46-304.

Employer contributions.
Payment.
Interest.

Penalty.

Fraud.
57 Stat. 123.
D.C. Code 46-318.

Effective date.

Public Law 85-558

AN ACT

To amend the District of Columbia Alcoholic Beverage Control Act.

July 25, 1958
[H. R. 7863]D.C. alcoholic
beverages.
Collection of
taxes.
48 Stat. 654.
Spirits or alco-
hol.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 23 (c) of the District of Columbia Alcoholic Beverage Control Act, as amended (48 Stat. 332; sec. 25-124 (c), D. C. Code), is amended to read as follows:

"(c) Said taxes on spirits or alcohol shall be collected and paid by the affixture of a stamp or stamps secured from the Commissioners or their designated agent denoting the payment of the amount of the tax imposed by this Act upon such beverage, such affixture to be upon the immediate container of the beverage, unless the Commissioners shall by regulation permit otherwise. The Commissioners or their designated agent shall furnish suitable stamps, to be prescribed by the Commissioners, denoting the payment of the taxes imposed by this Act upon spirits or alcohol, and shall by the sale of such stamps at the amounts indicated on the faces thereof cause the said taxes to be collected."

SEC. 2. Section 23 (d) of the District of Columbia Alcoholic Beverage Control Act, as amended (48 Stat. 332; sec. 25-124 (d), D. C. Code), is amended to read as follows:

Wine. "(d) Said taxes on wine (wine containing 14 per centum or less of alcohol by volume, wine containing more than 14 per centum of alcohol by volume, champagne, sparkling wine, and any wine artificially carbonated) shall be collected and paid in the manner following:

Statement. "(1) Each holder of a manufacturer's or wholesaler's license shall, on or before the tenth day of each month, furnish to the Commissioners or their designated agent on a form to be prescribed by the Commissioners, a statement under oath showing the quantity of wine subject to taxation hereunder sold by him during the preceding calendar month and shall, on or before the fifteenth day of each month, pay to the Commissioners or their designated agent the tax hereby imposed upon the quantity of wine subject to taxation hereunder sold by him during the preceding calendar month.

Permit. "(2) No licensee holding a retailer's license shall transport or cause to be transported into the District of Columbia any wine other than the regular stock on hand in a passenger carrying marine vessel operating in and beyond the District of Columbia, or a club car or a dining car on a railroad operating in and beyond the District of Columbia, for which a retailer's license, class C or D, has been issued under this Act, unless such licensee has first obtained a permit so to do from the Alcoholic Beverage Control Board. No such permit shall issue until the tax imposed by this section shall have been paid for the wine for which the permit is requested. Such permit shall specifically set forth the quantity, character, and brand or trade name of the wine to be transported and the names and addresses of the seller and of the purchaser. Such permit shall accompany such wine during its transportation in the District of Columbia to the licensed premises of such retail licensee and shall be exhibited upon the demand of any police officer or duly authorized inspector of the Board. Such permit shall, immediately upon receipt of the wine by the retail licensee, be marked 'canceled' and retained by him.

Regulations. "(3) The Commissioners are authorized and empowered to prescribe by regulation such other methods or devices or both for the assessment, evidencing of payment, and collection of the taxes on wine imposed by this section in addition to or in lieu of the method herein-

before set forth whenever in their judgment such action is necessary to prevent frauds or evasions."

SEC. 3. Section 23 (e) of the District of Columbia Alcoholic Beverage Control Act, as amended (48 Stat. 332; sec. 25-124 (e), D. C. Code), is amended by striking out the words "beverage" and "beverages" wherever they appear and substituting in lieu thereof the words "spirits or alcohol".

48 Stat. 655.

SEC. 4. Section 23 (i) of the District of Columbia Alcoholic Beverage Control Act, as amended (48 Stat. 332; sec. 25-124 (i), D. C. Code), is amended by striking out the words "beverage" and "beverages" wherever they appear and substituting in lieu thereof the words "spirits or alcohol".

48 Stat. 655.

SEC. 5. The last sentence of section 23 (k) of the District of Columbia Alcoholic Beverage Control Act, as amended (48 Stat. 332; sec. 25-124 (k), D. C. Code), is amended to read as follows: "Each holder of such a license shall, on or before the tenth day of each month, forward to the Board on a form to be prescribed by the Commissioners, a statement under oath, showing the quantity of each kind of beverage, except beer and wine (wine containing 14 per centum or less of alcoholic content, wine containing more than 14 per centum of alcoholic content, champagne, sparkling wine and any wine artificially carbonated) sold under such license in the District of Columbia during the preceding calendar month, to which said statement shall be attached stamps denoting the payment of the tax imposed under this Act upon the spirits or alcohol set forth in said report and such statement shall be accompanied by payment of any tax imposed under this Act upon any such wines as set forth in said report."

Statement.

49 Stat. 901.

SEC. 6. Nothing in this Act shall be construed so as to affect the authority vested in the Board of Commissioners of the District of Columbia by Reorganization Plan Numbered 5 of 1952 (66 Stat. 824). The performance of any function vested by this Act in the Board of Commissioners or in any office or agency under the jurisdiction and control of said Board of Commissioners may be delegated by said Board of Commissioners in accordance with section 3 of such plan.

D.C. Code Title
1 app.

SEC. 7. This Act shall take effect on the first day of the calendar month beginning not less than sixty days after the date of approval of this Act.

Effective date.

Approved July 25, 1958.

Public Law 85-559

AN ACT

To authorize the creation of record of admission for permanent residence in the case of certain Hungarian refugees.

July 25, 1958
[H. R. 11033]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any alien who was paroled into the United States as a refugee from the Hungarian revolution under section 212 (d) (5) of the Immigration and Nationality Act subsequent to October 23, 1956, who has been in the United States for at least two years, and who has not acquired permanent residence, shall forthwith return or be returned to the custody of the Immigration and Naturalization Service, and shall thereupon be inspected and examined for admission into the United States, and his case dealt with, in accordance with the provisions of sections 235, 236 and 237 of that Act.

Hungarian refugees.
Relief.
66 Stat. 182.
8 USC 1182.

8 USC 1225,
1226, 1227.

SEC. 2. Any such alien who, pursuant to section 1 of this Act, is found, upon inspection by an immigration officer or after hearing before a special inquiry officer, to have been and to be admissible as

8 USC 1182.

an immigrant at the time of his arrival in the United States and at the time of his inspection and examination, except for the fact that he was not and is not in possession of the documents required by section 212 (a) (20) of the Immigration and Nationality Act, shall be regarded as lawfully admitted to the United States for permanent residence as of the date of his arrival.

SEC. 3. Nothing contained in this Act shall be held to repeal, amend, alter, modify, affect, or restrict the powers, duties, functions, or authority of the Attorney General in the administration and enforcement of the Immigration and Nationality Act or any other law relating to immigration, nationality, or naturalization.

Approved July 25, 1958.

Public Law 85-560

AN ACT

July 25, 1958
[H. R. 10320]

To provide for additional charges to reflect certain costs in the acceptance of business reply cards, letters in business reply envelopes, and other matter under business reply labels for transmission in the mails without prepayment of postage, and for other purposes.

Postal service.
Business reply
mail.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act of May 29, 1928 (45 Stat. 940; 39 U. S. C. 303), is amended to read as follows:

"ADDITIONAL CHARGES FOR TRANSMISSION OF CERTAIN MAIL MATTERS WITHOUT PREPAYMENT OF POSTAGE

"SEC. 2. Under such regulations and conditions as the Postmaster General may prescribe, it shall be lawful to accept for transmission in the mails, without prepayment of postage, business reply cards, letters in business reply envelopes, and any other matter under business reply labels. Postage thereon at the regular first-class rate, and an additional charge thereon of 2 cents for each piece weighing two ounces or less and 5 cents for each piece weighing more than two ounces, shall be collected on delivery."

Effective date.

SEC. 2. The amendment made by the first section of this Act shall become effective on August 1, 1958.

Franking privilege.
48 Stat. 1018.

SEC. 3. (a) Section 85 of the Act of January 12, 1895 (39 U. S. C. 326), is amended by inserting after the words "Secretary of the Senate," wherever they appear the words "Sergeant at Arms of the Senate,"

33 Stat. 441.

(b) (1) Section 7 of the Act of April 28, 1904 (39 U. S. C. 327), is amended by inserting after the word "Congress," the following: "and the Secretary of the Senate and the Sergeant at Arms of the Senate".

(2) Such section is further amended by adding at the end thereof the following: "In the event of a vacancy in the office of Secretary of the Senate or Sergeant at Arms of the Senate, such privilege may be exercised in such officer's name during the period of such vacancy by any authorized person."

(c) Section 2 of the Act entitled "An Act to reimburse the Post Office Department for the transmission of official Government-mail matter", approved August 15, 1953 (67 Stat. 614; 39 U. S. C. 321o), is amended by inserting after the words "Secretary of the Senate," the words "the Sergeant at Arms of the Senate,"

Approved July 25, 1958.

Public Law 85-561

AN ACT

To amend the District of Columbia Stadium Act of 1957 to require the stadium to be constructed substantially in accordance with certain plans, to provide for a contract with the United States with respect to the site of such stadium, and for other purposes.

July 28, 1958
[H. R. 12162]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the District of Columbia Stadium Act of 1957 is amended as follows:

(1) The first sentence of section 2 of such Act is amended by striking out "(including necessary motor-vehicle parking areas)".

(2) The last sentence of section 2 of such Act is amended to read as follows: "In the event the Board exercises the authority vested in it by this section, such stadium shall be constructed substantially in accordance with the plans for such stadium contained in the Praeger-Kavanagh-Waterbury survey entitled 'Engineering and Economic Study, District of Columbia Stadium' dated March 31, 1958."

(3) Section 3 of such Act is amended by striking out all that follows in that section after "and thereafter," and inserting in lieu thereof the following: "acting under authority of the Act entitled 'An Act to establish a National Park Service, and for other purposes', approved August 25, 1916, as amended (16 U. S. C. 1 and the following), the Secretary of the Interior shall enter into a contract with the Board for the construction, maintenance, and operation of the stadium on such East Capitol Street site, except that such contract may be for a term of not more than thirty years."

(4) The first sentence of subsection (a) of section 4 of such Act is amended to read as follows: "The Board is hereby authorized to provide for the payment of the cost of preliminary engineering and economic surveys relating to the stadium, and for the payment of the cost of planning, designing and constructing such stadium, and to provide funds for the operation and maintenance of such stadium, and for the payment of interest on the bonds authorized herein during the period of construction and during the 12-month period following completion of construction of the stadium, by an issue or issues of negotiable bonds of the Board, bearing interest, payable annually or semiannually, as the Board shall determine, at a rate not exceeding such rate as shall be approved by the Secretary of the Treasury."

(5) The second sentence of subsection (a) of section 4 of such Act is amended by striking out "Act, but such cost shall not exceed \$6,000,000." and inserting in lieu thereof "Act."

(6) The fourth sentence of subsection (a) of section 4 of such Act is amended (A) by inserting immediately after "outstanding bonds" a comma and the following: "and interest thereon," and (B) by striking out "occur, and shall not exceed in principal amount the principal amount of outstanding bonds replaced by such refunding bonds." and inserting in lieu thereof "occur."

(7) Subsection (a) of section 4 of such Act is further amended by striking out the last two sentences of that subsection.

(8) Subsection (c) of section 4 of such Act is amended (A) by striking out "obligations" and inserting in lieu thereof "securities" and (B) by striking out "by the United States, or".

(9) Section 5 of such Act is amended by striking out "without regard to any other provision of law—" and inserting in lieu thereof "without regard to any other provision of law, but subject to any contract entered into with the Secretary of the Interior under section 3 of this Act—".

District of Columbia Stadium Act of 1957. Amendment. 71 Stat. 619. Construction plans.

Contract.

39 Stat. 535.

Bonds.

Authority of Board.

(10) Paragraph (5) of section 5 of such Act is further amended by striking out "on such land as is provided for that purpose by the Secretary of the Interior under section 3 of this Act".

(11) Section 5 of such Act is further amended by adding at the end thereof the following new paragraph:

"(11) to enter into contracts, contingent or otherwise, for expert, professional, and other personal services, and for printing, engraving, supplies, or any items or services necessary and incidental to the preparation and sale of bonds, to be paid out of the proceeds of the sale of such bonds."

(12) Subsection (a) of section 6 of such Act is amended to read as follows:

Operating fund. "(a) The Board shall place into an operating fund all receipts derived from the exercise by the Board of the powers granted by this Act. All records and accounts relating to the operations, revenues, expenses, and costs of the stadium shall be kept separate and distinct from the records and accounts relating to the operations, revenues, expenses, and costs of the District of Columbia National Guard Armory. The Board is authorized, from time to time, to make advances for the operation and maintenance of the stadium from the armory board working capital fund established in section 8 of the Act approved June 4, 1948 (D. C. Code, sec. 2-1708), but not to exceed a total of \$25,000 at any one time. Such advances shall be reimbursed from the operating fund created by this subsection. The operating fund shall be used for constructing, operating, maintaining, and repairing the stadium. After payment or provision for payment from the operating fund of all costs for construction, maintenance, repair, and operation of the stadium and the reservation of an amount of money estimated to be sufficient for the maintenance, repair, and operation during the ensuing period of not more than twelve months, the remainder of the receipts derived from the exercise by the Board of the powers granted by this Act shall be placed in a sinking fund. Such sinking fund shall be used for the following purposes and in the following order of priority: (1) to pay the interest on and principal of bonds and other securities issued under authority of section 4 of this Act; (2) to reimburse the District of Columbia for any moneys advanced from its revenues and any amounts borrowed by the Commissioners of the District of Columbia from the Secretary of the Treasury, including interest on such borrowed amounts, to pay interest on or principal of bonds issued by the Board; and (3) to redeem bonds before maturity as provided in section 4 of this Act, or to repurchase bonds before maturity. All revenues from the operation of the stadium are hereby pledged to the uses and to the application thereof as heretofore in this section required. An accurate record of the cost of the stadium, the expenditures for maintaining and operating it, and of rentals and lease receipts shall be kept and shall be available for the information of all interested persons."

Advances.

62 Stat. 341; 69 Stat. 498.

Sinking fund.

Use.

Right, title, and interest.

Retirement of bonds, etc.

(13) Section 7 of such Act is amended by striking out all that follows in that section after "date of enactment of this Act," and inserting in lieu thereof: "all right, title, and interest in and to the stadium constructed under this Act shall vest in the United States."

(14) The last sentence of section 9 of such Act is amended to read as follows: "Whenever the Board certifies to the Commissioners of the District of Columbia that there will not be a sufficient amount in the sinking fund created by section 6 (a) of this Act to pay amounts becoming due and payable during any fiscal year on account of interest on or retirement of the bonds, the Commissioners of the District of Columbia shall include in the budget estimates for the District of Columbia for such fiscal year such amounts out of the revenues of

the District of Columbia as may be necessary to insure the payment of such interest or the retirement of such bonds. In the event an appropriation has not been made by the time the amount becomes due and payable on account of interest on or retirement of the bonds, the Commissioners of the District of Columbia are authorized to borrow from the Secretary of the Treasury the amounts required, to bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average rate on current marketable obligations of the United States of comparable maturities as of the last day of the month preceding the month in which the amount is borrowed. The Secretary of the Treasury is authorized and directed to lend to said Commissioners the amounts required hereunder and for such purposes the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under the Second Liberty Bond Act, as amended, are extended to include any loans to said Commissioners hereunder. Amounts borrowed by said Commissioners from the Secretary of the Treasury pursuant to this section and the interest thereon shall be repaid promptly from the funds appropriated pursuant to authority in this section and from any other appropriation available for such purpose. Amounts appropriated for payment of interest on or retirement of bonds and amounts borrowed by the Commissioners for such purpose shall be advanced by the Commissioners to the Board and shall be placed by the Board in such sinking fund. All bonds and other securities issued by the Board under authority of this Act are hereby guaranteed as to both principal and interest by the United States."

40 Stat. 288.
31 USC 774 (2).

(15) Section 10 of such Act is amended by striking out "the accuracy by the auditor of the District of Columbia," and inserting in lieu thereof "accuracy by the Commissioners of the District of Columbia, or their designated agent,".

Reports to Congress.

(16) Such Act is further amended by adding at the end thereof the following new section:

"SEC. 11. As used in this Act the term—

"(1) 'stadium' includes necessary motor-vehicle parking areas, and all equipment, appliances, facilities, and property of any kind, necessary to carry out the purposes of this Act."

"Stadium".

SEC. 2. (a) Section 8 of the Act entitled "An Act to establish a District of Columbia Armory Board, and for other purposes", approved June 4, 1948 (D. C. Code, sec. 2-1708), as amended, is amended (1) by striking out "\$50,000" each place where it appears and inserting in lieu thereof at each such place "\$100,000"; (2) by striking out "not to exceed \$11,000 at any one time to be used for office and sundry expenses of the Armory Board, including use for change-making purposes", and inserting in lieu thereof "not to exceed \$15,000 at any one time to be used by the Armory Board for its office and sundry expenses and for change-making purposes in connection with the secondary purposes of this Act, and in connection with the operation of the stadium pursuant to the District of Columbia Stadium Act of 1957" and (3) by striking out "Provided further, That an amount not to exceed \$3,000 in any fiscal year shall be available for promotional expenses in the furtherance of the secondary purposes of this Act," and inserting in lieu thereof: "Provided further, That an amount not to exceed \$10,000 in any fiscal year shall be available for promotional expenses in the furtherance of the secondary purposes of this Act, and of the purposes of the District of Columbia Stadium Act of 1957,".

Armory Board.
Working capital
fund.
62 Stat. 341; 69
Stat. 498.
Office expenses.

Promotional expenses.

Effective date.

(b) Subsection (a) of this section shall take effect on the first day of the first month which begins after the date of enactment of this Act.

Approved July 28, 1958.

Public Law 85-562

July 28, 1958
[S. 1785]

AN ACT

Designating the reservoir located above Heart-Butte Dam in Grant County, North Dakota, as Lake Tschida, and for other purposes.

Lake Tschida,
N. Dak.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the reservoir located above the Heart-Butte Dam in Grant County, North Dakota, shall hereafter be known as Lake Tschida, and any law, regulation, document, or record of the United States in which such reservoir is designated or referred to shall be held to refer to such reservoir under and by the name of Lake Tschida.

Approved July 28, 1958.

Public Law 85-563

July 28, 1958
[S. 3608]

AN ACT

To revive and reenact the Act authorizing the State Highway Commission of the State of Maine to construct, maintain, and operate a free highway bridge between Lubec, Maine, and Campobello Island, New Brunswick, Canada.

Bridge,
Lubec, Maine.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act authorizing the State Highway Commission of the State of Maine to construct, maintain, and operate a free highway bridge between Lubec, Maine, and Campobello Island, New Brunswick, Canada", approved July 11, 1956 (70 Stat. 522), is revived and reenacted, except that this Act shall be null and void unless the actual construction of the bridge authorized in such Act of July 11, 1956, is commenced not later than December 31, 1960, and is completed not later than December 31, 1961.

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

Approved July 28, 1958.

Public Law 85-564

July 28, 1958
[H. R. 8850]

AN ACT

To amend the Universal Military Training and Service Act to authorize additional deferments in certain cases.

65 Stat. 76.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4 (a) of the Universal Military Training and Service Act (50 U. S. C. App. 454), as amended, is amended by substituting a colon for the period at the end of the third paragraph and adding the following: "And provided further, That except in time of war or national emergency declared by the Congress the standards and requirements fixed by the preceding two provisos may be modified by the President under such rules and regulations as he may prescribe."

Approved July 28, 1958.

Public Law 85-565

AN ACT

To authorize the Secretary of Agriculture to exchange land and improvements with the city of Redding, Shasta County, California, and for other purposes.

July 28, 1958
[H. R. 11253]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is authorized to exchange with and to convey to the city of Redding, county of Shasta, State of California, by quitclaim deed approximately 11.98 acres, more or less, of land together with the improvements thereon used by the Forest Service, United States Department of Agriculture, as the Redding administrative site, shops, and fire-equipment warehouse, within the city of Redding and to accept on behalf of the United States the conveyance by the city of Redding of approximately 40 acres, more or less, of land at the Redding Municipal Airport in section 7, township 31 north, range 4 west, Mount Diablo meridian, together with improvements thereon: *Provided,* That the land and improvements to be conveyed to the United States by the city of Redding shall have a value not less than the value of the land and improvements to be conveyed by the Secretary of Agriculture to the city of Redding and the improvements on the land to be conveyed to the United States shall be such as to meet the needs and requirements of the Forest Service at least as satisfactorily as those on the land now being used by the Forest Service and to be conveyed to the city of Redding. Lands conveyed to the United States under this Act shall be a part of the Shasta National Forest and subject to the laws, rules, and regulations applicable to land acquired under the Act of March 1, 1911 (36 Stat. 961), as amended and supplemented.

Redding, Calif.
Land exchange.

16 USC 480, 513,
517 a, 518, 519,
521, 552.

Approved July 28, 1958.

Public Law 85-566

AN ACT

Authorizing the Department of Highways of the State of Minnesota to construct, maintain, and operate a free highway bridge between International Falls, Minnesota, and Fort Frances, Ontario, Canada.

July 28, 1958
[S. 3437]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Department of Highways of the State of Minnesota is authorized to construct, maintain, and operate a free highway bridge and approaches thereto, at a point suitable to the interests of navigation, across the Rainy River between International Falls, Minnesota, and Fort Frances, Ontario, Canada, so far as the United States has jurisdiction over the waters of such river. Such construction, maintenance, and operation shall be in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and shall be subject to the conditions and limitations contained in this Act and to the approval of the proper authorities of the Government of Canada.

Minnesota.
Bridge construction.

34 Stat. 84,
33 USC 491-498.

SEC. 2. The authority granted by this Act shall terminate if the actual construction of the bridge herein authorized is not commenced within three years and completed within five years from the date of the enactment of this Act.

Termination of
authority.

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

Approved July 28, 1958.

Public Law 85-567

July 28, 1958
[H. R. 10321]

AN ACT

To authorize the Secretary of Agriculture to exchange lands comprising a portion of the Estes Park Administrative Site, Roosevelt National Forest, Colorado, and for other purposes.

Roosevelt National Forest.
Conveyance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is authorized to convey by quitclaim deed all right, title and interest of the United States in and to a portion of the Estes Park Administrative Site, Roosevelt National Forest, Colorado, in the northwest quarter of section 30, township 5 north, range 72 west, sixth principal meridian, containing 4.00 acres, more or less, and to accept in exchange therefor a conveyance in fee simple by warranty deed to the United States of land of at least equal value in or adjacent to the southwest quarter of section 2, township 7 north, range 69 west, sixth principal meridian: *Provided,* That the lands conveyed by either party under the provisions of this bill shall be subject to rights-of-way, exceptions, reservations and conditions outstanding of record and to such exceptions, reservations, and conditions as the Secretary of Agriculture may approve.

Conditions.

Approved July 28, 1958.

Public Law 85-568

July 29, 1958
[H. R. 12575]

AN ACT

To provide for research into problems of flight within and outside the earth's atmosphere, and for other purposes.

National Aeronautics and Space Act of 1958.

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

TITLE I—SHORT TITLE, DECLARATION OF POLICY, AND DEFINITIONS

SHORT TITLE

SEC. 101. This Act may be cited as the "National Aeronautics and Space Act of 1958".

DECLARATION OF POLICY AND PURPOSE

SEC. 102. (a) The Congress hereby declares that it is the policy of the United States that activities in space should be devoted to peaceful purposes for the benefit of all mankind.

(b) The Congress declares that the general welfare and security of the United States require that adequate provision be made for aeronautical and space activities. The Congress further declares that such activities shall be the responsibility of, and shall be directed by, a civilian agency exercising control over aeronautical and space activities sponsored by the United States, except that activities peculiar to or primarily associated with the development of weapons systems, military operations, or the defense of the United States (including the research and development necessary to make effective provision for the defense of the United States) shall be the responsibility of, and shall be directed by, the Department of Defense; and that determination as to which such agency has responsibility for and direction of any such activity shall be made by the President in conformity with section 201 (e).

(c) The aeronautical and space activities of the United States shall be conducted so as to contribute materially to one or more of the following objectives:

(1) The expansion of human knowledge of phenomena in the atmosphere and space;

(2) The improvement of the usefulness, performance, speed, safety, and efficiency of aeronautical and space vehicles;

(3) The development and operation of vehicles capable of carrying instruments, equipment, supplies, and living organisms through space;

(4) The establishment of long-range studies of the potential benefits to be gained from, the opportunities for, and the problems involved in the utilization of aeronautical and space activities for peaceful and scientific purposes;

(5) The preservation of the role of the United States as a leader in aeronautical and space science and technology and in the application thereof to the conduct of peaceful activities within and outside the atmosphere;

(6) The making available to agencies directly concerned with national defense of discoveries that have military value or significance, and the furnishing by such agencies, to the civilian agency established to direct and control nonmilitary aeronautical and space activities, of information as to discoveries which have value or significance to that agency;

(7) Cooperation by the United States with other nations and groups of nations in work done pursuant to this Act and in the peaceful application of the results thereof; and

(8) The most effective utilization of the scientific and engineering resources of the United States, with close cooperation among all interested agencies of the United States in order to avoid unnecessary duplication of effort, facilities, and equipment.

(d) It is the purpose of this Act to carry out and effectuate the policies declared in subsections (a), (b), and (c).

DEFINITIONS

SEC. 103. As used in this Act—

(1) the term "aeronautical and space activities" means (A) research into, and the solution of, problems of flight within and outside the earth's atmosphere, (B) the development, construction, testing, and operation for research purposes of aeronautical and space vehicles, and (C) such other activities as may be required for the exploration of space; and

(2) the term "aeronautical and space vehicles" means aircraft, missiles, satellites, and other space vehicles, manned and unmanned, together with related equipment, devices, components, and parts.

TITLE II—COORDINATION OF AERONAUTICAL AND SPACE ACTIVITIES

NATIONAL AERONAUTICS AND SPACE COUNCIL

SEC. 201. (a) There is hereby established the National Aeronautics and Space Council (hereinafter called the "Council") which shall be composed of—

Establishment.

(1) the President (who shall preside over meetings of the Council);

- (2) the Secretary of State;
- (3) the Secretary of Defense;
- (4) the Administrator of the National Aeronautics and Space Administration;
- (5) the Chairman of the Atomic Energy Commission;
- (6) not more than one additional member appointed by the President from the departments and agencies of the Federal Government; and
- (7) not more than three other members appointed by the President, solely on the basis of established records of distinguished achievement, from among individuals in private life who are eminent in science, engineering, technology, education, administration, or public affairs.

Alternate.

(b) Each member of the Council from a department or agency of the Federal Government may designate another officer of his department or agency to serve on the Council as his alternate in his unavoidable absence.

(c) Each member of the Council appointed or designated under paragraphs (6) and (7) of subsection (a), and each alternate member designated under subsection (b), shall be appointed or designated to serve as such by and with the advice and consent of the Senate, unless at the time of such appointment or designation he holds an office in the Federal Government to which he was appointed by and with the advice and consent of the Senate.

(d) It shall be the function of the Council to advise the President with respect to the performance of the duties prescribed in subsection (e) of this section.

Duties of President.

(e) In conformity with the provisions of section 102 of this Act, it shall be the duty of the President to—

(1) survey all significant aeronautical and space activities, including the policies, plans, programs, and accomplishments of all agencies of the United States engaged in such activities;

(2) develop a comprehensive program of aeronautical and space activities to be conducted by agencies of the United States;

(3) designate and fix responsibility for the direction of major aeronautical and space activities;

(4) provide for effective cooperation between the National Aeronautics and Space Administration and the Department of Defense in all such activities, and specify which of such activities may be carried on concurrently by both such agencies notwithstanding the assignment of primary responsibility therefor to one or the other of such agencies; and

(5) resolve differences arising among departments and agencies of the United States with respect to aeronautical and space activities under this Act, including differences as to whether a particular project is an aeronautical and space activity.

Employees. Compensation.

(f) The Council may employ a staff to be headed by a civilian executive secretary who shall be appointed by the President by and with the advice and consent of the Senate and shall receive compensation at the rate of \$20,000 a year. The executive secretary, subject to the direction of the Council, is authorized to appoint and fix the compensation of such personnel, including not more than three persons who may be appointed without regard to the civil service laws or the Classification Act of 1949 and compensated at the rate of not more than \$19,000 a year, as may be necessary to perform such duties as may be prescribed by the Council in connection with the performance of its functions. Each appointment under this subsection shall be subject to the same security requirements as those established for personnel of the National Aeronautics and Space Administration appointed under section 203 (b) (2) of this Act.

63 Stat. 954.
5 USC 1071 note.

Security check.

(g) Members of the Council appointed from private life under subsection (a) (7) may be compensated at a rate not to exceed \$100 per diem, and may be paid travel expenses and per diem in lieu of subsistence in accordance with the provisions of section 5 of the Administrative Expenses Act of 1946 (5 U. S. C. 73b-2) relating to persons serving without compensation.

Per diem.

69 Stat. 394.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SEC. 202. (a) There is hereby established the National Aeronautics and Space Administration (hereinafter called the "Administration"). The Administration shall be headed by an Administrator, who shall be appointed from civilian life by the President by and with the advice and consent of the Senate, and shall receive compensation at the rate of \$22,500 per annum. Under the supervision and direction of the President, the Administrator shall be responsible for the exercise of all powers and the discharge of all duties of the Administration, and shall have authority and control over all personnel and activities thereof.

Administrator.

(b) There shall be in the Administration a Deputy Administrator, who shall be appointed from civilian life by the President by and with the advice and consent of the Senate, shall receive compensation at the rate of \$21,500 per annum, and shall perform such duties and exercise such powers as the Administrator may prescribe. The Deputy Administrator shall act for, and exercise the powers of, the Administrator during his absence or disability.

Deputy Administrator.

(c) The Administrator and the Deputy Administrator shall not engage in any other business, vocation, or employment while serving as such.

Restriction.

FUNCTIONS OF THE ADMINISTRATION

SEC. 203. (a) The Administration, in order to carry out the purpose of this Act, shall—

- (1) plan, direct, and conduct aeronautical and space activities;
- (2) arrange for participation by the scientific community in planning scientific measurements and observations to be made through use of aeronautical and space vehicles, and conduct or arrange for the conduct of such measurements and observations; and
- (3) provide for the widest practicable and appropriate dissemination of information concerning its activities and the results thereof.

(b) In the performance of its functions the Administration is authorized—

(1) to make, promulgate, issue, rescind, and amend rules and regulations governing the manner of its operations and the exercise of the powers vested in it by law;

Rules and regulations.

(2) to appoint and fix the compensation of such officers and employees as may be necessary to carry out such functions. Such officers and employees shall be appointed in accordance with the civil-service laws and their compensation fixed in accordance with the Classification Act of 1949, except that (A) to the extent the Administrator deems such action necessary to the discharge of his responsibilities, he may appoint and fix the compensation (up to a limit of \$19,000 a year, or up to a limit of \$21,000 a year for a maximum of ten positions) of not more than two hundred and sixty of the scientific, engineering, and administrative personnel of the Administration without regard to such laws, and (B) to the extent the Administrator deems such action necessary to recruit specially qualified scientific and engineering talent, he

Employees.

63 Stat. 954.
5 USC 1071 note.

may establish the entrance grade for scientific and engineering personnel without previous service in the Federal Government at a level up to two grades higher than the grade provided for such personnel under the General Schedule established by the Classification Act of 1949, and fix their compensation accordingly;

Acquisition of property.

(3) to acquire (by purchase, lease, condemnation, or otherwise), construct, improve, repair, operate, and maintain laboratories, research and testing sites and facilities, aeronautical and space vehicles, quarters and related accommodations for employees and dependents of employees of the Administration, and such other real and personal property (including patents), or any interest therein, as the Administration deems necessary within and outside the continental United States; to lease to others such real and personal property; to sell and otherwise dispose of real and personal property (including patents and rights thereunder) in accordance with the provisions of the Federal Property and Administrative Services Act of 1949, as amended (40 U. S. C. 471 et seq.); and to provide by contract or otherwise for cafeterias and other necessary facilities for the welfare of employees of the Administration at its installations and purchase and maintain equipment therefor;

63 Stat. 377.

Gifts.

(4) to accept unconditional gifts or donations of services, money, or property, real, personal, or mixed, tangible or intangible;

Contracts, etc.
60 Stat. 809.

(5) without regard to section 3648 of the Revised Statutes, as amended (31 U. S. C. 529), to enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of its work and on such terms as it may deem appropriate, with any agency or instrumentality of the United States, or with any State, Territory, or possession, or with any political subdivision thereof, or with any person, firm, association, corporation, or educational institution. To the maximum extent practicable and consistent with the accomplishment of the purpose of this Act, such contracts, leases, agreements, and other transactions shall be allocated by the Administrator in a manner which will enable small-business concerns to participate equitably and proportionately in the conduct of the work of the Administration;

Agency cooperation.

(6) to use, with their consent, the services, equipment, personnel, and facilities of Federal and other agencies with or without reimbursement, and on a similar basis to cooperate with other public and private agencies and instrumentalities in the use of services, equipment, and facilities. Each department and agency of the Federal Government shall cooperate fully with the Administration in making its services, equipment, personnel, and facilities available to the Administration, and any such department or agency is authorized, notwithstanding any other provision of law, to transfer to or to receive from the Administration, without reimbursement, aeronautical and space vehicles, and supplies and equipment other than administrative supplies or equipment;

Advisory committees.

(7) to appoint such advisory committees as may be appropriate for purposes of consultation and advice to the Administration in the performance of its functions;

Coordination.

(8) to establish within the Administration such offices and procedures as may be appropriate to provide for the greatest possible coordination of its activities under this Act with related scientific and other activities being carried on by other public and private agencies and organizations;

(9) to obtain services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), at rates not to exceed \$100 per diem for individuals;

60 Stat. 810.

(10) when determined by the Administrator to be necessary, and subject to such security investigations as he may determine to be appropriate, to employ aliens without regard to statutory provisions prohibiting payment of compensation to aliens;

Employment.
Aliens.

(11) to employ retired commissioned officers of the armed forces of the United States and compensate them at the rate established for the positions occupied by them within the Administration, subject only to the limitations in pay set forth in section 212 of the Act of June 30, 1932, as amended (5 U. S. C. 59a);

Retired officers.

(12) with the approval of the President, to enter into cooperative agreements under which members of the Army, Navy, Air Force, and Marine Corps may be detailed by the appropriate Secretary for services in the performance of functions under this Act to the same extent as that to which they might be lawfully assigned in the Department of Defense; and

68 Stat. 18.
Agreements.

(13) (A) to consider, ascertain, adjust, determine, settle, and pay, on behalf of the United States, in full satisfaction thereof, any claim for \$5,000 or less against the United States for bodily injury, death, or damage to or loss of real or personal property resulting from the conduct of the Administration's functions as specified in subsection (a) of this section, where such claim is presented to the Administration in writing within two years after the accident or incident out of which the claim arises; and

Claims.

(B) if the Administration considers that a claim in excess of \$5,000 is meritorious and would otherwise be covered by this paragraph, to report the facts and circumstances thereof to the Congress for its consideration.

Report to Con-
gress.

CIVILIAN-MILITARY LIAISON COMMITTEE

SEC. 204. (a) There shall be a Civilian-Military Liaison Committee consisting of—

(1) a Chairman, who shall be the head thereof and who shall be appointed by the President, shall serve at the pleasure of the President, and shall receive compensation (in the manner provided in subsection (d)) at the rate of \$20,000 per annum;

(2) one or more representatives from the Department of Defense, and one or more representatives from each of the Departments of the Army, Navy, and Air Force, to be assigned by the Secretary of Defense to serve on the Committee without additional compensation; and

(3) representatives from the Administration, to be assigned by the Administrator to serve on the Committee without additional compensation, equal in number to the number of representatives assigned to serve on the Committee under paragraph (2).

(b) The Administration and the Department of Defense, through the Liaison Committee, shall advise and consult with each other on all matters within their respective jurisdictions relating to aeronautical and space activities and shall keep each other fully and currently informed with respect to such activities.

(c) If the Secretary of Defense concludes that any request, action, proposed action, or failure to act on the part of the Administrator is adverse to the responsibilities of the Department of Defense, or the Administrator concludes that any request, action, proposed action, or failure to act on the part of the Department of Defense is adverse to the responsibilities of the Administration, and the Administrator and the Secretary of Defense are unable to reach an agreement with re-

spect thereto, either the Administrator or the Secretary of Defense may refer the matter to the President for his decision (which shall be final) as provided in section 201 (e).

Chairman.

(d) Notwithstanding the provisions of any other law, any active or retired officer of the Army, Navy, or Air Force may serve as Chairman of the Liaison Committee without prejudice to his active or retired status as such officer. The compensation received by any such officer for his service as Chairman of the Liaison Committee shall be equal to the amount (if any) by which the compensation fixed by subsection (a) (1) for such Chairman exceeds his pay and allowances (including special and incentive pays) as an active officer, or his retired pay.

INTERNATIONAL COOPERATION

SEC. 205. The Administration, under the foreign policy guidance of the President, may engage in a program of international cooperation in work done pursuant to this Act, and in the peaceful application of the results thereof, pursuant to agreements made by the President with the advice and consent of the Senate.

REPORTS TO THE CONGRESS

SEC. 206. (a) The Administration shall submit to the President for transmittal to the Congress, semiannually and at such other times as it deems desirable, a report of its activities and accomplishments.

(b) The President shall transmit to the Congress in January of each year a report, which shall include (1) a comprehensive description of the programmed activities and the accomplishments of all agencies of the United States in the field of aeronautics and space activities during the preceding calendar year, and (2) an evaluation of such activities and accomplishments in terms of the attainment of, or the failure to attain, the objectives described in section 102 (c) of this Act.

(c) Any report made under this section shall contain such recommendations for additional legislation as the Administrator or the President may consider necessary or desirable for the attainment of the objectives described in section 102 (c) of this Act.

(d) No information which has been classified for reasons of national security shall be included in any report made under this section, unless such information has been declassified by, or pursuant to authorization given by, the President.

TITLE III—MISCELLANEOUS

NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS

Termination.
Transfer of func-
tions.

SEC. 301. (a) The National Advisory Committee for Aeronautics, on the effective date of this section, shall cease to exist. On such date all functions, powers, duties, and obligations, and all real and personal property, personnel (other than members of the Committee), funds, and records of that organization, shall be transferred to the Administration.

Definitions.
70A Stat. 127.

(b) Section 2302 of title 10 of the United States Code is amended by striking out "or the Executive Secretary of the National Advisory Committee for Aeronautics." and inserting in lieu thereof "or the Administrator of the National Aeronautics and Space Administration."; and section 2303 of such title 10 is amended by striking out "The National Advisory Committee for Aeronautics." and inserting in lieu thereof "The National Aeronautics and Space Administration."

64 Stat. 476.

(c) The first section of the Act of August 26, 1950 (5 U. S. C. 22-1), is amended by striking out "the Director, National Advisory Commit-

tee for Aeronautics" and inserting in lieu thereof "the Administrator of the National Aeronautics and Space Administration", and by striking out "or National Advisory Committee for Aeronautics" and inserting in lieu thereof "or National Aeronautics and Space Administration".

(d) The Unitary Wind Tunnel Plan Act of 1949 (50 U. S. C. 511-515) is amended (1) by striking out "The National Advisory Committee for Aeronautics (hereinafter referred to as the 'Committee')" and inserting in lieu thereof "The Administrator of the National Aeronautics and Space Administration (hereinafter referred to as the 'Administrator')"; (2) by striking out "Committee" or "Committee's" wherever they appear and inserting in lieu thereof "Administrator" and "Administrator's", respectively; and (3) by striking out "its" wherever it appears and inserting in lieu thereof "his".

63 Stat. 936.

(e) This section shall take effect ninety days after the date of the enactment of this Act, or on any earlier date on which the Administrator shall determine, and announce by proclamation published in the Federal Register, that the Administration has been organized and is prepared to discharge the duties and exercise the powers conferred upon it by this Act.

Effective date.

Publication in
F.R.

TRANSFER OF RELATED FUNCTIONS

SEC. 302. (a) Subject to the provisions of this section, the President, for a period of four years after the date of enactment of this Act, may transfer to the Administration any functions (including powers, duties, activities, facilities, and parts of functions) of any other department or agency of the United States, or of any officer or organizational entity thereof, which relate primarily to the functions, powers, and duties of the Administration as prescribed by section 203 of this Act. In connection with any such transfer, the President may, under this section or other applicable authority, provide for appropriate transfers of records, property, civilian personnel, and funds.

(b) Whenever any such transfer is made before January 1, 1959, the President shall transmit to the Speaker of the House of Representatives and the President pro tempore of the Senate a full and complete report concerning the nature and effect of such transfer.

Reports to Congress.

(c) After December 31, 1958, no transfer shall be made under this section until (1) a full and complete report concerning the nature and effect of such proposed transfer has been transmitted by the President to the Congress, and (2) the first period of sixty calendar days of regular session of the Congress following the date of receipt of such report by the Congress has expired without the adoption by the Congress of a concurrent resolution stating that the Congress does not favor such transfer.

ACCESS TO INFORMATION

SEC. 303. Information obtained or developed by the Administrator in the performance of his functions under this Act shall be made available for public inspection, except (A) information authorized or required by Federal statute to be withheld, and (B) information classified to protect the national security: *Provided*, That nothing in this Act shall authorize the withholding of information by the Administrator from the duly authorized committees of the Congress.

SECURITY

SEC. 304. (a) The Administrator shall establish such security requirements, restrictions, and safeguards as he deems necessary in the interest of the national security. The Administrator may arrange

Requirements.

with the Civil Service Commission for the conduct of such security or other personnel investigations of the Administration's officers, employees, and consultants, and its contractors and subcontractors and their officers and employees, actual or prospective, as he deems appropriate; and if any such investigation develops any data reflecting that the individual who is the subject thereof is of questionable loyalty the matter shall be referred to the Federal Bureau of Investigation for the conduct of a full field investigation, the results of which shall be furnished to the Administrator.

Referral to
F.B.I.

Access to AEC
restricted data.

68 Stat. 942.

(b) The Atomic Energy Commission may authorize any of its employees, or employees of any contractor, prospective contractor, licensee, or prospective licensee of the Atomic Energy Commission or any other person authorized to have access to Restricted Data by the Atomic Energy Commission under subsection 145 b. of the Atomic Energy Act of 1954 (42 U. S. C. 2165 (b)), to permit any member, officer, or employee of the Council, or the Administrator, or any officer, employee, member of an advisory committee, contractor, subcontractor, or officer or employee of a contractor or subcontractor of the Administration, to have access to Restricted Data relating to aeronautical and space activities which is required in the performance of his duties and so certified by the Council or the Administrator, as the case may be, but only if (1) the Council or Administrator or designee thereof has determined, in accordance with the established personnel security procedures and standards of the Council or Administration, that permitting such individual to have access to such Restricted Data will not endanger the common defense and security, and (2) the Council or Administrator or designee thereof finds that the established personnel and other security procedures and standards of the Council or Administration are adequate and in reasonable conformity to the standards established by the Atomic Energy Commission under section 145 of the Atomic Energy Act of 1954 (42 U. S. C. 2165). Any individual granted access to such Restricted Data pursuant to this subsection may exchange such Data with any individual who (A) is an officer or employee of the Department of Defense, or any department or agency thereof, or a member of the armed forces, or a contractor or subcontractor of any such department, agency, or armed force, or an officer or employee of any such contractor or subcontractor, and (B) has been authorized to have access to Restricted Data under the provisions of section 143 of the Atomic Energy Act of 1954 (42 U. S. C. 2163).

68 Stat. 942.

Espionage and
Censorship.
62 Stat. 736-738;
65 Stat. 719.
18 USC 791-798.
Violation.

(c) Chapter 37 of title 18 of the United States Code (entitled Espionage and Censorship) is amended by—

(1) adding at the end thereof the following new section :

“§ 799. Violation of regulations of National Aeronautics and Space Administration

“Whoever willfully shall violate, attempt to violate, or conspire to violate any regulation or order promulgated by the Administrator of the National Aeronautics and Space Administration for the protection or security of any laboratory, station, base or other facility, or part thereof, or any aircraft, missile, spacecraft, or similar vehicle, or part thereof, or other property or equipment in the custody of the Administration, or any real or personal property or equipment in the custody of any contractor under any contract with the Administration or any subcontractor of any such contractor, shall be fined not more than \$5,000, or imprisoned not more than one year, or both.”

Penalty.

(2) adding at the end of the sectional analysis thereof the following new item :

“799. Violation of regulations of National Aeronautics and Space Administration.”

Protection of
U.S. officers and
employees.
62 Stat. 756.

(d) Section 1114 of title 18 of the United States Code is amended by inserting immediately before “while engaged in the performance of his

official duties" the following: "or any officer or employee of the National Aeronautics and Space Administration directed to guard and protect property of the United States under the administration and control of the National Aeronautics and Space Administration,".

(e) The Administrator may direct such of the officers and employees of the Administration as he deems necessary in the public interest to carry firearms while in the conduct of their official duties. The Administrator may also authorize such of those employees of the contractors and subcontractors of the Administration engaged in the protection of property owned by the United States and located at facilities owned by or contracted to the United States as he deems necessary in the public interest, to carry firearms while in the conduct of their official duties.

Permission to
use firearms.

PROPERTY RIGHTS IN INVENTIONS

SEC. 305. (a) Whenever any invention is made in the performance of any work under any contract of the Administration, and the Administrator determines that—

(1) the person who made the invention was employed or assigned to perform research, development, or exploration work and the invention is related to the work he was employed or assigned to perform, or that it was within the scope of his employment duties, whether or not it was made during working hours, or with a contribution by the Government of the use of Government facilities, equipment, materials, allocated funds, information proprietary to the Government, or services of Government employees during working hours; or

(2) the person who made the invention was not employed or assigned to perform research, development, or exploration work, but the invention is nevertheless related to the contract, or to the work or duties he was employed or assigned to perform, and was made during working hours, or with a contribution from the Government of the sort referred to in clause (1),

such invention shall be the exclusive property of the United States, and if such invention is patentable a patent therefor shall be issued to the United States upon application made by the Administrator, unless the Administrator waives all or any part of the rights of the United States to such invention in conformity with the provisions of subsection (f) of this section.

(b) Each contract entered into by the Administrator with any party for the performance of any work shall contain effective provisions under which such party shall furnish promptly to the Administrator a written report containing full and complete technical information concerning any invention, discovery, improvement, or innovation which may be made in the performance of any such work.

Contract pro-
vision.

(c) No patent may be issued to any applicant other than the Administrator for any invention which appears to the Commissioner of Patents to have significant utility in the conduct of aeronautical and space activities unless the applicant files with the Commissioner, with the application or within thirty days after request therefor by the Commissioner, a written statement executed under oath setting forth the full facts concerning the circumstances under which such invention was made and stating the relationship (if any) of such invention to the performance of any work under any contract of the Administration. Copies of each such statement and the application to which it relates shall be transmitted forthwith by the Commissioner to the Administrator.

Patent applica-
tion.

(d) Upon any application as to which any such statement has been transmitted to the Administrator, the Commissioner may, if the invention is patentable, issue a patent to the applicant unless the Admin-

Board of Patent Interferences.

istrator, within ninety days after receipt of such application and statement, requests that such patent be issued to him on behalf of the United States. If, within such time, the Administrator files such a request with the Commissioner, the Commissioner shall transmit notice thereof to the applicant, and shall issue such patent to the Administrator unless the applicant within thirty days after receipt of such notice requests a hearing before a Board of Patent Interferences on the question whether the Administrator is entitled under this section to receive such patent. The Board may hear and determine, in accordance with rules and procedures established for interference cases, the question so presented, and its determination shall be subject to appeal by the applicant or by the Administrator to the Court of Customs and Patent Appeals in accordance with procedures governing appeals from decisions of the Board of Patent Interferences in other proceedings.

(e) Whenever any patent has been issued to any applicant in conformity with subsection (d), and the Administrator thereafter has reason to believe that the statement filed by the applicant in connection therewith contained any false representation of any material fact, the Administrator within five years after the date of issuance of such patent may file with the Commissioner a request for the transfer to the Administrator of title to such patent on the records of the Commissioner. Notice of any such request shall be transmitted by the Commissioner to the owner of record of such patent, and title to such patent shall be so transferred to the Administrator unless within thirty days after receipt of such notice such owner of record requests a hearing before a Board of Patent Interferences on the question whether any such false representation was contained in such statement. Such question shall be heard and determined, and determination thereof shall be subject to review, in the manner prescribed by subsection (d) for questions arising thereunder. No request made by the Administrator under this subsection for the transfer of title to any patent, and no prosecution for the violation of any criminal statute, shall be barred by any failure of the Administrator to make a request under subsection (d) for the issuance of such patent to him, or by any notice previously given by the Administrator stating that he had no objection to the issuance of such patent to the applicant therefor.

Waiver.

(f) Under such regulations in conformity with this subsection as the Administrator shall prescribe, he may waive all or any part of the rights of the United States under this section with respect to any invention or class of inventions made or which may be made by any person or class of persons in the performance of any work required by any contract of the Administration if the Administrator determines that the interests of the United States will be served thereby. Any such waiver may be made upon such terms and under such conditions as the Administrator shall determine to be required for the protection of the interests of the United States. Each such waiver made with respect to any invention shall be subject to the reservation by the Administrator of an irrevocable, nonexclusive, nontransferable, royalty-free license for the practice of such invention throughout the world by or on behalf of the United States or any foreign government pursuant to any treaty or agreement with the United States. Each proposal for any waiver under this subsection shall be referred to an Inventions and Contributions Board which shall be established by the Administrator within the Administration. Such Board shall accord to each interested party an opportunity for hearing, and shall transmit to the Administrator its findings of fact with respect to such proposal and its recommendations for action to be taken with respect thereto.

Inventions and Contributions Board.

License regulations.

(g) The Administrator shall determine, and promulgate regulations specifying, the terms and conditions upon which licenses will be

granted by the Administration for the practice by any person (other than an agency of the United States) of any invention for which the Administrator holds a patent on behalf of the United States.

(h) The Administrator is authorized to take all suitable and necessary steps to protect any invention or discovery to which he has title, and to require that contractors or persons who retain title to inventions or discoveries under this section protect the inventions or discoveries to which the Administration has or may acquire a license of use.

(i) The Administration shall be considered a defense agency of the United States for the purpose of chapter 17 of title 35 of the United States Code.

(j) As used in this section—

(1) the term "person" means any individual, partnership, corporation, association, institution, or other entity;

(2) the term "contract" means any actual or proposed contract, agreement, understanding, or other arrangement, and includes any assignment, substitution of parties, or subcontract executed or entered into thereunder; and

(3) the term "made", when used in relation to any invention, means the conception or first actual reduction to practice of such invention.

Protection of title.

Defense agency. 66 Stat. 805-808.

Definitions.

CONTRIBUTIONS AWARDS

SEC. 306. (a) Subject to the provisions of this section, the Administrator is authorized, upon his own initiative or upon application of any person, to make a monetary award, in such amount and upon such terms as he shall determine to be warranted, to any person (as defined by section 305) for any scientific or technical contribution to the Administration which is determined by the Administrator to have significant value in the conduct of aeronautical and space activities. Each application made for any such award shall be referred to the Inventions and Contributions Board established under section 305 of this Act. Such Board shall accord to each such applicant an opportunity for hearing upon such application, and shall transmit to the Administrator its recommendation as to the terms of the award, if any, to be made to such applicant for such contribution. In determining the terms and conditions of any award the Administrator shall take into account—

(1) the value of the contribution to the United States;

(2) the aggregate amount of any sums which have been expended by the applicant for the development of such contribution;

(3) the amount of any compensation (other than salary received for services rendered as an officer or employee of the Government) previously received by the applicant for or on account of the use of such contribution by the United States; and

(4) such other factors as the Administrator shall determine to be material.

(b) If more than one applicant under subsection (a) claims an interest in the same contribution, the Administrator shall ascertain and determine the respective interests of such applicants, and shall apportion any award to be made with respect to such contribution among such applicants in such proportions as he shall determine to be equitable. No award may be made under subsection (a) with respect to any contribution—

(1) unless the applicant surrenders, by such means as the Administrator shall determine to be effective, all claims which such applicant may have to receive any compensation (other than the award made under this section) for the use of such contribution or

any element thereof at any time by or on behalf of the United States, or by or on behalf of any foreign government pursuant to any treaty or agreement with the United States, within the United States or at any other place;

(2) in any amount exceeding \$100,000, unless the Administrator has transmitted to the appropriate committees of the Congress a full and complete report concerning the amount and terms of, and the basis for, such proposed award, and thirty calendar days of regular session of the Congress have expired after receipt of such report by such committees.

APPROPRIATIONS

SEC. 307. (a) There are hereby authorized to be appropriated such sums as may be necessary to carry out this Act, except that nothing in this Act shall authorize the appropriation of any amount for (1) the acquisition or condemnation of any real property, or (2) any other item of a capital nature (such as plant or facility acquisition, construction, or expansion) which exceeds \$250,000. Sums appropriated pursuant to this subsection for the construction of facilities, or for research and development activities, shall remain available until expended.

(b) Any funds appropriated for the construction of facilities may be used for emergency repairs of existing facilities when such existing facilities are made inoperative by major breakdown, accident, or other circumstances and such repairs are deemed by the Administrator to be of greater urgency than the construction of new facilities.

Approved July 29, 1958.

Public Law 85-569

AN ACT

To provide for the establishment of townsites, and for other purposes.

July 31, 1958
[H. R. 12161]

Agriculture.
Townsites.

50 Stat. 525.
7 U.S.C. 1010-
1013.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That areas of not to exceed six hundred and forty acres for any one application may be set aside and designated by the Secretary of Agriculture as a townsite from any national forest land or land administered by the Secretary of Agriculture under title III of the Bankhead-Jones Farm Tenant Act, upon application and, after public notice, satisfactory showing of need therefor by any county, city, or other local governmental subdivision. Areas so designated may be divided into townlots and offered for sale by the Secretary of Agriculture at public sale to the highest bidder for not less than the appraised value thereof: *Provided,* That any of such lots as may be offered for sale at a public sale and for which there is no satisfactory bid may be disposed of by the Secretary of Agriculture at private sale for not less than the appraised value thereof: *Provided further,* That any person now occupying any of such lands on which improvements have been constructed by him or his predecessor pursuant to a permit or other authorization from the Federal Government shall be given the opportunity of purchasing such lands at the appraised value: *And provided further,* That no more than three such townlots may be sold at either public or private sale to any person or private corporation, firm, or agency.

Approved July 31, 1958.

Public Law 85-570

AN ACT

Making appropriations for the Legislative Branch for the fiscal year ending June 30, 1959, and for other purposes.

July 31, 1958
[H. R. 13066]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Legislative Branch for the fiscal year ending June 30, 1959, namely:

Legislative
Branch Appropriation
Act, 1959.

SENATE

SALARIES OF SENATORS, MILEAGE OF THE PRESIDENT OF THE SENATE AND OF SENATORS, EXPENSE ALLOWANCE OF THE MAJORITY AND MINORITY LEADERS OF THE SENATE, AND SALARY AND EXPENSE ALLOWANCE OF THE VICE PRESIDENT

COMPENSATION OF SENATORS

For compensation of Senators, \$2,328,245.

MILEAGE OF PRESIDENT OF THE SENATE AND OF SENATORS

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

EXPENSE ALLOWANCE OF MAJORITY AND MINORITY LEADERS

For expense allowance of the majority leader and the minority leader of the Senate, \$2,000 each; in all, \$4,000.

COMPENSATION OF THE VICE PRESIDENT OF THE UNITED STATES

For the compensation of the Vice President of the United States, \$37,695.

EXPENSE ALLOWANCE OF THE VICE PRESIDENT

For expense allowance of the Vice President, \$10,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, clerks to Senators, and others as authorized by law, including agency contributions as authorized, which shall be paid from this appropriation without regard to the below limitations, as follows:

OFFICE OF THE VICE PRESIDENT

For clerical assistance to the Vice President, at rates of compensation to be fixed by him in basic multiples of \$5 per month, \$101,925.

CHAPLAIN

Chaplain of the Senate, \$5,000.

OFFICE OF THE SECRETARY

For office of the Secretary, \$572,915.

COMMITTEE EMPLOYEES

For professional and clerical assistance to standing committees, and the Select Committee on Small Business, \$2,030,650.

CONFERENCE COMMITTEES

For clerical assistance to the Conference of the Majority, at rates of compensation to be fixed by the chairman of said committee, \$40,000.

For clerical assistance to the Conference of the Minority, at rates of compensation to be fixed by the chairman of said committee, \$40,000.

ADMINISTRATIVE AND CLERICAL ASSISTANTS TO SENATORS

For administrative and clerical assistants and messenger service for Senators, \$9,664,000.

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

For office of Sergeant at Arms and Doorkeeper, \$2,050,910: *Provided*, That effective July 1, 1958, the basic annual compensation of the following positions shall be: chief clerk, post office, \$3,060 in lieu of \$2,760; superintendent of mails, \$3,060 in lieu of \$2,400; laboratory technician, \$2,580 in lieu of projectionist, film inspector, \$2,280; eighteen additional privates, police force, at \$2,160 each; two additional sergeants, police force, at \$2,280 each; twenty-two additional mail carriers at \$2,100 each; one registry clerk at \$2,220; assistant superintendent, press photographers' gallery at \$2,820.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND THE MINORITY

For the offices of the Secretary for the Majority and the Secretary for the Minority, \$98,240: *Provided*, That effective July 1, 1958, the basic compensation of the chief telephone page for the majority and the chief telephone page for the minority may be fixed by the respective Secretaries at not to exceed \$3,480 per annum each, and the basic annual compensation of one telephone page for the majority and one telephone page for the minority shall be \$2,580 each in lieu of \$2,220 each.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For two clerical assistants, one for the majority whip and one for the minority whip, at not to exceed \$5,580 basic per annum each, \$20,045.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, \$187,385.

SENATE PROCEDURE

For compiling, preparing, and editing "Senate Procedure", \$10,000, of which amount \$5,000 shall be paid to Charles L. Watkins, Parliamentarian of the Senate, and \$5,000 shall be paid to Floyd M. Riddick, Assistant Parliamentarian of the Senate.

CONTINGENT EXPENSES OF THE SENATE

LEGISLATIVE REORGANIZATION

For salaries and expenses, legislative reorganization, \$106,500.

SENATE POLICY COMMITTEES

For salaries and expenses of the Majority Policy Committee and the Minority Policy Committee, \$111,825 for each such committee; in all, \$223,650.

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, \$143,360.

JOINT COMMITTEE ON ATOMIC ENERGY

For salaries and expenses of the Joint Committee on Atomic Energy, \$233,520.

JOINT COMMITTEE ON PRINTING

For salaries and expenses of the Joint Committee on Printing, \$72,300; for expenses of compiling, preparing, and indexing the Congressional Directory, \$1,600; in all, \$73,900.

COMMITTEE ON RULES AND ADMINISTRATION

For reimbursement to General Services Administration for space furnished the United States Senate, \$35,010.

VICE PRESIDENT'S AUTOMOBILE

For purchase, exchange, driving, maintenance, and operation of an automobile for the Vice President, \$7,600.

AUTOMOBILE FOR THE PRESIDENT PRO TEMPORE

For purchase, exchange, driving, maintenance, and operation of an automobile for the President pro tempore of the Senate, \$12,600.

AUTOMOBILES FOR MAJORITY AND MINORITY LEADERS

For purchase, exchange, driving, maintenance, and operation of two automobiles, one for the majority leader of the Senate, and one for the minority leader of the Senate, \$25,200.

REPORTING SENATE PROCEEDINGS

For reporting the debates and proceedings of the Senate, payable in equal monthly installments, \$188,825.

FURNITURE

For services and materials in cleaning and repairing furniture, and for the purchase of furniture, \$31,190: *Provided*, That the furniture purchased is not available from other agencies of the Government.

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate or conducted pursuant to section 134 (a) of Public Law 601, Seventy-ninth Congress, including \$380,000 for the Committee on Appropriations, to be available also for the purposes mentioned in Senate Resolution Numbered 193, agreed to October 14, 1943, \$3,160,000.

FOLDING DOCUMENTS

For the employment of personnel for folding speeches and pamphlets at a gross rate of not exceeding \$1.77 per hour per person, \$29,000.

SENATE RESTAURANTS

For repairs, improvements, equipment and supplies for Senate kitchens and restaurants, Capitol Building and Senate Office Building, including personal and other services, to be expended under the supervision of the Committee on Rules and Administration, United States Senate, \$85,000.

MAIL TRANSPORTATION

For maintaining, exchanging, and equipping motor vehicles for carrying the mails and for official use of the offices of the Secretary and Sergeant at Arms, \$16,560.

MISCELLANEOUS ITEMS

For miscellaneous items, exclusive of labor, \$1,601,245.

POSTAGE STAMPS

For Office of the Secretary, \$870; Office of the Sergeant at Arms, \$300; Offices of the Secretaries of the Majority and the Minority, \$140; for maintenance of a supply of stamps in the Senate Post Office, \$1,000; and for airmail and special-delivery stamps for Senators and the President of the Senate, as authorized by law, \$43,650, and the maximum allowance per capita of \$400 is increased to \$450 for the fiscal year 1959 and thereafter; in all, \$45,960.

STATIONERY (REVOLVING FUND)

For stationery for Senators and the President of the Senate, \$174,600; and for stationery for committees and officers of the Senate, \$12,900; in all, \$187,500, to remain available until expended.

COMMUNICATIONS

For an amount for communications which may be expended interchangeably for payment, in accordance with such limitations and restrictions as may be prescribed by the Committee on Rules and Administration, of charges on official telegrams and long-distance telephone calls made by or on behalf of Senators or the President of the Senate, such telephone calls to be in addition to those authorized by the provisions of the Legislative Branch Appropriation Act, 1947 (60 Stat. 392; 2 U. S. C. 46c, 46d, 46e), as amended, and the First Deficiency Appropriation Act, 1949 (63 Stat. 77; 2 U. S. C. 46d-1), \$14,550.

ADMINISTRATIVE PROVISIONS

Effective July 1, 1958, the paragraph relating to payment of toll charges on official long-distance telephone calls, originating and terminating outside of Washington, District of Columbia, under the heading "Contingent Expenses of the Senate" in Public Law 479, Seventy-ninth Congress, as amended (2 U. S. C. 46d), is amended by striking out \$1,200 where it appears therein and inserting in lieu thereof \$1,800.

The Secretary of the Senate is hereafter authorized, in his discretion, to advance to the Sergeant at Arms of the Senate such sums as

may be necessary, not exceeding \$2,000, to meet any extraordinary expenses of the Senate.

The Contingent Fund of the Senate is hereafter made available for reimbursement of transportation expenses incurred by Senators in traveling, on official business, by the nearest usual route, from Washington, District of Columbia, to their resident cities in their home States, and return, for not to exceed two such round trips in each fiscal year.

HOUSE OF REPRESENTATIVES

SALARIES, MILEAGE FOR THE MEMBERS, AND EXPENSE ALLOWANCE OF THE SPEAKER

COMPENSATION OF MEMBERS

For compensation of Members (wherever used herein the term "Member" shall include Members of the House of Representatives, Delegates from Territories, and the Resident Commissioner from Puerto Rico), \$10,638,000.

MILEAGE OF MEMBERS AND EXPENSE ALLOWANCE OF THE SPEAKER

For mileage of Members and expense allowance of the Speaker, as authorized by law, \$200,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers and employees, as authorized by law, as follows:

OFFICE OF THE SPEAKER

For the Office of the Speaker, \$53,075.

OFFICE OF THE PARLIAMENTARIAN

For the Office of the Parliamentarian, including \$2,000 for preparing the Digest of the Rules, \$60,265.

OFFICE OF THE CHAPLAIN

For the Office of the Chaplain, \$7,450.

OFFICE OF THE CLERK

For the Office of the Clerk, including \$95,950 for the House Recording Studio and an additional \$9,300 for clerical assistants in the Disbursing Office, \$937,070.

COMMITTEE EMPLOYEES

For committee employees, including the Committee on Appropriations, \$2,400,000.

OFFICE OF THE SERGEANT AT ARMS

For the Office of the Sergeant at Arms, including \$7,500 for additional clerical assistants, \$514,620.

OFFICE OF THE DOORKEEPER

For the Office of the Doorkeeper, \$874,095.

SPECIAL AND MINORITY EMPLOYEES

For six minority employees, \$70,935.

For the office of the majority floor leader, including \$2,000 for official expenses of the majority leader, \$58,555.

For the office of the minority floor leader, \$45,800.

For the office of the majority whip, \$25,015.

For the office of the minority whip, \$25,015.

For two printing clerks, one for the majority caucus room and one for the minority caucus room, to be appointed by the majority and minority leaders, respectively, \$11,470.

For a technical assistant in the office of the attending physician, to be appointed by the attending physician, subject to the approval of the Speaker, \$7,790.

OFFICE OF THE POSTMASTER

For the Office of the Postmaster, including employment of substitute messengers, and extra services of regular employees when required at the basic salary rate of not to exceed \$2,100 per annum each, \$259,815.

OFFICIAL REPORTERS OF DEBATES

For official reporters of debates, \$158,255.

OFFICIAL REPORTERS TO COMMITTEES

For official reporters to committees, \$159,840.

APPROPRIATIONS COMMITTEE

For salaries and expenses, studies and examinations of executive agencies, by the Committee on Appropriations, and temporary personal services for such committee, to be expended in accordance with section 202 (b) of the Legislative Reorganization Act, 1946, and to be available for reimbursement to agencies for services performed, \$500,000.

60 Stat. 834.
2 USC 72a.

OFFICE OF THE LEGISLATIVE COUNSEL

For salaries and expenses of the Office of the Legislative Counsel of the House, \$186,000.

MEMBERS' CLERK HIRE

For clerk hire, necessarily employed by each Member in the discharge of his official and representative duties, \$15,000,000.

CONTINGENT EXPENSES OF THE HOUSE

FURNITURE

For furniture and materials for repairs of the same, including labor, tools, and machinery for furniture repair shops, and for the purchase of packing boxes, \$231,800.

MISCELLANEOUS ITEMS

For miscellaneous items, exclusive of salaries unless specifically ordered by the House of Representatives, including the sum of \$50,000 for payment to the Architect of the Capitol in accordance with section 208 of the Act approved October 9, 1940 (Public Law 812); the exchange, operation, maintenance, and repair of the Clerk's motor vehicles; the exchange, operation, maintenance, and repair of the fold-

54 Stat. 1056.
40 USC 174k.

ing room motortruck; the exchange, maintenance, operation, and repair of the post office motor vehicles for carrying the mails; the sum of \$600 for hire of automobile for the Sergeant at Arms; materials for folding; and for stationery for the use of committees, departments, and officers of the House; \$2,196,400.

REPORTING HEARINGS

For stenographic reports of hearings of committees other than special and select committees, \$125,000.

SPECIAL AND SELECT COMMITTEES

For salaries and expenses of special and select committees authorized by the House, \$2,000,000.

JOINT COMMITTEE ON INTERNAL REVENUE TAXATION

For the payment of the salaries and other expenses of the Joint Committee on Internal Revenue Taxation, \$240,000.

JOINT COMMITTEE ON IMMIGRATION AND NATIONALITY POLICY

For salaries and expenses of the Joint Committee on Immigration and Nationality Policy, \$20,000.

OFFICE OF THE COORDINATOR OF INFORMATION

For salaries and expenses of the Office of the Coordinator of Information, \$89,795.

TELEGRAPH AND TELEPHONE

For telegraph and telephone service, exclusive of personal services, \$1,300,000, of which not to exceed \$100,000 may be transferred to the appropriation for this purpose for fiscal year 1958.

STATIONERY (REVOLVING FUND)

For a stationery allowance for each Member, for the first session of the Eighty-sixth Congress, \$525,600, to remain available until expended.

ATTENDING PHYSICIAN'S OFFICE

For medical supplies, equipment, and contingent expenses of the emergency room and for the attending physician and his assistants, including an allowance of \$1,500 to be paid to the attending physician in equal monthly installments as authorized by the Act approved June 27, 1940 (54 Stat. 629), and including an allowance of \$75 per month each to four assistants as provided by the House resolutions adopted July 1, 1930, January 20, 1932, and November 18, 1940, and Public Law 242, Eighty-fourth Congress, \$13,145.

69 Stat. 499.
2 USC 60a note.

POSTAGE STAMPS

Postmaster, \$320; Clerk, \$640; Sergeant at Arms, \$480; Doorkeeper, \$400; airmail and special-delivery postage stamps for each Member, the Speaker, the majority and minority leaders, the majority and minority whips, and to each standing committee, as authorized by law; \$138,460: *Provided*, That the provisions of House Resolution 399, Eighty-fifth Congress, shall be the permanent law.

FOLDING DOCUMENTS

For folding speeches and pamphlets, at a gross rate not exceeding \$2.36 per thousand or for the employment of personnel at a gross rate not exceeding \$1.77 per hour per person, \$200,000.

REVISION OF LAWS

For preparation and editing of the laws as authorized by the Act approved May 29, 1928 (1 U. S. C. 59), \$16,500, to be expended under the direction of the Committee on the Judiciary.

45 Stat. 1008,
1 USC note prec.
1; 213.

SPEAKER'S AUTOMOBILE

For purchase, exchange, hire, driving, maintenance, repair, and operation of an automobile for the Speaker, \$16,000.

MAJORITY LEADER'S AUTOMOBILE

For purchase, exchange, hire, driving, maintenance, repair, and operation of an automobile for the majority leader of the House, \$16,000.

MINORITY LEADER'S AUTOMOBILE

For purchase, exchange, hire, driving, maintenance, repair, and operation of an automobile for the minority leader of the House, \$16,000.

ADMINISTRATIVE PROVISION

Salaries or wages paid out of the items herein for the House of Representatives shall hereafter be computed at basic rates, plus increased and additional compensation, as authorized and provided by law.

CAPITOL POLICE

GENERAL EXPENSES

For purchasing and supplying uniforms; the purchase, maintenance, and repair of police motor vehicles, including two-way police radio equipment; contingent expenses, including \$25 per month for extra services performed for the Capitol Police Board by such member of the staff of the Sergeant at Arms of the Senate or the House, as may be designated by the Chairman of the Board; \$36,700.

CAPITOL POLICE BOARD

To enable the Capitol Police Board to provide additional protection for the Capitol Buildings and Grounds, including the Senate and House Office Buildings and the Capitol Power Plant, \$89,236. Such sum shall be expended only for payment for salaries and other expenses of personnel detailed from the Metropolitan Police of the District of Columbia, and the Commissioners of the District of Columbia are authorized and directed to make such details upon the request of the Board. Personnel so detailed shall, during the period of such detail, serve under the direction and instructions of the Board and is authorized to exercise the same authority as members of such Metropolitan Police and members of the Capitol Police and to perform such other duties as may be assigned by the Board. Reimbursement for salaries and other expenses of such detail personnel shall be made to the government of the District of Columbia, and any sums so reimbursed shall be credited to the appropriation or appropriations

from which such salaries and expenses are payable and shall be available for all the purposes thereof: *Provided*, That any person detailed under the authority of this paragraph or under similar authority in the Legislative Branch Appropriation Act, 1942, and the Second Deficiency Appropriation Act, 1940, from the Metropolitan Police of the District of Columbia shall be deemed a member of such Metropolitan Police during the period or periods of any such detail for all purposes of rank, pay, allowances, privileges, and benefits to the same extent as though such detail had not been made, and at the termination thereof any such person who was a member of such police on July 1, 1940, shall have a status with respect to rank, pay, allowances, privileges, and benefits which is not less than the status of such person in such police at the end of such detail: *Provided further*, That the Commissioners of the District of Columbia are directed to pay the lieutenants detailed under the authority of this paragraph the same salary as that paid in fiscal year 1955 plus \$625 each and such increases in basic compensation as may be subsequently provided by law so long as these positions are held by the present incumbents and that the Commissioners of the District of Columbia are directed to pay the deputy chief detailed under the authority of this paragraph the same salary as that paid in fiscal year 1956 plus \$600 and such increases in basic compensation as may be subsequently provided by law so long as this position is held by the present incumbent.

55 Stat. 456; 54 Stat. 629.

The foregoing amounts under "Capitol Police" shall be disbursed by the Clerk of the House.

Disbursement.

JOINT COMMITTEE ON REDUCTION OF NONESSENTIAL FEDERAL EXPENDITURES

For an amount to enable the Joint Committee on Reduction of Nonessential Federal Expenditures to carry out the duties imposed upon it by section 601 of the Revenue Act of 1941 (55 Stat. 726), to remain available during the existence of the committee, \$22,500, to be disbursed by the Secretary of the Senate.

26 USC note prec. 3600.

EDUCATION OF SENATE AND HOUSE PAGES

For education of congressional pages and pages of the Supreme Court, pursuant to section 243 of the Legislative Reorganization Act, 1946, \$53,500, which amount shall be advanced and credited to the applicable appropriation of the District of Columbia, and the Board of Education of the District of Columbia is hereby authorized to employ such personnel for the education of pages as may be required and to pay compensation for such services in accordance with such rates of compensation as the Board of Education may prescribe.

60 Stat. 839.
2 USC 88a.

PENALTY MAIL COSTS

For expenses necessary under section 2 of Public Law 286, Eighty-third Congress, \$2,259,000, to be available immediately.

67 Stat. 614.
39 USC 321c.

STATEMENT OF APPROPRIATIONS

For the preparation, under the direction of the Committees on Appropriations of the Senate and House of Representatives, of the statements for the second session of the Eighty-fifth Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriation bills as required by law, \$8,000, to be paid to the persons designated by the chairmen of such committees to supervise the work.

ARCHITECT OF THE CAPITOL

OFFICE OF THE ARCHITECT OF THE CAPITOL

SALARIES

For the Architect of the Capitol, Assistant Architect of the Capitol, and Second Assistant Architect of the Capitol, at salary rates of \$19,000, \$17,500, and \$16,000 per annum, respectively, and other personal services at rates of pay provided by law; and the Assistant Architect of the Capitol shall act as Architect of the Capitol during the absence or disability of that official or whenever there is no Architect, and, in case of the absence or disability of the Assistant Architect, the Second Assistant Architect of the Capitol shall so act; \$252,225.

Appropriations under the control of the Architect of the Capitol shall be available for expenses of travel on official business not to exceed in the aggregate under all funds the sum of \$7,500.

CONTINGENT EXPENSES

To enable the Architect of the Capitol to make surveys and studies and to meet unforeseen expenses in connection with activities under his care, \$50,000.

CAPITOL BUILDINGS AND GROUNDS

CAPITOL BUILDINGS

For necessary expenditures for the Capitol Building and electrical substations of the Senate and House Office Buildings, under the jurisdiction of the Architect of the Capitol, including minor improvements, maintenance, repair, equipment, supplies, material, fuel, oil, waste, and appurtenances; furnishings and office equipment; special and protective clothing for workmen; uniforms or allowances therefor as authorized by the Act of September 1, 1954, as amended (5 U. S. C. 2131); personal and other services; cleaning and repairing works of art, without regard to section 3709 of the Revised Statutes, as amended; purchase or exchange, maintenance and operation of passenger motor vehicle; not to exceed \$300 for the purchase of necessary reference books and periodicals; not to exceed \$500 for expenses of attendance, when specifically authorized by the Architect of the Capitol, at meetings or conventions in connection with subjects related to work under the Architect of the Capitol, \$893,600.

68 Stat. 1114.
41 USC 5.

CAPITOL GROUNDS

For care and improvement of grounds surrounding the Capitol, Senate and House Office Buildings; Capitol Power Plant; personal and other services; care of trees; planting; fertilizers; repairs to pavements, walks, and roadways; waterproof wearing apparel; maintenance of signal lights; and for snow removal by hire of men and equipment or under contract without compliance with section 3709 of the Revised Statutes, as amended; \$317,600.

41 USC 5.

SUBWAY TRANSPORTATION, CAPITOL AND SENATE OFFICE BUILDINGS

For maintenance, repairs, and rebuilding of the subway transportation system connecting the Senate Office Buildings with the Capitol, including personal and other services, \$6,000.

SENATE OFFICE BUILDINGS

For maintenance, miscellaneous items and supplies, including furniture, furnishings, and equipment, and for labor and material incident thereto, and repairs thereof; for purchase of waterproof wearing apparel and for personal and other services; including eight female attendants in charge of ladies' retiring rooms at \$1,890 each, for the care and operation of the Senate Office Buildings; uniforms or allowances therefor as authorized by the Act of September 1, 1954, as amended (5 U. S. C. 2131); to be expended under the control and supervision of the Architect of the Capitol; in all, \$1,822,000.

68 Stat. 1114.

EXTENSION OF ADDITIONAL SENATE OFFICE BUILDING SITE

To enable the Architect of the Capitol, under the direction of the Senate Office Building Commission, to carry out the provisions of Public Law 85-429, approved May 29, 1958 (72 Stat. 148), relating to the acquisition of property in square 724 in the District of Columbia, including necessary incidental expenses, \$965,000, to remain available until expended.

LEGISLATIVE GARAGE

For maintenance, repairs, alterations, personal and other services, and all other necessary expenses, \$42,000.

HOUSE OFFICE BUILDINGS

For maintenance, including equipment, waterproof wearing apparel, uniforms or allowances therefor as authorized by the Act of September 1, 1954, as amended (5 U. S. C. 2131), miscellaneous items, and for all necessary services, \$1,283,400.

68 Stat. 1114.

ACQUISITION OF PROPERTY, CONSTRUCTION AND EQUIPMENT, ADDITIONAL HOUSE OFFICE BUILDING

To enable the Architect of the Capitol, under the direction of the House Office Building Commission, to continue to provide for the acquisition of property, construction and equipment of an additional fireproof office building for the use of the House of Representatives, and other changes and improvements, authorized by the Additional House Office Building Act of 1955 (69 Stat. 41, 42), \$22,500,000.

40 USC 175 note.

CAPITOL POWER PLANT

For lighting, heating, and power (including the purchase of electrical energy) for the Capitol, Senate and House Office Buildings, Supreme Court Building, Congressional Library Buildings, and the grounds about the same, Botanic Garden, legislative garage, and for air-conditioning refrigeration not supplied from plants in any of such buildings; for heating the Government Printing Office, Washington City Post Office, and Folger Shakespeare Library, reimbursement for which shall be made and covered into the Treasury; personal and other services, fuel, oil, materials, waterproof wearing apparel, and all other necessary expenses in connection with the maintenance and operation of the plant, \$1,738,000: *Provided*, That not to exceed \$107,000 of the amount made available under the head "Capitol Power Plant" in the Legislative Branch Appropriation Act, 1958, shall continue available until June 30, 1959.

71 Stat. 253.

LIBRARY BUILDINGS AND GROUNDS

STRUCTURAL AND MECHANICAL CARE

For necessary expenditures for mechanical and structural maintenance, including minor improvements, equipment, supplies, waterproof wearing apparel, and personal and other services, \$693,400, of which not to exceed \$20,000 shall be available for expenditure without regard to section 3709 of the Revised Statutes, as amended.

41 USC 5.

FURNITURE AND FURNISHINGS

For furniture, partitions, screens, shelving, and electrical work pertaining thereto and repairs thereof, office and library equipment, apparatus, and labor-saving devices, \$75,000.

BOTANIC GARDEN

SALARIES AND EXPENSES

For all necessary expenses incident to maintaining, operating, repairing, and improving the Botanic Garden and the nurseries, buildings, grounds, collections, and equipment pertaining thereto, including personal services (including not to exceed \$3,000 for temporary labor without regard to the Classification Act of 1949, as amended); waterproof wearing apparel; not to exceed \$25 for emergency medical supplies; traveling expenses including streetcar fares, not to exceed \$275; the prevention and eradication of insect and other pests and plant diseases by purchase of materials and procurement of personal services by contract without regard to the provisions of any other Act; purchase and exchange of motor trucks; purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; purchase of botanical books, periodicals, and books of reference, not to exceed \$100; all under the direction of the Joint Committee on the Library; \$385,500: *Provided*, That hereafter no part of any appropriation for the Botanic Garden shall be used for the distribution, by congressional allotment, of trees, plants, shrubs, or other nursery stock.

63 Stat. 954.
5 USC 1071 note.

RELOCATION OF GREENHOUSES

To enable the Architect of the Capitol, under the direction of the Joint Committee on the Library, to provide for the relocation of greenhouses in accordance with the provisions of the Act of August 6, 1956 (70 Stat. 1068), \$587,000, to remain available until expended.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress, not otherwise provided for, including development and maintenance of the Union Catalogs; custody, care, and maintenance of the Library Buildings; special clothing; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board; \$6,200,000.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, including publication of the decisions of the United States courts involving copyrights, \$1,274,056.

LEGISLATIVE REFERENCE SERVICE

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946, as amended (2 U. S. C. 166), \$1,265,000: *Provided*, That no part of this appropriation may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration or the Senate Committee on Rules and Administration.

60 Stat. 836.
2 USC 166 and
note.

DISTRIBUTION OF CATALOG CARDS

SALARIES AND EXPENSES

For expenses necessary for the preparation and distribution of catalog cards and other publications of the Library, \$1,777,535.

INCREASE OF THE LIBRARY OF CONGRESS

GENERAL INCREASE OF THE LIBRARY

For expenses (except personal services) necessary for acquisition of books, periodicals and newspapers, and all other material for the increase of the Library, \$320,000, to continue available during the next succeeding fiscal year.

INCREASE OF THE LAW LIBRARY

For expenses (except personal services) necessary for acquisition of books, legal periodicals, and all other material for the increase of the law library, \$90,000, to continue available during the next succeeding fiscal year.

BOOKS FOR THE SUPREME COURT

For the purchase of books and periodicals for the Supreme Court, to be a part of the Library of Congress, and purchased by the Librarian of the Supreme Court, under the direction of the Chief Justice, \$30,000.

BOOKS FOR THE BLIND

SALARIES AND EXPENSES

For salaries and expenses necessary to carry out the provisions of the Act approved March 3, 1931 (2 U. S. C. 135a), as amended, \$1,355,000.

46 Stat. 1487.

ORGANIZING AND MICROFILMING THE PAPERS OF THE PRESIDENTS

SALARIES AND EXPENSES

2 USC 131 note. For expenses necessary to carry out the provisions of the Act of August 16, 1957 (71 Stat. 368), \$100,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

60 Stat. 810. Appropriations in this Act available to the Library of Congress for salaries shall be available for expenses of investigating the loyalty of Library employees; special and temporary services (including employees engaged by the day or hour or in piecework); and services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a).

Not to exceed ten positions in the Library of Congress may be exempt from the provisions of appropriation Acts concerning the employment of aliens during the current fiscal year, but the Librarian shall not make any appointment to any such position until he has ascertained that he cannot secure for such appointments a person in any of the categories specified in such provisions who possesses the special qualifications for the particular position and also otherwise meets the general requirements for employment in the Library of Congress.

Appropriations in this Act available to the Library of Congress shall be available, in an amount not to exceed \$11,000, when specifically authorized by the Librarian, for expenses of attendance at meetings concerned with the function or activity for which the appropriation is made.

GOVERNMENT PRINTING OFFICE

PRINTING AND BINDING

28 Stat. 603. For authorized printing and binding for the Congress; not to exceed \$7,500 for printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (44 U. S. C. 182); printing, binding, and distribution of the Federal Register (including the Code of Federal Regulations), as authorized by law (44 U. S. C. 309, 311, 311a); and printing and binding of Government publications authorized by law to be distributed without charge to the recipients; \$10,700,000: *Provided*, That this appropriation shall not be available for printing and binding part 2 of the annual report of the Secretary of Agriculture (known as the Yearbook of Agriculture): *Provided further*, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years.

49 Stat. 502; 63 Stat. 381; 56 Stat. 1045.

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

43 Stat. 658. For necessary expenses of the Office of Superintendent of Documents, including compensation of all employees in accordance with the Act entitled "An Act to regulate and fix rates of pay for employees and officers of the Government Printing Office", approved June 7, 1924 (44 U. S. C. 40); traveling expenses (not to exceed \$1,500); price lists and bibliographies; repairs to buildings, elevators, and machinery; and supplying books to depository libraries; \$3,295,190.

GENERAL PROVISIONS

SEC. 102. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles.

Private vehicles.

SEC. 103. Whenever any office or position not specifically established by the Legislative Pay Act of 1929 is appropriated for herein or whenever the rate of compensation or designation of any position appropriated for herein is different from that specifically established for such position by such Act, the rate of compensation and the designation of the position, or either, appropriated for or provided herein, shall be the permanent law with respect thereto: *Provided*, That the provisions herein for the various items of official expenses of Members, officers, and committees of the Senate and House, and clerk hire for Senators and Members shall be the permanent law with respect thereto: *Provided further*, That the provisions relating to positions and salaries thereof carried in H. Res. 219, 239, 378, 405, 486, 525, 550, 565, and 571 of the Eighty-fifth Congress shall be the permanent law with respect thereto.

46 Stat. 32.
2 USC 60a.

SEC. 104. No part of any appropriation contained in this Act shall be paid as compensation to any person appointed after June 30, 1935, as an officer or member of the Capitol Police who does not meet the standards to be prescribed for such appointees by the Capitol Police Board: *Provided*, That the Capitol Police Board is hereby authorized to detail police from the House Office, Senate Office, and Capitol Buildings for police duty on the Capitol Grounds.

Capitol Police.

SEC. 105. Effective July 1, 1958, the annual rates of basic compensation of the following members of the Capitol Police with more than four years service shall be: Lieutenants, \$3,000; special officers, \$3,000; sergeants, \$2,700; and privates, \$2,340. In computing length of service for the purposes of this paragraph, there shall be credited all service performed within any five-year period, whether or not continuous, as a member of the Capitol Police. A change in the rate of compensation based on the completion of four years service shall be effective on the first day of the first pay period which begins after such completion.

Compensation.

SEC. 106. This Act may be cited as the "Legislative Branch Appropriation Act, 1959".

Short title.

Approved July 31, 1958.

Public Law 85-571

AN ACT

To authorize the construction of modern naval vessels.

July 31, 1958
[H. R. 11518]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized to undertake the construction of, or to acquire and convert, not to exceed twenty thousand tons of amphibious warfare vessels and landing craft, as follows:

Naval vessels.
Construction.

One amphibious transport, dock,
One amphibious assault ship.

SEC. 2. There is hereby authorized to be appropriated such sums as may be necessary for the construction, or for the acquisition and conversion of the foregoing vessels.

Appropriations.

Approved July 31, 1958.

Public Law 85-572

JOINT RESOLUTION

July 31, 1958
[H. J. Res. 672]

Amending a joint resolution making temporary appropriations for the fiscal year 1959, and for other purposes.

Ante, p. 242.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That clause (c) of section 102 of the joint resolution of June 30, 1958 (Public Law 85-472), is hereby amended by striking out "July 31, 1958" and inserting in lieu thereof "August 31, 1958".

SEC. 2. The amount appropriated by subsection (b) of section 101 of such joint resolution for Mutual Security programs is hereby increased from "\$200,000,000" to "\$300,000,000".

Approved July 31, 1958.

Public Law 85-573

AN ACT

July 31, 1958
[S. 3076]

To amend section 12 of the Act of May 29, 1884, relating to research on foot-and-mouth disease and other animal diseases.

Animal disease
research.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 12 of the Act of May 29, 1884, as amended (62 Stat. 198, as amended; 21 U. S. C. 113a), is hereby further amended by inserting after the word "tunnel" in the proviso in the first sentence of the section the following clause: "and except that the Secretary of Agriculture may transport said virus in the original package across the mainland under adequate safeguards".

Approved July 31, 1958.

Public Law 85-574

AN ACT

July 31, 1958
[S. 3478]

To insure the maintenance of an adequate supply of anti-hog-cholera serum and hog-cholera virus.

Anti-cholera
serum.
49 Stat. 781.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 58 (b) of the Act of August 24, 1935 (7 U. S. C. 853 (b)), is amended to read as follows:

"(b) Terms and conditions requiring each manufacturer to have in inventory in his own possession on April 1 of each year a reserve supply of completed serum equivalent to not less than 40 per centum of his previous year's sales of all serum, except that any marketing agreement may provide that upon written application by a manufacturer filed before September 1 of the preceding year, the Secretary may fix another date between January 1 and May 1 on which such manufacturer shall have such inventory if the Secretary finds that such action will tend to effectuate the purposes of this Act. The Secretary may impose such terms and conditions upon granting any such application as he finds necessary to effectuate the purposes of this Act. Serum used in computing the required reserve supply of any manufacturer shall not again be used in computing the required reserve supply of any other manufacturer."

Approved July 31, 1958.

Public Law 85-575

AN ACT

Giving the consent of Congress to a compact between the State of Oregon and the State of Washington establishing a boundary between those States.

July 31, 1958
[H. R. 7153]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby given to the compact between the States of Oregon and Washington as contained in chapter 94, Oregon laws, 1957 (senate bill numbered 1, forty-ninth legislative assembly approved by the Governor, April 4, 1957), and chapter 90, laws of 1957, State of Washington (enrolled senate bill numbered 38, passed by the 1957 Legislature of the State of Washington, and approved by the Governor, March 13, 1957) establishing a boundary between the States of Oregon and Washington from one marine league due west of the mouth of the Columbia River to the northeasterly point at which the forty-sixth parallel of north latitude crosses such river.

Washington-
Oregon Compact.

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

Approved July 31, 1958.

Public Law 85-576

AN ACT

To authorize travel and transportation allowances in the case of certain members of the uniformed services.

July 31, 1958
[H. R. 7902]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Act of August 11, 1955 (69 Stat. 691), is amended by amending the second sentence to read as follows: "No additional amount may be paid as a result of the enactment of this section to a member of a uniformed service who was retired, discharged, or placed on the temporary disability retired list before August 11, 1955, unless travel to a home selected by that member was performed—

Armed Forces.
Travel and trans-
portation services.
37 USC 253 note.

(1) before April 29, 1958;

(2) within one year after that retirement, discharge, or placement on the temporary disability retired list; or

(3) within one year after a period of hospitalization or medical treatment which prevents qualification under clauses (1) or (2)."

Approved July 31, 1958.

Public Law 85-577

AN ACT

To authorize civilian personnel of the Department of Defense to carry firearms.

July 31, 1958
[H. R. 11700]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 81 of title 10, United States Code, is amended—

70A Stat. 117.

(1) by adding the following new section at the end thereof:

“§ 1585. Carrying of firearms

“Under regulations to be prescribed by the Secretary of Defense, civilian officers and employees of the Department of Defense may

carry firearms or other appropriate weapons while assigned investigative duties or such other duties as the Secretary may prescribe.”; and

(2) by adding the following new item at the end of the analysis:

“1585. Carrying of firearms.”

Approved July 31, 1958.

Public Law 85-578

AN ACT

July 31, 1958
[H. R. 11626]

To amend section 6911 of title 10, United States Code, to provide for the grade, procurement, and transfer of aviation cadets.

Aviation cadets.
70A Stat. 426.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6911 of title 10, United States Code, is amended to read as follows:

“§ 6911. Aviation cadets: grade; procurement; transfer

“(a) The grade of aviation cadet is a special enlisted grade in the naval service. Under such regulations as the Secretary of the Navy prescribes, male citizens in civil life may be enlisted as, and male enlisted members of the naval service with their consent may be designated as, aviation cadets.

“(b) Except in time of war or emergency declared by Congress, 20 percent of the aviation cadets procured in each fiscal year shall be procured from qualified enlisted members of the Regular Navy and the Regular Marine Corps.

“(c) No person may be enlisted or designated as an aviation cadet unless—

“(1) he agrees in writing that, upon his successful completion of the course of training as an aviation cadet, he will accept a commission as an ensign in the Naval Reserve or a second lieutenant in the Marine Corps Reserve, and will serve on active duty as such for at least three years, unless sooner released; and

“(2) if under 21 years of age, he has the consent of his parent or guardian to his agreement.

“(d) Under such regulations as the Secretary prescribes, an aviation cadet may be transferred to another enlisted grade or rating in the naval service, released from active duty, or discharged.”

Approved July 31, 1958.

Public Law 85-579

AN ACT

August 1, 1958
[S. 3677]

To extend for two years the period for which payments in lieu of taxes may be made with respect to certain real property transferred by the Reconstruction Finance Corporation and its subsidiaries to other Government departments.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 703 of the Federal Property and Administrative Services Act of 1949 (69 Stat. 722) is amended by striking out the figures “1959”, and inserting in lieu thereof the figures “1961”.

(b) Section 704 of such Act (69 Stat. 723) is amended by striking out the figures “1958”, and inserting in lieu thereof the figures “1960”.

Approved August 1, 1958.

40 USC 523, 524.

Public Law 85-580

AN ACT

Making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1959, and for other purposes.

August 1, 1958
[H. R. 11645]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1959, namely:

Departments of
Labor, and Health,
Education, and
Welfare Appropria-
tion Act, 1959.

TITLE I—DEPARTMENT OF LABOR

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For expenses necessary for the Office of the Secretary of Labor (hereafter in this title referred to as the Secretary), including payment in advance when authorized by the Secretary for dues or fees for library membership in organizations whose publications are available to members only or to members at a price lower than to the general public; and purchase of uniforms or allowances therefor, as authorized by the Act of September 1, 1954, as amended (5 U. S. C. 2131); \$1,478,000, of which not more than \$213,000 shall be for international labor affairs.

68 Stat. 1114.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For expenses necessary for the Office of the Solicitor, \$2,321,000.

BUREAU OF LABOR STANDARDS

SALARIES AND EXPENSES

For expenses necessary for the promotion of industrial safety, employment stabilization, and amicable industrial relations for labor and industry; performance of safety functions of the Secretary under the Federal Employees' Compensation Act, as amended (5 U. S. C. 784 (c)); performance of the functions vested in the Secretary by title I of the Labor-Management Relations Act, 1947 (29 U. S. C. 159 (f) and (g)); and not less than \$201,575 for the work of the President's Committee on National Employ the Physically Handicapped Week, as authorized by the Act of July 11, 1949 (63 Stat. 409): *Provided*, That no part of the appropriation for the President's Committee shall be subject to reduction or transfer to any other department or agency under the provisions of any existing law; including purchase of reports and of material for informational exhibits and expenses of attendance of cooperating officials and consultants at conferences concerned with the work of the Bureau of Labor Standards; \$1,004,000.

63 Stat. 865.

61 Stat. 136.

BUREAU OF VETERANS' REEMPLOYMENT RIGHTS

SALARIES AND EXPENSES

For expenses necessary to render assistance in connection with the exercise of reemployment rights under section 8 of the Selective Train-

54 Stat. 890; 55 Stat. 626.

54 Stat. 858.

62 Stat. 614.
50 USC 925 note.

ing and Service Act of 1940, as amended (50 U. S. C. App. 308), the Service Extension Act of 1941, as amended (50 U. S. C. App. 351), the Army Reserve and Retired Personnel Service Law of 1940, as amended (50 U. S. C. App. 401), and section 9 of the Universal Military Training and Service Act (50 U. S. C. App. 459), and the Reserve Forces Act of 1955 (69 Stat. 598), \$542,000.

BUREAU OF APPRENTICESHIP

SALARIES AND EXPENSES

37 Stat. 736.

50 Stat. 664.

For expenses necessary to enable the Secretary to conduct a program of encouraging apprentice training, as authorized by the Acts of March 4, 1913 (5 U. S. C. 611), and August 16, 1937 (29 U. S. C. 50), \$3,700,000.

BUREAU OF EMPLOYMENT SECURITY

SALARIES AND EXPENSES

58 Stat. 293.
38 USC 695-695f.

For expense necessary for the general administration of the employment service and unemployment compensation programs, including temporary employment of persons, without regard to the civil-service laws, for the farm placement migratory labor program; \$6,219,000, of which \$1,145,800 shall be for carrying into effect the provisions of title IV (except section 602) of the Servicemen's Readjustment Act of 1944.

GRANTS TO STATES FOR UNEMPLOYMENT COMPENSATION AND EMPLOYMENT SERVICE ADMINISTRATION

48 Stat. 113.
38 USC 695b.

49 Stat. 626.

38 USC 991-999.
42 USC 1361-1370.

For grants in accordance with the provisions of the Act of June 6, 1933, as amended (29 U. S. C. 49-49n), for carrying into effect section 602 of the Servicemen's Readjustment Act of 1944, for grants to the States as authorized in title III of the Social Security Act, as amended (42 U. S. C. 501-503), including, upon the request of any State, the purchase of equipment, and the payment of rental for space made available to such State in lieu of grants for such purpose, for necessary expenses including purchasing and installing of air-conditioning equipment in connection with the operation of employment office facilities and services in the District of Columbia, and for the acquisition of a building through such arrangements as may be required to provide quarters for such offices and facilities in the District of Columbia and for the District of Columbia Unemployment Compensation Board, subject to the same conditions with respect to the use of these funds for such purposes as are applicable to the procurement of buildings for other State employment security agencies, and for expenses not otherwise provided for, necessary for carrying out title IV of the Veterans' Readjustment Assistance Act of 1952 (66 Stat. 684) and title XV of the Social Security Act, as amended (68 Stat. 1130), \$305,000,000 of which \$10,000,000 shall be available only to the extent necessary to meet increased costs of administration resulting from changes in a State law or increases in the numbers of claims filed and claims paid or increased salary costs resulting from changes in State salary compensation plans embracing employees of the State generally over those upon which the State's basic grant (or the allocation for the District of Columbia) was based, which increased costs of administration cannot be provided for by normal budgetary adjustments: *Provided*, That notwithstanding any provision to the contrary in section

302 (a) of the Social Security Act, as amended, the Secretary of Labor shall from time to time certify to the Secretary of the Treasury for payment to each State found to be in compliance with the requirements of the Act of June 6, 1933, and, except in the case of Puerto Rico, Guam, and the Virgin Islands, with the provisions of section 303 of the Social Security Act, as amended, such amounts as he determines to be necessary for the proper and efficient administration of its unemployment compensation law and of its public employment offices: *Provided further*, That such amounts as may be agreed upon by the Department of Labor and the Post Office Department shall be used for the payment, in such manner as said parties may jointly determine, of postage for the transmission of official mail matter in connection with the administration of unemployment compensation systems and employment services by States receiving grants herefrom.

42 USC 502.

In carrying out the provisions of said Act of June 6, 1933, the provisions of section 303 (a) (1) of the Social Security Act, as amended, relating to the establishment and maintenance of personnel standards on the merit basis, shall apply.

48 Stat. 113.
29 USC 49-49n.

None of the funds appropriated by this title to the Bureau of Employment Security for grants-in-aid of State agencies to cover, in whole or in part, the cost of operation of said agencies including the salaries and expenses of officers and employees of said agencies, shall be withheld from the said agencies of any States which have established by legislative enactment and have in operation a merit system and classification and compensation plan covering the selection, tenure in office, and compensation of their employees, because of any disapproval of their personnel or the manner of their selection by the agencies of the said States, or the rates of pay of said officers or employees.

Grants to States, next succeeding fiscal year: For making, after May 31 of the current fiscal year, payments to States under title III of the Social Security Act, as amended, and under the Act of June 6, 1933, as amended, for the first quarter of the next succeeding fiscal year, such sums as may be necessary, the obligations incurred and the expenditures made thereunder for payments under such title and under such Act of June 6, 1933, to be charged to the appropriation therefor for that fiscal year.

49 Stat. 626.
42 USC 501-503.

UNEMPLOYMENT COMPENSATION FOR VETERANS

For payments to unemployed veterans as authorized by title IV of the Veterans' Readjustment Assistance Act of 1952, \$19,000,000.

66 Stat. 684.
38 USC 991-999.

Unemployment compensation for veterans, next succeeding fiscal year: For making, after May 31 of the current fiscal year, payments to States, as authorized by title IV of the Veterans' Readjustment Assistance Act of 1952, such sums as may be necessary to pay benefits for the first quarter of the next succeeding fiscal year, and the obligations and expenditures thereunder shall be charged to the appropriation therefor for that fiscal year.

UNEMPLOYMENT COMPENSATION FOR FEDERAL EMPLOYEES

For payments to unemployed Federal employees, either directly or through payments to States, as authorized by title XV of the Social Security Act, as amended, \$27,800,000.

68 Stat. 1130.
42 USC 1361-1370.

Unemployment compensation for Federal employees, next succeeding fiscal year: For making, after May 31 of the current fiscal year, payments to States, as authorized by title XV of the Social Security Act, as amended, such amounts as may be required for pay-

ment to unemployed Federal employees for the first quarter of the next succeeding fiscal year, and the obligations and expenditures thereunder shall be charged to the appropriation therefor for that fiscal year.

COMPLIANCE ACTIVITIES, MEXICAN FARM LABOR PROGRAM

For expenses necessary to enable the Department to determine compliance with the provisions of contracts entered into pursuant to the Act of July 12, 1951, as amended, \$480,600.

65 Stat. 119,
7 U.S.C. 1461-
1468.

SALARIES AND EXPENSES, MEXICAN FARM LABOR PROGRAM

For expenses, not otherwise provided for, necessary to carry out the functions of the Department of Labor under the Act of July 12, 1951 (65 Stat. 119), as amended, including temporary employment of persons without regard to the civil-service laws, \$1,550,000, which shall be derived by transfer from the farm labor supply revolving fund: *Provided*, That reimbursement to the United States under agreements hereafter entered into pursuant to section 502 of the Act of October 31, 1949, as amended (7 U. S. C. 1462), shall include all expenses of program operations except those compliance activities separately provided for herein.

BUREAU OF EMPLOYEES' COMPENSATION

SALARIES AND EXPENSES

For necessary administrative expenses and not to exceed \$99,000 for the Employees' Compensation Appeals Board, \$2,810,600, together with not to exceed \$47,400 to be derived from the fund created by section 44 of the Longshoremen's and Harbor Workers' Compensation Act, as amended (33 U. S. C. 906).

44 Stat. 1444; 70
Stat. 654.
33 USC 944.

EMPLOYEES' COMPENSATION FUND

For the payment of compensation and other benefits and expenses (except administrative expenses) authorized by law and accruing during the current or any prior fiscal year, including payments to other Federal agencies for medical and hospital services pursuant to agreement approved by the Bureau of Employees' Compensation; continuation of payment of benefits as provided for under the head "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the advancement of costs for enforcement of recoveries in third-party cases; the furnishing of medical and hospital services and supplies, treatment, and funeral and burial expenses, including transportation and other expenses incidental to such services, treatment, and burial, for such enrollees of the Civilian Conservation Corps as were certified by the Director of such Corps as receiving hospital services and treatment at Government expense on June 30, 1943, and who are not otherwise entitled thereto as civilian employees of the United States, and the limitations and authority of the Act of September 7, 1916, as amended (5 U. S. C. 796), shall apply in providing such services, treatment, and expenses in such cases and for payments pursuant to sections 4 (c) and 5 (f) of the War Claims Act of 1948 (50 U. S. C., app. 2012); such amount as may be required during the current fiscal year.

60 Stat. 696.

39 Stat. 742.

50 U.S.C. app.
2003-2004.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For expenses necessary for the work of the Bureau of Labor Statistics, including advances or reimbursement to State, Federal, and local agencies and their employees for services rendered, \$7,424,500.

WOMEN'S BUREAU

SALARIES AND EXPENSES

For expenses necessary for the work of the Women's Bureau, as authorized by the Act of June 5, 1920 (29 U. S. C. 11-16), including purchase of reports and material for informational exhibits, \$462,000.

41 Stat. 987.

WAGE AND HOUR DIVISION

SALARIES AND EXPENSES

For expenses necessary for performing the duties imposed by the Fair Labor Standards Act of 1938, as amended, and the Act to provide conditions for the purchase of supplies and the making of contracts by the United States, approved June 30, 1936, as amended (41 U. S. C. 35-45), including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, and not to exceed \$3,000 for expenses of attendance of cooperating officials and consultants at conferences concerned with the work of the Division, \$10,500,000.

52 Stat. 1060.
29 USC 201.

49 Stat. 2036.

This title may be cited as the "Department of Labor Appropriation Act, 1959".

Citation of title.

TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

AMERICAN PRINTING HOUSE FOR THE BLIND

EDUCATION OF THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U. S. C. 101-105), \$400,000.

41 Stat. 272.

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses not otherwise provided for, of the Food and Drug Administration, including purchase of not to exceed twenty-five passenger motor vehicles for replacement only; reporting and illustrating the results of investigations; purchase of chemicals, apparatus, and scientific equipment; payment in advance for special tests and analyses by contract; and payment of fees, travel, and per diem in connection with studies of new developments pertinent to food and drug enforcement operations; \$9,800,000.

SALARIES AND EXPENSES, CERTIFICATION, INSPECTION, AND OTHER SERVICES

For expenses necessary for the certification or inspection of certain products, and for the establishment of tolerances for pesticides, in ac-

cordance with sections 406, 408, 504, 506, 507, 604, 702A, and 706 of the Federal Food, Drug, and Cosmetic Act, as amended (21 U. S. C. 346, 346a, 354, 356, 357, 364, 372a, and 376), the aggregate of the advance deposits during the current fiscal year to cover payments of fees for services in connection with such certifications, inspections, or establishment of tolerances, to remain available until expended. The total amount herein appropriated shall be available for purchase of chemicals, apparatus, and scientific equipment; expenses of advisory committees; and the refund of advance deposits for which no service has been rendered.

FREEDMEN'S HOSPITAL

SALARIES AND EXPENSES

For expenses necessary for operation and maintenance, including repairs; furnishing, repairing, and cleaning of wearing apparel used by employees in the performance of their official duties; transfer of funds to the appropriation "Salaries and expenses, Howard University" for salaries of technical and professional personnel detailed to the hospital; payments to the appropriation of Howard University for actual cost of heat, light, and power furnished by such university; \$2,975,000: *Provided*, That no intern or resident physician receiving compensation from this appropriation on a full-time basis shall receive compensation in the form of wages or salary from any other appropriation in this title: *Provided further*, That the District of Columbia shall pay by check to Freedmen's Hospital, upon the Surgeon General's request, in advance at the beginning of each quarter, such amount as the Surgeon General calculates will be earned on the basis of rates approved by the Bureau of the Budget for the care of patients certified by the District of Columbia. Bills rendered by the Surgeon General on the basis of such calculations shall not be subject to audit or certification in advance of payment; but proper adjustment of amounts which have been paid in advance on the basis of such calculations shall be made at the end of each quarter: *Provided further*, That the Surgeon General may delegate the responsibilities imposed upon him by the foregoing proviso.

GALLAUDET COLLEGE

SALARIES AND EXPENSES

For the partial support of Gallaudet College, including personal services and miscellaneous expenses, and repairs and improvements, as authorized by the Act of June 18, 1954 (Public Law 420), \$815,000: *Provided*, That Gallaudet College shall be paid by the District of Columbia, in advance at the beginning of each quarter, at the rate of \$1,295 per school year for each student attending and receiving instruction in elementary or secondary education pursuant to the Act of March 1, 1901 (31 D. C. Code 1008).

CONSTRUCTION

For the preparation of plans and specifications for construction and equipment of buildings and facilities on the grounds of Gallaudet College, as authorized by the Act of June 18, 1954 (Public Law 420), under the supervision of the General Services Administration, \$123,000, to remain available until June 30, 1960, as follows: For an auditorium; a classroom and dormitory building, Kendall School; green-

52 Stat. 1049; 55 Stat. 851; 59 Stat. 463.

Salary restriction.

Payments by District of Columbia.

68 Stat. 265. D.C. Code 31-1025 to 31-1032.

31 Stat. 844.

houses; athletic fields and stands; maintenance building; maintenance personnel apartments; and alterations, installations, equipment, roads, walks, and grading.

HOWARD UNIVERSITY

SALARIES AND EXPENSES

For the partial support of Howard University, including personal services and miscellaneous expenses and repairs to buildings and grounds, \$3,953,700.

PLANS AND SPECIFICATIONS

For the preparation of plans and specifications for construction, under the supervision of the General Services Administration, on the grounds of Howard University, of a physical education building, \$123,000, to remain available until June 30, 1960.

CONSTRUCTION OF MEN'S DORMITORY (LIQUIDATION OF CONTRACT AUTHORIZATION)

For payment of obligations incurred under authority previously provided, to enter into contracts for the construction of the men's dormitory, \$163,000.

OFFICE OF EDUCATION

PROMOTION AND FURTHER DEVELOPMENT OF VOCATIONAL EDUCATION

For carrying out the provisions of section 3 of the Vocational Education Act of 1946, as amended (20 U. S. C., ch. 2; 70 Stat. 1126), and section 202 of said Act (70 Stat. 925), section 4 of the Act of March 10, 1924 (20 U. S. C. 29), section 1 of the Act of March 3, 1931 (20 U. S. C. 30), the Act of March 18, 1950 (20 U. S. C. 31), and section 9 of the Act of August 1, 1956 (70 Stat. 909), including \$4,000,000 for extension and improvement of practical nurse training, and \$228,000 for vocational education in the fishery trades and industry including distributive occupations therein, \$33,750,081: *Provided*, That the apportionment to the States under section 3 (a), (1), (2), (3), and (4) of the Vocational Education Act of 1946 shall be computed on the basis of not to exceed \$29,267,081 for the current fiscal year: *Provided further*, That the amount of allotment which States and Territories are not prepared to use may be reapportioned among other States and Territories applying therefor for use in the programs for which the funds were originally apportioned.

42 USC 242 e
note.

43 Stat. 18; 47
Stat. 1489; 64 Stat.
27.
20 USC 34.

20 USC 15j.

FURTHER ENDOWMENT OF COLLEGES OF AGRICULTURE AND THE MECHANIC ARTS

For carrying out the provisions of section 22 of the Act of June 29, 1935, as amended (7 U. S. C. 329), \$2,501,500.

49 Stat. 439.

GRANTS FOR LIBRARY SERVICES

For grants to the States pursuant to the Act of June 19, 1956, as amended (70 Stat. 293-296, 911), \$6,000,000: *Provided*, That the amount of any State's allotment from this appropriation which such State certifies will remain unpaid to it on June 30, 1960, may be reallotted by the Commissioner among other States applying therefor in proportion to their rural population, and deemed part of such allot-

20 USC 352-358.

ments, except that no State's allotment shall be so increased as to exceed the allotment which would be made to it were this appropriation equal to the maximum authorized under such Act.

ASSISTANCE FOR SCHOOL CONSTRUCTION

67 Stat. 522, 526.

For an additional amount for necessary expenses of technical services rendered by other agencies in connection with titles III and IV of the Act of September 23, 1950, as amended (20 U. S. C., ch. 14), \$800,000, to remain available only until June 30, 1959: *Provided*, That no part of this appropriation shall be available for salaries or other direct expenses of the Department of Health, Education, and Welfare.

SALARIES AND EXPENSES

68 Stat. 533.

For expenses necessary for the Office of Education, including surveys, studies, investigations, and reports regarding libraries; coordination of library service on the national level with other forms of adult education; development of library service throughout the country; purchase, distribution, and exchange of educational documents, motion-picture films, and lantern slides; and cooperative research, surveys, and demonstrations in education as authorized by the Act of July 26, 1954 (20 U. S. C. 331-332); \$7,850,000, of which not less than \$550,000 shall be available for the Division of Vocational Education as authorized.

OFFICE OF VOCATIONAL REHABILITATION

GRANTS TO STATES AND OTHER AGENCIES

68 Stat. 652.
29 USC 31 notes.

For grants to States and other agencies in accordance with the Vocational Rehabilitation Act, as amended, \$51,600,000, of which \$45,500,000 is for vocational rehabilitation services under section 2 of said Act; \$1,500,000 is for extension and improvement projects under section 3 of said Act; and \$4,600,000 is for special projects under section 4 of said Act: *Provided*, That allotments under section 2 of said Act to the States for the current fiscal year shall be made on the basis of \$56,000,000, and this amount shall be considered the sum available for allotments under such section for such fiscal year.

Grants to States, next succeeding fiscal year: For making, after May 31 of the current fiscal year, grants to States under sections 2 and 3 of the Vocational Rehabilitation Act, as amended, for the first quarter of the next succeeding fiscal year such sums as may be necessary, the obligations incurred and the expenditures made thereunder to be charged to the appropriation therefor for that fiscal year: *Provided*, That the payments made pursuant to this paragraph shall not exceed the amount paid to the States for the first quarter of the current fiscal year.

TRAINING AND TRAINEESHIPS

29 USC 34, 37.

For training and traineeships pursuant to section 4 of the Vocational Rehabilitation Act, as amended, and for carrying out the training functions provided for in section 7 of said Act, \$4,800,000.

SALARIES AND EXPENSES

68 Stat. 652.
49 Stat. 1559.

For expenses necessary in carrying out the provisions of the Vocational Rehabilitation Act, as amended, and of the Act approved June 20, 1936 (20 U. S. C., ch. 6A), as amended, \$1,400,000.

PUBLIC HEALTH SERVICE

For necessary expenses in carrying out the Public Health Service Act, as amended (42 U. S. C., ch. 6A) (hereinafter referred to as the Act), and other Acts, including expenses for active commissioned officers in the Reserve Corps and for not to exceed one thousand nine hundred commissioned officers in the Regular Corps; and except as otherwise authorized by the Act of September 30, 1950 (20 U. S. C. 236-244), for expenses of primary and secondary schooling of dependents of Public Health Service personnel stationed in foreign countries, in amounts not to exceed an average of \$250 per student, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of such dependents, and for the transportation of such dependents between such schools and their places of residence when the schools are not accessible to such dependents by regular means of transportation; and for the payment of compensation to consultants or individual scientists appointed for limited periods of time pursuant to section 207 (f) or section 207 (g) of the Act at rates established by the Surgeon General not to exceed \$15,000 per annum; as follows:

58 Stat. 682.

64 Stat. 1100.

70 Stat. 116.

ASSISTANCE TO STATES, GENERAL

To carry out the purposes not otherwise specifically provided for, of section 314 (c) of the Act; to provide consultative services to States pursuant to section 311 of the Act; to make field investigations and demonstrations pursuant to section 301 of the Act; to provide for collecting and compiling mortality, morbidity, and vital statistics; to provide traineeships pursuant to section 306 of the Act; and not to exceed \$1,000 for entertainment of officials of other countries when specifically authorized by the Surgeon General; \$22,889,000.

42 USC 246, 243,
241, 242d.

GRANTS AND SPECIAL STUDIES, TERRITORY OF ALASKA

To enable the Surgeon General to conduct, in the Service, and to cooperate with and assist the Territory of Alaska in the conduct of, activities necessary in the investigation, prevention, treatment, and control of diseases, and the establishment and maintenance of health and sanitation services pursuant to and for the purposes specified in sections 301, 311, 314 (without regard to the provisions of subsections (d), (f), (h), and (j) and the limitation set forth in subsection (c) of such section), 361, 363, and 371 of the Act, including the hire, operation, and maintenance of aircraft, and the purchase, erection, and maintenance of portable buildings, \$2,165,000.

42 USC 241, 243,
246, 264, 266, 273.

CONSTRUCTION, MENTAL HEALTH FACILITIES, TERRITORY OF ALASKA

For payments for construction of hospital and other facilities pursuant to section 372 of the Public Health Service Act, as amended (42 U. S. C. 274), including expenses incurred in fiscal year 1958 by the Territory of Alaska incident to planning such facilities, \$6,500,000, to remain available until June 30, 1960.

CONTROL OF VENEREAL DISEASES

To carry out the purposes of sections 314 (a) and 363 of the Act with respect to venereal diseases and for grants of money, services, supplies, equipment, and use of facilities to States, as defined in the Act, and with the approval of the respective State health authorities, to counties, health districts, and other political subdivisions of the

42 USC 246, 266.

States, for venereal disease control activities, in such amounts and upon such terms and conditions as the Surgeon General may determine; \$5,400,000.

CONTROL OF TUBERCULOSIS

42 USC 246.

To carry out the purposes of section 314 (b) of the Act, \$6,386,000, of which not less than \$4,000,000 shall be available only for grants to States, to be matched by an equal amount of State and local funds expended for the same purpose, for direct expenses of prevention and case-finding projects including salaries, fees, and travel of personnel directly engaged in prevention and case-finding and the necessary equipment and supplies used directly in prevention and case-finding operations, but excluding the purchase of care in hospitals and sanatoria.

COMMUNICABLE DISEASE ACTIVITIES

42 USC 241, 243, 264.

To carry out, except as otherwise provided for, those provisions of sections 301, 311, and 361 of the Act relating to the prevention and suppression of communicable and preventable diseases, and the interstate transmission and spread thereof, including the purchase, erection, and maintenance of portable buildings; purchase of not to exceed nine passenger motor vehicles for replacement only; and hire, maintenance, and operation of aircraft; \$6,600,000.

EQUIPMENT, COMMUNICABLE DISEASE CENTER

For purchase and installation of equipment, not otherwise provided, for the Communicable Disease Center Building, Atlanta, Georgia, \$1,700,000, to remain available until June 30, 1960.

SANITARY ENGINEERING ACTIVITIES

42 USC 241, 243, 246, 264.

69 Stat. 322.

70 Stat. 498.

For expenses, not otherwise provided, necessary to carry out those provisions of sections 301, 311, 314 (c), and 361 of the Act relating to sanitation and other aspects of environmental health, including enforcement of applicable quarantine laws and interstate quarantine regulations, and for carrying out the purposes of the Acts of July 14, 1955 (42 U. S. C. 1857-1857f), and July 9, 1956 (33 U. S. C. 466-466d, 466f-466k), including \$2,700,000 for grants to States and \$300,000 for grants to interstate agencies; purchase of not to exceed nine passenger motor vehicles for replacement only; and the hire, maintenance, and operation of aircraft; \$12,815,000 to remain available only until June 30, 1959.

GRANTS FOR WASTE TREATMENT WORKS CONSTRUCTION

70 Stat. 502.

For payments under section 6 of the Water Pollution Control Act, as amended (33 U. S. C. 466e), \$45,000,000, to remain available only until June 30, 1960: *Provided*, That allotments under such section 6 for the current fiscal year shall be made on the basis of \$50,000,000.

GRANTS FOR HOSPITAL CONSTRUCTION

60 Stat. 1042;
68 Stat. 462.
42 USC 291d-
291h, 291s-291v.

For payments under parts C and G, title VI, of the Act, as amended, \$186,200,000, of which \$150,000,000 shall be for payments for hospitals and related facilities pursuant to part C, \$1,200,000 shall be for the purposes authorized in section 636 of the Act, and \$35,000,000 shall be for payments for facilities pursuant to part G, as follows: \$7,500,000 for diagnostic or treatment centers, \$7,500,000 for hospitals for the chronically ill and impaired, \$10,000,000 for rehabilitation facilities, and \$10,000,000 for nursing homes: *Provided*, That al-

lotments under such parts C and G to the several States for the current fiscal year shall be made on the basis of amounts equal to the limitations specified herein.

SALARIES AND EXPENSES, HOSPITAL CONSTRUCTION SERVICES

For salaries and expenses incident to carrying out title VI of the Act, as amended, \$1,600,000.

HOSPITALS AND MEDICAL CARE

For carrying out the functions of the Public Health Service under the Act of August 8, 1946 (5 U. S. C. 150), including \$1,866,000 to be available only for payments for medical care of dependents and retired personnel under the Dependents' Medical Care Act (37 U. S. C., chap. 7), and under sections 307, 321, 322, 324, 326, 331, 332, 341, 343, 344, 502, 504, and 810 of the Public Health Service Act, Private Law 419 of the Eighty-third Congress, as amended, and Executive Order 9079 of February 26, 1942, including purchase and exchange of farm products and livestock; conducting research on technical nursing standards and furnishing consultative nursing services; purchase of not to exceed eleven passenger motor vehicles for replacement only; and purchase of firearms and ammunition; \$48,454,000, of which \$1,000,000 shall be available only for payments to the Territory of Hawaii for care and treatment of persons afflicted with leprosy and \$330,000 shall be available for construction of buildings at Carville, Louisiana: *Provided*, That when the Public Health Service establishes or operates a health service program for any department or agency, payment for the estimated cost shall be made in advance for deposit to the credit of this appropriation.

70 Stat. 250.
42 USC 242e.
248, 249, 251, 253,
255-257, 259, 260,
220, 222, 201 note.
68 Stat. A74.
3 CFR 1943
Cum. Supp., p.
1101.

FOREIGN QUARANTINE ACTIVITIES

For carrying out the purposes of sections 361 to 369 of the Act, relating to preventing the introduction of communicable diseases from foreign countries, the medical examination of aliens in accordance with section 325 of the Act, and the care and treatment of quarantine detainees pursuant to section 322 (e) of the Act in private or other public hospitals when facilities of the Public Health Service are not available, including insurance of official motor vehicles in foreign countries when required by law of such countries, \$4,108,000: *Provided*, That appropriations under this head for fiscal year 1958 are hereby made available for payment of overtime for the period July 1, 1957 to May 2, 1958 computed in accordance with administrative instructions issued November 4, 1957 by the Public Health Service, Division of Foreign Quarantine.

42 USC 264-272.

42 USC 252, 249.

Section 364 (c) of the Public Health Service Act, as amended, is amended to read as follows:

42 USC 267.

“(c) The Surgeon General shall fix a reasonable rate of extra compensation for overtime services of employees of the United States Public Health Service, Foreign Quarantine Division, performing overtime duties including the operation of vessels, in connection with the inspection or quarantine treatment of persons (passengers and crews), conveyances, or goods arriving by land, water, or air in the United States or any place subject to the jurisdiction thereof, hereinafter referred to as ‘employees of the Public Health Service’, when required to be on duty between the hours of 6 o’clock postmeridian and 6 o’clock antemeridian (or between the hours of 7 o’clock postmeridian and 7 o’clock antemeridian at stations which have a declared workday of

from 7 o'clock antemeridian to 7 o'clock postmeridian), or on Sundays or holidays, such rate, in lieu of compensation under any other provision of law, to be fixed at two times the basic hourly rate for each hour that the overtime extends beyond 6 o'clock (or 7 o'clock as the case may be) postmeridian, and two times the basic hourly rate for each overtime hour worked on Sundays or holidays. As used in this subsection, the term 'basic hourly rate' shall mean the regular basic rate of pay which is applicable to such employees for work performed within their regular scheduled tour of duty."

INDIAN HEALTH ACTIVITIES

68 Stat. 674.

42 USC 248, 249,
251, 227.

For expenses necessary to enable the Surgeon General to carry out the purposes of the Act of August 5, 1954 (42 U. S. C. 2001) (including not to exceed \$10,000 for temporary services at rates not to exceed \$100 per diem for individuals, when authorized by the Surgeon General); purchase of not to exceed twenty-five passenger motor vehicles for replacement only; hire of passenger motor vehicles and aircraft; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the purposes set forth in sections 321, 322 (d), 324 and 509 of the Public Health Service Act; \$40,473,000.

CONSTRUCTION OF INDIAN HEALTH FACILITIES

71 Stat. 370.
42 U S C 2005-
2005f.

For construction, major repair, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites; purchase and erection of portable buildings; and purchase of trailers; \$4,124,000, of which \$1,750,000 shall be available for the purposes of Public Law 151, 85th Congress, to remain available until June 30, 1960: *Provided*, That such expenditures may be made through the Department of the Interior at the option of the Secretary of the Department of Health, Education, and Welfare.

GENERAL RESEARCH AND SERVICES, NATIONAL INSTITUTES OF HEALTH

42 USC 241.

41 USC 5.

70A Stat. 134.

For the activities of the National Institutes of Health, not otherwise provided for, including research fellowships and grants for research projects and training grants pursuant to section 301 of the Act; regulation and preparation of biologic products, and conduct of research related thereto; and grants of therapeutic and chemical substances for demonstrations and research; \$28,974,000: *Provided*, That funds advanced to the National Institutes of Health management fund from appropriations included in this Act shall be available for purchase of not to exceed nineteen passenger motor vehicles, of which fourteen shall be for replacement only; not to exceed \$2,500 for entertainment of visiting scientists when specifically approved by the Surgeon General; and erection of temporary structures: *Provided further*, That all funds herein appropriated which are expended under any provision of the Act in connection with any research or training project may be expended pursuant to contracts made on a cost or other basis for supplies and services by negotiation, without regard to section 3709 of the Revised Statutes, including indemnification of contractors to the extent and subject to the limitations provided in title 10, United States Code, section 2354, except that approval and certification required thereby shall be by the Surgeon General.

NATIONAL CANCER INSTITUTE

To enable the Surgeon General, upon the recommendations of the National Advisory Cancer Council, to make grants-in-aid for research and training projects relating to cancer; to cooperate with State health agencies, and other public and private nonprofit institutions, in the prevention, control, and eradication of cancer by providing consultative services, demonstrations, and grants-in-aid; and to contract on a cost or other basis for supplies and services by negotiation, without regard to section 3709 of the Revised Statutes, in connection with the chemotherapy program, including indemnification of contractors to the extent and subject to the limitations provided in title 10, United States Code, section 2354, except that approval and certification required thereby shall be by the Surgeon General; and to otherwise carry out the provisions of title IV, part A, of the Act; \$75,268,000.

41 USC 5.

70A Stat. 134.

42 USC 281-286.

MENTAL HEALTH ACTIVITIES

For expenses necessary for carrying out the provisions of sections 301, 302, 303, 311, 312, and 314 (c) of the Act with respect to mental diseases, \$52,419,000.

42 USC 241-244,
246.

NATIONAL HEART INSTITUTE

For expenses necessary to carry out the purposes of the National Heart Act, \$45,613,000.

62 Stat. 464.
42 USC 287 note.

DENTAL HEALTH ACTIVITIES

For expenses not otherwise provided for, necessary to enable the Surgeon General to carry out the purposes of the Act with respect to dental diseases and conditions, \$7,420,000.

ARTHRITIS AND METABOLIC DISEASE ACTIVITIES

For expenses necessary to carry out the purposes of the Act relating to arthritis, rheumatism, and metabolic diseases, \$31,215,000.

ALLERGY AND INFECTIOUS DISEASE ACTIVITIES

For expenses, not otherwise provided for, necessary to carry out the purposes of the Act relating to allergy and infectious diseases, \$24,071,000, of which \$150,000 shall be available for payment to the Gorgas Memorial Institute for maintenance and operation of the Gorgas Memorial Laboratory.

NEUROLOGY AND BLINDNESS ACTIVITIES

For expenses necessary to carry out the purposes of the Act relating to neurology and blindness, \$29,403,000.

CONSTRUCTION OF DENTAL RESEARCH BUILDING

For construction and equipment of a dental research building as authorized by Public Law 755, Eightieth Congress, as amended, \$3,700,000, to remain available until June 30, 1960.

62 Stat. 598.
42 USC 288 note.

GENERAL OFFICE BUILDING

For construction of a general office building at the National Institutes of Health, including related parking facilities \$9,625,000, which shall be consolidated with funds appropriated under this head in the Second Supplemental Appropriation Act, 1957 (70 Stat. 769), to be disbursed and accounted for as one fund: *Provided*, That the Surgeon General is authorized to convey by quitclaim deed to the appropriate body corporate of the State of Maryland upon such terms and conditions as he may prescribe such portion of land presently included in the site of the National Institutes of Health as may be necessary to permit improvement of the street currently designated as Cedar Lane for the distance that such street runs contiguous to such site: *Provided further*, That such terms and conditions may include an agreement by the Surgeon General to pay on behalf of the United States fifty per centum of the cost of the improvement, but not to exceed \$100,000.

GRANTS FOR CONSTRUCTION OF HEALTH RESEARCH FACILITIES

70 Stat. 717.
42 USC 292 note.

For grants pursuant to the Health Research Facilities Act of 1956, \$30,000,000.

OPERATIONS, NATIONAL LIBRARY OF MEDICINE

70 Stat. 960.

For expenses, not otherwise provided for, necessary to carry out the National Library of Medicine Act (42 U. S. C. 275), \$1,415,000.

CONSTRUCTION OF LIBRARY FACILITIES

For construction and equipment of the National Library of Medicine, including furniture, architectural and engineering services, and moving, \$6,950,000, which shall be consolidated with funds appropriated under this head in the Second Supplemental Appropriation Act, 1957 (70 Stat. 769), to be disbursed and accounted for as one fund.

RETIRED PAY OF COMMISSIONED OFFICERS

67 Stat. 501.
37 USC 371 note.

For retired pay of commissioned officers, as authorized by law, and payments under the Uniformed Services Contingency Option Act of 1953, such amount as may be required during the current fiscal year.

SALARIES AND EXPENSES

For the divisions and offices of the Office of the Surgeon General and for miscellaneous expenses of the Public Health Service not appropriated for elsewhere, including preparing information, articles, and publications related to public health; and conducting studies and demonstrations in public health methods, \$5,260,000.

SAINT ELIZABETHS HOSPITAL

SALARIES AND EXPENSES

For expenses necessary for the maintenance and operation of the hospital, including purchase of one passenger motor vehicle, clothing for patients, and cooperation with organizations or individuals in the scientific research into the nature, causes, prevention, and treatment of mental illness, \$3,154,000.

MAJOR REPAIRS AND PRESERVATION OF BUILDINGS AND GROUNDS

For miscellaneous construction, alterations, repairs, and equipment, on the grounds of the hospital, including preparation of plans and specifications, advertising, and supervision of construction, \$87,000, to remain available until June 30, 1960.

CONSTRUCTION, CONTINUED TREATMENT BUILDING

For expenses necessary for the preparation of preliminary plans for a continued treatment building at Saint Elizabeths Hospital, \$125,000, to remain available until June 30, 1960.

SOCIAL SECURITY ADMINISTRATION

LIMITATION ON SALARIES AND EXPENSES, BUREAU OF OLD-AGE AND SURVIVORS INSURANCE

For necessary expenses, not more than \$133,300,000 may be expended from the Federal old-age and survivors insurance trust fund: *Provided*, That such amounts as are required shall be available to pay the cost of necessary travel incident to medical examinations for verifying disabilities of individuals who file applications for disability determinations under title II of the Social Security Act, as amended.

49 Stat. 622.
42 USC 401-425.

Advances to States, next succeeding fiscal year: For making, after May 31 of the current fiscal year, advances to States under section 221 (e) of the Social Security Act, as amended, for the first quarter of the next succeeding fiscal year, such sums as may be necessary from the above authorization may be expended from the Federal old-age and survivors insurance trust fund.

70 Stat. 823.
42 USC 421e.

GRANTS TO STATES FOR PUBLIC ASSISTANCE

For grants to States for old-age assistance, aid to dependent children, aid to the blind, and aid to the permanently and totally disabled, as authorized in titles I, IV, X, and XIV of the Social Security Act, as amended (42 U. S. C., ch. 7, subchs. I, IV, X, and XIV), \$1,806,400,000 of which such amount as may be necessary shall be available for grants for any period in the prior fiscal year subsequent to March 31 of that year.

70 Stat. 807.

SALARIES AND EXPENSES, BUREAU OF PUBLIC ASSISTANCE

For expenses necessary for the Bureau of Public Assistance, \$1,980,000.

SALARIES AND EXPENSES, CHILDREN'S BUREAU

For necessary expenses in carrying out the Act of April 9, 1912, as amended (42 U. S. C., ch. 6), and title V of the Social Security Act, as amended (42 U. S. C., ch. 7, subch. V), including purchase of reports and material for the publications of the Children's Bureau and of reprints for distribution, \$2,000,000: *Provided*, That no part of any appropriation contained in this title shall be used to promulgate or carry out any instructions, order, or regulation relating to the care of obstetrical cases which discriminate between persons licensed under State law to practice obstetrics: *Provided further*, That the foregoing proviso shall not be so construed as to prevent any patient from having the services of any practitioner of her own choice, paid for out of this fund, so long as State laws are complied with: *Provided further*,

37 Stat. 79.
49 Stat. 629.

That any State plan which provides standards for professional obstetrical services in accordance with the laws of the State shall be approved.

SALARIES AND EXPENSES, WHITE HOUSE CONFERENCE ON
CHILDREN AND YOUTH

For necessary expenses of preparation for a 1960 White House Conference on Children and Youth, \$150,000: *Provided*, That a conference director may be appointed by the Secretary, without regard to civil service laws and the Classification Act of 1949, as amended, at a salary not to exceed \$15,000 per annum.

63 Stat. 954.
5 USC 1071 note.

GRANTS TO STATES FOR MATERNAL AND CHILD WELFARE

For grants to States for maternal and child-health services, services for crippled children, and child-welfare services as authorized in title V, parts 1, 2, and 3, of the Social Security Act, as amended (42 U. S. C., ch. 7, subch. V), \$43,500,000, of which \$15,000,000 shall be available for services for crippled children, \$16,500,000 for maternal and child-health services, and \$12,000,000 for child-welfare services: *Provided*, That any allotment to a State pursuant to section 502 (b) or 512 (b) of such Act shall not be included in computing for the purposes of subsections (a) and (b) of sections 504 and 514 of such Act an amount expended or estimated to be expended by the State: *Provided further*, That \$1,000,000 of the amount available under section 502 (b) of such Act shall be used only for special projects for mentally retarded children.

49 Stat. 629-633.

42 USC 702, 712,
704, 714.

SALARIES AND EXPENSES, OFFICE OF THE COMMISSIONER

For expenses necessary for the Office of the Commissioner of Social Security, \$314,000, together with not to exceed \$246,000 to be transferred from the Federal old-age and survivors insurance trust fund.

Grants to States, next succeeding fiscal year: For making, after May 31 of the current fiscal year, payments to States under titles I, IV, V, X, and XIV, and section 705 of title VII, respectively, of the Social Security Act, as amended, for the first quarter of the next succeeding fiscal year, such sums as may be necessary, the obligations incurred and the expenditures made thereunder for payments under each of such titles to be charged to the appropriation therefor for that fiscal year.

70 Stat. 807, 851.
42 USC 906.

In the administration of titles I, IV, V, X, and XIV, respectively, of the Social Security Act, as amended, payments to a State under any of such titles for any quarter in the period beginning April 1 of the prior year, and ending June 30 of the current year, may be made with respect to a State plan approved under such title prior to or during such period, but no such payment shall be made with respect to any plan for any quarter prior to the quarter in which such plan was submitted for approval.

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For expenses necessary for the Office of the Secretary, \$1,809,000, together with not to exceed \$263,000 to be transferred from the Federal old-age and survivors insurance trust fund.

SALARIES AND EXPENSES, OFFICE OF FIELD ADMINISTRATION

For expenses necessary for the Office of Field Administration, \$2,358,000, together with not to exceed \$702,000 to be transferred from the Federal old-age and survivors insurance trust fund.

SALARIES AND EXPENSES, OFFICE OF THE GENERAL COUNSEL

For expenses necessary for the Office of the General Counsel, \$505,000, together with not to exceed \$25,000 to be transferred from the appropriation "Salaries and expenses, certification and inspection services", and not to exceed \$450,000 to be transferred from the Federal old-age and survivors insurance trust fund.

SURPLUS PROPERTY UTILIZATION

For expenses necessary for carrying out the provisions of subsections 203 (j), (k), (n), and (o), of the Federal Property and Administrative Services Act of 1949, as amended, relating to disposal of real and personal excess property for educational purposes, civil defense purposes, and protection of public health, \$632,000.

63 Stat. 386; 70
Stat. 493, 1020.
40 USC 484.

GENERAL PROVISIONS

SEC. 202. Appropriations under this title available for salaries and expenses shall be available for payment in advance for dues or fees for library membership in organizations whose publications are available to members only or to members at a price lower than to the general public.

Library member-
ships.

SEC. 203. Appropriations under this title available for salaries and expenses shall be available for travel expenses and for expenses of attendance at meetings concerned with the functions or activities for which such appropriations are made.

Travel expenses.

SEC. 204. Appropriations under this title available for salaries and expenses shall be available for uniforms or allowances therefor as authorized by the Act of September 1, 1954, as amended (5 U. S. C. 2131).

Uniforms.

68 Stat. 1114.

SEC. 205. None of the funds appropriated by this title to the Social Security Administration for grants-in-aid of State agencies to cover, in whole or in part, the cost of operation of said agencies, including the salaries and expenses of officers and employees of said agencies, shall be withheld from the said agencies of any States which have established by legislative enactment and have in operation a merit system and classification and compensation plan covering the selection, tenure in office, and compensation of their employees, because of any disapproval of their personnel or the manner of their selection by the agencies of the said States, or the rates of pay of said officers or employees.

State agencies
for grants-in-aid.

SEC. 206. The Secretary is authorized to make such transfers of motor vehicles, between bureaus and offices, without transfer of funds, as may be required in carrying out the operations of the Department.

Motor vehicles.

SEC. 207. None of the funds provided herein shall be used to pay any recipient of a grant for the conduct of a research project an amount for indirect expenses in connection with such project in excess of 15 per centum of the direct costs.

SEC. 208. Any appropriation available for the pay and allowances of commissioned officers of the Public Health Service may be utilized for the payment of claims as authorized by the Act of September 2, 1957 (71 Stat. 575).

Citation of title. This title may be cited as the "Department of Health, Education, and Welfare Appropriation Act, 1959".

TITLE III—NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947 (29 U. S. C. 141-167), and other laws, including expenses of attendance at meetings concerned with the work of the Board when specifically authorized by the Chairman or the General Counsel; and uniforms, or allowances therefor, as authorized by the Act of September 1, 1954, as amended (5 U. S. C. 2131); \$13,100,000: *Provided*, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2 (3) of the Act of July 5, 1935 (29 U. S. C. 152), and as amended by the Labor-Management Relations Act, 1947, and as defined in section 3 (f) of the Act of June 25, 1938 (29 U. S. C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 per centum of the water stored or supplied thereby is used for farming purposes.

61 Stat. 136.

68 Stat. 1114.

49 Stat. 450.

61 Stat. 136.

52 Stat. 1060.

TITLE IV—NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Mediation Board, \$520,000.

ARBITRATION AND EMERGENCY BOARDS

For expenses necessary for arbitration boards established under section 7 of the Railway Labor Act, as amended (45 U. S. C. 157), and emergency boards appointed by the President pursuant to section 10 of said Act (45 U. S. C. 160), \$250,000.

44 Stat. 582, 586.

NATIONAL RAILROAD ADJUSTMENT BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Railroad Adjustment Board, \$525,000, of which not less than \$172,000 shall be available for compensation (at rates not in excess of \$75 per diem) and expenses of referees appointed pursuant to section 3 of the Railway Labor Act, as amended.

44 Stat. 578.

TITLE V—RAILROAD RETIREMENT BOARD

LIMITATION ON SALARIES AND EXPENSES

For expenses necessary for the Railroad Retirement Board, including expenses of attendance at meetings concerned with the work of the Board, when specifically authorized by the Board; and uniforms or allowances therefor, as authorized by the Act of September 1, 1954 (68 Stat. 1114); \$8,450,000, to be derived from the railroad retirement account.

5 USC 2131.

TITLE VI—FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Service to carry out the functions vested in it by the Labor-Management Relations Act, 1947 (29 U. S. C. 171-180, 182), including expenses of the Labor-Management Panel as provided in section 205 of said Act; expenses of boards of inquiry appointed by the President pursuant to section 206 of said Act; temporary employment of arbitrators, conciliators, and mediators on labor relations at rates not in excess of \$75 per diem; Government-listed telephones in private residences and private apartments for official use in cities where mediators are officially stationed, but no Federal Mediation and Conciliation Service office is maintained; expenses of attendance at meetings concerned with labor and industrial relations; \$3,650,000.

61 Stat. 136, 154, 155.

TITLE VII—INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

CONTRIBUTION TO INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

To enable the Secretary of the Treasury to pay in advance to the Interstate Commission on the Potomac River Basin the Federal contribution toward the expenses of the Commission during the current fiscal year in the administration of its business in the conservancy district established pursuant to the Act of July 11, 1940 (54 Stat. 748), \$5,000.

33 USC 567b.

TITLE VIII—UNITED STATES SOLDIERS' HOME

LIMITATION ON OPERATION AND MAINTENANCE AND CAPITAL OUTLAY

For maintenance and operation of the United States Soldiers' Home, to be paid from the Soldiers' Home permanent fund, \$5,299,500, of which \$434,630 shall remain available until June 30, 1960, for construction of buildings and facilities, including plans and specifications: *Provided*, That this appropriation shall not be available for the payment of hospitalization of members of the Home in United States Army hospitals at rates in excess of those prescribed by the Secretary of the Army, upon the recommendation of the Board of Commissioners of the Home and the Surgeon General of the Army.

TITLE IX—GENERAL PROVISIONS

SEC. 901. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

Publicity or propoganda.

SEC. 902. Appropriations contained in this Act, available for salaries and expenses, shall be available for services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a) and for expenses of attendance at meetings concerned with the function or activity for which any such appropriation is made.

60 Stat. 810.

This Act may be cited as the "Departments of Labor, and Health, Education, and Welfare Appropriation Act, 1959."

Short title.

Approved August 1, 1958.

Public Law 85-581

AN ACT

August 1, 1958
[S. 1939]

To amend the Federal Seed Act of August 9, 1939 (53 Stat. 1275), as amended.

Federal Seed
Act, amendments.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 101 (a) (7) (A) of the Federal Seed Act of August 9, 1939 (53 Stat. 1275), as amended (7 U. S. C. 1561 (a) (7) (A)) is amended by deleting from the list of agricultural seeds the phrase "Beta vulgaris L.—Field beet, excluding sugar beet." and substituting therefor the phrase "Beta vulgaris L.—Field beet."

SEC. 2. Section 101 (a) of said Act (7 U. S. C. 1561 (a)) is further amended by adding at the end thereof a new paragraph (24) to read as follows:

"(24) The term 'treated' means given an application of a substance or subjected to a process designed to reduce, control, or repel disease organisms, insects or other pests which attack seeds or seedlings growing therefrom."

SEC. 3. Section 101 (a) of said Act (7 U. S. C. 1561 (a)) is further amended by adding at the end thereof, after new paragraph (24), a new paragraph (25) to read as follows:

"(25) The term 'seed certifying agency' means (A) an agency authorized under the laws of a State, Territory, or possession, to officially certify seed, or (B) an agency of a foreign country determined by the Secretary of Agriculture to adhere to procedure and standards for seed certification comparable to those adhered to generally by seed certifying agencies under (A)."

53 Stat. 1275.

SEC. 4. Title I of said Act (7 U. S. C. 1561) is amended by adding at the end thereof a new section 102 to read as follows:

Certified seed
label.

"SEC. 102. Any labeling, advertisement, or other representation subject to this Act which represents that any seed is certified or registered seed shall be deemed to be false in this respect unless (a) it has been determined by a seed certifying agency that such seed was produced, processed, and packaged, and conformed to standards of purity as to kind or variety, in compliance with the rules and regulations of such agency pertaining to such seed; and (b) the seed bears an official label issued for such seed by a seed certifying agency stating that the seed is certified or registered."

53 Stat. 1279.

SEC. 5. Section 201 (a) (8) of said Act (7 U. S. C. 1571 (a) (8)) is amended to read as follows:

Interstate com-
merce.
Prohibitions.

"(8) For each agricultural seed, in excess of 5 per centum of the whole, stated in accordance with paragraph (a) (1) of this section, and each kind or variety or type of agricultural seed shown in the labeling to be present in a proportion of 5 per centum or less of the whole, (A) percentage of germination, exclusive of hard seed, (B) percentage of hard seed, if present, and (C) the calendar month and year the test was completed to determine such percentages;"

SEC. 6. Section 201 (b) (1) of said Act (7 U. S. C. 1571 (b) (1)) is amended to read as follows:

"(1) Name of each kind and variety of seed and if two or more kinds or varieties are present, the percentage of each;"

SEC. 7. That part of section 201 (b) (2) of said Act (7 U. S. C. 1571 (b) (2)) which precedes clause (i) is amended to read as follows:

"(2) For each variety of vegetable seed which germinates less than the standard last established by the Secretary of Agriculture, as provided under section 403 (c) of this Act—"

SEC. 8. Section 201 of said Act (7 U. S. C. 1571) is further amended by adding at the end thereof a new subsection (i) to read as follows:

“(i) Any agricultural seeds or any mixture thereof or any vegetable seeds or any mixture thereof, for seeding purposes, that have been treated, unless each container thereof bears a label giving the following information and statements in accordance with rules and regulations prescribed under section 402 of this Act:

Treated seed.

“(1) A word or statement indicating that the seeds have been treated;

“(2) The commonly accepted coined, chemical (generic), or abbreviated chemical name of any substance used in such treatment;

“(3) If the substance used in such treatment in the amount remaining with the seeds is harmful to humans or other vertebrate animals, an appropriate caution statement approved by the Secretary of Agriculture as adequate for the protection of the public, such as ‘Do not use for food or feed or oil purposes’: *Provided*, That the caution statement for mercurials and similarly toxic substances, as defined in said rules and regulations, shall be a representation of a skull and crossbones and a statement such as ‘This seed has been treated with POISON’, in red letters on a background of distinctly contrasting color; and

“(4) A description of any process used in such treatment, approved by the Secretary of Agriculture as adequate for the protection of the public.”

SEC. 9. Section 202 of said Act (7 U. S. C. 1572) is amended to read as follows:

7 USC 1572.

“SEC. 202. All persons transporting, or delivering for transportation, in interstate commerce, agricultural seeds shall keep for a period of three years a complete record of origin, germination, and purity of each lot of such agricultural seeds, and all persons transporting, or delivering for transportation, in interstate commerce, vegetable seeds shall keep for a period of three years a complete record of germination and variety of such vegetable seeds. The Secretary of Agriculture, or his duly authorized agents, shall have the right to inspect such records for the purpose of the effective administration of this Act.”

Records.

SEC. 10. (a) That part of section 203 (b) of said Act (7 U. S. C. 1573 (b)) which precedes clause (1) is amended to read as follows:

53 Stat. 1281.
Exemptions.

“(b) The provisions of section 201 (a), (b), or (i) shall not apply—”

(b) Clause (2) of such section 203 (b) is amended to read as follows:

“(2) to seed intended for seeding purposes when transported or offered for transportation in interstate commerce—

“(A) if in bulk, in which case, however, the invoice or other records accompanying and pertaining to such seed shall bear the various statements required for the respective seeds under sections 201 (a), (b), and (i); or

“(B) if in containers and in quantities of twenty thousand pounds or more: *Provided*, That (i) the omission from each container of the information required under sections 201 (a), (b), and (i) is with the knowledge and consent of the consignee prior to the transportation or delivery for transportation of such seed in interstate commerce, (ii) each container shall have stenciled upon it or bear a label containing a lot designation, and (iii) the invoice or other records accompanying and pertaining to such seed shall bear the various statements required for the respective seeds under sections 201 (a), (b), and (i); or

“(C) if consigned to a seed cleaning or processing establishment, to be cleaned or processed for seeding purposes: *Provided*, That (i) this fact is so stated in the invoice or other records accompanying and pertaining to such seed if the seed is in bulk or if the seed is in containers and in quantities of twenty thousand pounds or more, (ii) this fact is so stated on attached labels if the seed is in containers and in quantities less than twenty thousand pounds, and (iii) any such seed later to be labeled as to origin and/or variety shall be labeled as to origin and/or variety in accordance with rules and regulations prescribed under section 402 of this Act.”

53 Stat. 1282.
Disclaimers,
nonwarranties,
etc.

SEC. 11. Section 204 of said Act (7 U. S. C. 1574) is amended to read: “SEC. 204. The use of a disclaimer, limited warranty, or nonwarranty clause in any invoice, advertising, labeling, or written, printed, or graphic matter, pertaining to any seed shall not constitute a defense, or be used as a defense in any way, in any prosecution or other proceeding brought under the provisions of this Act, or the rules and regulations made and promulgated thereunder. Nothing in this section is intended to preclude the use of a disclaimer, limited warranty, or nonwarranty clause as a defense in any proceeding not brought under this Act.”

53 Stat. 1282.

Importation.
Prohibition.

SEC. 12. Section 301 (a) of said Act (7 U. S. C. 1581 (a)) is amended by adding at the end thereof a new paragraph (4) to read as follows:

“(4) any seed containing 10 per centum or more of any vegetable seeds unless the invoice pertaining to such seed and any other labeling of such seed bear the name of each kind and variety of vegetable seed present.”

53 Stat. 1283.
Procedure.

Bond.

SEC. 13. Section 302 (a) of said Act (7 U. S. C. 1582 (a)) is amended by inserting the words “owner or” before the word “consignee” wherever the latter appears except in the two provisos therein; and by deleting said provisos and substituting therefor, respectively, the following: “*Provided*, That the Secretary of the Treasury may authorize the delivery of seed or screenings which are being imported or offered for import to the owner or consignee thereof, pending decision as to the admission of such seed or screenings and for staining, cleaning, labeling, or other reconditioning if required to bring such seed or screenings into compliance with the provisions of this Act, upon the execution by such owner or consignee of a good and sufficient bond conditioned upon redelivery of the seed or screenings upon demand unless redelivery is waived because the seed is reconditioned to bring it into compliance with this Act or is destroyed under Government supervision under this Act, and providing for the payment of such liquidated damages in the event of default as may be required pursuant to regulations of the Secretary of the Treasury: *And provided further*, That all expenses incurred by the United States (including travel, per diem or subsistence, and salaries of officers or employees of the United States) in connection with the supervision of staining, cleaning, labeling, other reconditioning, or destruction, of seed or screenings under this title shall be reimbursed to the United States by the owner or consignee of the seed or screenings, and such reimbursements shall be recredited to the appropriation from which the expenses were paid, the amount of such expenses to be determined in accordance with joint regulations under section 402 of this Act, and all expenses in connection with the storage, cartage, and labor on the seed or screenings which are refused admission or delivery, shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against future importations made by such owner or consignee.”

Expenses.

SEC. 14. Section 302 of said Act (7 U. S. C. 1582) is further amended by adding at the end thereof a new subsection (d) to read as follows:

53 Stat. 1283.

“(d) The provisions of this title prohibiting the importation of seed that is adulterated or unfit for seeding purposes shall not apply—

Nonapplicability.

“(1) when seed grown in the United States is returned from a foreign country without having been admitted into the commerce of any foreign country: *Provided*, That there is satisfactory proof as provided for in the joint rules and regulations prescribed under section 402 of this Act, that the seed was grown in the United States and was not admitted into the commerce of a foreign country and was not commingled with other seed, or

“(2) when seed is imported for sowing for experimental or breeding purposes and not for sale: *Provided*, That declarations are filed, and importations are limited in quantity, as provided for in the rules and regulations prescribed under section 402 of this Act, to assure that the importations are for experimental or breeding purposes.”

SEC. 15. Section 306 of said Act (7 U. S. C. 1586) is amended by adding at the end thereof a new subsection (c) to read as follows:

53 Stat. 1285.

“(c) To make any false or misleading representation with respect to any seed subject to this title being imported into the United States or offered for import: *Provided*, That this subsection shall not be deemed violated by any person if the false or misleading representation is the name of a variety indistinguishable in appearance from the seed being imported or offered for import and the records and other pertinent facts reveal that such person relied in good faith upon representations with respect to the name of the indistinguishable variety made by the shipper of the seed.”

Unlawful act.

SEC. 16. This Act, and the amendments made hereby, shall take effect upon the date of enactment.

Effective date.

Approved August 1, 1958.

Public Law 85-582

AN ACT

August 1, 1958
[S. 2447]

To authorize and direct the Secretary of the Interior to undertake continuing studies of the effects of insecticides, herbicides, fungicides and other pesticides, upon fish and wildlife for the purpose of preventing losses of those invaluable natural resources following application of these materials and to provide basic data on the various chemical controls so that forests, croplands, wetlands, rangelands and other lands can be sprayed with minimum losses of fish and wildlife.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to undertake comprehensive continuing studies on the effects of insecticides, herbicides, fungicides and pesticides, upon the fish and wildlife resources of the United States, for the purpose of determining the amounts, percentages, and formulations of such chemicals that are lethal to or injurious to fish and wildlife and the amounts, percentages, mixtures, or formulations that can be used safely, and thereby prevent losses of fish and wildlife from such spraying, dusting, or other treatment.

Fish and wildlife.
Insecticides, etc., studies.

SEC. 2. The sum of \$280,000 per annum is hereby authorized to be appropriated to carry out the objectives of this Act.

Appropriation.

Approved August 1, 1958.

Public Law 85-583

AN ACT

August 1, 1958
[H. R. 11504]

To amend title 10 of the United States Code to permit enlisted members of the Naval Reserve and Marine Corps Reserve to transfer to the Fleet Reserve and the Fleet Marine Corps Reserve on the same basis as members of the regular components.

Naval Reserve
and Marine Corps
Reserve.
70A Stat. 396.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 10, United States Code, is amended as follows:

(1) Section 6327 (e) is amended to read as follows:

“(e) A member who is eligible for retirement under this section, and who is also eligible for retirement under another provision or for transfer to the Fleet Reserve or the Fleet Marine Corps Reserve under section 6330 of this title, is entitled to elect which of these benefits he is to receive.”

70A Stat. 396.

70A Stat. 396.

(2) Section 6330 (a) is amended by striking out the words “Regular Navy and the Regular Marine Corps, respectively,” and inserting in place thereof the words “naval service”.

(3) Section 6330 (b) is amended by inserting the words “or the Naval Reserve” after the words “Regular Navy” and by inserting the words “or the Marine Corps Reserve” after the words “Regular Marine Corps.”

70A Stat. 397.

(4) Section 6331 (a) is amended to read as follows:

“(a) When he has completed 30 years of service, or when he is found not physically qualified in an examination under section 6485 of this title, a member of the Fleet Reserve or the Fleet Marine Corps Reserve shall be transferred—

70A Stat. 417.

“(1) to the retired list of the Regular Navy or the Regular Marine Corps, as appropriate, if he was a member of the Regular Navy or the Regular Marine Corps at the time of his transfer to the Fleet Reserve or the Fleet Marine Corps Reserve; or

“(2) to the appropriate Retired Reserve, if he was a member of the Naval Reserve or the Marine Corps Reserve at the time of his transfer to the Fleet Reserve or the Fleet Marine Corps Reserve.”

(5) Section 6331 (b) is amended by striking out the words “of clause (2)”.

(6) Section 6331 (c) is amended by inserting the words “or the Retired Reserve” after the words “retired list” in the second line and in the fourth line.

70A Stat. 397.

(7) Section 6332 is amended by inserting the words “or the Retired Reserve” after the word “Navy” in clause (3) and after the words “Marine Corps” in clause (4).

Approved August 1, 1958.

Public Law 85-584

AN ACT

August 1, 1958
[H. R. 13088]

To fix and regulate the salaries of officers and members of the Metropolitan Police force and the Fire Department of the District of Columbia, of the United States Park Police, and of the White House Police, and for other purposes.

District of Columbia
Police and Firemen's Salary
Act of 1958.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the “District of Columbia Police and Firemen’s Salary Act of 1958”.

TITLE I—SALARY SCHEDULES

SEC. 101. The annual rates of basic compensation of the officers and members of the Metropolitan Police force and the Fire Department of the District of Columbia shall be fixed in accordance with the following schedule of rates:

Basic salaries.
Officers and
members.

Salary schedule

Salary class and title	Service step 1	Service step 2	Service step 3	Service step 4	Service step 5	Service step 6	Longevity step 7	Longevity step 8	Longevity step 9
Class 1:									
Subclass (a).....	\$4, 800	\$5, 000	\$5, 200	\$5, 440	\$5, 720	\$6, 000	\$6, 280	\$6, 560	\$6, 840
Fire private.									
Police private.									
Subclass (b).....	5, 050	5, 250	5, 450	5, 690	5, 970	6, 250	6, 530	6, 810	7, 090
Private assigned as:									
Station clerk.									
Technician I.									
Plain-clothes man. ¹									
Subclass (c).....	5, 300	5, 500	5, 700	5, 940	6, 220	6, 500	6, 780	7, 060	7, 340
Private assigned as:									
Detective.									
Technician II.									
Motorcycle officer.									
Subclass (d).....	5, 700	5, 900	6, 100	6, 340	6, 620	6, 900	7, 180	7, 460	7, 740
Private assigned as:									
Precinct detective.									
Subclass (e).....	6, 200	6, 400	6, 600	6, 840	7, 120	7, 400	7, 680	7, 960	8, 240
Private assigned as:									
Detective sergeant.									
Class 2:									
Subclass (a).....	5, 500	5, 780	6, 060	6, 340	-----	-----	6, 620	6, 900	7, 180
Fire inspector.									
Subclass (b).....	5, 750	6, 030	6, 310	6, 590	-----	-----	6, 870	7, 150	7, 430
Fire Inspector assigned as:									
Technician I.									
Subclass (c).....	6, 000	6, 280	6, 560	6, 840	-----	-----	7, 120	7, 400	7, 680
Fire inspector assigned as:									
Technician II.									
Class 3:									
Subclass (a).....	5, 900	6, 180	6, 460	6, 740	-----	-----	7, 020	7, 300	7, 580
Assistant marine engineer.									
Assistant pilot.									
Police corporal.									
Subclass (b).....	6, 400	6, 680	6, 960	7, 240	-----	-----	7, 520	7, 800	8, 080
Corporal assigned as:									
Motorcycle officer.									
Class 4:									
Subclass (a).....	6, 400	6, 680	6, 960	7, 240	-----	-----	7, 520	7, 800	8, 080
Fire sergeant.									
Police sergeant.									
Subclass (b).....	6, 900	7, 180	7, 460	7, 740	-----	-----	8, 020	8, 300	8, 580
Police sergeant assigned as:									
Motorcycle officer.									
Class 5.....	7, 000	7, 350	7, 700	8, 050	-----	-----	8, 400	8, 750	9, 100
Fire lieutenant.									
Police lieutenant.									
Class 6.....	7, 500	7, 850	8, 200	8, 550	-----	-----	8, 900	9, 250	9, 600
Marine engineer.									
Pilot.									
Class 7.....	8, 000	8, 350	8, 700	9, 050	-----	-----	9, 400	9, 750	10, 100
Fire captain.									
Police captain.									
Class 8.....	9, 500	9, 850	10, 200	10, 550	-----	-----	10, 900	11, 250	11, 600
Assistant superintendent of machinery.									
Battalion fire chief.									
Deputy fire marshal.									
Police inspector.									
Class 9.....	11, 000	11, 350	11, 700	12, 050	-----	-----	12, 400	12, 750	13, 100
Deputy fire chief.									
Deputy chief of police.									
Fire marshal.									
Superintendent of machinery.									
Class 10.....	15, 000	15, 350	15, 700	16, 050	-----	-----	16, 400	16, 750	17, 100
Fire chief.									
Chief of police.									

¹ Service as such for over 60 consecutive calendar days.

TITLE II—METHOD OF ASSIGNMENT OF EMPLOYEES TO SALARY SCHEDULES

Service steps for
privates.
Placement.

SEC. 201. (a) In initially adjusting salaries, officers and members of the Metropolitan Police force and of the Fire Department of the District of Columbia, in service on the effective date of this Act, shall be placed in salary classes and steps provided in section 101, title I of this Act as follows:

CLASS I

D. C. Police and Firemen's Salary Act of 1953	D. C. Police and Firemen's Salary Act of 1958
Private, Class 1-----	Sub-Class (a), Class 1, Service Step 1
Private, Class 2-----	Sub-Class (a), Class 1, Service Step 2
Private, Class 3-----	Sub-Class (a), Class 1, Service Step 3
Private, Class 4-----	Sub-Class (a), Class 1, Service Step 4
Private, Class 4 (with 1 longevity increase)-----	Sub-Class (a), Class 1, Service Step 5
Private, Class 4 (with 2 longevity increases)-----	Sub-Class (a), Class 1, Service Step 6
Private, Class 4 (with 3 longevity increases)-----	Sub-Class (a), Class 1, Longevity Step 7
Private, Class 4 (with 4 longevity increases)-----	Sub-Class (a), Class 1, Longevity Step 8
Private, Class 4 (with 5 longevity increases)-----	Sub-Class (a), Class 1, Longevity Step 9

Corresponding titles of step increase.

(2) Each Private who, on the effective date of this Act was serving in a position bearing the title Probational Detective, or Precinct Detective, or Detective Sergeant, or Station Clerk, or Motorcycle Officer, or Plain-Clothesman (service as such for over 60 consecutive calendar days immediately preceding such effective date), or Technician I, or Technician II (such titles being provided by or established pursuant to authority contained in the District of Columbia Police and Firemen's Salary Act of 1953, as amended), shall be placed in the corresponding title in Sub-Class (b), or (c), or (d), or (e), of Class 1 and shall be placed in the step within such Sub-Class on the basis of his basic salary and longevity increases in the same manner as Privates in Sub-Class (a) of Class 1. The former position bearing the title "Probational Detective" shall hereafter bear the title "Detective".

57 Stat. 72.
D.C. Code 4-807
to 4-822.

CLASS 2 THROUGH CLASS 10

(3) All officers and members serving in titles provided by or established pursuant to authority contained in the District of Columbia Police and Firemen's Salary Act of 1953, as amended, which correspond to titles included in class 2 through class 10 in Section 101, Title I of this Act shall be placed in such classes according to such titles and in the steps within such classes on the basis of their basic salary and longevity increases as follows:

D. C. Police and Firemen's Salary Act of 1953	D. C. Police and Firemen's Salary Act of 1958
Basic Salary-----	Service Step 1
Basic Salary (with 1 longevity increase)-----	Service Step 2
Basic Salary (with 2 longevity increases)-----	Service Step 3
Basic Salary (with 3 longevity increases)-----	Service Step 4
Basic Salary (with 4 longevity increases)-----	Longevity Step 7
Basic Salary (with 5 longevity increases)-----	Longevity Step 8

(b) In initially adjusting salaries, each officer and member entitled under this Act to be placed in a Class above Class 1 and whose latest promotion has been subsequent to June 30, 1953, and prior to the effective date of this Act, shall be placed in the step of his Class which provides a salary not less than the amount he would have received under the provisions of this Act had he not been so promoted until the effective date of this Act.

SEC. 202. In initially adjusting salaries, the following positions shall be included as Technician I in Sub-Class (b) of Class 1 of the schedule in section 101, title I:

Technician I.

- (a) Chief Photographer, Fire Department;
- (b) Regular first driver-operator or tillerman of a Fire Department hose wagon, pumper, aerial ladder truck, rescue squad, or fire department ambulance.

SEC. 203. In initially adjusting salaries, the following positions shall be included as Technician II in Sub-Class (c) of Class 1 of the schedule in section 101, title I:

Technician II.

- (a) Chief Radio Technician for the Fire Department;
- (b) Aide to the Fire Chief, Deputy Chief, Battalion Fire Chief, Fire Marshal, or Superintendent of Machinery.

TITLE III—METHOD OF APPOINTMENT, ADVANCEMENT, PROMOTION AND DEMOTION

SEC. 301. All original appointments of Police and Fire Privates shall be made at the minimum rate set forth in the schedule in section 101, title I of this Act, and the first year of service shall be probationary.

Police and Fire Privates.

SEC. 302. The Commissioners of the District of Columbia, in the case of the Metropolitan Police force and the Fire Department of the District of Columbia, the Secretary of the Treasury, in the case of the White House Police force, and the Secretary of the Interior, in the case of the United States Park Police force, are hereby authorized to establish and determine, from time to time, the positions to be included as Technicians in Classes 1 and 2 in section 101, title I, with the exception of those positions included as Technician I and Technician II in sections 202 and 203 of title II.

Technicians.

SEC. 303. (a) Subsequent to the initial salary adjustment provided in title II, each officer and member, except an officer or member in service step 1, or 2, or 3, Class 1, who has not attained the maximum service step rate of compensation for the rank or title in which he is placed shall be advanced in compensation successively to the next higher service step rate for such rank or title at the beginning of the first pay period immediately subsequent to the completion of one hundred and four calendar weeks of active service, if he has a current performance rating of "satisfactory" or better.

Conditions for promotion.

(b) Satisfactory service (other than that credited in the initial adjustment of salaries under this Act), rendered immediately prior to the effective date of this Act by any officer or member who, in the initial adjustment of salaries, is placed in service step 4 or 5, Class 1, or service step 1, or 2, or 3, Classes 2 through 9, shall be credited as follows: each five calendar days of such service shall be credited as the equivalent of two calendar days of service for the purpose of computing the first period of one hundred and four calendar weeks of active service required by this section to entitle such officer or member to an advance in compensation to the next higher service rate for his rank or title.

(c) Each officer and member serving in steps 1, 2, or 3 of Sub-Classes (a), (b), (c), (d), or (e) of Class 1 shall be advanced in compensation successively to the next higher service step rate for his current Sub-Class at the beginning of the first pay period immediately subsequent to the completion of fifty-two calendar weeks of active service in his class if he has a current performance rating of "satisfactory" or better.

(d) Satisfactory service (other than that credited in the initial adjustment of salaries under this Act) rendered immediately prior to the effective date of this Act in the rank of Private, Class 1, or Private, Class 2, or Private, Class 3, shall be credited in computing the first period of fifty-two calendar weeks required under the provisions of this section for advancement from service steps 1, or 2, or 3, of Class 1.

Promotion.
Rate of compensation.

SEC. 304. Any officer or member who is promoted or transferred to a higher class shall receive basic compensation at the lowest rate of such higher class which exceeds his existing rate of compensation by not less than one step increase of the class from which he is promoted or transferred. If the existing rate of compensation of an officer or member is above the maximum longevity step increase in the class from which he is promoted or transferred and there is no rate in the higher class to which he is promoted or transferred, which is at least one step increase above his existing rate, such officer or member shall receive the maximum longevity rate of such higher class or his existing rate, whichever is greater. Any officer or member in any class who is assigned or transferred to any Sub-Class within the same Class shall be placed in the same service or longevity step in such Sub-Class as that which he was in immediately prior to being so assigned or transferred.

Demotion.
Rate of compensation.

SEC. 305. Whenever any officer or member of the Metropolitan Police force, the Fire Department of the District of Columbia, the White House Police force, or the United States Park Police force is changed or demoted from any class to a lower class, the Commissioners of the District of Columbia, or the Secretary of the Treasury, or the Secretary of the Interior, as the case may be, may, in their or his discretion, in changing or demoting such officer or member, fix his rate of compensation at any rate provided for the Class or Sub-Class to which he is changed or demoted which does not exceed his existing rate of compensation, except that if his existing rate falls between two step rates provided in such lower class, he may receive the higher of such rates.

TITLE IV—LONGEVITY

Conditions for step increases.

SEC. 401. (a) In recognition of long and faithful service, each officer and member shall receive an additional step increase (to be known as a longevity step increase) beyond the maximum scheduled service step rate for the Sub-Class in which he is serving, or for the Class in which he is serving if there are no Sub-Classes in his Class for each 208 calendar weeks of continuous service completed by him following the effective date of this Act at such maximum rate or at a rate in excess thereof, without change to a higher Class, subject to all of the following conditions:

(1) No officer or member shall receive more than one longevity step increase for any two hundred and eight calendar weeks of continuous service, and in order to be eligible therefor he shall have a current performance rating of "satisfactory" or better.

(2) Not more than three successive longevity step increases may be granted to any officer or member; nor shall any officer or member be

granted a longevity step increase above the maximum scheduled longevity step in the Sub-Class in which he is serving or in the Class in which he is serving if there are no Sub-Classes in his Class.

(3) Each longevity step increase shall be equal to one step increase of the class or Sub-Class in which the officer or member is serving.

(4) Each longevity step increase shall begin on the first day of the first pay period following completion of each two hundred and eight weeks.

(b) Satisfactory service (other than that credited in the initial adjustment of salaries under this Act) rendered immediately prior to the effective date of this Act by any officer or member who, in the initial adjustment of salaries, is placed in service step 6, Class 1, or service step 4, Classes 2 through 9, or longevity steps 7 or 8, shall be credited as follows: each five calendar days of such service shall be credited as the equivalent of four calendar days of service for the purpose of computing the first period of two hundred and eight calendar weeks of active service required by subsection (a) of this section to entitle such officer or member to an advance in compensation to the next higher longevity step rate for his rank or title.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. The rates of basic compensation of officers and members of the United States Park Police shall be the same as the rates of compensation, including longevity increases, provided in this Act, for officers and members of the Metropolitan Police force in corresponding or similar Classes or Sub-Classes.

U.S. Park Police.

SEC. 502. (a) Section 204 (b) of title 3 of the United States Code, as amended, is amended by striking therefrom "section 102" and inserting in lieu thereof "section 401", and by striking therefrom "Salary Act of 1953" and inserting in lieu thereof "Salary Act of 1958".

62 Stat. 680; 67 Stat. 76.

(b) Section 405 of the Act approved June 20, 1953 (67 Stat. 72), as amended, is amended by inserting after the words "this Act" wherever it occurs in such section the following: "or the District of Columbia Police and Firemen's Salary Act of 1958".

D.C. Code 4-807 to 4-822.

SEC. 503. Nothing contained in this Act shall be construed to decrease the existing rate of compensation of any present officer or member, but when his position becomes vacant any subsequent appointee to such position shall be compensated in accordance with the rate of pay applicable to such position.

Vacancy provision.

SEC. 504. The Commissioners of the District of Columbia are hereby authorized to promulgate such regulations as they may deem necessary to carry out the intent and purposes of this Act.

Regulations.

SEC. 505. (a) Retroactive salary shall be paid by reason of this Act only in the case of an individual in the service of the United States (including service in the Armed Forces of the United States) or the municipal government of the District of Columbia on the date of enactment of this Act, except that retroactive salary shall be paid (1) to an officer or member of the Metropolitan Police force, the Fire Department of the District of Columbia, the United States Park Police force, or the White House Police force, who retired during the period beginning on the first day of the first pay period which began after January 1, 1958, and ending on the date of enactment of this Act for services rendered during such period, and (2) in accordance with the provisions of the Act of August 3, 1950 (Public Law 636, Eighty-first Congress), as amended (5 U. S. C., secs. 61f-61k), for services rendered during the period beginning on the first day of the first pay period which began after January 1, 1958, and ending on the date of enactment of this Act by an officer or member who dies during such period.

Retroactive payments.

Armed Forces
training credit.

(b) For the purposes of this section, service in the Armed Forces of the United States, in the case of an individual relieved from training and service in the Armed Forces of the United States or discharged from hospitalization following such training and service, shall include the period provided by law for the mandatory restoration of such individual to a position in or under the Federal Government or the municipal government of the District of Columbia.

Delegation of
authority.

SEC. 506. The Commissioners of the District of Columbia, the Secretary of the Treasury, and the Secretary of the Interior are hereby authorized to delegate, from time to time, to their designated agent or agents, any power or function vested in them by this Act, except those powers and functions vested in them by sections 305 and 504 of this Act.

Repeal.

SEC. 507. All of the Act entitled "An Act to adjust the salaries of officers and members of the Metropolitan Police force, the United States Park Police, the White House Police, and the Fire Department of the District of Columbia, and for other purposes", approved June 20, 1953 (67 Stat. 72), as amended, except title III and section 405 of title IV thereof, is hereby repealed.

D.C. Code 4-807
to 4-822.

Effective date.

SEC. 508. (a) This Act shall take effect as of the first day of the first pay period which begins after January 1, 1958.

Insurance.

(b) For the purpose of determining the amount of insurance for which an officer or member is eligible under the Federal Employees' Group Life Insurance Act of 1954, all changes in rates of compensation or salary which result from the enactment of this Act shall be held to be effective as of the first day of the first pay period which begins on or after the date of such enactment.

68 Stat. 736.
5 USC 2091 note.

Approved August 1, 1958.

Public Law 85-585

AN ACT

August 1, 1958
[S. 2617]

To amend the Migratory Bird Hunting Stamp Act of March 16, 1934, as amended.

Migratory bird
hunting stamp.

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That section 2 of the Migratory Bird Hunting Stamp Act of March 16, 1934, as amended (48 Stat. 451; 16 U. S. C. 718b), is amended by striking out "\$2" and inserting in lieu thereof "\$3".

Advance allotments to Post
Office.

SEC. 2. Subsections (a) and (b) of section 4 of such Act (16 U. S. C. 718d) are amended to read as follows:

"(a) So much as may be necessary shall be used by the Secretary of the Interior to make advance allotments to the Post Office Department at such times and in such amounts as may be mutually agreed upon by the Secretary of the Interior and the Postmaster General for direct expenditure by the Post Office Department for engraving, printing, issuing, selling, and accounting for migratory bird hunting stamps and moneys received from the sale thereof, in addition to expenses for personal services in the District of Columbia and elsewhere, and such other expenses as may be necessary in executing the duties and functions required of the postal service.

Acquisition of
bird refuges.

"(b) Except as authorized in subsection (c) of this section, the remainder shall be available for the location, ascertainment, and acquisition of suitable areas for migratory bird refuges under the provisions of the Migratory Bird Conservation Act and for the administrative costs incurred in the acquisition of such areas: *Provided*, That not to exceed 40 per centum at any one time of any area which heretofore has been or which hereafter may be acquired, re-

45 Stat. 1222.
16 USC 715.

served, or set apart for the use of the Department of the Interior as an inviolate sanctuary for migratory birds under any law, proclamation, or Executive order may be administered by the Secretary of the Interior, in his discretion, as a wildlife management area within which the taking of migratory game birds or resident species may be permitted under such regulations as he may prescribe: *Provided further*, That, notwithstanding the fact that such lands constitute public property, the Secretary of the Interior shall comply with the requirements of section 4 of the Administrative Procedure Act (60 Stat. 238) in issuing regulations pursuant to the preceding proviso."

5 USC 1003.

"Waterfowl Production Areas",

SEC. 3. Section 4 of such Act is further amended by adding at the end thereof a new subsection as follows:

"(c) The Secretary of the Interior is authorized to utilize funds made available under subsection (b) of this section for the purposes of such subsection, and such other funds as may be appropriated for the purposes of such subsection, or of this subsection, to acquire, or defray the expense incident to the acquisition by gift, devise, lease, purchase, or exchange of, small wetland and pothole areas, interests therein, and rights-of-way to provide access thereto. Such small areas, to be designated as 'Waterfowl Production Areas', may be acquired without regard to the limitations and requirements of the Migratory Bird Conservation Act, but all of the provisions of such Act which govern the administration and protection of lands acquired thereunder, except the inviolate sanctuary provisions of such Act, shall be applicable to areas acquired pursuant to this subsection."

45 Stat. 1222.
16 USC 715.

Effective dates.

SEC. 4. The amendment made by the first section of this Act shall become effective on July 1, 1959. The amendment made by section 2 of this Act making available the net proceeds of all moneys received in the migratory bird conservation fund for the location, ascertainment, and acquisition of Waterfowl Production Areas and suitable areas for migratory bird refuges shall become effective on July 1, 1960. The remaining amendments made by this Act shall become effective on the date of the enactment of this Act. Any unobligated balance remaining in the migratory bird conservation fund on June 30, 1960, shall thereafter be available for expenditure only for the purposes specified in the Migratory Bird Hunting Stamp Act of March 16, 1934, as amended by this Act.

48 Stat. 451.
16 USC 718-718h.

Approved August 1, 1958.

Public Law 85-586

AN ACT

To authorize refunds by the Veterans' Administration of amounts collected from former servicemen by the Government pursuant to guaranty of life insurance premiums under the original Soldiers' and Sailors' Civil Relief Act of 1940.

August 1, 1958
[H. R. 9369]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of Veterans' Affairs is hereby authorized to make refunds, without interest, which are due on account of amounts collected by the United States Government by offset or otherwise from persons who made valid application for and were legally entitled to the protection of article IV of the Soldiers' and Sailors' Civil Relief Act of 1940, as it existed prior to the amendments of October 6, 1942. No refund shall be made pursuant to this Act unless application therefor is made to the Veterans' Administration, within two years after the date of enactment of this Act and refund hereunder shall not be denied by reason of any other statutory time limitations, judgments heretofore rendered, or any other technical defense.

Veterans.
Life insurance
refunds.54 Stat. 1183.
50 USC 540-554.

Appropriations.

SEC. 2. The Soldiers' and Sailors' Civil Relief Fund may be used by the Veterans' Administration for making refunds pursuant to this Act and there is hereby authorized to be appropriated such additional sums as may be necessary to carry out the purposes of this Act.

Approved August 1, 1958.

Public Law 85-587

August 1, 1958
[S. 1732]

AN ACT

To readjust equitably the retirement benefits of certain individuals on the Emergency Officers' Retired List, and for other purposes.

Armed Forces.
Officers, emer-
gency retirement
benefits.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) upon application made to the Administrator of Veterans' Affairs within one year after the date of enactment of this Act, each individual who has been placed upon an Emergency Officers' Retired List and is eligible to receive retired pay under the Act entitled "An Act making eligible for retirement under certain conditions, officers and former officers of the Army, Navy, and Marine Corps of the United States, other than officers of the Regular Army, Navy, or Marine Corps, who incurred physical disability in line of duty while in the service of the United States during the World War", approved May 24, 1928 (45 Stat. 735; 38 U. S. C. 581), as amended, shall be advanced on the applicable officers' retired list to the highest temporary grade in which he served satisfactorily on active duty for not less than six months as a commissioned officer of the Army, Navy, Marine Corps, or Coast Guard or of any reserve component of any such armed force, as determined by the cognizant Secretary, and shall be entitled to receive retired pay computed under applicable provisions of law on the basis of the base and longevity pay which any such officer received while serving on active duty in that grade during the period September 9, 1940, to June 30, 1946.

(b) No increased retired pay shall be paid to any individual by reason of the enactment of this Act for any period prior to the effective date of this Act.

(c) All erroneous payments of emergency officers' retirement pay made after September 30, 1949, and prior to the effective date of this Act to any individual advanced by virtue of the authority contained in this Act on the basis of service credits certified by the military department concerned, are hereby validated.

Effective date.

(d) This Act shall become effective on the first day of the first month beginning after the date of enactment of this Act.

Approved August 1, 1958.

Public Law 85-588

August 1, 1958
[H. R. 11636]

AN ACT

To amend section 6018 of title 10, United States Code, requiring the Secretary of the Navy to determine that the employment of officers of the Regular Navy on shore duty is required by the public interest.

70A Stat. 376.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6018 (2) of title 10, United States Code, is amended by striking "and his determination to that effect is stated in the officer's orders to shore duty".

Approved August 1, 1958.

Public Law 85-589

AN ACT

To authorize loans for the construction of hospitals and other facilities under title VI of the Public Health Service Act, and for other purposes.

August 1, 1958
[H. R. 12694]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title VI of the Public Health Service Act, as amended (42 U. S. C., ch. 6A, subch. IV), is further amended by adding at the end thereof the following new part:

Hospitals.
Loans for construction.
60 Stat. 1041-1049; 68 Stat. 461.

“PART H—LOANS FOR CONSTRUCTION OF HOSPITALS AND OTHER FACILITIES

“AUTHORIZATION OF FEDERAL LOANS

“SEC. 661. In order further to assist the States in carrying out the purposes of this title, the Surgeon General is authorized, prior to July 1, 1962, to make a loan of funds to the applicant for any project for construction which meets all of the conditions specified in this title for a grant under part C or part G.

“APPROVAL OF LOANS; PAYMENTS TO APPLICANTS

“SEC. 662. Except as hereinafter provided, an application for a loan with respect to any construction project under this part shall be submitted, and shall be approved by the Surgeon General, in accordance with the same procedures and subject to the same limitations and conditions as would be applicable to the making of a grant under this title for the construction of such project. Any such application may be approved in any fiscal year only if sufficient funds are available from the allotment for the type of facility involved. All loans under this part shall be paid directly to the applicant.

“TERMS OF LOANS

“SEC. 663. (a) The amount of a loan under this part shall not exceed an amount equal to the Federal share of the estimated cost of construction of the project. Where a loan under this part and a grant under part C or part G are made with respect to the same project, the aggregate amount of such loan and such grant shall not exceed an amount equal to the Federal share of the estimated cost of constructing the project. Each loan shall bear interest at the rate arrived at by adding one-quarter of 1 per centum per annum to the rate which the Secretary of the Treasury determines to be equal to the current average yield on all outstanding marketable obligations of the United States as of the last day of the month preceding the date the application for the loan is approved and by adjusting the result so obtained to the nearest one-eighth of 1 per centum. Each loan made under this part shall mature not more than forty years after the date on which such loan is made: *Provided*, That nothing in this Act shall prohibit the payment of all or part of the loan at any time prior to the maturity date. In addition to the terms and conditions provided for, each loan under this part shall be made subject to such terms, conditions, and covenants relating to repayment of principal, payment of interest, and other matters as may be agreed upon by the applicant and the Surgeon General.

“(b) Where the Surgeon General determines it necessary to protect the financial interest of the United States, he may enter into agree-

ments modifying any of the terms and conditions of a loan made under this part.

42 USC 291h.

“(c) If, at any time before a loan for a project has been repaid in full, any of the events specified in clause (A) or clause (B) of section 625 (e) shall occur with respect to such project, the unpaid balance of the loan shall become immediately due and payable by the applicant, and any transferee of the facility shall be liable to the United States for such repayment.

“FUNDS FOR LOANS BY THE SURGEON GENERAL

“SEC. 664. Any loan under this title shall be made out of the allotment from which a grant for the project concerned would be made. Payments of interest and repayments of principal on loans under this part shall be deposited in the Treasury as miscellaneous receipts.”

Approved August 1, 1958.

Public Law 85-590

AN ACT

August 4, 1958
[H. R. 13121]

To authorize appropriations for the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

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

AEC appropriation.
Acquisition,
etc. of property.
71 Stat. 274.
42 USC 2017.

SEC. 101. PLANT OR FACILITY ACQUISITION OR CONSTRUCTION.—There is hereby authorized to be appropriated to the Atomic Energy Commission, in accordance with the provisions of section 261 a. (1) of the Atomic Energy Act of 1954, as amended, the sum of \$386,679,000 for acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, as follows:

(a) SPECIAL NUCLEAR MATERIALS.—

1. Project 59-a-1, plant modifications for processing of nonproduction spent fuels, undetermined sites, \$15,000,000.
2. Project 59-a-2, pilot plant for fabrication of new fuel elements, Fernald, Ohio, \$335,000.
3. Project 59-a-3, reduction of fire hazards—phase II gaseous diffusion plants, Oak Ridge, Paducah, and Portsmouth, \$11,900,000.
4. Project 59-a-4, a new waste storage installation, Arco, Idaho, \$3,200,000.
5. Project 59-a-5, production reactor facility for special nuclear materials, convertible type, Hanford, Washington, \$145,000,000.

(b) ATOMIC WEAPONS.—

1. Project 59-b-1, weapons production and development plants, locations undetermined, \$10,000,000.
2. Project 59-b-2, component fabrication plant, Hanford, Washington, \$3,500,000.
3. Project 59-b-3, fabrication plant, Oak Ridge, Tennessee, \$12,500,000.
4. Project 59-b-4, special processing plant, Mound Laboratory, Ohio, \$2,000,000.

(c) ATOMIC WEAPONS.—

1. Project 59-c-1, storage site modifications, various locations, \$1,500,000.
2. Project 59-c-2, base construction, Eniwetok Proving Ground, \$2,342,000.

3. Project 59-c-3, base construction, Nevada Test Site, \$1,780,000.
4. Project 59-c-4, test area development, Nevada Test Site, \$600,000.
5. Project 59-c-5, phermex installation, Los Alamos, New Mexico, \$2,250,000.
6. Project 59-c-6, laboratory building, TA-33, Los Alamos, New Mexico, \$590,000.
7. Project 59-c-7, test and environmental installations, Sandia Base, New Mexico, \$1,488,000.
8. Project 59-c-8, lineal acceleration tester, Livermore, California, \$390,000.
9. Project 59-c-9, test assembly building, \$510,000.
10. Project 59-c-10, high explosive development plant, Livermore, California, \$2,000,000.
11. Project 59-c-11, storage and handling building, Livermore, California, \$250,000.

(d) REACTOR DEVELOPMENT.—

1. Project 59-d-1, reprocessing pilot plant, Oak Ridge National Laboratory, Tennessee, \$3,500,000.
2. Project 59-d-2, special purpose test installation, \$2,300,000.
3. Project 59-d-3, fast reactor safety testing station Nevada test site, \$1,367,000.
4. Project 59-d-4, Army reactor experimental area (AREA), Arco, Idaho, \$1,000,000.
5. Project 59-d-5, hot cells, \$5,000,000.
6. Project 59-d-6, Army package power reactor No. 2, \$3,000,000.
7. Project 59-d-7, modifications to organic moderated reactor experiment (OMRE), experimental boiling water reactor (EBWR), and boiling reactor experiment (BORAX), \$6,300,000.
8. Project 59-d-8, heavy water component test reactor, \$8,000,000.
9. Project 59-d-9, fuels technology centers addition, Argonne National Laboratory, Illinois, \$5,000,000.
10. Project 59-d-10, gas-cooled power reactor, \$51,000,000.
11. Project 59-d-11, Project Sherwood plant, \$2,000,000.
12. Project 59-d-12, design and engineering study of heavy water moderated power reactor, \$2,500,000.
13. Project 59-d-13, design and engineering studies of two large-scale power reactors and one intermediate size prototype power reactor, \$6,000,000.
14. Project 59-d-14, design and engineering study of a power reactor of advanced design capable of utilizing nuclear superheat, such study to be undertaken either as a cooperative project or conducted solely by the Atomic Energy Commission, \$750,000.
15. Project 59-d-15, metals and ceramics research building, Oak Ridge National Laboratory, Tennessee, \$6,500,000.
16. Project 59-d-16, metals process development plant, Ames, Iowa, \$1,900,000.

(e) PHYSICAL RESEARCH.—

1. Project 59-e-1, accelerator improvements, University of California, Radiation Laboratory, California, \$1,300,000.
2. Project 59-e-2, CP-5 reactor improvements, Argonne National Laboratory, Illinois, \$500,000.
3. Project 59-e-3, two accelerators, beam analyzing system and magnet, Pennsylvania State University, Pennsylvania, \$950,000.
4. Project 59-e-4, cyclotron, University of California Radiation Laboratory, \$5,000,000.

5. Project 59-e-5, central research laboratory addition, Oak Ridge National Laboratory, \$3,500,000.

6. Project 59-e-6, chemistry building addition, University of California Radiation Laboratory, \$2,000,000.

7. Project 59-e-7, chemistry hot laboratory, Argonne National Laboratory, \$4,400,000.

8. Project 59-e-8, expansion of stable isotopes production capacity, Oak Ridge National Laboratory, \$900,000.

9. Project 59-e-9, high energy physics building, Columbia University, \$500,000.

10. Project 59-e-10, particle accelerator program addition, Harvard-MIT accelerator, \$1,300,000.

11. Project 59-e-11, high flux research reactor, Brookhaven National Laboratory, design, engineering and advance procurement, \$1,000,000.

12. Project 59-e-12, research and engineering reactor, Argonne National Laboratory, design and engineering, \$1,000,000.

13. Project 59-e-13, Van de Graaff accelerator, Argonne National Laboratory, \$2,500,000.

14. Project 59-e-14, cyclotron, Oak Ridge National Laboratory, \$3,000,000.

15. Project 59-e-15, research reactor, Ames Laboratory, \$3,800,000.

(f) **BIOLOGY AND MEDICINE.**—

1. Project 59-f-1, installations for support of research dealing with radioactive fallout and related radiation hazards, \$2,000,000.

(g) **TRAINING, EDUCATION, AND INFORMATION.**—

1. Project 59-g-1, additional plant for the Regional Nuclear Training Center, Puerto Rico, \$500,000.

2. Project 59-g-2, International Atomic Energy Agency research reactors and laboratory equipment grant, \$2,000,000.

3. Project 50-g-3, gamma process development irradiator, \$1,600,000.

(h) **COMMUNITY.**—

1. Project 59-h-1, school storage buildings, Hanford, Washington, \$75,000.

(i) **GENERAL PLANT PROJECTS.**—\$25,602,000.

SEC. 102. **LIMITATIONS.**—(a) The Commission is authorized to start any project set forth in subsections 101 (a), (b), (d), (e), (f), and (g) only if the currently estimated cost of that project does not exceed by more than 25 per centum the estimated cost set forth for that project.

(b) The Commission is authorized to start any project set forth in subsections 101 (c) and (h) only if the currently estimated cost of that project does not exceed by more than 10 per centum the estimated cost set forth for that project.

(c) The Commission is authorized to start a project under subsection 101 (i) only if it is in accordance with the following:

1. For community operations, the maximum currently estimated cost of any project shall be \$100,000 and the maximum currently estimated cost of any building included in such project shall be \$10,000.

2. For all other programs, the maximum currently estimated cost of any project shall be \$500,000 and the maximum currently estimated cost of any building included in such a project shall be \$100,000.

3. The total cost of all projects undertaken under subsection 101 (i) shall not exceed the estimated cost set forth in that subsection by more than 10 per centum.

SEC. 103. ADVANCE PLANNING AND DESIGN.—There are hereby authorized to be appropriated funds for advance planning, construction design, and architectural services, in connection with projects which are not otherwise authorized by law, and the Atomic Energy Commission is authorized to use funds currently or otherwise available to it for such purposes.

SEC. 104. RESTORATION OR REPLACEMENT.—There are hereby authorized to be appropriated funds necessary to restore or to replace plants or facilities destroyed or otherwise seriously damaged, and the Atomic Energy Commission is authorized to use funds currently or otherwise available to it for such purposes.

SEC. 105. CURRENTLY AVAILABLE FUNDS.—In addition to the sums authorized to be appropriated to the Atomic Energy Commission by section 101 of this Act, there are hereby authorized to be appropriated to the Atomic Energy Commission to accomplish the purposes of this Act such sums of money as may be currently available to the Atomic Energy Commission.

SEC. 106. SUBSTITUTIONS.—Funds authorized to be appropriated or otherwise made available by this Act may be used to start any other new project for which an estimate was not included in this Act if it be a substitute for a project authorized in subsection 101 (a), 101 (b), or 101 (c), and the estimated cost thereof is within the limit of cost of the project for which substitution is to be made, and the Commission certifies that—

(a) the project is essential to the common defense and security; and

(b) the new project is required by changes in weapon characteristics or weapon logistic operations; and

(c) it is unable to enter into a contract with any person, including a licensee, on terms satisfactory to the Commission to furnish from a privately owned plant or facility the product or services to be provided in the new project.

SEC. 107. PROJECT RESCISSIONS.—(a) Public Law 85-162 is amended by rescinding therefrom authorization for certain projects, except for funds heretofore obligated, as follows:

Project 58-b-1, fabrication plant, \$5,000,000;

Project 58-b-3, metal treatment plant, Fernald, Ohio, \$850,000;

and

Project 58-e-13, Argonne boiling reactor (ARBOR), National Reactor Testing Station, Idaho, \$8,500,000.

(b) Public Law 506, Eighty-fourth Congress, second session, is amended by rescinding therefrom authorization for a project, except for funds heretofore obligated, as follows:

Project 57-c-6, food irradiation facility, \$3,000,000.

SEC. 108. EXPENSES FOR MOVE TO NEW PRINCIPAL OFFICE.—Public Law 85-162 is amended by striking therefrom the figure "\$75,000" in section 109 a. (4) and substituting therefor the figure "\$210,000".

SEC. 109. COOPERATIVE POWER REACTOR DEMONSTRATION PROGRAM.—Section 111 of Public Law 85-162 is hereby amended by striking out the figures "\$129,915,000" and "\$149,915,000" in subsection (a) thereof, and inserting in lieu thereof the figures "\$155,113,000" and "\$175,113,000"; by striking out the figure "\$1,500,000" in clause (2) of subsection 111 a. and inserting in lieu thereof the figure "\$2,750,000"; by striking out the date "December 31, 1958" in clause (3) of subsection 111 a. and inserting in lieu thereof the date "June 30, 1959"; and by adding at the end thereof the following new subparagraphs (c), (d), (e), and (f):

71 Stat. 403.

70 Stat. 127.

71 Stat. 407.
42 USC 2033
note.

71 Stat. 409.

“(c) Funds appropriated to the Commission, pursuant to the authorization contained in subsection (a) of this section, shall be available to the Commission for cooperative arrangements which may provide for the waiver by the Commission of its charges for the use of heavy water for a period not to exceed five years in any proposed reactor otherwise eligible for assistance under the Commission’s power reactor demonstration program.

“(d) Funds appropriated to the Commission, pursuant to the authorization contained in subsection (a) of this section and authorized for the Third Round of the Commission’s power reactor demonstration program, shall be available to the Commission for a cooperative arrangement in accordance with the basis for an arrangement described in the Program Justification Data for Arrangement Numbered 58-111-5.

“(e) Funds appropriated to the Commission pursuant to the authorization contained in subsection (a) of this section, for the Commission’s power reactor demonstration program shall be available to the Commission for a cooperative arrangement in accordance with the basis for an arrangement described in the Program Justification Data for Arrangement Numbered 58-111-6 (PHASE I).

“(f) Before the Commission hereafter enters into any arrangement the basis of which has not been previously submitted to the Joint Committee on Atomic Energy which involves appropriations authorized by subsection (a) of this section, it shall make public announcement of each particular reactor project it considers technically desirable for construction, and shall set reasonable dates for submission, approval of the proposal and negotiation of the basis of the arrangement, and commencement of construction.”

SEC. 110. GAS-COOLED POWER REACTOR.—(a) The appropriation authorized in section 101 of this Act for project 59-d-10, gas-cooled power reactor, shall also be alternatively available for a cooperative program under which the Commission may enter into a cooperative arrangement with public, private, or cooperative power groups, equipment manufacturers or others under which the organization will design, construct, and operate the reactor at its own expense and the Commission will contribute to the cost of research and development programs and other assistance in accordance with the terms and conditions of the Commission’s power reactor demonstration program, including review by the Joint Committee of the basis of the proposed arrangement in accordance with subsection 111 (b) of Public Law 85-162. Within thirty days after the President signs the Act making available to the Commission appropriations for this project, the Commission shall make a public announcement requesting proposals for such a cooperative program. In the event the Commission does not receive a proposal within sixty days after such announcement, or if the Commission receives proposals within such sixty-day period but is unable to negotiate a satisfactory basis of the arrangement for submission to the Joint Committee within ninety days thereafter, the Commission shall proceed with project 59-d-10 in accordance with subsections (b), (c), and (d) of this section.

(b) In the event the Commission does not receive a satisfactory proposal under subsection (a) of this section, the Commission shall proceed with the design, engineering and construction under contract, as soon as practicable, of the prototype power reactor facility authorized by Section 101 for project 59-d-10 at an installation operated by or on behalf of the Commission, and the electric energy generated shall be used by the Commission in connection with the operation of such installation.

(c) In the conduct of the work under this section, the Commission is authorized to obtain the participation of private, cooperative, or public power organizations to the fullest extent consistent with the Commission direction of the project, ownership of the reactor, and utilization of the electric energy generated.

(d) The power reactor facility constructed shall be operated by, or under contract with, the Commission, for such period of time as the Commission determines to be advisable for research and development purposes and for such additional period as the Commission may determine to be necessary for national defense purposes. Upon the expiration of such period the Commission may offer the reactor and its appurtenances for sale to any public, private, or cooperative power group at a price to reflect appropriate depreciation but not to include construction costs assignable to research and development, or the Commission may dismantle the reactor and its appurtenances.

(e) Notwithstanding the provisions of subsection (a), if the Commission determines, at any time within sixty days after the announcement provided for in subsection (a) that (i) any public, private, or cooperative power group, equipment manufacturer, or other persons or organization has designed and is ready to construct and operate such a reactor at its own expense and not in conjunction with any cooperative arrangement with the Commission and (ii) the purposes of the gas-cooled reactor project 59-d-10 as a part of the Commission's reactor-development program would be substantially fulfilled by the construction and operation of the reactor by such group, equipment manufacturer, or other person or organization, then the Commission shall not be obligated to proceed with such project under this section.

SEC. 111. DESIGN AND FEASIBILITY STUDIES.—The Commission shall proceed with sufficient design work, together with appropriate engineering and development work, necessary for the Commission to begin construction as soon as practicable after authorization by the Congress of the type of reactor authorized by project 59-d-12. The Commission shall submit to the Joint Committee on Atomic Energy reports on the studies for projects 59-d-12 and 59-d-14 by April 1, 1959, and for project 59-d-13 by May 1, 1959.

SEC. 112. INCREASE IN PRIOR PROJECT AUTHORIZATIONS.—(a) Public Law 84-506 is amended by striking out the figure "\$2,140,000" for project 57-h-2, physics building, Brookhaven National Laboratory, and substituting therefor the figure "\$3,040,000."

(b) Public Law 85-162 is amended by striking out the figure "\$4,000,000" for project 58-e-7, waste calcination system, National Reactor Testing Station, Idaho, and substituting therefor the figure "\$6,000,000".

Approved August 4, 1958.

Report to Congress.

70 Stat. 127.

71 Stat. 403.

Public Law 85-591

AN ACT

To authorize the acquisition of the remaining property in square 725 in the District of Columbia for the purpose of extension of the site of the additional office building for the United States Senate or for the purpose of addition to the United States Capitol Grounds.

August 6, 1958
[S. 495]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in addition to the real property contained in square 725 in the District of Columbia heretofore acquired as a site for an additional office building for the United States Senate under the provisions of the Second Deficiency

Senate Office Building Commission. Property acquisition.

Appropriation Act, 1948, approved June 25, 1948 (62 Stat. 1028), the Architect of the Capitol, under the direction of the Senate Office Building Commission, is hereby authorized to acquire, on behalf of the United States, by purchase, condemnation, transfer, or otherwise, for purposes of extension of such site or for additions to the United States Capitol Grounds, all other publicly or privately owned real property (including alleys or parts of alleys and streets) contained in said square 725 in the District of Columbia, except lots 863, 864, 885, 892, 893, 894, and 905: *Provided*, That upon the acquisition of such real property by the Architect of the Capitol on behalf of the United States, such property shall be subject to the provisions of the Act of July 31, 1946 (60 Stat. 718), in the same manner and to the same extent as the present Senate Office Building and the grounds and sidewalks surrounding the same.

Pont, pp. 879,
880.

40 USC 193a et
seq.

SEC. 2. For the purposes of this Act and of such Act of June 25, 1948, square 725 shall be deemed to extend to the outer face of the curbs surrounding such square.

SEC. 3. Any proceeding for condemnation brought under this Act shall be conducted in accordance with the Act entitled "An Act to provide for the acquisition of land in the District of Columbia for the use of the United States", approved March 1, 1929 (16 D. C. Code, secs. 619-644).

45 Stat. 1415.

SEC. 4. Notwithstanding any other provision of law, any real property owned by the United States and contained in square 725 shall, upon request of the Architect of the Capitol, made with the approval of the Senate Office Building Commission, be transferred to the jurisdiction and control of the Architect of the Capitol, and any alley, or part thereof, contained in such square, shall be closed and vacated by the Commissioners of the District of Columbia in accordance with any request therefor made by the Architect of the Capitol with the approval of such Commission.

SEC. 5. Upon acquisition of any real property pursuant to this Act, the Architect of the Capitol, when directed by the Senate Office Building Commission to so act, is authorized to provide for the demolition and/or removal of any buildings or other structures on, or constituting a part of, such property and, pending demolition, to lease any or all of such property for such periods and under such terms and conditions as he may deem most advantageous to the United States and to provide for the maintenance and protection of such property.

Capitol Police.

SEC. 6. The jurisdiction of the Capitol Police shall extend over any real property acquired under this Act. Upon completion of the acquisition of all properties in square 725, herein authorized to be acquired, the following streets shall become a part of the United States Capitol Grounds and as such shall be subject to the provisions of Public Law 570, Seventy-ninth Congress, as amended: First Street Northeast, between Constitution Avenue and C Street; C Street Northeast, between First and Second Streets. Such streets shall continue under the jurisdiction and control of the Commissioners of the District of Columbia and said Commissioners shall continue to be responsible for the maintenance and improvement thereof, except that the Capitol Police Board shall have exclusive charge and control over the parking and impounding of vehicles on such streets and the Capitol Police shall be responsible for the enforcement of such parking regulations as may be promulgated by the Capitol Police Board.

60 Stat. 718.
40 USC 193a et
seq.

Contracts.

SEC. 7. The Architect of the Capitol, under the direction of the Senate Office Building Commission, is authorized to enter into contracts and to make such other expenditures, including expenditures for personal and other services, as may be necessary to carry out the purposes of this Act.

SEC. 8. The appropriation of such sums as may be necessary to carry out the provisions of this Act is hereby authorized.

Approved August 6, 1958.

Appropriation.

Public Law 85-592

AN ACT

To designate the dam being constructed in connection with the Eagle Gorge Reservoir project on the Green River, Washington, as the "Howard A. Hanson Dam".

August 6, 1958
[H. R. 855]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the dam to be constructed in connection with the project for the Eagle Gorge Reservoir, on the Green River, Washington, authorized by the Flood Control Act of 1950 (64 Stat. 180; Public Law 516, Eighty-first Congress) shall be known and designated hereafter as the "Howard A. Hanson Dam". Any law, regulation, map, document, record, or other paper of the United States in which such dam is referred to shall be held to refer to such dam as the "Howard A. Hanson Dam".

Howard A. Hanson
Dam, Wash.

Approved August 6, 1958.

Public Law 85-593

AN ACT

To provide that chief judges of circuit courts and chief judges of district courts having three or more judges shall cease to serve as such upon reaching the age of seventy.

August 6, 1958
[H. R. 985]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 45 of title 28 of the United States Code is amended to read as follows:

Judges.
62 Stat. 871.

"(a) The circuit judge in regular active service who is senior in commission and under seventy years of age shall be the chief judge of the circuit. If all the circuit judges in regular active service are seventy years of age or older the youngest shall act as chief judge until a judge has been appointed and qualified who is under seventy years of age, but a judge may not act as chief judge until he has served as a circuit judge for one year."

Circuit judges.

SEC. 2. Subsection (a) of section 136 of title 28 of the United States Code is amended to read as follows:

62 Stat. 897.

"(a) In each district having more than one judge the district judge in regular active service who is senior in commission and under seventy years of age shall be the chief judge of the district court. If all the district judges in regular active service are seventy years of age or older the youngest shall act as chief judge until a judge has been appointed and qualified who is under seventy years of age, but a judge may not act as chief judge until he has served as a district judge for one year."

District judges.

SEC. 3. The amendments to sections 45 and 136 of title 28 of the United States Code made by this Act shall take effect at the expiration of one year from the date of enactment of this Act, except that the amendment made by section 136 shall not be effective with respect to any district having two judges in regular active service so long as the district judge holding the position of chief judge of any such district on such date of enactment continues to hold such position.

Effective date.

Approved August 6, 1958.

Public Law 85-594

August 6, 1958
[H. R. 12948]

AN ACT

Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1959, and for other purposes.

FEDERAL PAYMENT TO DISTRICT OF COLUMBIA

The District of
Columbia Approp-
riation Act, 1959.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there are appropriated for the District of Columbia for the fiscal year ending June 30, 1959, out of (1) the general fund of the District of Columbia (unless otherwise herein specifically provided), hereinafter known as the general fund, such fund being composed of the revenues of the District of Columbia other than those applied by law to special funds, and \$20,000,000 which is hereby appropriated for the purpose out of any money in the Treasury not otherwise appropriated (to be advanced July 1, 1958, and of which \$7,000,000 shall be available for capital outlay only), (2) the highway fund (when designated as payable therefrom), established by law (D. C. Code, title 47, ch. 19), and \$431,600, which is hereby appropriated for the purpose out of any money in the Treasury not otherwise appropriated (to be advanced July 1, 1958), (3) the water fund (when designated as payable therefrom), established by law (D. C. Code, title 43, ch. 15), and \$1,732,000, which is hereby appropriated for the purpose out of any money in the Treasury not otherwise appropriated (to be advanced July 1, 1958), (4) the sanitary sewage works fund (when designated as payable therefrom), established by law (Public Law 364, 83d Congress), and \$697,000, which is hereby appropriated for the purpose out of any money in the Treasury not otherwise appropriated (to be advanced July 1, 1958), and (5) the motor vehicle parking fund (when designated as payable therefrom), established by law (D. C. Code, title 40, ch. 8), sums as shown herein; and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, \$5,500,000, which, together with balances of previous appropriations for this purpose, shall remain available until expended, for loans authorized by the Act of May 18, 1954 (68 Stat. 101), to be advanced upon request of the Commissioners to the highway fund.

68 Stat. 104.
D. C. Code 43-
1602.

56 Stat. 93.

68 Stat. 103.
D. C. Code 43-
1540.

OPERATING EXPENSES

For expenses necessary for the offices and agencies named under this general head:

EXECUTIVE OFFICE

Executive office, plus so much as may be necessary to compensate the Engineer Commissioner at a rate equal to each civilian member of the Board of Commissioners of the District of Columbia, hereafter in this Act referred to as the Commissioners; compensation and expenses of members of the Apprenticeship Council and the Redevelopment Land Agency; aid in support of the National Conference of Commissioners on Uniform State Laws; general advertising in newspapers (including the District of Columbia Register) and legal periodicals in the District of Columbia but not elsewhere, unless the need for advertising outside the District of Columbia shall have been specifically approved by the Commissioners, including notices of public hearings, publication of orders and regulations, tax and school notices, and notices of changes in regulations; expenses of Youth

Council, Board of Elections, and Board of Appeals and Review; ceremony expenses; carrying out a comprehensive program for urban renewal and slum clearance, by contract or otherwise, as may be determined by the Commissioners; and expenses in case of emergency, such as riot, pestilence, public insanitary conditions, flood, fire, or storm, and for expenses of investigations; \$399,500: *Provided*, That the certificate of the Commissioners shall be sufficient voucher for the expenditure of \$2,500 of this appropriation for such purposes, exclusive of ceremony expenses, as they may deem necessary.

DEPARTMENT OF GENERAL ADMINISTRATION

Department of General Administration, including District government employees' compensation; administrative expenses, workmen's compensation, to be transferred to the Bureau of Employees' Compensation for administration of the law providing compensation for disability or death resulting from injury to employees in certain employments in the District of Columbia; unemployment compensation for District government employees; rental of postage meters; and affiliation with the National Safety Council, Incorporated; \$4,720,000, of which \$130,000 shall remain available until expended and \$75,190 shall be payable from the highway fund, \$15,000 from the water fund, \$2,950 from the sanitary sewage works fund, and \$800 from the motor vehicle parking fund: *Provided*, That this appropriation shall be available for advertising, for not more than once a week, for two weeks in the regular issue of one newspaper published in the District of Columbia, the list of all taxes on real property, water charges, sanitary sewer service charges, and all special assessments, together with penalties and costs, in arrears, the cost of such advertising to be reimbursed to the general fund by a charge to be fixed annually by the Commissioners for each lot or piece of property advertised: *Provided further*, That this appropriation shall be available for refunds: *Provided further*, That, for the purpose of assessing and reassessing real property in the District of Columbia, \$10,000 of this appropriation shall be available for services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), but at rates for individuals not in excess of \$100 per diem.

60 Stat. 810.

OFFICE OF CORPORATION COUNSEL

Office of the Corporation Counsel, including extra compensation for the corporation counsel as general counsel of the Public Utilities Commission; \$10,000 for the settlement of claims not in excess of \$250 each in accordance with the Act of February 11, 1929 (45 Stat. 1160), as amended by the Act of June 5, 1930 (46 Stat. 500); and judicial expenses, including witness fees and expert services, in District of Columbia cases before the courts of the United States and of the District of Columbia; \$660,060, of which \$41,800 shall be payable from the highway fund.

D. C. Code 1-902.

REGULATORY AGENCIES

Regulatory agencies, including juror fees, \$1,400,000.

DEPARTMENT OF OCCUPATIONS AND PROFESSIONS

Department of Occupations and Professions, \$299,000.

PUBLIC SCHOOLS

Public schools, including the education of foreigners of all ages in the Americanization schools; subsistence supplies for pupils enrolled in classes for crippled children; maintenance and instruction of deaf, mute and blind children of the District of Columbia by contract entered into by the Commissioners upon recommendation by the Board of Education of the District of Columbia; transportation of children attending schools or classes established for severely handicapped pupils; distribution of surplus commodities and relief milk to public and charitable institutions, and for the carrying out, under regulations to be prescribed by the Board of Education of a milk program for the schoolchildren of the District, including the purchase and distribution of milk under agreement with the United States Department of Agriculture; \$408,831 for development of vocational education in the District of Columbia in accordance with the Act of June 8, 1936, as amended; financing the liability of the government of the District of Columbia to the "Teachers' retirement and annuity fund"; operation, repair, maintenance and improvement of public school buildings, grounds and equipment; purchase (not to exceed eight), operation, repair, maintenance and insurance of passenger-carrying motor vehicles; \$39,948,000, of which \$3,000 shall be available for the services of experts and consultants as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), but at rates not exceeding \$50 per diem plus travel expenses for such individuals: *Provided*, That the compensation for summer school personnel may be charged to the appropriation for the fiscal year in which the pay periods end: *Provided further*, That \$5,600 of the unexpended balance of the appropriation for "Operating expenses, public schools" contained in the District of Columbia Appropriation Act, 1957, be made available for retroactive pay for the fiscal year 1956 to three deans and one registrar at the District of Columbia Teachers College: *Provided further*, That this appropriation shall be available for the payment of retirement costs to the public school food services fund.

Section 6 of the Legislative, Executive, and Judicial Appropriation Act, approved May 10, 1916, as amended, shall not apply from July 1 to August 30, 1958, to teachers of the public schools of the District of Columbia when employed by any of the branches of the United States Government.

70 Stat. 925.
20 USC 151 note.

60 Stat. 810.

70 Stat. 440.

Double salaries.
39 Stat. 120.
5 USC 58, 59.

PUBLIC LIBRARY

Public Library, including recordings and educational films; repairs to buildings; and care of grounds; \$2,140,000.

RECREATION DEPARTMENT

Recreation Department, for operation and maintenance of recreation facilities in and for the District of Columbia, \$2,250,000.

METROPOLITAN POLICE

Metropolitan Police, including the inspector in charge of the traffic division with the rank and pay of deputy chief; one captain who shall be assigned to the traffic division with the rank and pay of inspector; the lieutenants in command of the homicide squad, robbery squad, general assignment squad, special investigation squad, automobile squad, and check and fraud squad, with the rank and pay of captain while so assigned; the present acting sergeant in charge of police automobiles with the rank and pay of sergeant; the present lieutenant in charge of purchasing and accounts with the rank and pay of

captain; the lieutenant in charge of the Metropolitan Police Boys' Club with the rank and pay of captain; not to exceed one detective in the salary grade of captain; civilian crossing guards including uniforms and equipment, at rates of pay and hours of employment to be fixed by the Commissioners; compensation of civilian trial board members at rates to be fixed by the Commissioners; allowances for privately owned automobiles used by deputy chiefs and inspectors in the performance of official duties at \$480 per annum for each automobile; relief and other allowances, as authorized by law, for policemen; rewards for fugitives; photographs, rental, purchase, and maintenance of radio and teletype systems; expenses of attendance, without loss of pay or time, at specialized police training classes and pistol matches, including tuition and entrance fees; expenses of the police training school, including travel expenses of visiting lecturers or experts in criminology; expenses of traffic school; official equipment, including cleaning, alteration and repair of articles transferred from one individual to another, or damaged in the performance of duty; purchase of forty passenger motor vehicles for replacement only; and the maintenance of a suitable place for the reception and detention of girls and women over seventeen years of age, arrested by the police on charge of offense against any laws in force in the District of Columbia, or held as witnesses or held pending final investigation or examination, or otherwise; \$18,460,000, of which amount \$1,990,100 shall be payable from the highway fund and \$88,600 from the motor vehicle parking fund, and \$35,000 shall be exclusively available for expenditure by the Chief of Police for prevention and detection of crime, under his certificate approved by the Commissioners, and every such certificate shall be deemed a sufficient voucher for the sum therein expressed to have been expended.

FIRE DEPARTMENT

Fire Department, including compensation of civilian trial board members at rates to be fixed by the Commissioners; relief and other allowances, as authorized by law, for firemen; official equipment, including cleaning, alteration and repair of articles transferred from one individual to another or damaged in the performance of duty; purchase and maintenance of radio equipment; purchase of three passenger motor vehicles for replacement only; repairs and improvements to buildings and grounds; \$9,187,000.

DEPARTMENT OF VETERANS AFFAIRS

Department of Veterans Affairs, \$97,000.

OFFICE OF CIVIL DEFENSE

Office of Civil Defense, \$80,000: *Provided*, That not to exceed \$50,000 of any funds from appropriations available to the District of Columbia may be used to match financial contributions from the Federal Civil Defense Administration to the District of Columbia Office of Civil Defense for the purchase of civil defense equipment and supplies approved by the Federal Civil Defense Administration, when authorized by the Commissioners.

DEPARTMENT OF VOCATIONAL REHABILITATION

Department of Vocational Rehabilitation, \$224,800.

COURTS

D. C. Code 11-105.

D. C. Code 11-722.

Courts, including pay of retired judges; lodging and meals for jurors, bailiffs and deputy United States marshals while in attendance upon jurors, when ordered by the courts; meals for prisoners; and reimbursement to the United States for services rendered to the District of Columbia by the Judiciary, General Services Administration, and the Department of Justice; \$4,953,000: *Provided*, That this appropriation shall be available for advances on reimbursement to the General Services Administration for one-half of the cost of operation, maintenance, and repair of the Federal Courts Building, as provided in the Act of May 14, 1948 (62 Stat. 235): *Provided further*, That deposits made on demands for jury trials in accordance with rules prescribed by the Municipal Court under authority granted in section 11 of the Act approved March 3, 1921 (41 Stat. 1312), shall be earned unless, prior to three days before the time set for such trials, including Sundays and legal holidays, a new date for trial be set by the court, cases be discontinued or settled, or demands for jury trials be waived.

DEPARTMENT OF PUBLIC HEALTH

Department of Public Health, including fees to physicians under contracts to be made by the Director of Public Health and approved by the Commissioners, care of alcoholics, manufacture of serum in indigent cases, allowances for privately owned automobiles used for the performance of official duties by dairy-farm inspectors at the rate of 8 cents per mile but not more than \$1,100 per annum for each automobile, subsistence in lieu of salary for the full-time employment of persons for the purpose of securing training and experience in their future vocations; not to exceed \$2,000 for attendance without loss of pay or time at specialized medical or public health training courses or institutes, tuition and entrance fees, and travel expenses and fees for visiting lecturers or experts in public health and related fields; compensation of consulting physicians and dentists at rates to be fixed by the Commissioners, compensation of convalescent patients to be employed in essential work and as an aid to their rehabilitation at rates and under conditions to be determined by the Commissioners (but nothing in this paragraph shall be construed as conferring employee status on patients whose services are so utilized), not to exceed \$1,000 for financial assistance for needy patients as determined by the Superintendent of Glenn Dale Hospital at rates established by the Commissioners, not to exceed \$1,200 for fire prevention and protective services rendered to Glenn Dale Hospital under conditions to be determined by the Commissioners, training school for nurses, repairs and improvements to buildings and grounds, purchase of one passenger carrying motor vehicle for replacement only; reimbursement to the United States for services rendered to the District of Columbia by Freedmen's Hospital, and for care and treatment of indigent patients in institutions, including those under sectarian control, under contracts to be made by the Director of Public Health, \$30,730,000: *Provided*, That the inpatient rate under such contracts and for services rendered by Freedmen's Hospital shall not exceed \$20 per diem and the outpatient rate shall not exceed \$3.50 per visit: *Provided further*, That amounts to be determined by the Commissioners may be expended for special services in detecting adulteration of drugs and foods, including candy and milk and other products and services subject to inspection by the Department of Public Health: *Provided further*, That employees using privately owned automobiles for the

deportation of nonresident insane may be reimbursed as authorized by the Act of June 9, 1949 (63 Stat. 166), but not to exceed \$900 for any one individual.

5 USC 835 note.

DEPARTMENT OF CORRECTIONS

Department of Corrections, including subsistence of interns; compensation of consulting physicians, dentists, and other specialists at rates to be fixed by the Commissioners; attendance of guards at pistol and rifle matches; repairs and improvements to buildings and grounds; support, maintenance, and transportation of prisoners transferred from the District of Columbia; interment or transporting the remains of deceased prisoners to their relatives or friends in the United States; electrocutions; identifying, pursuing, recapturing (including rewards therefor), and returning to institutions, escaped inmates and parole and conditional-release violators; and returning released prisoners to their residences, or to such other place within the United States as may be authorized by the Director, and the furnishing of suitable clothing, and in the discretion of the Director, an amount of money not to exceed \$30, regardless of length of sentence; \$5,437,000.

PUBLIC WELFARE

Department of Public Welfare, including relief and rehabilitation of indigent residents, maintenance pending transportation of indigent persons, burial of indigent residents of the District of Columbia, temporary care of children while being transferred from place to place, care of women and children in institutions, including those under sectarian control, burial of children dying while beneficiaries under this appropriation, repairs and improvements to buildings and grounds, purchase of one passenger motor vehicle for replacement only, transportation between Children's Center and Laurel, Maryland, of school children of employees residing on the reservation, maintenance of a suitable place of detention for children under eighteen years of age arrested by the police on charge of offense against any laws in force in the District of Columbia or committed to the guardianship of the Department of Public Welfare, or held as witnesses or held temporarily, or pending hearing, or otherwise, and male witnesses eighteen years of age or over shall be held at the District of Columbia General Hospital, subsistence in lieu of salary for employment of persons for the purpose of securing training and experience in their future vocations, supervision of students performing voluntary services for the purpose of obtaining training and experience in their future vocations, compensation of consulting physicians and veterinarians at rates to be fixed by the Commissioners, and care of boys committed to the National Training School for Boys by the courts of the District of Columbia under a contract to be made by the Commissioners or their designated agent with the Attorney General at a rate of not to exceed the actual cost for each boy committed, \$15,140,000: *Provided*, That employees using privately owned automobiles for the transportation of indigent persons or the placing of children may be reimbursed as authorized by the Act of June 9, 1949 (63 Stat. 166), but not to exceed \$900 for any one individual: *Provided further*, That when specifically authorized by the Commissioners this appropriation may be used for visiting any ward of the Department of Public Welfare placed outside of the District of Columbia and the States of Virginia and Maryland.

5 USC 835 note.

DEPARTMENT OF BUILDINGS AND GROUNDS

Department of Buildings and Grounds, including maintenance of public convenience stations, and \$5,000 exclusively for test borings and soil investigations, \$2,135,000, of which \$29,300 shall be payable from the highway fund.

CONSTRUCTION SERVICES, DEPARTMENT OF BUILDINGS AND GROUNDS

All apportionments of appropriations for the use of the Department of Buildings and Grounds in payment of personal services, retirement costs of persons employed on construction work, and other expenses provided for by said appropriations shall be based on an amount not exceeding 6 per centum of appropriations for such construction projects, and appropriations specifically made in this Act for the preparation of plans and specifications shall be deducted from any allowances authorized under this paragraph: *Provided*, That reimbursements may be made to this fund from appropriations contained in this Act for services rendered other activities of the District government, without reference to fiscal-year limitations on such appropriations: *Provided further*, That this fund shall be available for advance planning subject to subsequent reimbursement from funds loaned by the Administrator of General Services under the provisions of the Act of October 13, 1949 (63 Stat. 841).

40 USC 451-458.

OFFICE OF SURVEYOR

Office of Surveyor, \$180,000.

DEPARTMENT OF LICENSES AND INSPECTIONS

Department of Licenses and Inspections, including the enforcement of the Act requiring the erection of fire escapes on certain buildings and the removal of dangerous or unsafe or insanitary buildings; compensation at rates to be fixed by the Commissioners of members of boards to survey unsafe structures and excavations; purchase of two passenger motor vehicles for replacement only; maintenance and repairs to markets; purchase of commodities and for personal services in connection with investigation and detection of sales of short weight and measure; and to obtain evidence necessary for prosecution in connection with the business of pawnbrokers, mediums, secondhand dealers, and other businesses requiring a license; \$2,017,000.

DEPARTMENT OF HIGHWAYS

Department of Highways, including minor construction of bridges; rental, purchase, installation, and maintenance of radio services; expenses of attendance of one person, without loss of pay or time, at specialized traffic engineering classes, including tuition and entrance fees; purchase of thirty-one passenger motor vehicles for replacement only (including three for the Commissioners at not to exceed \$4,500 each), and purchase of driver-training vehicles from proceeds of sale of similar vehicles; \$7,907,000, of which \$5,093,623 shall be payable from the highway fund: *Provided*, That the Commissioners are hereby authorized to purchase and install a municipal asphalt plant including all auxiliary plant equipment to be paid for from this appropriation: *Provided further*, That the Commissioners are authorized and empowered to pay the purchase price and the cost of installation of new parking meters or devices from fees collected from such new meters or devices, which fees are hereby appropriated for such purposes.

DEPARTMENT OF MOTOR VEHICLES

Department of Motor Vehicles (payable from highway fund), including \$26,500 for traffic safety education without reference to any other law; \$200 for membership in the American Association of Motor Vehicle Administrators, refunding collections erroneously covered into the Treasury to the credit of the highway fund during the present and past three fiscal years; \$1,042,000: *Provided*, That this appropriation shall not be available for refunds authorized by section 10 of the Act of April 23, 1924.

43 Stat. 108.
D. C. Code 47-
1910.

MOTOR VEHICLE PARKING AGENCY

Motor Vehicle Parking Agency (payable from motor vehicle parking fund), including installation and maintenance of parking meters, \$310,000.

DEPARTMENT OF SANITARY ENGINEERING

Department of Sanitary Engineering, including installing and repairing water meters on services to private residences and business places as may not be required to install meters under existing regulations (said meters to remain the property of the District of Columbia), installing and repairing water meters on services and connections from the District water supply system for the direct use of any federally owned property used and occupied by any department or agency of the Government of the United States situated in the District of Columbia, purchase of two passenger motor vehicles including one for replacement only, purchase of radio equipment when approved by the Director of Highways, refunding of water rents and other water and sewer service charges erroneously paid in the District of Columbia (to be refunded in the manner prescribed by law for the refunding of erroneously paid taxes and to be available for such refunds of payments, made within the present and past three fiscal years), contribution of the District of Columbia to the expenses of the Interstate Commission on the Potomac River Basin, repair and maintenance of plants, buildings, and grounds, and fencing of public and private property designated by the Commissioners as public dumps; \$13,590,000, of which \$150,000 shall be payable from the highway fund for cleaning snow and ice from streets, sidewalks, crosswalks, and gutters, in the discretion of the Commissioners, \$3,436,000 shall be payable from the water fund, and \$2,534,000 shall be payable from the sanitary sewage works fund: *Provided*, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business or from apartment houses of four or more apartments having a central heating system, or from any building or connected group of buildings operated as a rooming, boarding, or lodging house having a total of more than twenty-five rooms.

WASHINGTON AQUEDUCT

Washington Aqueduct (payable from the water fund), for the operation, maintenance, repair, and protection of Washington water supply facilities and their accessories and maintenance of MacArthur Boulevard; purchase of three passenger motor vehicles including two for replacement only; and fluoridation of water; \$2,322,000: *Provided*, That transfer of appropriations for operating expenses and capital outlay may be made between the Department of Sanitary Engineering of the District of Columbia and the Washington Aqueduct upon mutual agreement of the Commissioners and the Secretary of the Army.

Nothing herein shall be construed as affecting the superintendence and control of the Secretary of the Army over the Washington Aqueduct, its rights, appurtenances, and fixtures connected with the same, and over appropriations and expenditures therefor as now provided by law.

NATIONAL GUARD

National Guard of the District of Columbia, including compensation to the commanding general at not to exceed \$11,600 per annum; attendance at meetings of associations pertaining to the National Guard; expenses of camps, and for the payment of commutation of subsistence for enlisted men who may be detailed to guard or move the United States property at home stations on days immediately preceding and immediately following the annual encampment; reimbursement to the United States for loss of property for which the District of Columbia may be held responsible; cleaning and repairing uniforms, arms, and equipment; instruction, purchase, and maintenance of athletic, gymnastic, and recreational equipment at armory or field encampments; practice marches, drills, and parades; rents of armories, drill halls, and storehouses; advertising incident to recruiting; care and repair of armories, offices, storehouses, and machinery; alterations and additions to present structures; and construction of buildings for storage and other purposes; \$155,000.

NATIONAL CAPITAL PARKS

National Capital Parks, including maintenance, care, and improvement of public parks, grounds, fountains, and reservations, propagating gardens and greenhouses, and the tourists' camp on its present site in East Potomac Park under the jurisdiction of the National Park Service; placing and maintaining portions of the parks in condition for outdoor sports, erection of stands, furnishing and placing of chairs, and services incident thereto in connection with national, patriotic, civic, and recreational functions held in the parks, including the President's Cup Regatta, and expenses incident to the conducting of band concerts in the parks; such expenses to include pay and allowances of the United States Park Police force; per diem employees at rates of pay approved by the Secretary of the Interior, not exceeding current rates of pay for similar employment in the District of Columbia; uniforming and equipping the United States Park Police force; the purchase, issue, operation, maintenance, repair, exchange, and storage of revolvers, uniforms, ammunition, and radio equipment and the rental of teletype service; and the purchase of bicycles, motorcycles, and self-propelled machinery; the hire of draft animals, with or without drivers at local rates approved by the Secretary of the Interior; the purchase and maintenance of draft animals, harness, and wagons; \$2,850,000, of which \$25,000 shall be payable from the highway fund: *Provided*, That not to exceed \$15,000 of the amount herein appropriated may be expended for the erection of minor auxiliary structures: *Provided further*, That funds appropriated under or transferred to this head for services rendered by the National Park Service shall be advanced to said Service and shall be credited as a repayment and maintained in a special account. The amounts so advanced will be available for the objects specified herein or in the appropriation from which such funds are transferred, any unexpended balance to be returned to the appropriation concerned not later than two full fiscal years after the close of the current fiscal year.

NATIONAL ZOOLOGICAL PARK

National Zoological Park, including erecting and repairing buildings; care and improvement of grounds; travel, including travel for the procurement of live specimens; purchase, care, and transportation of specimens; purchase of motorcycles; revolvers and ammunition; purchase of uniforms and equipment for police, and uniforms for keepers and assistant keepers; \$898,000: *Provided*, That funds appropriated under this head shall be advanced to the National Zoological Park and shall be credited as a repayment and maintained in a special account. The amounts so advanced will be available for the objects herein specified, any unexpended balance to be returned to this appropriation not later than two full fiscal years after the close of the current fiscal year.

CAPITAL OUTLAY

DISTRICT DEBT SERVICE

For reimbursement to the United States of funds loaned in compliance with section 4 of the Act of May 29, 1930 (46 Stat. 482), as amended, the Act of August 7, 1946 (60 Stat. 896), as amended, the Act of May 14, 1948 (62 Stat. 235), and section 108 of the Act of May 18, 1954 (68 Stat. 103), including interest as required thereby, \$793,000, of which \$422,000 shall be payable from the water fund.

D. C. Code 11-103 to 11-105.

D. C. Code 43-1540.

CAPITAL OUTLAY, PUBLIC BUILDING CONSTRUCTION

For acquisition of public school, police station, and firehouse sites; preparation of plans and specifications for the following buildings: Elementary school in the vicinity of Fifteenth and Rosedale Streets Northeast, elementary school in the vicinity of Sixth and K Streets Northeast, Maury Elementary School addition, Lenox Elementary School addition, and hospital replacement at the Reformatory; for conducting the following preliminary survey: Replacement of dormitories at District of Columbia Village; erection of the following structures, including building improvement and alteration and the treatment of grounds: Amidon-Greenleaf replacement, elementary school in the vicinity of Tenth and F Streets Northeast, elementary school in the vicinity of Forty-ninth and Foote Streets Northeast, conversion of old Health School to elementary school, Cooke Elementary School addition, Powell Elementary School addition, Richardson Elementary School addition, Burroughs Elementary School addition, Langdon Elementary School addition, Drew Elementary School addition, addition to new elementary school in vicinity of Texas Avenue and C Street Southeast, Tenley-Friendship branch library, replacement of the Fourth Police Precinct station house, new firehouse to replace First Engine Company and Second Truck Company, new firehouse to replace Thirteenth Engine Company, conversion of old Psychiatric Building at District of Columbia General Hospital, incinerator at Glenn Dale Hospital, Youth Correctional Center (additional amount), dormitories number 14 and number 15 at the Workhouse, living and work facilities at the Women's Reformatory, warehouse and utility building at District of Columbia Village; installation of sewage facilities at Glenn Dale Hospital; improvement of various recreation units, including preparation of architectural plans and erection of recreation structures without regard to the Act of August 24, 1912 (40 U. S. C. 68); \$326,700 for purchase of equipment for new school buildings; and permanent improvement of buildings and grounds (including purchase and installation of furnishings and equipment, elimination of

37 Stat. 444.

fire hazards, and road construction) of schools, firehouses, hospitals, welfare institutions, and other District of Columbia buildings; to remain available until expended, \$15,832,000 of which \$7,350,000 shall not become available for expenditure until July 1, 1959, and \$841,000 shall be available for construction services by the Director of Buildings and Grounds or by contract for architectural engineering services, as may be determined by the Commissioners, and the funds for the use of the Director of Buildings and Grounds shall be advanced to the appropriation account, "Construction services, Department of Buildings and Grounds": *Provided*, That not to exceed \$100,000 of funds heretofore appropriated under the heading "Capital Outlay, Public Building Construction, 1958" shall be available for necessary expenses related to the conversion to a fireboat of an LCM (8) to be transferred without cost from the Department of the Army, which transfer is hereby authorized: *Provided further*, That not to exceed \$100,000 of funds heretofore appropriated under the heading "Capital Outlay, Public Building Construction, 1956" shall be available for an engineering study, by contract or otherwise, as may be determined by the Commissioners, to implement the completed survey of facilities of District of Columbia government hospitals: *Provided further*, That amounts appropriated under this general head, together with such amounts previously appropriated, shall be available within the appropriations involved without regard to fiscal year project limitations.

CAPITAL OUTLAY, DEPARTMENT OF HIGHWAYS

For expenses necessary for the grading, surfacing, paving, repaving, widening, altering, purchase and installation of traffic lights, and otherwise improving streets, avenues, roads, and alleys, including curbing and gutters, directional and pedestrian islands at various intersections to permit proper traffic light control and channelization of traffic, drainage structures, culverts, suitable connections to storm water sewer system, retaining walls, replacement and relocation of sewers, water mains, fire hydrants, traffic lights, street lights, fire-alarm boxes, police-patrol boxes, and curb-line trees, when necessary, Federal-aid highway projects under section 1 (b) of the Federal Aid Highway Act of 1938, and highway structure projects financed wholly from the highway fund upon the approval of plans for such structures by the Commissioners; for carrying out the provisions of existing laws which authorize the Commissioners to open, extend, straighten, or widen streets, avenues, roads, or highways, in accordance with the plan of the permanent system of highways for the District of Columbia, and alleys and minor streets, and for the establishment of building lines in the District of Columbia, including the procurement of chains of title; and for assessment and permit work, paving of roadways under the permit system, and construction of sidewalks and curbs around public reservations and municipal and United States buildings, including purchase or condemnation of streets, roads, and alleys, and of areas less than two hundred and fifty feet square at the intersection of streets, avenues, or roads in the District of Columbia, to be selected by the Commissioners; placing underground, relocating, and extending the telephone, police-patrol and fire-alarm cable and circuit distribution systems; installing and extending radio systems; and purchase of lampposts, street designations, and fixtures of all kinds; to remain available until expended, \$11,457,600, of which \$11,057,600 shall be payable from the highway fund: *Provided*, That in connection with the purchase and installation of a municipal asphalt plant on District-owned property the Commissioners are authorized to make expenditures from this appropriation for the preparation of the site, including the construction of seawalls, dock facilities, and

a railroad siding: *Provided further*, That in connection with the highway-planning survey, involving surveys, plans, engineering, and economic investigations of projects for future construction in the District of Columbia, as provided for under section 10 of the Federal Aid Highway Act of 1938, and in connection with the construction of Federal-aid highway projects under section 1 (b) of said Act, and highway-structure projects financed wholly from the highway fund, this appropriation and the appropriation "Operating expenses, Department of Highways" shall be available for the employment of engineering or other professional services by contract or otherwise, and without regard to section 3709 of the Revised Statutes and the civil-service and classification laws, and section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), and for engineering and incidental expenses: *Provided further*, That this appropriation and the appropriation "Operating expenses, Department of Highways" shall be available for the construction and repair of pavements of street railways, in accordance with the provisions of the Merger Act (47 Stat. 752), and the proportion of the amount thus expended which under the terms of the said Act is required to be paid by the street-railway company shall be collected, upon the neglect or the refusal of such street-railway company to make such payment, from the said street-railway company in the manner provided by section 5 of the Act of June 11, 1878, and shall be deposited to the credit of the appropriation for the fiscal year in which it is collected: *Provided further*, That in connection with projects to be undertaken as Federal-aid projects under the provisions of the Federal Aid Highway Act of December 20, 1944, as amended, the Commissioners are authorized to enter into contract or contracts for those projects in such amounts as shall be approved by the Bureau of Public Roads, Department of Commerce: *Provided further*, That the Commissioners are hereby authorized to construct grade-crossing elimination and other wholly District construction projects or those authorized under section 8 of the Act of June 16, 1936 (49 Stat. 1521), and section 1 (b) of the Federal Aid Highway Act of 1938, as amended, in accordance with the provisions of said Acts, and this appropriation may be used for payment to contractors and other expenses in connection with the expenses of surveys, design, construction, and inspection pending reimbursement to the District of Columbia by the Bureau of Public Roads, Department of Commerce, or other parties participating in such projects, reimbursement to be credited to the appropriation from which payment was made: *Provided further*, That the Commissioners are authorized to fix or alter the respective widths of sidewalks and roadways (including tree spaces and parking) of all highways that may be improved under appropriations contained in this Act: *Provided further*, That no appropriation in this Act shall be available for repairing, resurfacing, or paving any street, avenue, or roadway by private contract unless the specifications for such work shall be so prepared as to permit of fair and open competition in paving materials as well as in price: *Provided further*, That in addition to the provision of existing law requiring contractors to keep new pavements in repair for a period of one year from the date of the completion of the work, the Commissioners shall further require that where repairs are necessary during the four years following the said one-year period, due to inferior work or defective materials, such repairs shall be made at the expense of the contractor, and the bond furnished by the contractor shall be liable for such expense: *Provided further*, That this appropriation and the appropriation "Operating expenses, Department of Highways" shall be available for advance payments to Federal agencies for work to be performed, when ordered by the Commissioners,

53 Stat. 1066.
23 USC 9a-1.
52 Stat. 633.
23 USC 41b.

41 USC 5.

60 Stat. 810.

D. C. Code 7-604 note.

20 Stat. 106.
D.C. Code 7-604.

58 Stat. 838.
23 USC 60-63.

23 USC 24a.

23 USC 41b.

subject to subsequent adjustment: *Provided further*, That no part of this or any other appropriation contained in this Act shall be expended for building, installing, and maintaining streetcar loading platforms and lights of any description employed to distinguish same, except that a permanent type of platform may be constructed from appropriations contained in this Act for street improvements when plans and locations thereof are approved by the Public Utilities Commission and the Department of Highways and the street-railway company shall after construction maintain, mark, and light the same at its expense.

CAPITAL OUTLAY, DEPARTMENT OF SANITARY ENGINEERING

For preparation of plans and specifications for incinerator numbered 4; construction of sewers and extension of the District of Columbia water-distribution system; assessment and permit work; construction of seawall at sewer yard; purchase or condemnation of lands and rights-of-way for construction, maintenance, and repair of sewers, water mains, and Sewage Treatment Plant; continuing construction on aeration plant and secondary sedimentation tanks, reconstruction, enlargement, rehabilitation, major repair and replacement of grit removal, sludge digestion, heating and other existing equipment and facilities; rehabilitation and replacement of screening and flow control facilities at the main sewerage pumping station; construction of screening stations in the Oxon Run trunk and Portland Street sewers; laying water mains and sewers in advance of paving and installing fire and public hydrants; constructing trunk water mains; to remain available until expended, \$6,369,500, of which \$1,000,000 shall not become available for expenditure until July 1, 1959, and \$1,261,000 shall be payable from the water fund, and \$1,668,000 shall be payable from the sanitary sewage works fund, and \$150,000 shall be available for the director of buildings and grounds and shall be advanced to the appropriation account "Construction services, Department of Buildings and Grounds": *Provided*, That this appropriation and the appropriation "Operating expenses, Department of Sanitary Engineering" shall be available for the employment of engineering or other professional services by contract or otherwise, and for engineering and incidental expenses.

CAPITAL OUTLAY, WASHINGTON AQUEDUCT

For miscellaneous betterments, replacements, and engineering planning of water supply facilities, including continuing raw-water conduit rehabilitation, utility relocations, and plant system rearrangements and interconnections; acquisition by gift, exchange, purchase, or condemnation of supplementary land; and for developing increased water supply for the District of Columbia and environs in accordance with House Document 480, Seventy-ninth Congress, second session; and necessary expenses incident thereto; including services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), but at rates for individual consultants not in excess of \$100 per diem; to remain available until expended, \$50,000 (payable from water fund).

60 Stat. 810.

GENERAL PROVISIONS

Vouchers.

SEC. 2. Except as otherwise provided herein, all vouchers covering expenditures of appropriations contained in this Act shall be audited before payment by the designated certifying official and the vouchers as approved shall be paid by checks issued by the designated disbursing official without countersignature.

SEC. 3. Whenever in this Act an amount is specified within an appropriation for particular purposes or object of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount which may be expended for said purpose or object rather than an amount set apart exclusively therefor.

Maximum amount.

SEC. 4. Appropriations in this Act shall be available, when authorized or approved by the Commissioners, for allowances for privately owned automobiles used for the performance of official duties at 8 cents per mile but not to exceed \$25 a month for each automobile, unless otherwise therein specifically provided, except that fifty-two such allowances at not more than \$410 each per annum may be authorized or approved by the Commissioners.

Automobile allowances.

SEC. 5. Appropriations in this Act shall be available for the payment of dues and expenses of attendance of meetings of organizations concerned with the work of the District of Columbia government, when authorized by the Commissioners: *Provided*, That the total expenditures for this purpose shall not exceed \$40,000.

Attendance at meetings.

SEC. 6. Appropriations in this Act shall be available, when authorized by the Commissioners, for services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a).

60 Stat. 810.
Advances.

SEC. 7. The disbursing officials designated by the Commissioners are authorized to advance to such officials as may be approved by the Commissioners such amounts and for such purposes as the Commissioners may determine.

SEC. 8. Appropriations in this Act shall not be used for or in connection with the preparation, issuance, publication, or enforcement of any regulation or order of the Public Utilities Commission requiring the installation of meters in taxicabs, or for or in connection with the licensing of any vehicle to be operated as a taxicab except for operation in accordance with such system of uniform zones and rates and regulations applicable thereto as shall have been prescribed by the Public Utilities Commission.

Restrictions.

SEC. 9. Appropriations in this Act shall not be available for the payment of rates for electric current for street lighting in excess of 2 cents per kilowatt-hour for current consumed.

Street lighting.

SEC. 10. All motor-propelled passenger-carrying vehicles (including watercraft) owned by the District of Columbia shall be operated and utilized in conformity with section 16 of the Act of August 2, 1946 (5 U. S. C. 77, 78), and shall be under the direction and control of the Commissioners, who may from time to time alter or change the assignment for use thereof, or direct the alteration or interchangeable use of any of the same by officers and employees of the District, except as otherwise provided in this Act. "Official purposes" shall not apply to the Commissioners of the District of Columbia or in cases of officers and employees the character of whose duties makes such transportation necessary, but only as to such latter cases when the same is approved by the Commissioners. No motor vehicles shall be transferred from the police or fire departments to any other branch of the government of the District of Columbia.

Passenger vehicles.

60 Stat. 810.

SEC. 11. Appropriations contained in this Act for the Department of Highways and the Department of Sanitary Engineering shall be available for snow and ice control work when ordered by the Commissioners in writing.

Snow removal.

SEC. 12. Appropriations in this Act shall be available, when authorized by the Commissioners, for the rental of quarters without reference to section 6 of the District of Columbia Appropriation Act, 1945: *Provided*, That hereafter leases for rentals shall not be on terms and periods in excess of five years.

Rental of quarters.

58 Stat. 532.

SEC. 13. Appropriations in this Act shall be available for the furnishing of uniforms when authorized by the Commissioners.

Audited claims.

SEC. 14. Hereafter the Secretary of the Treasury is authorized to restore from lapsed appropriations amounts certified by the Commissioners, or their designated representatives, as being necessary for the payment of audited claims under such appropriations.

Short title.

This Act may be cited as the "District of Columbia Appropriation Act, 1959".

Approved August 6, 1958.

Public Law 85-595

AN ACT

August 6, 1958
[H. R. 8252]

To amend section 3237 of title 18 of the United States Code to define the place at which certain offenses against the income tax laws take place.

Income-tax of-
fenses.
Jurisdiction.
62 Stat. 826.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3237 of title 18 of the United States Code is amended by inserting "(a)" immediately before "Except", and by adding at the end thereof the following:

68A Stat. 851.
26 U S C 7201,
7206.

"(b) Notwithstanding subsection (a), where an offense involves use of the mails and is an offense described in section 7201 or 7206 (1), (2), or (5) of the Internal Revenue Code of 1954 (whether or not the offense is also described in another provision of law), and prosecution is begun in a judicial district other than the judicial district in which the defendant resides, he may upon motion filed in the district in which the prosecution is begun, elect to be tried in the district in which he was residing at the time the alleged offense was committed: *Provided*, That the motion is filed within twenty days after arraignment of the defendant upon indictment or information."

Approved August 6, 1958.

Public Law 85-596

AN ACT

August 6, 1958
[H. R. 11549]

To provide for the preparation of a proposed revision of the Canal Zone Code, together with appropriate ancillary material.

Canal Zone Code
revision.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Governor of the Canal Zone is hereby authorized to have prepared a revision of the Canal Zone Code, approved June 19, 1934 (48 Stat. 1122), as amended, and upon completion thereof to submit the same to the Congress for enactment.

Ancillary ma-
terial.

SEC. 2. The Governor is further authorized to have compiled and prepared such ancillary material as may be appropriate for inclusion in a revised edition of the Canal Zone Code, for ultimate printing and publication by the Government Printing Office as a public document, including, but not limited to, a compilation of, or summary references to, treaties, executive agreements, and general laws of the United States applicable in or relating to the Canal Zone or the Panama Canal, together with revised reference tables and a revised index.

Advisory serv-
ices, etc.

SEC. 3. In order to carry out the purposes of this Act, the Governor of the Canal Zone may engage, by negotiation without advertising, the services, to be performed under his general supervision, of a qualified

firm of law revisers and, in addition, may appoint an advisory committee to advise and assist him without compensation in a preparation of such revision of the Canal Zone Code and of such ancillary material.

SEC. 4. There are hereby authorized to be appropriated for the Canal Zone Government such amounts as may be necessary to carry out the purposes of this Act.

Approved August 6, 1958.

Appropriation.

Public Law 85-597

AN ACT

To provide that the Federal-Aid Highway Act of 1956 (Public Law 627, Eighty-fourth Congress, chapter 462, second session) shall be amended to increase the period in which actual construction shall commence on rights-of-way acquired in anticipation of such construction from five years to seven years following the fiscal year in which such request is made.

August 6, 1958
[H. R. 10426]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first proviso of section 110 (a) of Public Law 627, Eighty-fourth Congress, chapter 462, second session be amended to read: "*Provided*, That the agreement between the Secretary of Commerce and the State highway department for the reimbursement of the cost of such rights-of-way shall provide for the actual construction of a road on such rights-of-way within a period not exceeding seven years following the fiscal year in which such request is made and that this proviso shall apply to purchases heretofore made under this section of said 1956 Act."

Highway construction.
70 Stat. 382.
23 USC 160.

Approved August 6, 1958.

Public Law 85-598

AN ACT

To authorize the appropriation of funds to finance the 1961 meeting of the Permanent International Association of Navigation Congresses.

August 6, 1958
[H. R. 11305]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated not to exceed \$180,000 for the necessary expenses of the meeting of the Permanent International Association of Navigation Congresses to be held in the United States in 1961. These expenses shall include, but shall not be limited to, the cost of publication of the proceedings and the cost of transportation within the United States for official foreign members of the Association and authorized foreign delegates while visiting waterways in the United States. Funds appropriated pursuant to this Act shall be administered under the direction of the Secretary of the Army and the supervision of the Chief of Engineers.

Permanent International Association of Navigation Congresses.
Appropriation.

SEC. 2. The authorization contained in section 1 shall be in addition to the authorization of not exceeding \$5,000 annually made available by section 107 of the "River and Harbor Act of 1948" (62 Stat. 1174) for the support and maintenance of the Permanent International Commission of the Congresses of Navigation and for the payment of the expenses of the delegates of the United States to the meetings of the Congresses and of the Commission.

22 USC 275a.

Approved August 6, 1958.

Public Law 85-599

AN ACT

August 6, 1958
[H. R. 12541]

To promote the national defense by providing for reorganization of the Department of Defense, and for other purposes.

Department of
Defense Reorgani-
zation Act of 1958.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Department of Defense Reorganization Act of 1958".

AMENDING THE DECLARATION OF POLICY

63 Stat. 579.

SEC. 2. Section 2 of the National Security Act of 1947, as amended (50 U. S. C. 401), is further amended to read as follows:

"SEC. 2. In enacting this legislation, it is the intent of Congress to provide a comprehensive program for the future security of the United States; to provide for the establishment of integrated policies and procedures for the departments, agencies, and functions of the Government relating to the national security; to provide a Department of Defense, including the three military Departments of the Army, the Navy (including naval aviation and the United States Marine Corps), and the Air Force under the direction, authority, and control of the Secretary of Defense; to provide that each military department shall be separately organized under its own Secretary and shall function under the direction, authority, and control of the Secretary of Defense; to provide for their unified direction under civilian control of the Secretary of Defense but not to merge these departments or services; to provide for the establishment of unified or specified combatant commands, and a clear and direct line of command to such commands; to eliminate unnecessary duplication in the Department of Defense, and particularly in the field of research and engineering by vesting its overall direction and control in the Secretary of Defense; to provide more effective, efficient, and economical administration in the Department of Defense; to provide for the unified strategic direction of the combatant forces, for their operation under unified command, and for their integration into an efficient team of land, naval, and air forces but not to establish a single Chief of Staff over the armed forces nor an overall armed forces general staff."

STRENGTHENING THE DIRECTION, AUTHORITY, AND CONTROL OF THE SECRETARY OF DEFENSE

63 Stat. 580.

Transfer of func-
tions, etc.

SEC. 3. (a) Section 202 (c) of the National Security Act of 1947, as amended (5 U. S. C. 171a (c)), is amended to read as follows:

"(c) (1) Within the policy enunciated in section 2, the Secretary of Defense shall take appropriate steps (including the transfer, reassignment, abolition, and consolidation of functions) to provide in the Department of Defense for more effective, efficient, and economical administration and operation and to eliminate duplication. However, except as otherwise provided in this subsection, no function which has been established by law to be performed by the Department of Defense, or any officer or agency thereof, shall be substantially transferred, reassigned, abolished, or consolidated until the expiration of the first period of thirty calendar days of continuous session of the Congress following the date on which the Secretary of Defense reports the pertinent details of the action to be taken to the Armed Services Committees of the Senate and of the House of Representatives. If during such period a resolution is reported by either of the said committees stating that the proposed action with respect to the transfer, reassignment, abolition, or consolidation of any function should be

rejected by the resolving House because (1) it contemplates the transfer, reassignment, abolition, or consolidation of a major combatant function now or hereafter assigned to the military services by section 3062 (b), 5012, 5013, or 8062 (c) of title 10 of the United States Code, and (2) if carried out it would in the judgment of the said resolving House tend to impair the defense of the United States, such transfer, reassignment, abolition, or consolidation shall take effect after the expiration of the first period of forty calendar days of continuous session of the Congress following the date on which such resolution is reported; but only if, between the date of such reporting in either House and the expiration of such forty-day period such resolution has not been passed by such House.

“(2) For the purposes of paragraph (1)—

“(A) continuity of session shall be considered as broken only by an adjournment of the Congress sine die; but

“(B) in the computation of the thirty-day period or the forty-day period there shall be excluded the days on which either House is not in session because of an adjournment of more than three days to a day certain.

“(3) (A) The provisions of this paragraph are enacted by the Congress—

“(i) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, respectively, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

“(ii) with full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure in such House) at any time, in the same manner and to the same extent as in the case of any other rule of such House.

“(B) For the purposes of this paragraph, any resolution reported to either House pursuant to the provisions of paragraph (1) hereof, shall for the purpose of the consideration of such resolution by either House be treated in the same manner as a resolution with respect to a reorganization plan reported by a committee within the meaning of the Reorganization Act of 1949 as in effect on July 1, 1958 (5 U. S. C. 133z et seq.) and shall be governed by the provisions applicable to the consideration of any such resolution by either House of the Congress as provided by sections 205 and 206 of such Act.

“(4) Notwithstanding the provisions of paragraph (1) hereof, the Secretary of Defense has the authority to assign, or reassign, to one or more departments or services, the development and operational use of new weapons or weapons systems.

“(5) Notwithstanding other provisions of this subsection, if the President determines that it is necessary because of hostilities or imminent threat of hostilities, any function, including those assigned to the military services by sections 3062 (b), 5012, 5013, and 8062 (c) of title 10 of the United States Code, may be transferred, reassigned, or consolidated and subject to the determination of the President shall remain so transferred, reassigned, or consolidated until the termination of such hostilities or threat of hostilities.

“(6) Whenever the Secretary of Defense determines it will be advantageous to the Government in terms of effectiveness, economy, or efficiency, he shall provide for the carrying out of any supply or service activity common to more than one military department by a single agency or such other organizational entities as he deems appropriate. For the purposes of this paragraph, any supply or service activity common to more than one military department shall not be considered a ‘major combatant function’ within the meaning of paragraph (1) hereof.

Combatant functions.

70A Stat. 166, 277, 278, 493.

Effective date.

63 Stat. 203.

Weapons and weapons systems.

Supply service activity.

“Major combatant function”.

- Military department organization.** “(7) Each military department (the Department of the Navy to include naval aviation and the United States Marine Corps) shall be separately organized under its own Secretary and shall function under the direction, authority, and control of the Secretary of Defense. The Secretary of a military department shall be responsible to the Secretary of Defense for the operation of such department as well as its efficiency. Except as otherwise specifically provided by law, no Assistant Secretary of Defense shall have authority to issue orders to a military department unless (1) the Secretary of Defense has specifically delegated in writing to such an Assistant Secretary the authority to issue such orders with respect to a specific subject area, and (2) such orders are issued through the Secretary of such military department or his designee. In the implementation of this paragraph it shall be the duty of each such Secretary, his civilian assistants, and the military personnel in such department to cooperate fully with personnel of the Office of the Secretary of Defense in a continuous effort to achieve efficient administration of the Department of Defense and effectively to carry out the direction, authority, and control of the Secretary of Defense.
- Exceptions.**
- Recommendations to Congress.** “(8) No provision of this Act shall be so construed as to prevent a Secretary of a military department or a member of the Joint Chiefs of Staff from presenting to the Congress, on his own initiative, after first so informing the Secretary of Defense, any recommendations relating to the Department of Defense that he may deem proper.”
- 63 Stat. 580.** (b) Section 202 (d) of the National Security Act of 1947, as amended (5 U. S. C. 171a (d)), is further amended to read as follows:
- Reports to President and Congress.** “(d) The Secretary of Defense shall annually submit a written report to the President and the Congress covering expenditures, work, and accomplishments of the Department of Defense, accompanied by (1) such recommendations as he shall deem appropriate, (2) separate reports from the military departments covering their expenditures, work, and accomplishments, and (3) itemized statements showing the savings of public funds and the eliminations of unnecessary duplications and overlappings that have been accomplished pursuant to the provisions of this Act.”
- Repeal. 70A Stat. 119.** (c) Section 2201 of title 10, United States Code, is repealed and the analysis of chapter 131 of title 10 is amended by striking out the following item:
- “2201. General functions of Secretary of Defense.”
- Repeal. 70A Stat. 133.** (d) Section 2351 of title 10, United States Code, is repealed and the analysis of chapter 139 of title 10 is amended by striking out the following item:
- “2351. Policy, plans, and coordination.”

CLARIFYING THE CHAIN OF COMMAND OVER MILITARY OPERATIONS

- 70A Stat. 162.** SEC. 4. (a) Section 3034 (d) (4) of title 10, United States Code, is amended to read as follows:
- Army. Chief of Staff.** “(4) exercise supervision over such of the members and organizations of the Army as the Secretary of the Army determines. Such supervision shall be exercised in a manner consistent with the full operational command vested in unified or specified combatant commanders pursuant to section 202 (j) of the National Security Act of 1947, as amended.”
- Post, p. 518.**
- 70A Stat. 281.** (b) Section 5081 (c) of title 10, United States Code, is amended to read as follows:
- Chief of Naval Operations.** “(c) Under the direction of the Secretary of the Navy, the Chief of Naval Operations shall exercise supervision over such of the mem-

bers and organizations of the Navy and the Marine Corps as the Secretary of the Navy determines. Such supervision shall be exercised in a manner consistent with the full operational command vested in unified or specified combatant commanders pursuant to section 202 (j) of the National Security Act of 1947, as amended."

Post, p. 518.
70A Stat. 292.

(c) Section 5201 of title 10, United States Code, is amended by adding at the end thereof a new subsection (d) to read as follows:

Marine Corps.
Commandant.

"(d) Under the direction of the Secretary of the Navy, the Commandant of the Marine Corps shall exercise supervision over such of the members and organizations of the Marine Corps and Navy as the Secretary of the Navy determines. Such supervision shall be exercised in a manner consistent with the full operational command vested in unified or specified combatant commanders pursuant to section 202 (j) of the National Security Act of 1947, as amended."

Post, p. 518.
70A Stat. 492.

(d) Clause (5) of section 8034 (d) of title 10, United States Code, is renumbered "(4)" and amended to read as follows:

Air Force.
Chief of Staff.

"(4) exercise supervision over such of the members and organizations of the Air Force as the Secretary of the Air Force determines. Such supervision shall be exercised in a manner consistent with the full operational command vested in unified or specified combatant commanders pursuant to section 202 (j) of the National Security Act of 1947, as amended."

Post, p. 518.

(e) Section 8034 (d) is amended by striking out clause (4) and by renumbering clauses (6) and (7) as clauses "(5)" and "(6)", respectively.

(f) (1) Section 8074 (a) of title 10, United States Code, is amended to read as follows:

70A Stat. 495.

"(a) The Air Force shall be divided into such organizations as the Secretary of the Air Force may prescribe."

Commands.

(2) Subsections (b) and (c) of section 8074 of title 10, United States Code, are repealed, and subsection (d) is redesignated as subsection "(b)".

(g) Section 3032 (b) (1) of title 10, United States Code, is amended to read as follows:

70A Stat. 490.

"(1) prepare for such employment of the Army, and for such recruiting, organizing, supplying, equipping, training, serving, mobilizing, and demobilizing of the Army, as will assist in the execution of any power, duty, or function of the Secretary or the Chief of Staff;".

General duties.
Army Staff.

(h) Section 8032 (b) (1) of title 10, United States Code, is amended to read as follows:

70A Stat. 161.

"(1) prepare for such employment of the Air Force, and for such recruiting, organizing, supplying, equipping, training, serving, mobilizing, and demobilizing of the Air Force, as will assist in the execution of any power, duty, or function of the Secretary or the Chief of Staff;".

Air Staff.

CLARIFYING THE ORGANIZATION AND DUTIES OF THE JOINT STAFF

SEC. 5. (a) Section 143 of title 10, United States Code, is amended to read as follows:

70A Stat. 7.

"§ 143. Joint Staff

"(a) There is under the Joint Chiefs of Staff a Joint Staff consisting of not more than 400 officers selected by the Joint Chiefs of Staff with the approval of the Chairman. The Joint Staff shall be selected in approximately equal numbers from—

"(1) the Army;

"(2) the Navy and the Marine Corps; and

"(3) the Air Force.

- Tenure.** The tenure of the members of the Joint Staff is subject to the approval of the Chairman of the Joint Chiefs of Staff, and except in time of war, no such tenure of duty may be more than three years. Except in time of war, officers completing a tour of duty with the Joint Staff may not be reassigned to the Joint Staff for a period of not less than three years following their previous tour of duty on the Joint Staff, except that selected officers may be recalled to Joint Staff duty in less than three years with the approval of the Secretary of Defense in each case. The number of such officers recalled to Joint Staff duty in less than three years shall not exceed 30 serving on the Joint Staff at any one time.
- Director of the Joint Staff.** “(b) The Chairman of the Joint Chiefs of Staff in consultation with the Joint Chiefs of Staff, and with the approval of the Secretary of Defense, shall select the Director of the Joint Staff. Except in time of war, the tour of duty of the Director may not exceed three years. Upon the completion of a tour of duty as Director of the Joint Staff, the Director, except in time of war, may not be reassigned to the Joint Staff. The Director must be an officer junior in grade to each member of the Joint Chiefs of Staff.
- Duties.** “(c) The Joint Staff shall perform such duties as the Joint Chiefs of Staff or the Chairman prescribes. The Chairman of the Joint Chiefs of Staff manages the Joint Staff and its Director, on behalf of the Joint Chiefs of Staff.
- Organization.** “(d) The Joint Staff shall not operate or be organized as an overall Armed Forces General Staff and shall have no executive authority. The Joint Staff may be organized and may operate along conventional staff lines to support the Joint Chiefs of Staff in discharging their assigned responsibilities.”
- 5 USC 171a.** (b) Section 202 of the National Security Act of 1947, as amended, is amended by adding at the end thereof the following new subsection:
- Combatant commands.** “(j) With the advice and assistance of the Joint Chiefs of Staff the President, through the Secretary of Defense, shall establish unified or specified combatant commands for the performance of military missions, and shall determine the force structure of such combatant commands to be composed of forces of the Department of the Army, the Department of the Navy, the Department of the Air Force, which shall then be assigned to such combatant commands by the departments concerned for the performance of such military missions. Such combatant commands are responsible to the President and the Secretary of Defense for such military missions as may be assigned to them by the Secretary of Defense, with the approval of the President. Forces assigned to such unified combatant commands or specified combatant commands shall be under the full operational command of the commander of the unified combatant command or the commander of the specified combatant command. All forces not so assigned remain for all purposes in their respective departments. Under the direction, authority, and control of the Secretary of Defense each military department shall be responsible for the administration of the forces assigned from its department to such combatant commands. The responsibility for the support of forces assigned to combatant commands shall be vested in one or more of the military departments as may be directed by the Secretary of Defense. Forces assigned to such unified or specified combatant commands shall be transferred therefrom only by authority of and under procedures established by the Secretary of Defense, with the approval of the President.”
- Responsibility.**

AUTHORIZING THE DELEGATION OF DUTIES BY THE MILITARY SERVICE CHIEFS

SEC. 6. (a) Section 3035 of title 10, United States Code, is amended by adding at the end thereof a new subsection (c) to read as follows:

70A Stat. 162.

“(c) The Vice Chief of Staff has such authority and duties with respect to the Department of the Army as the Chief of Staff, with the approval of the Secretary of the Army, may delegate to or prescribe for him. Orders issued by the Vice Chief of Staff in performing such duties have the same effect as those issued by the Chief of Staff.”

Vice Chief of Staff.

(b) Section 5085 (b) of title 10, United States Code, is amended to read as follows:

70A Stat. 283.

“(b) The Vice Chief of Naval Operations has such authority and duties with respect to the Department of the Navy as the Chief of Naval Operations, with the approval of the Secretary of the Navy, may delegate to or prescribe for him. Orders issued by the Vice Chief of Naval Operations in performing such duties have the same effect as those issued by the Chief of Naval Operations.”

Vice Chief of Naval Operations.

(c) Section 5202 of title 10, United States Code, is amended by adding at the end thereof a new subsection (c) to read as follows:

70A Stat. 292.

“(c) The Assistant Commandant has such authority and duties with respect to the Marine Corps as the Commandant, with the approval of the Secretary of the Navy, may delegate to or prescribe for him. Orders issued by the Assistant Commandant in performing such duties have the same effect as those issued by the Commandant.”

Assistant Commandant.

(d) Section 8035 of title 10, United States Code, is amended by adding at the end thereof a new subsection (d) to read as follows:

70A Stat. 492.

“(d) The Vice Chief of Staff has such authority and duties with respect to the Department of the Air Force as the Chief of Staff, with the approval of the Secretary of the Air Force, may delegate to or prescribe for him. Orders issued by the Vice Chief of Staff in performing such duties have the same effect as those issued by the Chief of Staff.”

CLARIFYING THE ROLE OF THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF

SEC. 7. Section 141 (a) (1) of title 10, United States Code, is amended by striking out the words “, who has no vote”.

70A Stat. 6.

REDUCING THE NUMBER OF ASSISTANT SECRETARIES OF MILITARY DEPARTMENTS

SEC. 8. (a) Section 3013 (a) of title 10, United States Code, is amended to read as follows:

70A Stat. 158.

“(a) There are an Under Secretary of the Army and three Assistant Secretaries of the Army in the Department of the Army. They shall be appointed from civilian life by the President, by and with the advice and consent of the Senate.”

(b) (1) Section 5034 of title 10, United States Code, is amended to read as follows:

70A Stat. 279.

“§ 5034. Assistant Secretaries of the Navy: appointment; duties

“(a) There are three Assistant Secretaries of the Navy in the Department of the Navy. They shall be appointed from civilian life by the President, by and with the advice and consent of the Senate.

“(b) The Assistant Secretaries shall perform such duties as the Secretary of the Navy prescribes.”

(2) Section 5035 of title 10, United States Code, is repealed.

Repeal.
70A Stat. 279.

70A Stat. 278-280.

(3) The analysis of chapter 505 of title 10, United States Code, is amended by striking out the following items:

"5034. Assistant Secretaries of the Navy: appointment; duties; compensation.
"5035. Assistant Secretary of the Navy for Air: appointment; duties; compensation."

and by inserting the following in lieu thereof:

"5034. Assistant Secretaries of the Navy: appointment; duties."

70A Stat. 489.

(c) Section 8013 (a) of title 10, United States Code, is amended to read as follows:

"(a) There are an Under Secretary of the Air Force and three Assistant Secretaries of the Air Force in the Department of the Air Force. They shall be appointed from civilian life by the President, by and with the advice and consent of the Senate."

ESTABLISHING THE DIRECTOR OF DEFENSE RESEARCH AND ENGINEERING

5 USC 171c.

SEC. 9. (a) Section 203 of the National Security Act of 1947, as amended, is amended by redesignating subsections "(b)" and "(c)" as subsections "(c)" and "(d)", respectively, and by inserting a new subsection "(b)" as follows:

"(b) (1) There shall be a Director of Defense Research and Engineering who shall be appointed from civilian life by the President, by and with the advice and consent of the Senate, who shall take precedence in the Department of Defense after the Secretary of Defense, the Deputy Secretary of Defense, the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force. The Director performs such duties with respect to research and engineering as the Secretary of Defense may prescribe, including, but not limited to, the following: (i) to be the principal adviser to the Secretary of Defense on scientific and technical matters; (ii) to supervise all research and engineering activities in the Department of Defense; and (iii) to direct and control (including their assignment or reassignment) research and engineering activities that the Secretary of Defense deems to require centralized management. The compensation of the Director is that prescribed by law for the Secretaries of the military departments.

Research projects.

"(2) The Secretary of Defense or his designee, subject to the approval of the President, is authorized to engage in basic and applied research projects essential to the responsibilities of the Department of Defense in the field of basic and applied research and development which pertain to weapons systems and other military requirements. The Secretary or his designee, subject to the approval of the President, is authorized to perform assigned research and development projects: by contract with private business entities, educational or research institutions, or other agencies of the Government, through one or more of the military departments, or by utilizing employees and consultants of the Department of Defense.

Appropriations.

"(3) There is authorized to be appropriated such sums as may be necessary for the purposes of paragraph (2) of this subsection."

Ante, p. 11.

(b) Section 7 of Public Law 85-325, dated February 12, 1958, is amended to read as follows:

Advanced projects, etc.

"SEC. 7. The Secretary of Defense or his designee is authorized to engage in such advanced projects essential to the Defense Department's responsibilities in the field of basic and applied research and development which pertain to weapons systems and military requirements as the Secretary of Defense may determine after consultation with the Joint Chiefs of Staff; and for a period of one year from the effective date of this Act, the Secretary of Defense or his

designee is further authorized to engage in such advanced space projects as may be designated by the President.

"Nothing in this provision of law shall preclude the Secretary of Defense from assigning to the military departments the duty of engaging in research and development of weapons systems necessary to fulfill the combatant functions assigned by law to such military departments.

"The Secretary of Defense shall assign any weapons systems developed to such military department or departments for production and operational control as he may determine."

(c) Section 171 (a) of title 10, United States Code, is amended by renumbering clauses "(6)", "(7)", "(8)", and "(9)" as clauses "(7)", "(8)", "(9)", and "(10)", respectively, and inserting the following new clause (6) after clause (5):

"(6) the Director of Defense Research and Engineering;".

70A Stat. 8.
Armed Forces
Policy Council.

REDUCING THE NUMBER OF ASSISTANT SECRETARIES OF DEFENSE

SEC. 10. (a) Subsection (c) of section 203 of the National Security Act of 1947, as amended (5 U. S. C. 171c), as redesignated by section 9 (a) of this Act, is amended as follows:

(1) By striking out the word "three" and inserting the word "seven" in place thereof.

(2) By striking out the word "and" after the word "Navy,".

(3) By inserting the words "and the Director of Defense Research and Engineering" after the words "Air Force".

(b) Section 3 of Reorganization Plan No. 6 of 1953 (67 Stat. 638) is repealed.

AUTHORIZING THE TRANSFER OF OFFICERS BETWEEN THE ARMED FORCES

SEC. 11. Chapter 41 of title 10, United States Code, is amended as follows:

70A Stat. 32, 33.

(1) By adding the following new item at the end of the analysis:

"716. Commissioned officers: transfers between Army, Navy, Air Force, and Marine Corps."

(2) By adding the following new section at the end:

"§ 716. Commissioned officers: transfers between Army, Navy, Air Force, and Marine Corps

"Notwithstanding any other provision of law, the President may, within authorized strengths, transfer any commissioned officer with his consent from the Army, Navy, Air Force, or Marine Corps to, and appoint him in, any other of those armed forces. The Secretary of Defense shall establish, by regulations approved by the President, policies and procedures for such transfers and appointments. No officer transferred pursuant to this authority shall be assigned precedence or relative rank higher than that which he held on the day prior to such transfer."

NATIONAL GUARD BUREAU

SEC. 12. Section 3015 of title 10, United States Code, is amended by redesignating subsections "(a)", "(b)", and "(c)" as subsections "(b)", "(c)", and "(d)", respectively, and by inserting a new subsection (a) to read as follows:

70A Stat. 159.

"(a) There is a National Guard Bureau, which is a Joint Bureau of the Department of the Army and the Department of the Air Force, headed by a chief who is the adviser to the Army Chief of Staff and the Air Force Chief of Staff on National Guard matters. The Na-

Chief of Na-
tional Guard Bu-
reau.

tional Guard Bureau is the channel of communication between the departments concerned and the several States, Territories, Puerto Rico, the Canal Zone, and the District of Columbia on all matters pertaining to the National Guard, the Army National Guard of the United States, and the Air National Guard of the United States."

EFFECTIVE DATE

SEC. 13. Sections 8 and 10 of this Act shall become effective six months after the date of enactment of this Act.

Approved August 6, 1958.

Public Law 85-600

AN ACT

August 6, 1958
[H. R. 7140]

To amend title 10, United States Code, to authorize a registrar at the United States Military Academy and the United States Air Force Academy, and for other purposes.

U. S. Military and
Air Force Acad-
emies.
Registrar, au-
thorization.
70A Stat. 170.
70A Stat. 173.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 10, United States Code, is amended as follows:

(1) Section 3075 (b) (2) is amended by inserting the word "registrar," after the word "professors".

(2) Section 3204 is amended to read as follows:

§ 3204. Regular Army: commissioned officers on active list

"The authorized strength of the Regular Army in commissioned officers on the active list is the sum of—

70A Stat. 173.

"(1) the numbers authorized by sections 3205, 3206, and 3207 of this title;

70A Stat. 238.

"(2) the number of permanent professors of the United States Military Academy authorized by section 4331 of this title and the registrar thereof; and

"(3) the numbers in designated categories specifically authorized by law as additional numbers."

70A Stat. 173.

(3) Section 3205 (3) is amended by inserting the words "and the registrar" after the word "professors".

70A Stat. 181.

(4) Section 3283 (a) is amended by inserting the words "or registrar" after the word "professors".

70A Stat. 184.

(5) Section 3296 (a) is amended by inserting the words "and the registrar" after the word "professors".

70A Stat. 222.

(6) Section 3883 is amended by inserting the words "or the registrar" after the word "professor".

70A Stat. 222.

(7) Section 3886 is amended by inserting the words "and the registrar" after the word "professor".

70A Stat. 238.

(8) Section 4331 (a) is amended—

(A) by redesignating clauses (8) and (9) as clauses "(9)" and "(10)", respectively; and

(B) by inserting the following new clause after clause (7):

"(8) a registrar;"

70A Stat. 238.

(9) Section 4333 is amended—

(A) by redesignating subsection (c) thereof as subsection "(e)"; and

(B) by inserting the following new subsections after subsection (b):

Appointment.

"(c) The registrar of the Academy shall be appointed by the President, by and with the advice and consent of the Senate, and shall perform such duties as the Superintendent of the Academy may prescribe with the approval of the Secretary of the Army.

“(d) Any officer of the Regular Army in a regular or temporary grade above captain may be detailed to perform the duties of registrar without being appointed as registrar. Such a detail does not affect his position on the applicable promotion list.”

(10) Section 4334 (d) is amended by inserting the words “and the registrar” after the word “professors”.

70A Stat. 239.

(11) Section 4336 is amended—

70A Stat. 239.

(A) by inserting the designation “(a)” before the words “A permanent professor of the Academy”;

(B) by adding the following new subsections at the end thereof:

“(b) A person appointed as registrar of the Academy has the regular grade of lieutenant colonel, and, after he has served six years as registrar, has the regular grade of colonel. However, a person appointed from the Regular Army has the regular grade of colonel after the date when he completes six years of service as registrar, or after the date when a promotion-list officer, junior to him on the promotion list on which his name was carried before his appointment as registrar, is promoted to the regular grade of colonel, whichever is earlier.

“(c) Unless he is serving in a higher grade, an officer detailed to perform the duties of registrar has, while performing those duties, the temporary grade of lieutenant colonel and, after performing those duties for a period of six years, has the temporary grade of colonel.”; and

(C) by amending the catchline to read as follows:

“§ 4336. Permanent professors; registrar”.

(12) The analysis of chapter 403 is amended by striking out the following item:

12A Stat. 237-246.

“4336. Permanent professors.”

and inserting the following item in place thereof:

“4336. Permanent professors; registrar.”

(13) Section 8075 (b) (2) is amended by inserting the word “, registrar,” after the word “professors”.

70A Stat. 496.

(14) Section 8204 is amended to read as follows:

70A Stat. 499.

“§ 8204. Regular Air Force: commissioned officers on active list

“The authorized strength of the Regular Air Force in commissioned officers on the active list is the sum of—

“(1) the numbers authorized by section 8205 of this title;

“(2) the number of permanent professors of the United States Air Force Academy authorized by section 9331 of this title and the registrar thereof; and

“(3) the numbers in designated categories specifically authorized by law as additional numbers.”

(15) Section 8205 is amended by inserting the words “and the registrar” after the word “professors”.

70A Stat. 499.

(16) Section 8296 (a) is amended by inserting the words “and the registrar” after the word “professors”.

70A Stat. 510.

(17) Section 8883 is amended by inserting the words “or the registrar” after the word “professor”.

70A Stat. 546.

(18) Section 8886 is amended by inserting the words “and the registrar” after the word “professor”.

70A Stat. 547.

(19) Section 9331 (b) is amended by inserting the following new clause at the end thereof:

70A Stat. 561.

“(6) A registrar.”

(20) Section 9333 is amended by adding the following new subsection at the end thereof:

70A Stat. 562.

“(c) The registrar of the Academy shall be appointed by the President, by and with the advice and consent of the Senate, and shall

Superintendent.

perform such duties as the Superintendent of the Academy may prescribe with the approval of the Secretary of the Air Force.”

70A Stat. 562.

(21) Section 9334 (b) is amended by inserting the words “and the registrar” after the word “professors”.

70A Stat. 562.

(22) Section 9336 is amended—

(A) by inserting the designation “(a)” before the words “A permanent professor of the Academy”;

(B) by adding the following new subsections at the end thereof:

Promotion
grades.

“(b) A person appointed as registrar of the Academy has the regular grade of lieutenant colonel, and, after he has served six years as registrar, has the regular grade of colonel. However, a person appointed from the Regular Air Force has the regular grade of colonel after the date when he completes six years of service as registrar, or after the date when a promotion-list officer, junior to him on the promotion list on which his name was carried before his appointment as registrar, is promoted to the regular grade of colonel, whichever is earlier.

“(c) Unless he is serving in a higher grade, an officer detailed to perform the duties of registrar has, while performing those duties, the temporary grade of lieutenant colonel and, after performing those duties for a period of six years, has the temporary grade of colonel.”; and

(C) by amending the catchline to read as follows:

70A Stat. 536.

“§ 9336. Permanent professors; registrar”.

70A Stat. 561-567.

(23) The analysis of chapter 903 is amended by striking out the following items:

“9336. Permanent professors.”

and inserting the following item in place thereof:

“9336. Permanent professors; registrar.”

Pay or allow-
ances.
Regulation.

SEC. 2. No increase in pay or allowances accrues by reason of the enactment of this Act for service performed before this Act takes effect.

Approved August 6, 1958.

Public Law 85-601

AN ACT

August 8, 1958
[S. 2933]

To extend the life of the Alaska International Rail and Highway Commission and to increase its authorization.

Alaska International Rail and Highway Commission.
Cooperation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 3 of the Act entitled “An Act to establish an Alaska International Rail and Highway Commission”, approved August 1, 1956 (70 Stat. 888; 48 U. S. C. 338), as amended, is amended to read as follows: “The Commission is authorized to cooperate with the officials of the Dominion of Canada and of the Provinces of British Columbia and Alberta and with any commission or similar body appointed for such purpose by the Dominion of Canada or the Provinces of British Columbia or Alberta. The Secretary of State shall, at the request of the Commission, arrange for meetings with such officials and with such commissions or similar bodies of the Dominion of Canada or the Provinces of British Columbia and Alberta.”

48 USC 338f.
Final report.

(b) Section 7 of such Act is amended by striking out “not later than two years after the date of enactment of this Act”, and inserting in lieu thereof “at the earliest practicable time, but in no event later

than February 1, 1960". Section 7 is further amended by striking out the last sentence thereof which reads as follows: "The Commission shall cease to exist, and all authority conferred by this Act shall terminate, thirty days after the date of submission of the final report," and inserting in lieu thereof: "The Commission shall cease to exist for all intents and purposes, and all authority conferred by this Act shall and does terminate thirty days after the date of the submission of the final report or on March 1, 1960, whichever date occurs first."

(c) Section 8 of such Act is amended by striking out "\$75,000" and inserting in lieu thereof "\$300,000".

Approved August 8, 1958.

Termination.

Appropriation.

Public Law 85-602

AN ACT

To amend the Atomic Energy Act of 1954, as amended.

August 8, 1958
[S. 4165]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 11 o. of the Atomic Energy Act of 1954, as amended, is amended by substituting a colon for the period at the end thereof and adding the following: "*Provided, however,* That as the term is used in subsection 170 l., it shall mean any such occurrence outside of the United States rather than within the United States."

Nuclear ship
Savannah.
71 Stat. 576.
42 USC 2014.

SEC. 2. Section 170 of the Atomic Energy Act of 1954, as amended, is amended by adding at the end thereof the following new subsections:

71 Stat. 576.
42 USC 2210.

"1. The Commission is authorized until August 1, 1967, to enter into an agreement of indemnification with any person engaged in the design, development, construction, operation, repair, and maintenance or use of the nuclear-powered ship authorized by section 716 of the Merchant Marine Act, 1936, and designated the 'nuclear ship Savannah'. In any such agreement of indemnification the Commission may require such person to provide and maintain financial protection of such a type and in such amounts as the Commission shall determine to be appropriate to cover public liability arising from a nuclear incident in connection with such design, development, construction, operation, repair, maintenance or use and shall indemnify the person indemnified against such claims above the amount of the financial protection required, in the maximum amount provided by subsection e. including the reasonable costs of investigating and settling claims and defending suits for damage."

Indemnification
agreements.

70 Stat. 731.
46 USC 1206.

SEC. 2. Section 170 e. of the Atomic Energy act of 1954, as amended, is amended by deleting the second sentence thereof and inserting in lieu thereof the following: "The Commission or any person indemnified may apply to the appropriate district court of the United States having venue in bankruptcy matters over the location of the nuclear incident, except that in the case of nuclear incidents caused by ships of the United States outside of the United States, the Commission or any person indemnified may apply to the appropriate district court of the United States having venue in bankruptcy matters over the location of the principal place of business of the shipping company owning or operating the ship, and upon a showing that the public liability from a single nuclear incident will probably exceed the limit of liability imposed by this section, shall be entitled to such orders as may be appropriate for enforcement of the provisions of this section, including an order limiting the liability of the persons indemnified, orders staying the payment of claims and the execution of court judgments, orders apportioning the payments to be made to

Limitation of
liability.
42 USC 2210.

claimants, orders permitting partial payments to be made before final determination of the total claims, and an order setting aside a part of the funds available for possible latent injuries not discovered until a later time."

Approved August 8, 1958.

Public Law 85-603

AN ACT

August 8, 1958
[H. R. 3513]

To amend title 10, United States Code, relating to the entitlement to reenlistment under certain circumstances of certain former officers.

Armed Forces.
Reenlistment of
officers.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 10, United States Code, is amended as follows:

(1) Section 3258 is amended to read as follows:

70A Stat. 179.

"§ 3258. Regular Army: Reenlistment after service as an officer

"Any former enlisted member of the Regular Army who has served on active duty as a Reserve officer of the Army, or who was discharged as an enlisted member to accept a temporary appointment as an officer of the Army, is entitled to be reenlisted in the Regular Army in the enlisted grade that he held before his service as an officer, without loss of seniority or credit for service, regardless of the existence of a vacancy in his grade or of a physical disability incurred or having its inception in line of duty, if (1) his service as an officer is terminated by an honorable discharge or he is relieved from active duty for a purpose other than to await appellate review of a sentence that includes dismissal or dishonorable discharge, and (2) he applies for reenlistment within six months (or such other period as the Secretary of the Army prescribes for exceptional circumstances) after termination of that service. However, if his service as an officer terminated by a general discharge, he may, under regulations to be prescribed by the Secretary of the Army, be so reenlisted."

Repeal.
70A Stat. 197.
70A Stat. 505.

(2) Section 3448 (d) is repealed.

(3) Section 8258 is amended to read as follows:

"§ 8258. Regular Air Force: reenlistment after service as an officer

"Any former enlisted member of the Regular Air Force who has served on active duty as a reserve officer of the Air Force, or who was discharged as an enlisted member to accept a temporary appointment as an officer of the Air Force, is entitled to be reenlisted in the Regular Air Force in the enlisted grade that he held before his service as an officer, without loss of seniority or credit for service, regardless of the existence of a vacancy in his grade or of a physical disability incurred or having its inception in line of duty, if (1) his service as an officer is terminated by an honorable discharge or he is relieved from active duty for a purpose other than to await appellate review of a sentence that includes dismissal or dishonorable discharge, and (2) he applies for reenlistment within six months (or such other period as the Secretary of the Air Force prescribes for exceptional circumstances) after termination of that service. However, if his service as an officer terminated by a general discharge, he may, under regulations to be prescribed by the Secretary of the Air Force, be so reenlisted."

Repeal.
70A Stat. 523.

(4) Section 8448 (d) is repealed.

Approved August 8, 1958.

Public Law 85-604

AN ACT

To amend the International Claims Settlement Act of 1949, as amended (64 Stat. 12).

August 8, 1958
[S. 3557]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the International Claims Settlement Act of 1949, as amended, is further amended by adding at the end thereof the following:

International
Claims Settlement
Act of 1949, amend-
ment.
64 Stat. 12; 69
Stat. 562.
22 USC 1621
note.

"TITLE IV

"CLAIMS AGAINST CZECHOSLOVAKIA

"SEC. 401. As used in this title—

Definitions.

"(1) 'National of the United States' means (A) a natural person who is a citizen of the United States, or who owes permanent allegiance to the United States, and (B) a corporation or other legal entity which is organized under the laws of the United States, any State or Territory thereof, or the District of Columbia, if natural persons who are nationals of the United States own, directly or indirectly, more than 50 per centum of the outstanding capital stock or other beneficial interest in such legal entity. It does not include aliens. (2) 'Commission' means the Foreign Claims Settlement Commission of the United States, established, pursuant to Reorganization Plan Number 1 of 1954 (68 Stat. 1279). (3) 'Property' means any property, right, or interest.

"SEC. 402. (a) The Secretary of the Treasury is directed to hold, in an account in the Treasury of the United States, the net proceeds of the sale of certain Czechoslovakian steel mill equipment heretofore blocked and sold in the United States by order of the Secretary of the Treasury under authority of Executive Order Numbered 9193, dated July 6, 1942 (7 F. R. 5205, July 9, 1942).

Financing the
fund.

3 CFR, Cum.
Supp., p.1174.

"(b) There is hereby created in the Treasury of the United States a fund to be designated the Czechoslovakian Claims Fund, for the payment of unsatisfied claims of nationals of the United States against Czechoslovakia as authorized in this title.

Czechoslovakian
Claims Fund.

"(c) If, within one year following the date of enactment of this title, the Government of Czechoslovakia voluntarily settles with and pays to the Government of the United States a sum in payment of claims of United States nationals against Czechoslovakia, all moneys held pursuant to subsection (a) of this section shall be disposed of in accordance with the terms of the settlement agreement with Czechoslovakia and applicable provisions of this title and the sum paid by Czechoslovakia shall be covered into the Czechoslovakian Claims Fund.

"(d) Upon the expiration of one year after the date of enactment of this title if no settlement with Czechoslovakia of the type specified in subsection (c) of this section has occurred, all moneys held pursuant to subsection (a) of this section except amounts held in reserve pursuant to section 403 of this title, shall be covered into the Czechoslovakian Claims Fund.

"(e) The Secretary of the Treasury shall deduct from the Czechoslovakian Claims Fund 5 per centum thereof as reimbursement to the Government of the United States for the expenses incurred by the Commission and by the Treasury Department in the administration of this title. The amount so deducted shall be covered into the Treasury to the credit of miscellaneous receipts.

“(f) After the deduction for administrative expenses pursuant to subsection (e) of this section, and after payment of awards certified pursuant to section 410 of this title, the balance remaining in the Fund, if any, shall be paid to Czechoslovakia in accordance with instructions to be provided by the Secretary of State.

Claims.
Possible adjudication.

“SEC. 403. No judicial relief or remedy shall be available to any person asserting a claim against the United States or any officer or agent thereof with respect to any action taken under this title, or any other claim for or on account of the property or proceeds described in section 402 of this title, or for any other action taken with respect thereto except to the extent that the action complained of constitutes a taking of private property without just compensation, and to such extent the sole judicial relief and remedy available shall be an action brought against the United States in the United States Court of Claims which action must be brought within one year of the date of enactment of this title or it shall be forever barred; and any action so brought shall receive a preference over all actions which themselves are not given preference by statute. No other court shall have original jurisdiction to consider any such claim by mandamus or otherwise. If any action is brought pursuant to this section the Secretary of the Treasury shall set aside an appropriate reserve in the account containing the moneys held pursuant to subsection (a) of section 402 of this title. Such reserve shall be retained pending a final determination of all issues raised in the action and recovery in any such action shall be limited to and paid out of the moneys so reserved. After a final determination of all issues raised in the action and payment of any judgment against the United States entered pursuant thereto, any balance no longer required to be held in reserve shall be disposed of in accordance with the provisions of subsection (d) of section 402 of this title. Nothing in this section shall be construed to create (1) any liability against the United States for any action taken pursuant to section 404 of this title, (2) any liability against the United States in favor of the Government of Czechoslovakia, any agency or instrumentality thereof or any person who is an assignee or successor in interest thereto, or (3) any other liability against the United States.

Determination of
validity, etc.

“SEC. 404. The Commission shall determine in accordance with applicable substantive law, including international law, the validity and amount of claims by nationals of the United States against the Government of Czechoslovakia for losses resulting from the nationalization or other taking on and after January 1, 1945, of property including any rights or interests therein owned at the time by nationals of the United States, subject, however, to the terms and conditions of an applicable claims agreement, if any, concluded between the Governments of Czechoslovakia and the United States within one year following the date of enactment of this title. In making the determination with respect to the validity and amount of claims and value of properties, rights, or interests taken, the Commission is authorized to accept the fair or proved value of the said property, right, or interest as of a time when the property or business enterprise taken, was last operated, used, managed or controlled by the national or nationals of the United States asserting the claim irrespective of whether such date is prior to the actual date of nationalization or taking by the Government of Czechoslovakia.

Nationality re-
quirements.

“SEC. 405. A claim under section 404 of this title shall not be allowed unless the property upon which the claim is based was owned by a national of the United States on the date of nationalization or other taking thereof and unless the claim has been held by a national of the United States continuously thereafter until the date of filing with the Commission.

"SEC. 406. (a) A claim under section 404 of this title based upon an ownership interest in any corporation, association, or other entity which is a national of the United States shall be denied.

Stockholders.

"(b) A claim under section 404 of this title, based upon a direct ownership interest in a corporation, association, or other entity for loss by reason of the nationalization or other taking of such corporation, association, or other entity, or the property thereof, shall be allowed, subject to other provisions of this title, if such corporation, association, or other entity on the date of the nationalization or other taking was not a national of the United States, without regard to the per centum of ownership vested in the claimant in any such claim.

Direct ownership.

"(c) A claim under section 404 of this title, based upon an indirect ownership interest in a corporation, association, or other entity for loss by reason of the nationalization or other taking of such corporation, association, or other entity, or the property thereof, shall be allowed, subject to other provisions of this title, only if at least 25 per centum of the entire ownership interest thereof at the time of such nationalization or other taking was vested in nationals of the United States.

Indirect ownership.

"(d) Any award on a claim under subsection (b) or (c) of this section shall be calculated on the basis of the total loss suffered by such corporation, association, or other entity, and shall bear the same proportion to such loss as the ownership interest of the claimant bears to the entire ownership interest thereof.

"SEC. 407. In determining the amount of any award by the Commission there shall be deducted all amounts the claimant has received from any source on account of the same loss or losses with respect to which such award is made.

Prevention of double benefits.

"SEC. 408. With respect to any claim under section 404 of this title which, at the time of the award, is vested in persons other than the person by whom the loss was sustained, the Commission may issue a consolidated award in favor of all claimants then entitled thereto, which award shall indicate the respective interests of such claimants therein, and all such claimants shall participate, in proportion to their indicated interests, in the payments authorized by this title in all respects as if the award had been in favor of a single person.

Consolidated award.

"SEC. 409. No award shall be made on any claim under section 404 of this title to or for the benefit of (1) any person who has been convicted of a violation of any provision of chapter 115, title 18, of the United States Code, or of any other crime involving disloyalty to the United States, or (2) any claimant whose claim under this title is within the scope of title III of this Act.

Prohibition.

62 Stat. 807-812.

"SEC. 410. The Commission shall certify to the Secretary of the Treasury, in terms of United States currency, each award made pursuant to this title.

Certification.

"SEC. 411. Within sixty days after the enactment of this title or of legislation making appropriations to the Commission for payment of administrative expenses incurred in carrying out its functions under this title, whichever date is later, the Commission shall give public notice by publication in the Federal Register of the time when, and the limit of time within which claims may be filed, which limit shall not be more than twelve months after such publication.

Notice in F.R.

"SEC. 412. The Commission shall complete its affairs in connection with the settlement of claims pursuant to this title not later than three years following the final date for the filing of claims as provided in section 411 of this title or following the enactment of legislation making appropriations to the Commission for payment of administrative expenses incurred in carrying out its functions under this title, whichever date is later.

Settlement period.

Payment re-
quirements.

"SEC. 413. (a) The Secretary of the Treasury is authorized and directed, out of the sums covered into the Czechoslovakian Claims Fund, to make payments on account of awards certified by the Commission pursuant to this title as follows and in the following order of priority:

"(1) Payment in the amount of \$1,000 or in the amount of the award, whichever is less.

"(2) Thereafter, payments from time to time on account of the unpaid balance of each remaining award made pursuant to this title which shall bear to such unpaid balance the same proportion as the total amount in the fund available for distribution at the time such payments are made bears to the aggregate unpaid balance of all such awards.

"(b) Such payments, and applications for such payments, shall be made in accordance with such regulations as the Secretary of the Treasury shall prescribe.

"(c) For the purpose of making any such payments, an 'award' shall be deemed to mean the aggregate of all awards certified in favor of the same claimant.

"(d) If any person to whom any payment is to be made pursuant to this title is deceased or is under a legal disability, payment shall be made to his legal representative, except that if any payment to be made is not over \$1,000 and there is no qualified executor or administrator, payment may be made to the person or persons found by the Comptroller General to be entitled thereto, without the necessity of compliance with the requirements of law with respect to the administration of estates.

"(e) Subject to the provisions of any claims agreement hereafter concluded between the Governments of Czechoslovakia and the United States, payment of any award pursuant to this title shall not, unless such payment is for the full amount of the claim, as determined by the Commission to be valid, with respect to which the award is made, extinguish such claim, or be construed to have divested any claimant, or the United States on his behalf, of any rights against any foreign government for the unpaid balance of his claim.

Attorney's fees.
Limitation.

"SEC. 414. No remuneration on account of services rendered on behalf of any claimant in connection with any claim filed with the Commission under this title shall exceed 10 per centum of the total amount paid pursuant to any award certified under the provisions of this title on account of such claim. Any agreement to the contrary shall be unlawful and void. Whoever, in the United States or elsewhere, demands or receives, on account of services so rendered, any remuneration in excess of the maximum permitted by this section, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than \$5,000 or imprisoned not more than twelve months, or both.

Penalty.

Transfer of rec-
ords.

"SEC. 415. The Secretary of State is authorized and directed to transfer or otherwise make available to the Commission such records and documents relating to claims authorized by this title as may be required by the Commission in carrying out its functions under this title.

Notification,
oaths, etc.

22 USC 1623,
1625.

"SEC. 416. To the extent they are not inconsistent with the provisions of this title, the following provisions of title I shall be applicable to this title: Subsections (b), (c), (d), (e), (h), and (j) of section 4; subsections (c), (d), (e), and (f) of section 7.

Appropriations.

"SEC. 417. There are hereby authorized to be appropriated such sums as may be necessary to enable the Commission and the Treasury Department to pay their administrative expenses incurred in carrying out their functions under this title."

SEC. 2. Section 304 of the International Claims Settlement Act of 1949, as amended, is amended by adding at the end thereof the following: "Upon payment of the principal amounts (without interest) of all awards from the Italian Claims Fund created pursuant to section 302 of this Act, the Commission shall determine the validity and amount of any claim under this section by any natural person who was a citizen of the United States on the date of enactment of this title and shall, in the event an award is issued pursuant to such claim, certify the same to the Secretary of the Treasury for payment out of remaining balances in the Italian Claims Fund in accordance with the provisions of section 310 of this Act, notwithstanding that the period of time prescribed in section 316 of this Act for the settlement of all claims under this section may have expired."

Italian claims.
69 Stat. 572.
22 USC 1641c.

22 USC 1641i,
1641o.

SEC. 3. (a) Subsection (b) of section 311 of the International Claims Settlement Act of 1949, as amended, is amended by adding at the end thereof the following: "This subsection shall not be construed so as to exclude from eligibility a claim based upon a direct ownership interest in a corporation, association, or other entity, or the property thereof, for loss by reason of the nationalization, compulsory liquidation, or other taking of such corporation, association, or other entity by the Governments of Bulgaria, Hungary, Italy, Rumania, or the Soviet Government. Any such claim may be allowed without regard to the per centum of ownership vested in the claimant."

Claims by corporations.
22 USC 1641j.

(b) Any claim heretofore denied under subsection (b) of section 311 of the International Claims Settlement Act of 1949, as amended, prior to the date of enactment of this section, shall be reconsidered by the Foreign Claims Settlement Commission solely to redetermine its validity and amount by reason of the amendments made by this section.

Redetermination
of validity.

SEC. 4. If any provision of this Act, or the application thereof to any person or circumstances, shall be held invalid, the remainder of the Act, or the application of such provision to other persons or circumstances, shall not be affected.

Separability.

Approved August 8, 1958.

Public Law 85-605

AN ACT

To amend section 6 of the Act of March 3, 1921 (41 Stat. 1355), entitled "An Act providing for the allotment of lands within the Fort Belknap Indian Reservation, Montana, and for other purposes."

August 8, 1958
[H. R. 7241]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any provision contained in section 6 of the Act of March 3, 1921 (41 Stat. 1355), all trust allotted lands on the Fort Belknap Indian Reservation designated as homesteads by Indian allottees, pursuant to the requirements of the said section 6, shall be subject to sale, partition, issuance of patent in fee, or other disposition in accordance with the laws relating to the other allotments on the Fort Belknap Reservation and shall be nontaxable as long as held in a trust status. No disposition of such lands heretofore made shall be invalidated because of the provisions of said section 6 making homesteads inalienable.

Fort Belknap
Indian Reservation,
Mont.
Allotment of
lands.

Approved August 8, 1958.

Public Law 85-606

AN ACT

To further amend the Federal Civil Defense Act of 1950, as amended, and for other purposes.

August 8, 1958
[H. R. 7576]

Federal Civil
Defense Act of
1950, amendments;
Federal-State
responsibility.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Civil Defense Act of 1950 (64 Stat. 1245; 50 U. S. C. App. 2251 and the following), as amended, is hereby further amended as follows:

SEC. 2. Section 2 of the Act is amended by striking out said section and substituting the following therefor:

"It is the sense of the Congress that the defense of the United States, in this thermonuclear age, can best be accomplished by enacting into law the measures set forth in this Act. It is the policy and intent of Congress to provide a system of civil defense for the protection of life and property in the United States from attack. It is further declared to be the policy and intent of the Congress that the responsibility for civil defense shall be vested jointly in the Federal Government and the several States and their political subdivisions. The Federal Government shall provide necessary direction, coordination, and guidance; shall be responsible for the operation of the Federal Civil Defense Administration as set forth in this Act; and shall provide necessary assistance as herein authorized."

SEC. 3. Section 201 of the said Act is amended as follows:

Travel ex-
penses.
50 USC app.
2281.

(a) Subsection (e) of the said section, as amended, is further amended as follows:

(1) Strike the word "*Provided*" where it first appears and insert in lieu thereof the words "*Provided further*".

(2) By inserting the following proviso after the words "and training aids as deemed necessary": "*Provided*, That the terms prescribed by the Administrator for the payment of travel expenses and per diem allowances authorized by this subsection shall include a provision that such payment shall not exceed one-half of the total cost of such expenses: *Provided further*, That the authority to pay travel and per diem expenses of students as authorized by this subsection shall terminate on June 30, 1964."

Repeal.

(3) Section 2 of the Act of August 2, 1956 (70 Stat. 949), is repealed.

Materials and
facilities.

(b) Subsection (h) of the said section is amended by substituting a colon for the period at the end thereof and adding the following proviso: "*Provided further*, That until June 30, 1964, the Administrator is authorized to procure and maintain under this subsection radiological instruments and detection devices, protective masks, and gas detection kits, and distribute the same by loan or grant to the States for civil defense purposes, under such terms and conditions as the Administrator shall prescribe."

Financial aid.

(c) Subsection (i) of the said section is amended as follows:

(1) The first proviso of said subsection is amended by striking out the proviso and substituting the following therefor: "*Provided*, That no contributions shall be made for the procurement of land: *Provided further*, That after June 30, 1964, no contribution shall be made for the purchase of personal equipment for State or local civil defense workers."

Report to Con-
gress.

(2) The said subsection is further amended by striking out the eighth proviso and all the remainder of the said subsection except the words: "*Provided*, That the Administrator shall report not less often than quarterly to the Congress all contributions made pursuant to this subsection."

(3) The said subsection is further amended by striking out the period at the end thereof and inserting a colon and the following: "Provided further, That all laborers and mechanics employed by contractors or subcontractors in the performance of construction work financed with the assistance of any contribution of Federal funds made by the Administrator under the provisions of this section shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U. S. C. 276a-276a-5), and every such employee shall receive compensation at a rate not less than one and one-half times his basic rate of pay for all hours worked in any workweek in excess of eight hours in any workday or forty hours in the workweek, as the case may be. The Administrator shall make no contribution of Federal funds without first obtaining adequate assurance that these labor standards will be maintained upon the construction work. The Secretary of Labor shall have, with respect to the labor standards specified in this proviso, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F. R. 3176, 64 Stat. 1267, 5 U. S. C. 133z-15), and section 2 of the Act of June 13, 1934, as amended (48 Stat. 948, as amended; 40 U. S. C. 276 (c))."

Laborers and
mechanics.
Prevailing wage
rates.

SEC. 4. Title II of said Act is amended by adding the following new section thereto:

64 Stat. 1248.
50 U. S. C. app.
2281-2284.

"SEC. 205. To further assist in carrying out the purposes of this Act, the Administrator is authorized to make financial contributions to the States (including interstate civil defense authorities established pursuant to section 201 (g) of this Act) for necessary and essential State and local civil defense personnel and administrative expenses, on the basis of approved plans (which shall be consistent with the national plan for civil defense approved by the Administrator) for the civil defense of the States: *Provided*, That the financial contributions to the States for the purposes of this section shall not exceed one-half of the total cost of such necessary and essential State and local civil defense personnel and administrative expenses.

States, person-
nel, etc.

Limitation.

"(a) Plans submitted under this section shall

Submission of
plans.

"(1) provide, pursuant to State law, that the plan shall be in effect in all political subdivisions of the State and be mandatory on them, and be administered or supervised by a single State agency;

"(2) provide that the State shall share the financial assistance with that provided by the Federal Government under this section from any source determined by it to be consistent with State law;

"(3) provide for the development of State and local civil defense operational plans, pursuant to standards approved by the Administrator;

"(4) provide for the employment of a full-time civil defense director, or deputy director, by the State, and for such other methods of administration, including methods relating to the establishment and maintenance of personnel standards on the merit basis (except that the Administrator shall exercise no authority with respect to the selection, tenure of office, and compensation of any individual employed in accordance with such methods) as the Administrator shall find to be necessary and proper for the operation of the plan;

"(5) provide that the State shall make such reports in such form and content as the Administrator may require;

"(6) make available to duly authorized representatives of the Administrator and the Comptroller General, books, records, and papers necessary to conduct audits for the purposes of this section.

“(b) The Administrator shall establish such other terms and conditions as he may deem necessary and proper.

50 USC app.
2281.
Infra.

“(c) In carrying out the provisions of this section, the provisions of section 201 (g) and 401 (h) of this Act shall apply.

“(d) For each fiscal year concerned, the Administrator shall allocate to each State, in accordance with his regulations and the total sum appropriated hereunder, amounts to be made available to the States for the purposes of this section. Regulations governing allocations to the States shall give due regard to (1) the criticality of the target and support areas with respect to the development of the total civil defense readiness of the Nation, (2) the relative state of development of civil defense readiness of the State, (3) population, and (4) such other factors as the Administrator shall prescribe: *Provided*, That the Administrator may reallocate the excess of any allocation not utilized by a State in an approvable plan submitted hereunder: *Provided further*, That amounts paid to any State or political subdivision under this section shall be expended solely for the purposes set forth herein;

“(e) In the event a State fails to submit an approvable plan as required by this section within sixty days after the Administrator notifies the States of the allocations hereunder, the Administrator may reallocate such funds, or portions thereof, among the other States in such amounts as, in his judgment will best assure the adequate development of the civil defense capability of the Nation.

Report to Congress.

“(f) The Administrator shall report annually to the Congress all contributions made pursuant to this section.

“(g) As used in this Act, the term ‘State’ shall include interstate civil defense authorities established under section 201 (g).

“(h) The provisions of this section terminate on June 30, 1964.”

Noncompliance.
50 USC app.
2253.

SEC. 5. Section 401 of the Act is amended by adding the following new subsection thereto:

“(h) when, after reasonable notice and opportunity for hearing to the State, or other person, he finds that there is a failure to expend funds in accordance with the regulations, terms, and conditions established under this Act for approved civil defense plans, programs, or projects, notify such State or person that further payments will not be made to the State or person from appropriations under this Act (or from funds otherwise available for the purposes of this Act for any approved plan, program, or project with respect to which there is such failure to comply) until the Administrator is satisfied that there will no longer be any such failure. Until he is so satisfied, the Administrator shall either withhold the payment of any financial contribution to such State or person, or limit payments to those programs or projects with respect to which there is substantial compliance with the regulations, terms, and conditions governing plans, programs, or projects hereunder: *Provided*, That person as used in this subsection, means the political subdivision of any State or combination or group thereof; or any interstate civil defense authority established pursuant to subsection 201 (g); or any person, corporation, association, or other entity of any nature whatsoever, including but not limited to, instrumentalities of States and political subdivisions.”

50 USC app.
2281.

Appropriations.
50 USC app.
2260.

50 USC app.
2281.

SEC. 6. Section 408 of the Act is amended by striking the period at the end thereof and inserting a colon and the following: “*Provided further*, That appropriations for the payment of travel and per diem expenses for students under section 201 (e) shall not exceed \$300,000 per annum; appropriations for expenditures under the fourth proviso of section 201 (h) (donation of radiological instruments, et cetera)

shall not exceed \$35,000,000 per annum; appropriations for contribution to the States for personal equipment for State and local workers, under section 201 (i) shall not exceed \$2,000,000 per annum; appropriations for contributions to the States for personnel and administrative expenses under section 205 shall not exceed \$25,000,000 per annum."

50 U.S.C. app.
2281.
Ante, p. 533.

SEC. 7. Title IV of the Act is amended by adding the following new section thereto:

50 U.S.C. app. 2253
et seq.

"APPLICABILITY OF REORGANIZATION PLAN NUMBERED 1

"SEC. 413. The applicability of Reorganization Plan Numbered 1 of 1958 (23 F. R. 4991) shall extend to any amendment of this Act except as otherwise expressly provided in such amendment."

Post, p. 1799.

Approved August 8, 1958.

Public Law 85-607

AN ACT

To revise the authorization with respect to the charging of tolls on the bridge across the Mississippi River near Jefferson Barracks, Missouri.

August 8, 1958
[H. R. 7898]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any provision to the contrary contained in the Act entitled "An Act authorizing the county of Saint Louis, State of Missouri, to construct, maintain, and operate a toll bridge across the Mississippi River near Jefferson Barracks, Missouri", approved August 7, 1939 (53 Stat. 1257), authority is hereby granted to the county of Saint Louis, State of Missouri, to fix and charge tolls, in accordance with the provisions of this Act, for transit over the bridge constructed pursuant to such Act of August 7, 1939 (hereinafter referred to as the "Jefferson Barracks Bridge").

Bridge,
Jefferson, Barracks, Mo.

SEC. 2. The rates of the tolls authorized by the first section of this Act shall be so adjusted that the amounts collected from the tolls on the Jefferson Barracks Bridge together with the amounts collected from the tolls imposed on not more than one additional bridge hereafter to be constructed by such county adjacent to the Jefferson Barracks Bridge and across the Mississippi River, will provide (1) a fund sufficient to pay the cost of the maintenance and operation of both such bridges, and (2) a sinking fund sufficient to amortize (a) any unamortized cost of the Jefferson Barracks Bridge and approaches thereto and the cost of any reconstruction or improving of the Jefferson Barracks Bridge, (b) the cost of constructing such additional bridge and the approaches thereto, and (c) interest and financing costs, within a period of not more than thirty years after the date such reconstruction and improvement, or construction, is commenced, whichever first occurs. After there has been collected from such tolls an amount sufficient to provide such funds, both such bridges shall be maintained and operated free of tolls.

Use of tolls.

SEC. 3. The reconstruction or improvement of the Jefferson Barracks Bridge and construction of the additional bridge and approaches pursuant to section 2 of this Act shall be commenced not later than July 1, 1960, and shall be completed within three years after such date.

Commencement
and completion
date.

Approved August 8, 1958.

Public Law 85-608

AN ACT

August 8, 1958
[H. R. 12140]

To amend the Act of December 2, 1942, and the Act of August 16, 1941, relating to injury, disability, and death resulting from war-risk hazards and from employment, suffered by employees of contractors of the United States, and for other purposes.

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

TITLE I—AMENDMENTS TO THE WAR HAZARDS
COMPENSATION ACT

War-risk hazards.
42 USC 1701.

SEC. 101. (a) Clause (2) of section 101 (a) of the Act of December 2, 1942 (ch. 668, 56 Stat. 1028), as amended, is amended to read as follows:

Contract serv-
ices.

“(2) to any person engaged by the United States under a contract for his personal services outside the continental United States or in Alaska or the Canal Zone; or”.

(b) Clause (3) of section 101 (a) of that Act is amended to read as follows:

Civilian em-
ployees.

“(3) to any person employed outside the continental United States or in Alaska or the Canal Zone as a civilian employee paid from nonappropriated funds administered by the Army and Air Force Exchange Service, Army and Air Force Motion Picture Service, Navy Ship's Store Ashore, Navy exchanges, Marine Corps exchanges, officers' and noncommissioned officers' open messes, enlisted men's clubs, service clubs, special service activities, or any other instrumentality of the United States under the jurisdiction of the Department of Defense and conducted for the mental, physical, and morale improvement of personnel of the Department of Defense and their dependents; or”.

Welfare service
employees.

(c) Section 101 (a) of that Act is amended by deleting the period at the end of clause (4), inserting the words “; or” in place thereof, and adding the following new clause:

“(5) to any person employed or otherwise engaged for personal services outside the continental United States or in Alaska or the Canal Zone by an American employer providing welfare or similar services for the benefit of the Armed Forces pursuant to appropriate authorization by the Secretary of Defense.”

(d) Section 101 (d) of that Act is amended to read as follows:

Nonapplicabil-
ity.

“(d) The provisions of this section shall not apply in the case of any person (1) whose residence is at or in the vicinity of the place of his employment, and (2) who is not living there solely by virtue of the exigencies of his employment, unless his injury or death resulting from injury occurs or his detention begins while in the course of his employment, or (3) who is a prisoner of war or a protected person under the Geneva Conventions of 1949 and who is detained or utilized by the United States.”

42 USC 1702.

SEC. 102. Section 102 (a) of the Act of December 2, 1942 (ch. 668, 56 Stat. 1031), as amended, is amended by striking the last proviso. This amendment shall not affect benefits adjudicated thereunder prior to the enactment of this Act.

42 USC 1711.

SEC. 103. (a) Section 201 (b) of the Act of December 2, 1942 (ch. 668, 56 Stat. 1033), as amended, is amended by changing that part of the section which precedes the numbered clauses to read as follows:

Definitions.

“(b) The term ‘war-risk hazard’ means any hazard arising during a war in which the United States is engaged; during an armed conflict in which the United States is engaged, whether or not war has

been declared; or during a war or armed conflict between military forces of any origin, occurring within any country in which a person covered by this Act is serving; from—”.

(b) Clause (3) of section 201 (b) of that Act is amended to read as follows:

42 USC 1711.

“(3) the discharge or explosion of munitions intended for use in connection with a war or armed conflict with a hostile force or person as defined herein (except with respect to employees of a manufacturer, processor, or transporter of munitions during the manufacture, processing, or transporting thereof, or while stored on the premises of the manufacturer, processor, or transporter); or”.

(c) Section 201 (c) of that Act is amended to read as follows:

42 USC 1711.

“(c) The term ‘hostile force or person’ means any nation, any subject of a foreign nation, or any other person serving a foreign nation (1) engaged in a war against the United States or any of its allies, (2) engaged in armed conflict, whether or not war has been declared, against the United States or any of its allies, or (3) engaged in a war or armed conflict between military forces of any origin in any country in which a person covered by this Act is serving.”

(d) Section 201 (d) of that Act is amended to read as follows:

42 USC 1711.

“(d) The term ‘allies’ means any nation with which the United States is engaged in a common military effort or with which the United States has entered into a common defensive military alliance.”

(e) Section 201 (e) of that Act is amended to read as follows:

42 USC 1711.

“(e) The term ‘war activities’ includes activities directly relating to military operations.”

(f) Section 201 (f) of that Act is repealed.

Repeal.

SEC. 104. Sections 101 (b), 104 (a), 201 (b), and 206 of the Act of December 2, 1942 (ch. 668, 56 Stat. 1028), as amended, are amended by striking out the words “enemy” and “the enemy” wherever they appear and inserting the words “a hostile force or person” in place thereof.

42 USC 1701,
1704, 1711, 1716.

SEC. 105. Title II of the Act of December 2, 1942 (ch. 668, 56 Stat. 1033), as amended, is further amended by adding the following new section at the end thereof:

42 USC 1711-
1717.

“SEC. 208. Titles I and II of this Act may be cited as the ‘War Hazards Compensation Act.’”

TITLE II—AMENDMENTS TO THE DEFENSE BASE ACT

SEC. 201. (a) Section 1 (a) of the Act of August 16, 1941 (ch. 357, 55 Stat. 622), as amended, is amended by inserting the following new clause between clause (5) and the last five lines:

Place of employ-
ment.
42 USC 1651.

“(6) outside the continental United States or in Alaska or the Canal Zone by an American employer providing welfare or similar services for the benefit of the Armed Forces pursuant to appropriate authorization by the Secretary of Defense.”

(b) Section 1 (b) of that Act is amended to read as follows:

“Public work”.

“(b) As used in this section—

“(1) the term ‘public work’ means any fixed improvement or any project, whether or not fixed, involving construction, alteration, removal or repair for the public use of the United States or its allies, including but not limited to projects or operations under service contracts and projects in connection with the national defense or with war activities, dredging, harbor improvements, dams, roadways, and housing, as well as preparatory and ancillary work in connection therewith at the site or on the project;

“(2) the term ‘allies’ means any nation with which the United States is engaged in a common military effort or with which the United States has entered into a common defensive military alliance;

“(3) the term ‘war activities’ includes activities directly relating to military operations.”

Waiver of application.

(c) Section 1 (e) of that Act is amended by striking the last sentence and by substituting the following two sentences: “Upon the recommendation of the head of any department or other agency of the United States, the Secretary of Labor, in the exercise of his discretion, may waive the application of this section with respect to any contract, subcontract, or subordinate contract, work location under such contracts, or classification of employees. Upon recommendation of any employer referred to in clause (6) of subsection (a) of this section, the Secretary of Labor may waive the application of this section to any employee or class of employees of such employer, or to any place of employment of such an employee or class of employees.”

Nonapplicability.

(d) Section 1 (f) of that Act is amended to read as follows:

“(f) The liability under this Act of a contractor, subcontractor, or subordinate contractor engaged in public work under paragraphs (1), (2), (3), and (4), subsection (a) of this section or in any work under subparagraph (5) subsection (a) of this section does not apply with respect to any person who is a prisoner of war or a protected person under the Geneva Conventions of 1949 and who is detained or utilized by the United States.”

42 USC 1651-1654.

SEC. 202. The Act of August 16, 1941 (ch. 357, 55 Stat. 622), as amended, is amended by adding the following new section:

Short title.

“SEC. 5. This Act may be cited as the ‘Defense Base Act’.”

TITLE III—AMENDMENTS TO THE FEDERAL EMPLOYEES’ COMPENSATION ACT

5 USC 751.

SEC. 301. Section 1 of the Federal Employees’ Compensation Act (39 Stat. 742), as amended, is amended to read as follows:

Disability or death.

“(a) That (a) the United States shall pay compensation as hereinafter specified for the disability or death of an employee resulting from personal injury sustained while in the performance of his duty, but no compensation shall be paid if the injury or death is caused by willful misconduct of the employee or by the employee’s intention to bring about the injury or death of himself or of another, or if intoxication of the injured employee is the proximate cause of the injury or death.

Performance of duty.

“(b) In any case where an employee within the coverage of this Act or any extension thereof, who is employed outside of the continental United States or in Alaska or in the Canal Zone, suffers disability or death from a war-risk hazard, or suffers disability or death during or as a result of capture, detention, or other restraint by a hostile force or person, his disability or death shall in the administration of this Act be deemed to have resulted from personal injury sustained while in the performance of his duty, whether or not the employee was engaged in the course of employment when the disability, or disability resulting in death, occurred or when he was taken by the hostile force or person. This subsection shall not apply to any person (1) whose residence is at or in the vicinity of the place of his employment, and (2) who was not living there solely by virtue of the exigencies of his employment, unless the person was injured or was taken while he was engaged in the course of his employment, or (3) who is a prisoner of war or a protected person under the Geneva Conventions of 1949 and who is detained or utilized by the United States.

Nothing contained in this subsection shall affect the payment of compensation under entitlement of this Act derived otherwise than by reason of this subsection, but compensation for disability or death shall not accrue for any period of time for which pay, other benefit, or gratuity from the United States on account of detention by the enemy, or by reason of the same disability or death, accrues to the disabled person or his dependents, unless such pay, benefit, or gratuity is refunded or renounced."

SEC. 302. Section 40 of the Federal Employees' Compensation Act, as amended, is further amended by adding, after subsection (i) the following four new subsections:

"(j) The term 'war-risk hazard' means any hazard arising during a war in which the United States is engaged; during an armed conflict in which the United States is engaged, whether or not war has been declared; or during a war or armed conflict between military forces of any origin, occurring within any country in which a person covered by this Act is serving; from—

"(1) the discharge of any missile (including liquids and gas) or the use of any weapon, explosive, or other noxious thing by a hostile force or person or in combating an attack or an imagined attack by a hostile force or person; or

"(2) action of a hostile force or person, including rebellion or insurrection against the United States or any of its allies; or

"(3) the discharge or explosion of munitions intended for use in connection with a war or armed conflict with a hostile force or person as defined herein; or

"(4) the collision of vessels on convoy or the operation of vessels or aircraft without running lights or without other customary peacetime aids to navigation; or

"(5) the operation of vessels or aircraft in a zone of hostilities or engaged in war activities.

"(k) The term 'hostile force or person' means any nation, any subject of a foreign nation, or any other person serving a foreign nation (1) engaged in a war against the United States or any of its allies, (2) engaged in armed conflict, whether or not war has been declared, against the United States or any of its allies, or (3) engaged in a war or armed conflict between military forces of any origin in any country in which a person covered by this Act is serving.

"(l) The term 'allies' means any nation with which the United States is engaged in a common military effort or with which the United States has entered into a common defensive military alliance.

"(m) The term 'war activities' includes activities directly relating to military operations."

SEC. 303. Section 5 (b) of the Act of July 28, 1945 (ch. 328, 59 Stat. 505), as amended (5 U. S. C. 801), and section 5 (b) of the Act of June 30, 1953 (67 Stat. 134) are repealed.

39 Stat. 750.
5 USC 790.

Definitions.

Repeals.

5 USC 801 and
note.

TITLE IV—MISCELLANEOUS

SEC. 401. Section 2 of the Act of June 30, 1953 (67 Stat. 134), is repealed and section 101 (c) of the Act of December 2, 1942 (ch. 668, 56 Stat. 1030), is reenacted.

Repeal.
42 USC 1701.

SEC. 402. The effective date of this Act is June 30, 1958. Persons are entitled to the benefits of this Act notwithstanding the fact that an injury, disability, or death occurred after June 30, 1958, and before the date of enactment of this Act.

Effective date.

Approved August 8, 1958.

Public Law 85-609

AN ACT

August 8, 1958
[H. R. 8826]

To amend the Act entitled "An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of international conventions, and for other purposes," approved July 5, 1946, with respect to proceedings in the Patent Office.

Trademark Trial
and Appeal Board,
15 USC 1051 et
seq.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of international conventions, and for other purposes," approved July 5, 1946 (60 Stat. 427), is amended as follows:

(a) Section 17 (15 U. S. C. 1067) is amended by striking the words "the examiner in charge of interferences" and substituting in lieu thereof "a Trademark Trial and Appeal Board," and by adding the following paragraph at the end thereof:

Personnel.

"The Trademark Trial and Appeal Board shall include the Commissioner, the Assistant Commissioners, and such Patent Office employees, designated by the Commissioner and whose qualifications have been approved by the Civil Service Commission as being adequate for appointment to the position of examiner in charge of interferences. Each case shall be heard by at least three members of the Board, the members hearing such case to be designated by the Commissioner."

Appeals to Com-
missioners.

(b) Section 20 (15 U. S. C. 1070) is amended (1) by striking the words "Commissioner in person" and substituting in lieu thereof "Trademark Trial and Appeal Board"; (2) by striking the words "of interferences or"; and (3) by changing the word "fees" to "fee."

Appeals to
courts.

(c) Section 21 (15 U. S. C. 1071) is amended (1) by inserting after the word "Commissioner" first occurrence in the first sentence, the words "or the Trademark Trial and Appeal Board," and (2) by striking the word "Commissioner" in the proviso in the first sentence and substituting in lieu thereof "Trademark Trial and Appeal Board."

Publication.

(d) Section 24 (15 U. S. C. 1092) is amended (1) by striking the words "examiner in charge of interferences, who" in the third sentence and substituting in lieu thereof "Trademark Trial and Appeal Board, which" and (2) by striking the word "examiner" in the fourth sentence and substituting in lieu thereof the word "Board".

Fees and
charges.

(e) Section 31 (15 U. S. C. 1113) is amended (1) by striking the words "to the Commissioner" in the phrase "on appeal from an examiner in charge of the registration of marks to the Commissioner, \$25," and (2) by striking the phrase "on appeal from an examiner in charge of interferences to the Commissioner, \$25."

5 USC 133z-15
note.

SEC. 2. The provisions of this Act shall be subject to Reorganization Plan No. 5 of 1950 (64 Stat. 1263).

Effective date.
Applicability.

SEC. 3. This Act shall take effect on approval; it shall apply to *ex parte* appeals taken to the Commissioner prior to the date of approval which have not been heard but shall not apply to any such appeal which has been heard or decided in which event further proceedings may be had as though this Act had not been passed; it shall apply to *inter partes* cases instituted prior to the date of approval which have not been heard by an examiner of interferences, but shall not apply to any such case which has been heard or decided by an examiner of interferences in which event further proceedings may be had as though this Act had not passed.

Approved August 8, 1958.

Public Law 85-610

AN ACT

To amend sections 2 and 3 of the Act of May 19, 1947 (ch. 80, 61 Stat. 102), as amended, relating to the trust funds of the Shoshone and Arapahoe Tribes, and for other purposes.

August 8, 1958
[H. R. 12617]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act entitled "An Act to authorize the segregation and expenditure of trust funds held in joint ownership by the Shoshone and Arapahoe Tribes of the Wind River Reservation", approved May 19, 1947 (ch. 80, 61 Stat. 102), as amended, is hereby amended to read as follows:

Shoshone and
Arapahoe Indians.

"SEC. 2. The Secretary of the Treasury, upon request of the Secretary of the Interior, is authorized and directed to establish a trust fund account for each tribe and shall make such transfer of funds on the books of his department as may be necessary to effect the purpose of section 1 of this Act: *Provided*, That interest shall accrue on the principal fund only, at the rate of 4 per centum per annum, and shall be credited to the interest trust fund accounts established by this section: *Provided further*, That all future revenues and receipts derived from the Wind River Reservation under any and all laws, and the proceeds from any judgment for money against the United States hereafter paid jointly to the Shoshone and Arapahoe Tribes of the Wind River Reservation, shall be divided in accordance with section 1 of this Act and credited to the principal trust fund accounts established herein; and the proceeds from any judgment for money against the United States hereafter paid to either of the tribes singly shall be credited to the appropriate principal trust fund account."

25 USC 612.
Trust fund.

SEC. 2. Section 3 of the Act entitled "An Act to authorize the segregation and expenditure of trust funds held in joint ownership by the Shoshone and Arapahoe Tribes of the Wind River Reservation", approved May 19, 1947 (ch. 80, 61 Stat. 102), as amended, is hereby amended to read as follows:

25 USC 613.

"SEC. 3. Notwithstanding any other provision of existing law, the trust funds credited to the Shoshone Tribe and the Arapahoe Tribe, respectively, under the provisions of this Act shall be available for expenditure or for advance to the tribes for such purposes as may be requested by the business council of the tribe concerned and approved by the Secretary of the Interior, or such official as may be designated by him: *Provided*, That the Secretary of the Interior is hereby directed to make available out of the trust funds of the Shoshone Tribe the sum of \$7,500 for the purpose of making emergency and educational loans on the authority and responsibility of the Shoshone Tribe, through its business council, without liability to the United States and free from regulation or approval by the Secretary of the Interior: *Provided further*, That, commencing as soon after the date this proviso becomes effective as the Secretary of the Interior determines may be practicable in order to change from the existing quarterly payment system, but not later than January 1, 1959, 85 per centum of said trust funds shall be paid per capita to the members of the respective tribes in equal monthly installments on the first day of each month, or as near thereto as practicable, or, with the approval of the Secretary of the Interior, at such more frequent intervals as the tribes may request. The amount of the monthly payments during any one calendar year shall be determined by the Secretary of the Interior on the basis of estimated anticipated income for that calendar year: *Provided further*, That the Secretary may increase or decrease the amount of the monthly payments in the light

Business coun-
cils, authority.

Emergency and
educational loans.

Per capita pay-
ments.

of actual receipts during the calendar year, and in order to avoid the omission of a payment or a reduction in the amount that would cause unnecessary hardship the Secretary may permit the total monthly payments for a year to exceed 85 per centum of the actual receipts for that year and deduct the excess from the receipts of the following or succeeding years before determining the amount of the monthly payments for such succeeding years: *Provided further*, That said per capita payments shall not be subject to any lien or claim of any nature against any of the members of said tribes unless the business council of such member shall consent thereto in writing, except as to reimbursable Treasury loans made to individual members of either tribe which may be due to the United States, and except as to irrigation charges owed by individual Indians to the United States with respect to lands for which water is requested and received by said individual Indians, and with respect to lands that are determined by the Secretary of the Interior to be properly classified under existing law on the basis of the survey undertaken by the Secretary after the amendment of this Act on July 25, 1956 (70 Stat. 642): *Provided further*, That quarterly per capita payments under this Act shall continue without interruption until the monthly per capita payments are put into effect on or before January 1, 1959."

Approved August 8, 1958.

25 USC 613 and
note.

Public Law 85-611

AN ACT

August 8, 1958
[H. R. 8645]

To amend section 9, subsection (d), of the Reclamation Project Act of 1939, and for other related purposes.

Reclamation re-
payment con-
tracts.

43 USC 485h.

Variable plan.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (3) of section 9, subsection (d), of the Reclamation Project Act of 1939 (53 Stat. 1187, 1195) is hereby amended to read as follows:

"That the general repayment obligation of the organization shall be spread in annual installments, of the number and amounts fixed by the Secretary, over a period of not more than 40 years, exclusive of any development period fixed under paragraph (1) of this subsection, for any project contract unit or, if the project contract unit be divided into two or more irrigation blocks, for any such block, or as near to said period of not more than forty years as is consistent with the adoption and operation of a variable payment formula which, being based on full repayment within such period under average conditions, permits variance in the required annual payments in the light of economic factors pertinent to the ability of the organization to pay."

Water storage
contracts.

43 USC 485h.

16 USC 590y-
590z-10.

43 USC 390.

SEC. 2. The benefits of a variable payment plan as provided in the amendment to paragraph (3) of section 9, subsection (d), of the Reclamation Project Act of 1939 contained in section 1 of this Act may be extended by the Secretary to any organization with which he contracts or has contracted for the repayment of construction costs allocated to irrigation on any project undertaken by the United States, including contracts under the Act of August 11, 1939 (53 Stat. 1418), as amended, and contracts for the storage of water or for the use of stored water under section 8 of the Act of December 22, 1944 (58 Stat. 887, 891). In the case of any project for which a maximum repayment period longer than that prescribed in said paragraph (3) has been or is allowed by Act of Congress, the period so allowed may be used by the Secretary in lieu of the forty-year period provided in said amendment to paragraph (3).

SEC. 3. Section 2, subsection (h), of the Reclamation Project Act of 1939 is hereby repealed and the subsections following it are relettered accordingly. Section 4, as amended, of the same Act is hereby repealed. Paragraph (5) of section 9, subsection (d), of the same Act is hereby repealed. Section 17, as amended, of the same Act is hereby further amended by substituting the expression "Section 3" for the expression "Sections 3 and 4" where the latter occurs in said section. The Act of March 6, 1952 (66 Stat. 16) is hereby amended by deleting therefrom the figure "4" in the expression "sections 3, 4, and 7 of the Reclamation Project Act of 1939."

Approved August 8, 1958.

Repeals.

43 USC 485a,
485b note.

Public Law 85-612

AN ACT

To authorize the Secretary of the Interior to convey certain land with the improvements located thereon to the Lummi Indian Tribe for the use and benefit of the Lummi Tribe.

August 8, 1958
[H. R. 7681]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to convey by quitclaim deed to the Lummi Indian Tribe, Lummi Reservation, Whatcom County, Washington, for the use and benefit of the members of the Lummi Indian Tribe, all right, title and interest of the United States to the following described land, together with any buildings or other improvements located thereon: Commencing at a point on the south line of lot 9, section 7, township 38 north, range 2 east, Willamette meridian, 9 chains east of the southwest corner of said lot; thence east 4 chains to a point on said south line; thence north 5 chains; thence west 4 chains; thence south 5 chains to point of beginning containing approximately 2 acres. Notwithstanding any other provision of law such land may be leased, sold, or otherwise disposed of by the sole authority of the Lummi Business Council in any manner similar land in the State in which such land is situated may be leased, sold, or otherwise disposed of by private landowners. The land shall not be exempt from taxation because of Indian tribal ownership.

Lummi Indian
Tribe.
Conveyance.

Approved August 8, 1958.

Public Law 85-613

AN ACT

To exempt certain teachers in the Canal Zone public schools from prohibitions against the holding of dual offices and the receipt of double salaries.

August 8, 1958
[H. R. 7734]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Legislative, Executive, and Judicial Appropriation Act, approved July 31, 1894, as amended, and section 6 of the Legislative, Executive, and Judicial Appropriation Act, approved May 10, 1916, as amended, shall not apply to teachers in the public schools of the Canal Zone who are also employed in night schools or in vacation schools or programs.

Canal Zone.
Teachers.
28 Stat. 205.
5 USC 62.
39 Stat. 120.
5 USC 58, 59.

Approved August 8, 1958.

Public Law 85-614

AN ACT

To establish the Hudson-Champlain Celebration Commission, and for other purposes.

August 8, 1958
[H. R. 12293]

Hudson-Cham-
plain Celebration
Commission.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there is hereby established a Commission to be known as the "Hudson-Champlain Celebration Commission" (hereinafter referred to as the "Commission") which shall be composed of twenty-one members as follows:

Membership.

- (1) Four members who shall be Members of the Senate, to be appointed by the President of the Senate;
 - (2) Four members who shall be Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives;
 - (3) Thirteen members to be appointed by the President.
- (b) The President shall, at the time of appointment, designate one of the members appointed by him to serve as Chairman. The members of the Commission shall receive no salary.

Functions.

SEC. 2. The functions of the Commission shall be to develop and to execute suitable plans for the celebration, in 1959, of the three hundred and fiftieth anniversary of the exploratory voyages in 1609 of Henry Hudson and Samuel de Champlain which signaled the beginning of settlements whose influence on our history, culture, law, and commerce extend through generations to the present day, settlements whose significance is recognized not only by their parent countries, sister nations across the seas, but by untold others who have come from foreign lands to find in America a new homeland. In carrying out its functions, the Commission is authorized to cooperate with and to assist the New York State Department of Commerce and any other agency created or designated by the Legislature of the State of New York, the State of New Jersey, or the State of Vermont for the purpose of planning and promoting the Hudson-Champlain Celebration. If the participation of other nations in the celebration is deemed advisable, the Commission may communicate to that end with the governments of such nations through the State Department.

Employment of
personnel.
63 Stat. 954.
5 USC 1071 note.

SEC. 3. The Commission may employ, without regard to the civil-service laws or the Classification Act of 1949, such employees as may be necessary in carrying out its functions. Service of an individual as a member of the Commission shall not be considered as service or employment bringing such individual within the provisions of sections 216, 281, 283, 284, 434, or 1914 of title 18 of the United States Code, or section 190 of the Revised Statutes (5 U. S. C. 99); nor shall any member of the Commission by reason of his status as such be deemed to be an "officer of the Government" within the meaning of the Act of April 27, 1916 (5 U. S. C. 101).

62 Stat. 694, 697,
698, 703, 793.

39 Stat. 54.

Employment of
retired officers.

SEC. 4. Notwithstanding section 2 of the Act of July 31, 1894 (28 Stat. 205), as amended (5 U. S. C. 62), or section 6 of the Act of May 10, 1916 (39 Stat. 120), as amended (5 U. S. C. 58, 59), the Chairman of the Commission may appoint to, and employ in, any civilian office or position in the Commission, and pay, any retired commissioned officer, or retired warrant officer, of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, or Public Health Service. The retired status, office, rank, and grade of retired commissioned officers or retired warrant officers, so appointed or employed and, except as provided in section 212 of the Act of June 30, 1932 (47 Stat. 406), as amended (5 U. S. C. 59a), any emolument, perquisite, right, privilege, or benefit incident to or arising out

of any such status, office, rank, or grade, shall be in no way affected by reason of such appointment to or employment in, or by reason of service in, or acceptance or holding of, any civilian office or position in the Commission or the receipt of the pay thereof.

SEC. 5. (a) The Commission is authorized to accept donations of money, property, or personal services; to cooperate with patriotic and historical societies and with institutions of learning; and to call upon other Federal departments or agencies for their advice and assistance in carrying out the purposes of this Act. The Commission, to such extent as it finds to be necessary, may, without regard to the laws and procedures applicable to Federal agencies procure supplies, services, and property and make contracts, and may exercise those powers that are necessary to enable it to carry out efficiently and in the public interest the purposes of this Act.

Donations, etc.

(b) Expenditures of the Commission shall be paid by the executive officer of the Commission, who shall keep complete records of such expenditures and who shall account also for all funds received by the Commission. A report of the activities of the Commission, including an accounting of funds received and expended, shall be furnished by the Commission to the Congress within two months following the celebration as prescribed by this Act. The Commission shall terminate upon submission of its report to the Congress.

Expenditures.

Report to Congress.

(c) Any property acquired by the Commission remaining upon termination of the celebration may be used by the Secretary of the Interior for purposes of the National Park system or may be disposed of as surplus property. The net revenues, after payment of Commission expenses, derived from Commission activities, shall be deposited in the Treasury of the United States.

Surplus property.

SEC. 6. There is hereby authorized to be appropriated the sum of \$50,000 to carry out the purposes of this Act.

Appropriation.

SEC. 7. The Commission shall expire upon the completion of its duties, but in no event later than March 1, 1960.

Termination.

Approved August 8, 1958.

Public Law 85-615

AN ACT

To amend the law with respect to civil and criminal jurisdiction over Indian country in Alaska.

August 8, 1958
[H. R. 9139]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 1162, title 18, United States Code, is amended (i) by inserting after "State" each time the word appears, except in the second column of the list in subsection (a) of section 1162, "or Territory", (ii) by inserting after "States" each time the word appears "or Territories", and (iii) by adding at the beginning of the list in subsection (a) of section 1162 the following:

Indians.
Jurisdiction in
Alaska.
67 Stat. 588.

"Alaska..... All Indian country within the Territory".

67 Stat. 589.

SEC. 2. Subsection (a) of section 1360, title 28, United States Code, is amended (i) by inserting after "State" each time the word appears, except in the second column of the list in subsection (a) of section 1360, "or Territory", (ii) by inserting after "States" each time the word appears "or Territories", and (iii) by adding at the beginning of the list in subsection (a) of section 1360 the following:

"Alaska..... All Indian country within the Territory".

Approved August 8, 1958.

Public Law 85-616

AN ACT

August 8, 1958
[H. R. 11874]

To record the lawful admission for permanent residence of certain aliens who entered the United States prior to June 28, 1940.

Allens.
Recording of
admission.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 249 of the Immigration and Nationality Act (66 Stat. 219; 8 U. S. C. 1259) be amended to read as follows:

"A record of lawful admission for permanent residence may, in the discretion of the Attorney General and under such regulations as he may prescribe, be made in the case of any alien, as of the date of the approval of his application or, if entry occurred prior to July 1, 1924, as of the date of such entry, if no such record is otherwise available and such alien shall satisfy the Attorney General that he is not inadmissible under section 212 (a) insofar as it relates to criminals, procurers and other immoral persons, subversives, violators of the narcotic laws or smugglers of aliens, and he establishes that he—

"(a) entered the United States prior to June 28, 1940;

"(b) has had his residence in the United States continuously since such entry;

"(c) is a person of good moral character; and

"(d) is not ineligible to citizenship."

Approved August 8, 1958.

8 USC 1182.

Public Law 85-617

AN ACT

August 8, 1958
[H. R. 11805]

To promote the national defense by authorizing the construction of aeronautical research facilities by the National Advisory Committee for Aeronautics necessary to the effective prosecution of aeronautical research.

Aeronautical re-
search facilities,
construction.
64 Stat. 418.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, pursuant to subsection (b) of section 1 of Public Law 672, approved August 8, 1950 (50 U. S. C. 151b), the National Advisory Committee for Aeronautics is authorized to undertake additional construction and to purchase and install additional equipment at the following locations:

Langley Aeronautical Laboratory, Hampton, Virginia: High-temperature structural dynamics facility, a cable tie, instrumentation of a dynamics systems research airplane, and an ultra-high-temperature materials facility, \$16,583,000.

Ames Aeronautical Laboratory, Moffett Field, California: Hypersonic helium tunnel, hypervelocity research laboratory, and modifications to the flight research laboratory, \$4,321,000.

Lewis Flight Propulsion Laboratory, Cleveland, Ohio: Air heater for the unitary plan tunnel, modifications to the altitude tunnel, improvements to the propulsion systems laboratory, hypersonic missile propulsion facility, modifications to the materials research laboratory, and a high-energy rocket engine research facility, \$8,892,000.

Pilotless Aircraft Station, Wallops Island, Virginia: Erosion control, \$137,000.

Cost variations.

SEC. 2. Any of the approximate costs enumerated in section 1 of this Act may, in the discretion of the Director of the National Advisory Committee for Aeronautics, be varied upward 5 per centum to meet unusual cost variations, but the total cost of all work so enumerated shall not exceed \$29,933,000.

SEC. 3. Any funds appropriated for the construction of facilities pursuant to this Act may, with the approval of the Bureau of the Budget, be used for emergency repairs of existing facilities when (1) such existing facilities are made inoperative by major breakdown, accident, or other circumstance; and (2) such repairs are deemed by the Chairman of the National Advisory Committee for Aeronautics to be of greater urgency than the construction of new facilities.

Emergency re-
pairs.

SEC. 4. Not to exceed \$500,000 of the funds appropriated for the construction of facilities pursuant to this Act may, with the approval of the Bureau of the Budget, be used for the construction of new research facilities or for the modernization of existing research facilities not specifically authorized herein when such construction or modification is deemed by the Chairman of the National Advisory Committee for Aeronautics to be of greater urgency than the construction of the facilities authorized by this Act: *Provided, however,* That no such funds shall be used for the construction or modernization of any facility for which funds may previously have been denied by the Congress.

Limitation on
new facilities, etc.

SEC. 5. There are hereby authorized to be appropriated such amounts as may be required to accomplish the purposes of this Act.

Restriction.

Appropriations.

Approved August 8, 1958.

Public Law 85-618

AN ACT

To reinstate certain terminated oil and gas leases.

August 12, 1958
[S. 3307]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the payment of the annual rental, which was due no later than September 3, 1957, but which was made on September 6, 1957, with respect to noncompetitive oil and gas leases Colorado 08830, 08861, and 08862 shall be deemed to have been compliance with the terms and provisions of those leases and of the Mineral Leasing Act of February 25, 1920, as amended (30 U. S. C., sec. 181 and the following), and those aforementioned leases which were automatically terminated for the failure to make timely payment of rental are hereby reinstated as of the date of that termination.

Oil and gas
leases.
Reinstatement.

41 Stat. 437.

Approved August 12, 1958.

Public Law 85-619

AN ACT

To amend section 161 of the Revised Statutes with respect to the authority of Federal officers and agencies to withhold information and limit the availability of records.

August 12, 1958
[H. R. 2767]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 161 of the Revised Statutes of the United States (5 U. S. C. 22) is amended by adding at the end thereof the following new sentence: "This section does not authorize withholding information from the public or limiting the availability of records to the public."

Approved August 12, 1958.

Public Law 85-620

AN ACT

August 12, 1958
[H. R. 11378]

To amend Public Laws 815 and 874, Eighty-first Congress, to make permanent the programs providing financial assistance in the construction and operation of schools in areas affected by Federal activities, insofar as such programs relate to children of persons who reside and work on Federal property, to extend such programs until June 30, 1961, insofar as such programs relate to other children, and to make certain other changes in such laws.

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

Schools.
Construction in
federally affected
areas.

TITLE I—AMENDMENT OF PUBLIC LAW 815, EIGHTY-FIRST CONGRESS

SEC. 101. The Act of September 23, 1950 (Public Law 815, Eighty-first Congress), as amended, is amended to read as follows:

64 Stat. 967.
20 USC 251-255,
271-280.

“PURPOSE AND APPROPRIATION

“SECTION 1. The purpose of this Act is to provide assistance for the construction of urgently needed minimum school facilities in school districts which have had substantial increases in school membership as a result of new or increased Federal activities. There are hereby authorized to be appropriated for the fiscal year ending June 30, 1959, and each fiscal year thereafter, such sums as the Congress may determine to be necessary for such purpose. Sums so appropriated, other than sums appropriated for administration, shall remain available until expended.

“PORTION OF APPROPRIATIONS AVAILABLE FOR PAYMENTS

“SEC. 2. For each fiscal year the Commissioner shall determine the portion of the funds appropriated pursuant to section 1 which shall be available for carrying out the provisions of sections 9 and 10. The remainder of such funds shall be available for paying to local educational agencies the Federal share of the cost of projects for the construction of school facilities for which applications have been approved under section 6.

“ESTABLISHMENT OF PRIORITIES

“SEC. 3. The Commissioner shall from time to time set dates by which applications for payments under this Act with respect to construction projects must be filed, except that the last such date with respect to applications for payments on account of children referred to in paragraphs (2) or (3) of section 5 (a) shall be not later than June 30, 1961. The Commissioner shall by regulation prescribe an order of priority, based on relative urgency of need, to be followed in approving applications in the event the funds appropriated under this Act and remaining available on any such date for payment to local educational agencies are less than the Federal share of the cost of the projects with respect to which applications have been filed prior to such date (and for which funds under this Act have not already been obligated). Only applications meeting the conditions for approval under this Act (other than section 6 (b) (2) (C)) shall be considered applications for purposes of the preceding sentence.

"FEDERAL SHARE FOR ANY PROJECT

"SEC. 4. Subject to section 5 (which imposes limitations on the total of the payments which may be made to any local educational agency), the Federal share of the cost of a project under this Act shall be equal to such cost, but in no case to exceed the cost, in the school district of the applicant, of constructing minimum school facilities, and in no case to exceed the cost in such district of constructing minimum school facilities for the estimated number of children who will be in the membership of the schools of such agency at the close of the increase period and who will otherwise be without such facilities at such time. For the purposes of the preceding sentence, the number of such children who will otherwise be without such facilities at such time shall be determined by reference to those facilities which (1) are built or under contract as of the date on which the Commissioner set, under section 3, the earliest date on or before which the application for such project was filed, or (2) as of the date the application for such project is approved, are included in a project the application for which has been approved under this Act.

"LIMITATION ON TOTAL PAYMENTS TO ANY LOCAL EDUCATIONAL AGENCY

"SEC. 5. (a) Subject to the limitations in subsections (c) and (d), the total of the payments to a local educational agency under this Act may not exceed the sum of the following:

"(1) the estimated increase, since the base year, in the number of children residing on Federal property with a parent employed on Federal property (situated in whole or in part in the same State as the school district of such agency or within reasonable commuting distance from such school district), multiplied by 95 per centum of the average per pupil cost of constructing minimum school facilities in the State in which the school district of such agency is situated; and

"(2) the estimated increase, since the base year, in the number of children residing on Federal property, or residing with a parent employed on Federal property (situated in whole or in part in the same State as the school district of such agency or within reasonable commuting distance from such school district), multiplied by 50 per centum of the average per pupil cost of constructing minimum school facilities in the State in which the school district of such agency is situated. A child of a parent who commenced residing in or near the school district of such an agency while assigned to employment, as a member of the Armed Forces on active duty, on Federal property (situated in whole or in part in the same State as the school district of such agency or within reasonable commuting distance from such school district) and who was subsequently assigned elsewhere on active duty as a member of the Armed Forces, shall continue to be considered as residing with a parent employed on such Federal property, for purposes of this paragraph and paragraph (1) of this subsection, for so long as the parent is so assigned; and

"(3) the estimated increase, since the base year, in the number of children whose membership results directly from activities of the United States (carried on either directly or through a contractor), multiplied by 45 per centum of the average per pupil cost of constructing minimum school facilities in the State in which the school district of such agency is situated. For purposes of this paragraph, the Commissioner shall not consider as activities of the United States those activities which are car-

ried on in connection with real property excluded from the definition of Federal property by the last sentence of paragraph (1) of section 15, but shall (if the local educational agency so elects pursuant to subsection (b)) consider as children whose membership results directly from activities of the United States children residing on Federal property or residing with a parent employed on Federal property.

In computing for any local educational agency the number of children in an increase under paragraph (1), (2), or (3), the estimated number of children described in such paragraph who will be in the membership of the schools of such agency at the close of the increase period shall be compared with the estimated number of such children in the average daily membership of the schools of such agency during the base year.

“(b) If two or more of the paragraphs of subsection (a) apply to a child, the local educational agency shall elect which of such paragraphs shall apply to such child, except that, notwithstanding the election of a local educational agency to have paragraph (2) apply to a child instead of paragraph (1), the determination of the maximum amount for such agency under subsection (a) shall be made without regard to such election.

“(c) A local educational agency shall not be eligible to have any amount included in its maximum by reason of paragraph (1), (2), or (3) of subsection (a) unless the increase in children referred to in such paragraph, prior to the application of the limitation in subsection (d), is at least twenty and is equal to at least 5 per centum in the case of paragraph (1) or (2), and 10 per centum in the case of paragraph (3), of the number of all children who were in the average daily membership of the schools of such agency during the base year, and unless, in the case of paragraph (3), the construction of additional minimum school facilities for the number of children in such increase will, in the judgment of the Commissioner, impose an undue financial burden on the taxing and borrowing authority of such agency: *Provided*, That children residing on any housing property which, prior to sale or transfer by the United States, was considered to be Federal property for the purposes of this Act, shall not be considered as having been federally connected in determining the eligibility of the local educational agency under this subsection.

“(d) If (1) the estimated number of nonfederally connected children who will be in the membership of the schools of a local educational agency at the close of the increase period is less than (2) 107 per centum of the number of such children who were in the average daily membership of such agency during the base year, the total number of children counted for purposes of subsection (a) with respect to such agency shall be reduced by the difference between (1) and (2) hereof. For purposes of this subsection, all children in the membership of a local educational agency shall be counted as nonfederally connected children except children whose membership in the base year and increase period was compared in computing an increase which meets the requirements of subsection (c).

“(e) Notwithstanding the provisions of subsections (c) and (d) of this section, whenever and to the extent that, in his judgment, exceptional circumstances exist which make such action necessary to avoid inequity and avoid defeating the purposes of this Act, the Commissioner may do any one or more of the following: (1) he may waive or reduce any percentage requirement or requirements in subsection (c); (2) he may waive the requirement contained in the first sentence of subsection (d) or reduce the percentage specified in clause (2) of such sentence.

“(f) If—

“(1) the first year of the increase period for an application made by a local educational agency constitutes the second year of the increase period for a previous application made by such agency under this Act, or under this Act as in effect January 1, 1958, and

“(2) any payment has been or may be made to such agency on the basis of such previous application,

then, in determining under this section the total of the payments which may be made to such agency on the basis of the later application, the total number of children counted for purposes of paragraph (1), (2), or (3), as the case may be, of subsection (a) may not exceed—

“(3) the number of children whose membership at the close of the increase period for the later application is compared with membership in the base year for purposes of such paragraph, minus

“(4) the number of such children whose membership at the close of the increase period for the previous application was compared with membership in the base year for purposes of such paragraph.

“APPLICATIONS

“SEC. 6. (a) No payment may be made to any local educational agency under this Act except upon application therefor which is submitted through the appropriate State educational agency and is filed with the Commissioner in accordance with regulations prescribed by him.

“(b) (1) Each application by a local educational agency shall set forth the project for the construction of school facilities for such agency with respect to which it is filed, and shall contain or be supported by—

Approval conditions.

“(A) a description of the project and the site therefor, preliminary drawings of the school facilities to be constructed thereon, and such other information relating to the project as may reasonably be required by the Commissioner;

“(B) assurance that such agency has or will have title to the site, or the right to construct upon such site school facilities as specified in the application and to maintain such school facilities on such site for a period of not less than twenty years after the completion of the construction;

“(C) assurance that such agency has legal authority to undertake the construction of the project and to finance any non-Federal share of the cost thereof as proposed, and assurance that adequate funds to defray any such non-Federal share will be available when needed;

“(D) assurance that such agency will cause work on the project to be commenced within a reasonable time and prosecuted to completion with reasonable diligence;

“(E) assurance that the rates of pay for laborers and mechanics engaged in the construction will be not less than the prevailing local wage rates for similar work as determined in accordance with Public Law Numbered 403 of the Seventy-fourth Congress, approved August 30, 1935, as amended;

“(F) assurance that the school facilities of such agency will be available to the children for whose education contributions are provided in this Act on the same terms, in accordance with the laws of the State in which the school district of such agency is situated, as they are available to other children in such school district; and -

64 Stat. 1100.
20 USC 236 et
seq.

“(G) assurance that such agency will from time to time prior to the completion of the project submit such reports relating to the project as the Commissioner may reasonably require.

“(2) The Commissioner shall approve any application if he finds (A) that the requirements of paragraph (1) have been met and that approval of the project would not result in payments in excess of those permitted by sections 4 and 5, (B) after consultation with the State and local educational agencies, that the project is not inconsistent with overall State plans for the construction of school facilities, and (C) that there are sufficient Federal funds available to pay the Federal share of the cost of such project and of all other projects for which Federal funds have not already been obligated and applications for which, under section 3, have a higher priority: *Provided*, That the Commissioner may approve any application for payments under this Act at any time after it is filed and before any priority is established with respect thereto under section 3 if he determines that—

“(i) on the basis of information in his possession, it is likely that the urgency of the need of the local educational agency is such that it would have a priority under section 3 which would qualify it for payments under this Act when such priorities are established, and

“(ii) the number of children in the increase under section 5 (a) is in large measure attributable to children who reside or will reside in housing newly constructed on Federal property.

Hearing.

“(c) No application under this Act shall be disapproved in whole or in part until the Commissioner of Education has afforded the local educational agency reasonable notice and opportunity for hearing.

“PAYMENTS

“SEC. 7. (a) Upon approving the application of any local educational agency under section 6, the Commissioner of Education shall pay to such agency an amount equal to 10 per centum of the Federal share of the cost of the project. After final drawings and specifications have been approved by the Commissioner of Education and the construction contract has been entered into, the Commissioner shall, in accordance with regulations prescribed by him and at such times and in such installments as may be reasonable, pay to such agency the remainder of the Federal share of the cost of the project.

“(b) Any funds paid to a local educational agency under this Act and not expended for the purposes for which paid shall be repaid to the Treasury of the United States.

“ADDITIONAL PAYMENTS

“SEC. 8. Not to exceed 10 per centum of the sums appropriated pursuant to this Act for any fiscal year (exclusive of any sums appropriated for administration) may be used by the Commissioner, under regulations prescribed by him, to make grants to local educational agencies where (1) the application of such agencies would be approved under this Act but for the agencies' inability, unless aided by such grants, to finance the non-Federal share of the cost of the projects set forth in their applications, or (2) although the applications of such agencies have been approved, the projects covered by such applications could not, without such grants, be completed, because of flood, fire, or similar emergency affecting either the work on the projects or the agencies' ability to finance the non-Federal share of the cost of the projects. Such grants shall be in addition to the payments otherwise provided under this Act, shall be made to those local educational

agencies whose need for additional aid is the most urgent and acute, and insofar as practicable shall be made in the same manner and upon the same terms and conditions as such other payments.

“WHERE EFFECT OF FEDERAL ACTIVITIES WILL BE TEMPORARY

“SEC. 9. Notwithstanding the preceding provisions of this Act, whenever the Commissioner determines that the membership of some or all of the children, who may be included in computing under section 5 the maximum on the total of the payments for any local educational agency, will be of temporary duration only, such membership shall not be included in computing such maximum. Instead, the Commissioner may make available to such agency such temporary school facilities as may be necessary to take care of such membership; or he may, where the local educational agency gives assurance that at least minimum school facilities will be provided for such children, pay (on such terms and conditions as he deems appropriate to carry out the purposes of this Act) to such agency for use in constructing school facilities an amount equal to the amount which he estimates would be necessary to make available such temporary facilities. In no case, however, may the amount so paid exceed the cost, in the school district of such agency, of constructing minimum school facilities for such children. The Commissioner may transfer to such agency or its successor all the right, title, and interest of the United States in and to any temporary facilities made available to such agency under this section (or section 309 of this Act as in effect January 1, 1958); any such transfer shall be without charge, but may be made on such other terms and conditions, and at such time as the Commissioner deems appropriate to carry out the purposes of this Act.

67 Stat. 525.

“CHILDREN FOR WHOM LOCAL AGENCIES ARE UNABLE TO PROVIDE
EDUCATION

“SEC. 10. In the case of children who it is estimated by the Commissioner in any fiscal year will reside on Federal property at the end of the next fiscal year—

“(1) if no tax revenues of the State or any political subdivision thereof may be expended for the free public education of such children; or

“(2) if it is the judgment of the Commissioner, after he has consulted with the appropriate State educational agency, that no local educational agency is able to provide suitable free public education for such children,

the Commissioner shall make arrangements for constructing or otherwise providing the minimum school facilities necessary for the education of such children. To the maximum extent practicable school facilities provided under this section shall be comparable to minimum school facilities provided for children in comparable communities in the State. This section shall not apply (A) to children who reside on Federal property under the control of the Atomic Energy Commission, and (B) to Indian children attending federally operated Indian schools. Whenever it is necessary for the Commissioner to provide school facilities for children residing on Federal property under this section, the membership of such children may not be included in computing under section 5 the maximum on the total of the payments for any local educational agency.

"WITHHOLDING OF PAYMENTS

"SEC. 11. (a) Whenever the Commissioner of Education, after reasonable notice and opportunity for hearing to a local educational agency, finds (1) that there is a substantial failure to comply with the drawings and specifications for the project, (2) that any funds paid to a local educational agency under this Act have been diverted from the purposes for which paid, or (3) that any assurance given in an application is not being or cannot be carried out, the Commissioner may forthwith notify such agency that no further payment will be made under this Act with respect to such agency until there is no longer any failure to comply or the diversion or default has been corrected or, if compliance or correction is impossible, until such agency repays or arranges for the repayment of Federal moneys which have been diverted or improperly expended.

Judicial review.

"(b) The final refusal of the Commissioner to approve part or all of any application under this Act, and the Commissioner's final action under subsection (a) of this section, shall be subject to judicial review on the record, in the United States court of appeals for the circuit in which the local educational agency is located, in accordance with the provisions of the Administrative Procedure Act.

60 Stat. 237.
5 USC 1001 note.

"ADMINISTRATION

"SEC. 12. (a) In the administration of this Act, no department, agency, officer, or employee of the United States shall exercise any direction, supervision, or control over the personnel, curriculum, or program of instruction of any school or school system of any local or State educational agency.

"(b) The Commissioner of Education shall administer this Act, and he may make such regulations and perform such other functions as he finds necessary to carry out the provisions of this Act.

Report to Congress.

"(c) The Commissioner shall include in his annual report to the Congress a full report of the administration of his functions under this Act, including a detailed statement of receipts and disbursements.

"(d) With respect to compliance with and enforcement of the prevailing wage provisions of section 6 (b) (1) (E), the Secretary of Labor shall prescribe appropriate standards, regulations, and procedures, which shall be observed by the agencies administering such provisions, and shall cause to be made by the Department of Labor such investigations as he deems desirable.

"USE OF OTHER FEDERAL AGENCIES; TRANSFER AND AVAILABILITY OF APPROPRIATIONS

"SEC. 13. (a) The Commissioner may delegate to any officer or employee of the Office of Education any of his functions under this Act, except the making of regulations. In carrying out his functions under this Act, the Commissioner of Education may also utilize the facilities and services of any other Federal department or agency and may delegate the performance of any of his functions, except the making of regulations, to any officer or employee of any other Federal department or agency. The Commissioner of Education shall exercise the authority contained in the preceding sentence whenever such exercise will avoid the creation within the Office of Education of a staff and facilities which duplicate existing available staffs and facilities. Any such utilization or delegation shall be pursuant to proper agreement with the Federal department or agency concerned; and payment to cover the cost thereof shall be made either in advance or by way of reimbursement, as may be pro-

vided in such agreement. Any delegation of functions or authority authorized under this section will not relieve the Commissioner of the responsibility placed on him by this Act.

“(b) All Federal departments or agencies administering Federal property on which children reside, and all such departments or agencies principally responsible for Federal activities which may give rise to a need for the construction of school facilities, shall to the maximum extent practicable, comply with requests of the Commissioner for information he may require in carrying out the purposes of this Act.

“(c) No appropriation to any department or agency of the United States, other than an appropriation to carry out this Act, shall be available for the same purpose as this Act; except that nothing in this subsection shall affect the availability of appropriations authorized, prior to September 23, 1950, for the construction of school facilities to be attended by Indian children or appropriations (1) for the construction of school facilities on Federal property under the control of the Atomic Energy Commission, (2) for the construction of school facilities which are to be federally operated for Indian children, or (3) for the construction of school facilities under the Alaska Public Works Act, approved August 24, 1949.

63 Stat. 627.
48 USC 486 note.

“SCHOOL CONSTRUCTION ASSISTANCE IN OTHER FEDERALLY-AFFECTED
AREAS

“SEC. 14. (a) If the Commissioner determines with respect to any local educational agency that—

“(1) such agency is providing or, upon completion of the school facilities for which provision is made herein, will provide free public education for children who reside on Federal property, and whose membership in the schools of such agency has not formed and will not form the basis for payments under other provisions of this Act, and that the total number of such children represents a substantial percentage of the total number of children for whom such agency provides free public education or that the total number of such children who reside on Indian lands located outside the school district of such agency equals or exceeds 100;

“(2) the immunity of such Federal property to taxation by such agency has created a substantial and continuing impairment of its ability to finance needed school facilities;

“(3) such agency is making a reasonable tax effort and is exercising due diligence in availing itself of State and other financial assistance available for the purpose; and

“(4) such agency does not have sufficient funds available to it from other Federal, State, and local sources to provide the minimum school facilities required for free public education in its school district,

he may provide the additional assistance necessary to enable such agency to provide such facilities, upon such terms and in such amounts (subject to the provisions of this section) as the Commissioner may consider to be in the public interest; but such additional assistance may not exceed the portion of the cost of such facilities which the Commissioner estimates is attributable to children who reside on Federal property, and which has not been, and is not to be, recovered by the local educational agency from other sources, including payments by the United States under any other provisions of this Act or any other law. Notwithstanding the provisions of this subsection, the Commissioner may waive the percentage requirement in paragraph (1) in the case of any application for additional assistance on account of children who reside on Indian lands whenever, in his judgment, exceptional circumstances exist which make such action necessary to

avoid inequity and avoid defeating the purposes of this section. Assistance may be furnished under this subsection without regard to paragraph (2) (but subject to the other provisions of this subsection and subsection (c)) to any local educational agency which provides free public education for children who reside on Indian lands located outside its school district. For purposes of this subsection 'Indian lands' means Indian reservations or other real property referred to in the third sentence of section 15 (1).

Appropriation.

"(b) There are hereby authorized to be appropriated for each fiscal year ending prior to July 1, 1961, such sums, not to exceed \$40,000,000 in the aggregate, as may be necessary to carry out the provisions of this section. There are also authorized to be appropriated such sums as may be necessary for administration of such provisions. Amounts so appropriated, other than amounts appropriated for administration, shall remain available until expended, except that after June 30, 1961, no agreement may be made to extend assistance under this section.

"(c) No payment may be made to any local educational agency under subsection (a) except upon application therefor which is submitted through the appropriate State educational agency and is filed with the Commissioner in accordance with regulations prescribed by him, and which meets the requirements of section 6 (b) (1). In determining the order in which such applications shall be approved, the Commissioner shall consider the relative educational and financial needs of the local educational agencies which have submitted approvable applications and the nature and extent of the Federal responsibility. No payment may be made under subsection (a) unless the Commissioner finds, after consultation with the State and local educational agencies, that the project or projects with respect to which it is made are not inconsistent with over-all State plans for the construction of school facilities. All determinations made by the Commissioner under this section shall be made only after consultation with the appropriate State educational agency and the local educational agency.

"(d) Amounts paid by the Commissioner to local educational agencies under subsection (a) may be paid in advance of, or by way of reimbursement for, work performed or purchases made pursuant to the agreement with the Commissioner under this section, and may be paid in such installments as the Commissioner may determine. Any funds paid to a local educational agency and not expended or otherwise used for the purposes for which paid shall be repaid to the Treasury of the United States.

"(e) None of the provisions of sections 1 to 10, both inclusive, other than section 6 (b) (1), shall apply with respect to determinations made under this section.

"DEFINITIONS

"SEC. 15. For the purposes of this Act—

"(1) The term 'Federal property' means real property which is owned by the United States or is leased by the United States, and which is not subject to taxation by any State or any political subdivision of a State or by the District of Columbia. Such term includes real property which is owned by the United States and leased therefrom and the improvements thereon, even though the lessee's interest, or any improvement on such property, is subject to taxation by a State or a political subdivision of a State or by the District of Columbia. Except for the purposes of section 10, such term also includes (A) real property held in trust by the United States for individual Indians or Indian tribes, and real property held by individual Indians or Indian tribes which is subject to restrictions on alienation imposed by the United States, and (B) any school which is providing flight training to members of the Air Force under con-

tractual arrangements with the Department of the Air Force at an airport which is owned by a State or a political subdivision of a State. Notwithstanding the foregoing provisions of this paragraph, such term does not include (A) any real property used by the United States primarily for the provision of services or benefits to the local area in which such property is situated, (B) any real property used for a labor supply center, labor home, or labor camp for migratory farm workers, (C) any real property under the jurisdiction of the Post Office Department and used primarily for the provision of postal services, or (D) any low-rent housing project held under title II of the National Industrial Recovery Act, the Emergency Relief Appropriation Act of 1935, the United States Housing Act of 1937, the Act of June 28, 1940 (Public Law 671, Seventy-sixth Congress), or any law amendatory of or supplementary to any of such Acts.

"(2) The term 'child' means any child who is within the age limits for which the applicable State provides free public education.

"(3) The term 'parent' includes a legal guardian or other person standing in loco parentis.

"(4) The term 'free public education' means education which is provided at public expense, under public supervision and direction, and without tuition charge, and which is provided as elementary or secondary school education in the applicable State.

"(5) The membership of schools shall be determined in accordance with State law or, in the absence of State law governing such a determination, in accordance with regulations of the Commissioner; except that, notwithstanding any other provision of this Act, where the local educational agency of the school district in which any child resides makes or contracts to make a tuition payment for the free public education of such child in a school situated in another school district, for purposes of this Act the membership of such child, shall be held and considered—

"(A) if the two local educational agencies concerned so agree, and if such agreement is approved by the Commissioner, as membership of a school of the local educational agency receiving such tuition payment;

"(B) in the absence of any such approved agreement, as membership of a school of the local educational agency so making or contracting to make such tuition payment.

In any determination of membership of schools, children who are not provided free public education (as defined in paragraph (4)) shall not be counted.

"(6) The average per pupil cost of constructing minimum school facilities in the State in which the school district of a local educational agency is situated shall be determined by the Commissioner of Education on the basis of the contract cost per square foot under contracts for the construction of school facilities (exclusive of costs of site improvements, equipment, and architectural, engineering, and legal fees) entered into in the State for the base year designated in the application, increased by a percentage estimated by the Commissioner to represent additional costs for site improvements, equipment, and architectural, engineering, and legal fees, and multiplied by a factor estimated by the Commissioner to represent the area needed per pupil in minimum school facilities. If the Commissioner finds that the information available for the State concerned for such preceding fiscal year is inadequate or not sufficiently representative, he shall determine such cost on the basis of such information as he has available and after consultation with the State educational agency. The cost of constructing minimum school facilities in the school district of a local educational agency shall be determined by the Com-

48 Stat. 200.
40 USC 414.
49 Stat. 115.
50 Stat. 888.
42 USC 430.
54 Stat. 676.
50 U S C app.
1151.

missioner, after consultation with the State and local educational agencies, on the basis of such information as may be contained in the application of such local educational agency and such other information as he may obtain.

“(7) Estimates of membership, and all other determinations with respect to eligibility and maximum amount of payment, shall be made as of the time of the approval of the application for which made, and shall be made on the basis of the best information available at the time of such approval.

“(8) The terms ‘construct’, ‘constructing’, and ‘construction’ include the preparation of drawings and specifications for school facilities; erecting, building, acquiring, altering, remodeling, improving, or extending school facilities; and the inspection and supervision of the construction of school facilities.

“(9) The term ‘school facilities’ includes classrooms and related facilities; and initial equipment, machinery, and utilities necessary or appropriate for school purposes. Such term does not include athletic stadiums, or structures or facilities intended primarily for athletic exhibitions, contests, or games or other events for which admission is to be charged to the general public. Except as used in sections 9 and 10, such term does not include interests in land and off-site improvements.

“(10) Whether or not school facilities are minimum school facilities shall be determined by the Commissioner, after consultation with the State and local educational agencies, in accordance with regulations prescribed by him.

“(11) The term ‘local educational agency’ means a board of education or other legally constituted local school authority having administrative control and direction of free public education in a county, township, independent, or other school district located within a State. Such term includes any State agency which directly operates and maintains facilities for providing free public education or which has responsibility for the provision of such facilities.

“(12) The term ‘State educational agency’ means the officer or agency primarily responsible for the State supervision of public elementary and secondary schools.

“(13) The term ‘State’ means a State, Alaska, Hawaii, Puerto Rico, Guam, the Virgin Islands, or Wake Island.

“(14) The terms ‘Commissioner of Education’ and ‘Commissioner’ mean the United States Commissioner of Education.

“(15) The term ‘base year’ means the regular school year preceding the fiscal year in which an application was filed under this Act or the regular school year preceding such school year, as may be designated in the application, except that in the case of an application based on children referred to in paragraph (2) or (3) of section 5 (a), the base year shall in no event be later than the regular school year 1958-1959; and

“(16) The term ‘increase period’ means the period of two consecutive regular school years immediately following such base year.”

Effective date.

SEC. 102. The amendment made by section 101 shall be effective for the period beginning July 1, 1958, except that such amendment shall not apply in the determination of payments on applications based on the increase period ending with the regular school year 1958-1959, or any prior regular school year.

TITLE II—AMENDMENTS TO PUBLIC LAW 874, EIGHTY-FIRST CONGRESS

SEC. 201. (a) Section 2 (a) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), as amended, is amended by striking out "the fiscal year beginning July 1, 1950, or for any of the seven succeeding fiscal years" and inserting in lieu thereof the following: "any fiscal year ending prior to July 1, 1961".

Federal acquisition of real property.
64 Stat. 1101.
20 USC 237.

(b) Paragraph (1) of section 2 (b) of such Act is amended by inserting before the period at the end thereof the following: "; but shall not include payments pursuant to contract or other arrangement under section 1 of the Act of April 16, 1934, commonly referred to as the Johnson-O'Malley Act (25 U. S. C., sec. 452)".

48 Stat. 596.

SEC. 202. (a) Section 3 (a) of such Act is amended by striking out "ending prior to July 1, 1958".

Children residing on Federal property.
49 Stat. 1458.
25 USC 454.

(b) Section 3 (b) of such Act is amended—

(1) by striking out "For such purpose" and inserting in lieu thereof the following: "For the purpose of computing the amount to which a local educational agency is entitled under this section for any fiscal year ending prior to July 1, 1961";

(2) by inserting after "the number of children" the following: "(other than children to whom subsection (a) applies)"; and

(3) by striking out the last sentence thereof.

(c) Section 3 (c) of such Act is amended—

Special requirements applicable to local agencies.

(1) by striking out "ending prior to July 1, 1958," where it appears in paragraph (1);

(2) by striking out the period at the end of clause (B) of paragraph (2) and inserting in lieu thereof a comma and the following: "except that such 3 per centum requirement need not be met by such agency for any period of two fiscal years which follows a fiscal year during which such agency met such requirement and was entitled to payment under the provisions of this section, but the payment, under the provisions of this section to such agency for the second fiscal year of any such two-year period during which such requirement is not met, shall be reduced by 50 per centum of the amount thereof.

"For the purposes of this paragraph and paragraph (3), a local educational agency may count as children determined under subsection (b) any number of children determined under subsection (a).";

(3) by striking out "June 30, 1939" where it appears in paragraph (3) and inserting in lieu thereof "June 30, 1957";

(4) by striking out all of paragraph (3) which appears after "exceeded 35,000" and inserting in lieu thereof the following: ", such agency's percentage requirement for eligibility (as set forth in paragraph (2) of this subsection) shall be 6 per centum instead of 3 per centum (and the provisions of the last sentence of such paragraph (2) which relate to the lowering of the percentage requirement shall not apply) : *Provided*, That this paragraph shall not apply to any agency or consolidated agencies which have qualified for payments under this Act before the date of enactment of this proviso, by virtue of having less than thirty-five thousand average daily attendance during the fiscal year ending June 30, 1939.";

Provision.

(5) by striking out "ending prior to July 1, 1958" where it appears in clause (A) of paragraph (4); and

(6) by striking out "effective for the fiscal year beginning July 1, 1955, and the two succeeding fiscal years" where it appears in clause (D) of paragraph (4).

(d) Section 3 (d) of such Act is amended—

(1) by striking out "most nearly" in clause (1) and inserting in lieu thereof "generally"; and

(2) by striking out the fourth and fifth sentences and inserting in lieu thereof the following: "In no event shall the local contribution rate for any local educational agency in any State in the continental United States for any fiscal year be less than (i) 50 per centum of the average per pupil expenditure in such State or (ii) 50 per centum of the average per pupil expenditure in the continental United States, but not to exceed the average per pupil expenditure in the State: *Provided*, That if, for the fiscal year ending June 30, 1959, the application of clause (ii) of this sentence results in a lower local contribution rate than resulted from the application of such clause during the fiscal year ending June 30, 1958, as such clause was then in effect, then such clause, as in effect during the fiscal year ending June 30, 1958, shall be in effect during the fiscal year ending June 30, 1959. For the purposes of the preceding sentence the 'average per pupil expenditure' in a State, or in the continental United States, shall be the aggregate current expenditures, during the second fiscal year preceding the fiscal year for which the computation is made, of all local educational agencies in the State, or in the continental United States, as the case may be (without regard to the sources of funds from which such expenditures are made), divided by the aggregate number of children in average daily attendance to whom such agencies provided free public education during such preceding fiscal year."

(e) Section 3 (e) of such Act is amended by adding the word "actually" after the words "(as defined in section 2 (b) (1)) and".

Sudden increases in attendance.

SEC. 203. (a) Section 4 (a) of such Act is amended (1) by striking out "1958" both times it appears therein and inserting in lieu thereof "1961" and (2) by inserting after "50 per centum of such product" the following: "reduced by the amount of such product which is attributable to children with respect to whom such agency is, or upon application would be, entitled to receive any payment under section 3 for such fiscal year".

(b) Subparagraph (A) of section 4 (c) of such Act is amended by striking out "year, and" and inserting in lieu thereof "year: *Provided*, That the Commissioner shall count for such purposes as an increase directly resulting from activities of the United States, an increase in the number of children who reside on Federal property or reside with a parent employed on Federal property, if the local educational agency files, in accordance with regulations of the Commissioner, its election that such increase be counted for such purposes instead of for the purposes of section 3; and".

Transfer and availability of appropriations.

SEC. 204. Subsection (d) of section 8 of such Act is amended—

(1) by striking out "during the period beginning July 1, 1953, and ending June 30, 1958,"; and

(2) by inserting before the period at the end thereof the following: "or the availability of appropriations under the Act of April 16, 1934, commonly referred to as the Johnson-O'Malley Act (25 U. S. C., sec. 452)".

48 Stat. 596; 49 Stat. 1458.

Definitions.

SEC. 205. (a) The third sentence of paragraph (1) of section 9 of such Act is amended by inserting after "(A)" the following: "except for purposes of section 6,".

(b) The last sentence of paragraph (1) of section 9 of such Act is amended—

(1) by inserting "or benefits" after "provision of services"; and

(2) by striking out "or (C)" and inserting in lieu thereof the following: "(C) any real property under the jurisdiction of the Post Office Department and used primarily for the provision of postal services, or (D)".

(c) Paragraph (2) of section 9 of such Act is amended by striking out the last sentence thereof.

SEC. 206. Section 10 of such Act is repealed.

SEC. 207. The amendments made by this title shall be effective for the period beginning July 1, 1958.

Approved August 12, 1958.

Repeal.
Effective date.

Public Law 85-621

AN ACT

For the relief of certain persons who sustained damages by reason of fluctuations in the water level of the Lake of the Woods.

August 12, 1958
[H. R. 10805]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to each claimant who filed a claim pursuant to the Act entitled "An Act to provide for the compensation of certain persons whose lands have been flooded and damaged by reason of fluctuations in the water level of the Lake of the Woods", approved August 13, 1954 (68 Stat. 728), or if deceased, to his heirs, a sum equal to the amount determined by the Secretary of the Army to be equitably due such claimants as set forth in the report to the Congress submitted in accordance with the provisions of such Act. No part of the amount appropriated in this Act for the payment of any one claim in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with such claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Lake of the
Woods, Minn.
Water damage
claims.

Penalty.

Approved August 12, 1958.

Public Law 85-622

AN ACT

To provide for a display pasture for the bison herd on the Montana National Bison Range in the State of Montana, and for other purposes.

August 12, 1958
[H. R. 3402]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to provide adequate pasture for the display of bison in their natural habitat at a location readily available to the public, the Secretary of the Interior is authorized to procure title, in such manner as he shall consider to be in the public interest, including but not limited to, donation and the use of donated funds, not to exceed four hundred acres of land in Lake County, Montana, as he shall find to be suitable for development of a display pasture for a part of the bison herd on the Montana National Bison Range. The property so acquired shall be administered by the Secretary of the Interior as a part of the Montana National Bison Range.

Montana National
Bison Range.

SEC. 2. In furtherance of the aforesaid purposes, the Secretary may take such action and make such expenditures as he shall find to be necessary in order to secure satisfactory title in the United States to such properties, including the payment of expenses incidental to the

Rights-of-way,
easements, etc.

location, examination, and survey of such lands and the acquisition of title thereto; but no payment shall be made for any such lands until the title thereto shall be satisfactory to the Attorney General: *Provided*, That the acquisition of such lands or interests therein by the United States shall in no case be defeated because of rights-of-way, easements, exceptions, and reservations which, in the opinion of the Secretary of the Interior, will not interfere materially with the use of such properties for the purposes of this Act.

Approved August 12, 1958.

Public Law 85-623

AN ACT

August 12, 1958
[H. R. 12850]

To prohibit the introduction, or manufacture for introduction, into interstate commerce of switchblade knives, and for other purposes.

Switchblade
knives.
Prohibition.
Definitions.

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

(a) The term "interstate commerce" means commerce between any State, Territory, possession of the United States, or the District of Columbia, and any place outside thereof.

(b) The term "switchblade knife" means any knife having a blade which opens automatically—

(1) by hand pressure applied to a button or other device in the handle of the knife, or

(2) by operation of inertia, gravity, or both.

Penalty.

SEC. 2. Whoever knowingly introduces, or manufactures for introduction, into interstate commerce, or transports or distributes in interstate commerce, any switchblade knife, shall be fined not more than \$2,000 or imprisoned not more than five years, or both.

Territorial jurisdiction.

62 Stat. 757; 63 Stat. 94.

62 Stat. 685; 66 Stat. 589.

SEC. 3. Whoever, within any Territory or possession of the United States, within Indian country (as defined in section 1151 of title 18 of the United States Code), or within the special maritime and territorial jurisdiction of the United States (as defined in section 7 of title 18 of the United States Code), manufactures, sells, or possesses any switchblade knife, shall be fined not more than \$2,000 or imprisoned not more than five years, or both.

Exceptions.

SEC. 4. Sections 2 and 3 of this Act shall not apply to—

(1) any common carrier or contract carrier, with respect to any switchblade knife shipped, transported, or delivered for shipment in interstate commerce in the ordinary course of business;

(2) the manufacture, sale, transportation, distribution, possession, or introduction into interstate commerce, of switchblade knives pursuant to contract with the Armed Forces;

(3) the Armed Forces or any member or employee thereof acting in the performance of his duty; or

(4) the possession, and transportation upon his person, of any switchblade knife with a blade three inches or less in length by any individual who has only one arm.

Nonmailable knives.

SEC. 5. Section 1716 of title 18 of the United States Code is amended by inserting immediately after the sixth paragraph thereof the following new paragraph:

"All knives having a blade which opens automatically (1) by hand pressure applied to a button or other device in the handle of the knife, or (2) by operation of inertia, gravity, or both, are nonmailable and shall not be deposited in or carried by the mails or delivered by any postmaster, letter carrier, or other person in the postal service. Such knives may be conveyed in the mails, under such regulations as the Postmaster General shall prescribe—

Regulations.

“(1) to civilian or Armed Forces supply or procurement officers and employees of the Federal Government ordering, procuring, or purchasing such knives in connection with the activities of the Federal Government;

“(2) to supply or procurement officers of the National Guard, the Air National Guard, or militia of a State, Territory, or the District of Columbia ordering, procuring, or purchasing such knives in connection with the activities of such organizations;

“(3) to supply or procurement officers or employees of the municipal government of the District of Columbia or of the government of any State or Territory, or any county, city, or other political subdivision of a State or Territory, ordering, procuring, or purchasing such knives in connection with the activities of such government; and

“(4) to manufacturers of such knives or bona fide dealers therein in connection with any shipment made pursuant to an order from any person designated in paragraphs (1), (2), and (3).

The Postmaster General may require, as a condition of conveying any such knife in the mails, that any person proposing to mail such knife explain in writing to the satisfaction of the Postmaster General that the mailing of such knife will not be in violation of this section.”

Requirement for mailing.

SEC. 6. This Act shall take effect on the sixtieth day after the date of its enactment.

Effective date.

Approved August 12, 1958.

Public Law 85-624

AN ACT

August 12, 1958
[H. R. 13138]

To amend the Act of March 10, 1934, to provide for more effective integration of a fish and wildlife conservation program with Federal water-resource developments, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of March 10, 1934, as amended, and as further amended by this Act may be cited as the “Fish and Wildlife Coordination Act”.

Fish and Wildlife Coordination Act.

SEC. 2. The first four sections of the Act entitled “An Act to promote the conservation of wildlife, fish, and game, and for other purposes”, approved March 10, 1934 (16 U. S. C., secs. 661-664, inclusive) are amended to read as follows:

48 Stat. 401.

“For the purpose of recognizing the vital contribution of our wildlife resources to the Nation, the increasing public interest and significance thereof due to expansion of our national economy and other factors, and to provide that wildlife conservation shall receive equal consideration and be coordinated with other features of water-resource development programs through the effectual and harmonious planning, development, maintenance, and coordination of wildlife conservation and rehabilitation for the purposes of this Act in the United States, its Territories and possessions, the Secretary of the Interior is authorized (1) to provide assistance to, and cooperate with, Federal, State, and public or private agencies and organizations in the development, protection, rearing, and stocking of all species of wildlife, resources thereof, and their habitat, in controlling losses of the same from disease or other causes, in minimizing damages from overabundant species, in providing public shooting and fishing areas, including

Wildlife conservation.

Cooperation of agencies.

Surveys and investigations.

Donations.

Interagency water control consultation.

Reports and recommendations.

Modification of projects.

easements across public lands for access thereto, and in carrying out other measures necessary to effectuate the purposes of this Act; (2) to make surveys and investigations of the wildlife of the public domain, including lands and waters or interests therein acquired or controlled by any agency of the United States; and (3) to accept donations of land and contributions of funds in furtherance of the purposes of this Act.

"SEC. 2. (a) Except as hereafter stated in subsection (h) of this section, whenever the waters of any stream or other body of water are proposed or authorized to be impounded, diverted, the channel deepened, or the stream or other body of water otherwise controlled or modified for any purpose whatever, including navigation and drainage, by any department or agency of the United States, or by any public or private agency under Federal permit or license, such department or agency first shall consult with the United States Fish and Wildlife Service, Department of the Interior, and with the head of the agency exercising administration over the wildlife resources of the particular State wherein the impoundment, diversion, or other control facility is to be constructed, with a view to the conservation of wildlife resources by preventing loss of and damage to such resources as well as providing for the development and improvement thereof in connection with such water-resource development.

"(b) In furtherance of such purposes, the reports and recommendations of the Secretary of the Interior on the wildlife aspects of such projects, and any report of the head of the State agency exercising administration over the wildlife resources of the State, based on surveys and investigations conducted by the United States Fish and Wildlife Service and such State agency for the purpose of determining the possible damage to wildlife resources and for the purpose of determining means and measures that should be adopted to prevent the loss of or damage to such wildlife resources, as well as to provide concurrently for the development and improvement of such resources, shall be made an integral part of any report prepared or submitted by any agency of the Federal Government responsible for engineering surveys and construction of such projects when such reports are presented to the Congress or to any agency or person having the authority or the power, by administrative action or otherwise, (1) to authorize the construction of water-resource development projects or (2) to approve a report on the modification or supplementation of plans for previously authorized projects, to which this Act applies. Recommendations of the Secretary of the Interior shall be as specific as is practicable with respect to features recommended for wildlife conservation and development, lands to be utilized or acquired for such purposes, the results expected, and shall describe the damage to wildlife attributable to the project and the measures proposed for mitigating or compensating for these damages. The reporting officers in project reports of the Federal agencies shall give full consideration to the report and recommendations of the Secretary of the Interior and to any report of the State agency on the wildlife aspects of such projects, and the project plan shall include such justifiable means and measures for wildlife purposes as the reporting agency finds should be adopted to obtain maximum overall project benefits.

"(c) Federal agencies authorized to construct or operate water-control projects are hereby authorized to modify or add to the structures and operations of such projects, the construction of which has not been substantially completed on the date of enactment of the Fish and Wildlife Coordination Act, and to acquire lands in accordance with section 3 of this Act, in order to accommodate the means and measures for such conservation of wildlife resources as an in-

tegral part of such projects: *Provided*, That for projects authorized by a specific Act of Congress before the date of enactment of the Fish and Wildlife Coordination Act (1) such modification or land acquisition shall be compatible with the purposes for which the project was authorized; (2) the cost of such modifications or land acquisition, as means and measures to prevent loss of and damage to wildlife resources to the extent justifiable, shall be an integral part of the cost of such projects; and (3) the cost of such modifications or land acquisition for the development or improvement of wildlife resources may be included to the extent justifiable, and an appropriate share of the cost of any project may be allocated for this purpose with a finding as to the part of such allocated cost, if any, to be reimbursed by non-Federal interests.

“(d) The cost of planning for and the construction or installation and maintenance of such means and measures adopted to carry out the conservation purposes of this section shall constitute an integral part of the cost of such projects: *Provided*, That such cost attributable to the development and improvement of wildlife shall not extend beyond those necessary for (1) land acquisition, (2) modification of the project, and (3) modification of project operations; but shall not include the operation of wildlife facilities nor the construction of such facilities beyond those herein described: *And provided further*, That, in the case of projects authorized to be constructed, operated, and maintained in accordance with the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), the Secretary of the Interior, in addition to allocations made under section 9 of the Reclamation Project Act of 1939 (53 Stat. 1187), shall make findings on the part of the estimated cost of the project which can properly be allocated to means and measures to prevent loss of and damage to wildlife resources, which costs shall not be reimbursable, and an appropriate share of the project costs may be allocated to development and improvement of wildlife resources, with a finding as to the part of such allocated costs, if any, to be reimbursed by non-Federal fish and wildlife agencies or interests.

“(e) In the case of construction by a Federal agency, that agency is authorized to transfer to the United States Fish and Wildlife Service, out of appropriations or other funds made available for investigations, engineering, or construction, such funds as may be necessary to conduct all or part of the investigations required to carry out the purposes of this section.

“(f) In addition to other requirements, there shall be included in any report submitted to Congress supporting a recommendation for authorization of any new project for the control or use of water as described herein (including any new division of such project or new supplemental works on such project) an estimation of the wildlife benefits or losses to be derived therefrom including benefits to be derived from measures recommended specifically for the development and improvement of wildlife resources, the cost of providing wildlife benefits (including the cost of additional facilities to be installed or lands to be acquired specifically for that particular phase of wildlife conservation relating to the development and improvement of wildlife), the part of the cost of joint-use facilities allocated to wildlife, and the part of such costs, if any, to be reimbursed by non-Federal interests.

“(g) The provisions of this section shall be applicable with respect to any project for the control or use of water as prescribed herein, or any unit of such project authorized before or after the date of enactment of the Fish and Wildlife Coordination Act for planning

Project costs.

43 USC 371 and note.

43 USC 485h.

Transfer of funds.

Estimation of benefits.

Applicability.

or construction, but shall not be applicable to any project or unit thereof authorized before the date of enactment of the Fish and Wildlife Coordination Act if the construction of the particular project or unit thereof has been substantially completed. A project or unit thereof shall be considered to be substantially completed when sixty percent or more of the estimated construction cost has been obligated for expenditure.

Exceptions.

“(h) The provisions of this Act shall not be applicable to those projects for the impoundment of water where the maximum surface area of such impoundments is less than ten acres, nor to activities for or in connection with programs primarily for land management and use carried out by Federal agencies with respect to Federal lands under their jurisdiction.

Wildlife resources.

“SEC. 3. (a) Subject to the exceptions prescribed in section 2 (h) of this Act, whenever the waters of any stream or other body of water are impounded, diverted, the channel deepened, or the stream or other body of water otherwise controlled or modified for any purpose whatever, including navigation and drainage, by any department or agency of the United States, adequate provision, consistent with the primary purposes of such impoundment, diversion, or other control, shall be made for the use thereof, together with any areas of land, water, or interests therein, acquired or administered by a Federal agency in connection therewith, for the conservation, maintenance, and management of wildlife resources thereof, and its habitat thereon, including the development and improvement of such wildlife resources pursuant to the provisions of section 2 of this Act.

“(b) The use of such waters, land, or interests therein for wildlife conservation purposes shall be in accordance with general plans approved jointly (1) by the head of the particular department or agency exercising primary administration in each instance, (2) by the Secretary of the Interior, and (3) by the head of the agency exercising the administration of the wildlife resources of the particular State wherein the waters and areas lie. Such waters and other interests shall be made available, without cost for administration, by such State agency, if the management of the properties relate to the conservation of wildlife other than migratory birds, or by the Secretary of the Interior, for administration in such manner as he may deem advisable, where the particular properties have value in carrying out the national migratory bird management program: *Provided*, That nothing in this section shall be construed as affecting the authority of the Secretary of Agriculture to cooperate with the States or in making lands available to the States with respect to the management of wildlife and wildlife habitat on lands administered by him.

Report to Congress.

“(c) When consistent with the purposes of this Act and the reports and findings of the Secretary of the Interior prepared in accordance with section 2, land, waters, and interests therein may be acquired by Federal construction agencies for the wildlife conservation and development purposes of this Act in connection with a project as reasonably needed to preserve and assure for the public benefit the wildlife potentials of the particular project area: *Provided*, That before properties are acquired for this purpose, the probable extent of such acquisition shall be set forth, along with other data necessary for project authorization, in a report submitted to the Congress, or in the case of a project previously authorized, no such properties shall be acquired unless specifically authorized by Congress, if specific authority for such acquisition is recommended by the construction agency.

“(d) Properties acquired for the purposes of this section shall continue to be used for such purposes, and shall not become the subject of exchange or other transactions if such exchange or other transaction would defeat the initial purpose of their acquisition.

“(e) Federal lands acquired or withdrawn for Federal water-resource purposes and made available to the States or to the Secretary of the Interior for wildlife management purposes, shall be made available for such purposes in accordance with this Act, notwithstanding other provisions of law.

“(f) Any lands acquired pursuant to this section by any Federal agency within the exterior boundaries of a national forest shall, upon acquisition, be added to and become national forest lands, and shall be administered as a part of the forest within which they are situated, subject to all laws applicable to lands acquired under the provisions of the Act of March 1, 1911 (36 Stat. 961), unless such lands are acquired to carry out the National Migratory Bird Management Program.

“SEC. 4. Such areas as are made available to the Secretary of the Interior for the purposes of this Act, pursuant to sections 1 and 3 or pursuant to any other authorization, shall be administered by him directly or in accordance with cooperative agreements entered into pursuant to the provisions of the first section of this Act and in accordance with such rules and regulations for the conservation, maintenance, and management of wildlife, resources thereof, and its habitat thereon, as may be adopted by the Secretary in accordance with general plans approved jointly by the Secretary of the Interior and the head of the department or agency exercising primary administration of such areas: *Provided*, That such rules and regulations shall not be inconsistent with the laws for the protection of fish and game of the States in which such area is situated (16 U. S. C., sec. 664): *Provided further*, That lands having value to the National Migratory Bird Management Program may, pursuant to general plans, be made available without cost directly to the State agency having control over wildlife resources, if it is jointly determined by the Secretary of the Interior and such State agency that this would be in the public interest: *And provided further*, That the Secretary of the Interior shall have the right to assume the management and administration of such lands in behalf of the National Migratory Bird Management Program if the Secretary finds that the State agency has withdrawn from or otherwise relinquished such management and administration.”

SEC. 3. The Watershed Protection and Flood Prevention Act, as amended (16 U. S. C., secs. 1001-1007, inclusive), is amended by adding at the end thereof the following new section:

“SEC. 12. When the Secretary approves the furnishing of assistance to a local organization in preparing a plan for works of improvement as provided for in section 3:

“(1) The Secretary shall so notify the Secretary of the Interior in order that the latter, as he desires, may make surveys and investigations and prepare a report with recommendations concerning the conservation and development of wildlife resources and participate, under arrangements satisfactory to the Secretary of Agriculture, in the preparation of a plan for works of improvement that is acceptable to the local organization and the Secretary of Agriculture.

“(2) Full consideration shall be given to the recommendations contained in any such report of the Secretary of the Interior as he may submit to the Secretary of Agriculture prior to the time the local organization and the Secretary of Agriculture have agreed on a plan for works of improvement. The plan shall include such of

National forest lands.

16 USC 480-563, *passim*.

Rules and regulations.

60 Stat. 1080.

Watershed protection and flood prevention.
68 Stat. 666.

Report with recommendations.

Works of improvement.

the technically and economically feasible works of improvement for wildlife purposes recommended in the report by the Secretary of the Interior as are acceptable to, and agreed to by, the local organization and the Secretary of Agriculture, and such report of the Secretary of the Interior shall, if requested by the Secretary of the Interior, accompany the plan for works of improvement when it is submitted to the Secretary of Agriculture for approval or transmitted to the Congress through the President.

Cost.

“(3) The cost of making surveys and investigations and of preparing reports concerning the conservation and development of wildlife resources shall be borne by the Secretary of the Interior out of funds appropriated to his Department.”

Appropriation.

SEC. 4. There is authorized to be appropriated and expended such funds as may be necessary to carry out the purposes of this Act.

Approved August 12, 1958.

Public Law 85-625

AN ACT

August 12, 1958
[S. 3778]

To amend the Interstate Commerce Act, as amended, so as to strengthen and improve the national transportation system, and for other purposes.

Transportation
Act of 1958.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the “Transportation Act of 1958”.

AMENDMENT TO INTERSTATE COMMERCE ACT, RELATING TO LOAN GUARANTIES

56 Stat. 284.
49 USC 1001.

SEC. 2. The Interstate Commerce Act, as amended, is amended by inserting immediately after part IV thereof the following new part:

“PART V

“PURPOSE

“SEC. 501. It is the purpose of this part to provide for assistance to common carriers by railroad subject to this Act to aid them in acquiring, constructing, or maintaining facilities and equipment for such purposes, and in such a manner, as to encourage the employment of labor and to foster the preservation and development of a national transportation system adequate to meet the needs of the commerce of the United States, of the postal service, and of the national defense.

“DEFINITIONS

“SEC. 502. For the purposes of this part—

“(a) The term ‘Commission’ means the Interstate Commerce Commission.

“(b) The term ‘additions and betterments or other capital expenditures’ means expenditures for the acquisition or construction of property used in transportation service, chargeable to the road, property, or equipment investment accounts, in the Uniform System of Accounts prescribed by the Interstate Commerce Commission.

“(c) The term ‘expenditures for maintenance of property’ means expenditures for labor, materials, and other costs incurred in maintaining, repairing, or renewing equipment, road, or property used in transportation service chargeable to operating expenses in accordance with the Uniform System of Accounts prescribed by the Commission.

"LOAN GUARANTIES

"SEC. 503. In order to carry out the purpose declared in section 501, the Commission, upon terms and conditions prescribed by it and consistent with the provisions of this part, may guarantee in whole or in part any public or private financing institution, or trustee under a trust indenture or agreement for the benefit of the holders of any securities issued thereunder, by commitment to purchase, agreement to share losses, or otherwise, against loss of principal or interest on any loan, discount, or advance, or on any commitment in connection therewith, which may be made, or which may have been made, for the purpose of aiding any common carrier by railroad subject to this Act in the financing or refinancing (1) of additions and betterments or other capital expenditures, made after January 1, 1957, or to reimburse the carrier for expenditures made from its own funds for such additions and betterments or other capital expenditures, or (2) of expenditures for the maintenance of property: *Provided*, That in no event shall the aggregate principal amount of all loans guaranteed by the Commission exceed \$500,000,000.

"LIMITATIONS

"SEC. 504. (a) No guaranty shall be made under section 503—

"(1) unless the Commission finds that without such guaranty, in the amount thereof, the carrier would be unable to obtain necessary funds, on reasonable terms, for the purposes for which the loan is sought;

"(2) if in the judgment of the Commission the loan involved is at a rate of interest which is unreasonably high;

"(3) if the terms of such loan permit full repayment more than fifteen years after the date thereof; or

"(4) unless the Commission finds that the prospective earning power of the applicant carrier, together with the character and value of the security pledged, if any, furnish reasonable assurance of the applicant's ability to repay the loan within the time fixed therefor and reasonable protection to the United States.

A statement of the findings of the Commission required under the provisions of this subsection shall be made a matter of public record by the Commission with respect to each loan guaranteed under the provisions of this part.

"(b) It shall be unlawful for any common carrier by railroad subject to this Act to declare any dividend on its preferred or common stock while there is any principal or interest remaining unpaid on any loan to such carrier made for the purpose of financing or refinancing expenditures for maintenance of property of such carrier, and guaranteed under this part.

"MODIFICATIONS

"SEC. 505. The Commission may consent to the modification of the provisions as to rate of interest, time of payment of interest or principal, security, if any, or other terms and conditions of any guaranty which it shall have entered into pursuant to this part, or the renewal or extension of any such guaranty, whenever the Commission shall determine it to be equitable to do so.

"PAYMENT OF GUARANTIES; ACTION TO RECOVER PAYMENTS MADE

"SEC. 506. (a) Payments required to be made as a consequence of any guaranty by the Commission made under this part shall be made by the Secretary of the Treasury from funds hereby authorized to be

appropriated in such amounts as may be necessary for the purpose of carrying out the provisions of this part.

“(b) In the event of any default on any such guaranteed loan, and payment in accordance with the guaranty by the United States, the Attorney General shall take such action as may be appropriate to recover the amount of such payments, with interest, from the defaulting carrier, carriers, or other persons liable therefor.

“GUARANTY FEES

“SEC. 507. The Commission shall prescribe and collect a guaranty fee in connection with each loan guaranteed under this part. Such fees shall not exceed such amounts as the Commission estimates to be necessary to cover the administrative costs of carrying out the provisions of this part. Sums realized from such fees shall be deposited in the Treasury as miscellaneous receipts.

“ASSISTANCE OF DEPARTMENTS OR OTHER AGENCIES

“SEC. 508. (a) To permit it to make use of such expert advice and services as it may require in carrying out the provisions of this part, the Commission may use available services and facilities of departments and other agencies and instrumentalities of the Government, with their consent and on a reimbursable basis.

“(b) Departments, agencies, and instrumentalities of the Government shall exercise their powers, duties, and functions in such manner as will assist in carrying out the objectives of this part.

“ADMINISTRATIVE EXPENSES

“SEC. 509. Administrative expenses under this part shall be paid from appropriations made to the Commission for administrative expenses.

“TERMINATION OF AUTHORITY

“SEC. 510. Except with respect to such applications as may then be pending, the authority granted by this part shall terminate at the close of March 31, 1961: *Provided*, That its provisions shall remain in effect thereafter for the purposes of guaranties made by the Commission.”

AMENDMENTS TO SECTION 1 OF INTERSTATE COMMERCE ACT

49 USC 1.

SEC. 3. Section 1 of the Interstate Commerce Act, as amended, is amended (1) by inserting in subparagraph (a) of paragraph (2) thereof, after the word “aforesaid” and before the semicolon following that word, a comma and the words “except as otherwise provided in this part” and (2) by striking out the period at the end of the proviso in subparagraph (a) of paragraph (17) thereof and inserting in lieu thereof the following: “and except as otherwise provided in this part.”

INTRASTATE RATES, FARES, CHARGES, CLASSIFICATIONS, REGULATIONS, OR PRACTICES

SEC. 4. The first sentence of paragraph (4) of section 13 of the Interstate Commerce Act, as amended, is amended to read as follows:

“(4) Whenever in any such investigation the Commission, after full hearing, finds that any such rate, fare, charge, classification, regulation, or practice causes any undue or unreasonable advantage, prefer-

ence, or prejudice as between persons or localities in intrastate commerce on the one hand and interstate or foreign commerce on the other hand, or any undue, unreasonable, or unjust discrimination against, or undue burden on, interstate or foreign commerce (which the Commission may find without a separation of interstate and intrastate property, revenues, and expenses, and without considering in totality the operations or results thereof of any carrier, or group or groups of carriers wholly within any State), which is hereby forbidden and declared to be unlawful, it shall prescribe the rate, fare, or charge, or the maximum or minimum, or maximum and minimum, thereafter to be charged, and the classification, regulation, or practice thereafter to be observed, in such manner as, in its judgment, will remove such advantage, preference, prejudice, discrimination, or burden: *Provided*, That upon the filing of any petition authorized by the provisions of paragraph (3) hereof to be filed by the carrier concerned, the Commission shall forthwith institute an investigation as aforesaid into the lawfulness of such rate, fare, charge, classification, regulation, or practice (whether or not theretofore considered by any State agency or authority and without regard to the pendency before any State agency or authority of any proceeding relating thereto) and shall give special expedition to the hearing and decision therein."

NEW SECTION 13A OF INTERSTATE COMMERCE ACT

SEC. 5. The Interstate Commerce Act, as amended, is amended by inserting after section 13 thereof a new section 13a as follows:

49 USC 13.

"DISCONTINUANCE OR CHANGE OF CERTAIN OPERATIONS OR SERVICES

"SEC. 13a. (1) A carrier or carriers subject to this part, if their rights with respect to the discontinuance or change, in whole or in part, of the operation or service of any train or ferry operating from a point in one State to a point in any other State or in the District of Columbia, or from a point in the District of Columbia to a point in any State, are subject to any provision of the constitution or statutes of any State or any regulation or order of (or are the subject of any proceeding pending before) any court or an administrative or regulatory agency of any State, may, but shall not be required to, file with the Commission, and upon such filing shall mail to the Governor of each State in which such train or ferry is operated, and post in every station, depot or other facility served thereby, notice at least thirty days in advance of any such proposed discontinuance or change. The carrier or carriers filing such notice may discontinue or change any such operation or service pursuant to such notice except as otherwise ordered by the Commission pursuant to this paragraph, the laws or constitution of any State, or the decision or order of, or the pendency of any proceeding before, any court or State authority to the contrary notwithstanding. Upon the filing of such notice the Commission shall have authority during said thirty days' notice period, either upon complaint or upon its own initiative without complaint, to enter upon an investigation of the proposed discontinuance or change. Upon the institution of such investigation, the Commission, by order served upon the carrier or carriers affected thereby at least ten days prior to the day on which such discontinuance or change would otherwise become effective, may require such train or ferry to be continued in operation or service, in whole or in part, pending hearing and decision in such investigation, but not for a longer period than four months beyond the date when such discontinuance or change would otherwise

have become effective. If, after hearing in such investigation, whether concluded before or after such discontinuance or change has become effective, the Commission finds that the operation or service of such train or ferry is required by public convenience and necessity and will not unduly burden interstate or foreign commerce, the Commission may by order require the continuance or restoration of operation or service of such train or ferry, in whole or in part, for a period not to exceed one year from the date of such order. The provisions of this paragraph shall not supersede the laws of any State or the orders or regulations of any administrative or regulatory body of any State applicable to such discontinuance or change unless notice as in this paragraph provided is filed with the Commission. On the expiration of an order by the Commission after such investigation requiring the continuance or restoration of operation or service, the jurisdiction of any State as to such discontinuance or change shall no longer be superseded unless the procedure provided by this paragraph shall again be invoked by the carrier or carriers.

“(2) Where the discontinuance or change, in whole or in part, by a carrier or carriers subject to this part, of the operation or service of any train or ferry operated wholly within the boundaries of a single State is prohibited by the constitution or statutes of any State or where the State authority having jurisdiction thereof shall have denied an application or petition duly filed with it by said carrier or carriers for authority to discontinue or change, in whole or in part, the operation or service of any such train or ferry or shall not have acted finally on such an application or petition within one hundred and twenty days from the presentation thereof, such carrier or carriers may petition the Commission for authority to effect such discontinuance or change. The Commission may grant such authority only after full hearing and upon findings by it that (a) the present or future public convenience and necessity permit of such discontinuance or change, in whole or in part, of the operation or service of such train or ferry, and (b) the continued operation or service of such train or ferry without discontinuance or change, in whole or in part, will constitute an unjust and undue burden upon the interstate operations of such carrier or carriers or upon interstate commerce. When any petition shall be filed with the Commission under the provisions of this paragraph the Commission shall notify the Governor of the State in which such train or ferry is operated at least thirty days in advance of the hearing provided for in this paragraph, and such hearing shall be held by the Commission in the State in which such train or ferry is operated; and the Commission is authorized to avail itself of the cooperation, services, records and facilities of the authorities in such State in the performance of its functions under this paragraph.”

AMENDMENT TO SECTION 15A OF THE INTERSTATE COMMERCE ACT

49 USC 15a.

SEC. 6. Section 15a of the Interstate Commerce Act, as amended, is amended by inserting after paragraph (2) thereof a new paragraph (3) as follows:

“(3) In a proceeding involving competition between carriers of different modes of transportation subject to this Act, the Commission, in determining whether a rate is lower than a reasonable minimum rate, shall consider the facts and circumstances attending the movement of the traffic by the carrier or carriers to which the rate is applicable. Rates of a carrier shall not be held up to a particular level to protect the traffic of any other mode of transportation, giving due consideration to the objectives of the national transportation policy declared in this Act.”

AMENDMENT TO SECTION 203 (B) OF INTERSTATE COMMERCE ACT

SEC. 7. (a) Clause (6) of subsection (b) of section 203 of the Interstate Commerce Act, as amended, is amended by striking out the semicolon at the end thereof and inserting in lieu thereof a colon and the following: "Provided, That the words 'property consisting of ordinary livestock, fish (including shell fish), or agricultural (including horticultural) commodities (not including manufactured products thereof)' as used herein shall include property shown as 'Exempt' in the 'Commodity List' incorporated in ruling numbered 107, March 19, 1958, Bureau of Motor Carriers, Interstate Commerce Commission, but shall not include property shown therein as 'Not exempt': *Provided further, however, That notwithstanding the preceding proviso the words 'property consisting of ordinary livestock, fish (including shell fish), or agricultural (including horticultural) commodities (not including manufactured products thereof)' shall not be deemed to include frozen fruits, frozen berries, frozen vegetables, cocoa beans, coffee beans, tea, bananas, or hemp, and wool imported from any foreign country, wool tops and noils, or wool waste (carded, spun, woven, or knitted), and shall be deemed to include cooked or uncooked (including breaded) fish or shell fish when frozen or fresh (but not including fish and shell fish which have been treated for preserving, such as canned, smoked, pickled, spiced, corned or kippered products);".*

49 USC 303.

(b) Unless otherwise specifically indicated therein, the holder of any certificate or permit heretofore issued by the Interstate Commerce Commission, or hereafter so issued pursuant to an application filed on or before the date on which this section takes effect, authorizing the holder thereof to engage as a common or contract carrier by motor vehicle in the transportation in interstate or foreign commerce of property made subject to the provisions of part II of the Interstate Commerce Act by paragraph (a) of this section, over any route or routes or within any territory, may without making application under that Act engage, to the same extent and subject to the same terms, conditions and limitations, as a common or contract carrier by motor vehicle, as the case may be, in the transportation of such property, over such route or routes or within such territory, in interstate or foreign commerce.

49 USC 301.

(c) Subject to the provisions of section 210 of the Interstate Commerce Act, if any person (or its predecessor in interest) was in bona fide operation on May 1, 1958, over any route or routes or within any territory, in the transportation of property for compensation by motor vehicle made subject to the provisions of part II of that Act by paragraph (a) of this section, in interstate or foreign commerce, and has so operated since that time (or if engaged in furnishing seasonal service only, was in bona fide operation on May 1, 1958, during the season ordinarily covered by its operations and has so operated since that time), except in either instance as to interruptions of service over which such applicant or its predecessor in interest had no control, the Interstate Commerce Commission shall without further proceedings issue a certificate or permit, as the type of operation may warrant, authorizing such operations as a common or contract carrier by motor vehicle if application is made to the said Commission as provided in part II of the Interstate Commerce Act and within one hundred and twenty days after the date on which this section takes effect. Pending the determination of any such application, the continuance of such operation without a certificate or permit shall be lawful. Any carrier which on the date this section takes effect is engaged in an operation of the character specified in the foregoing provisions of this para-

49 USC 310.

49 USC 301.

graph, but was not engaged in such operation on May 1, 1958, may under such regulations as the Interstate Commerce Commission shall prescribe, if application for a certificate or permit is made to the said Commission within one hundred and twenty days after the date on which this section takes effect, continue such operation without a certificate or permit pending the determination of such application in accordance with the provisions of part II of the Interstate Commerce Act.

AMENDMENT TO SECTION 203 (C) OF INTERSTATE COMMERCE ACT

49 USC 303.

SEC. 8. Subsection (c) of section 203 of the Interstate Commerce Act, as amended, is amended by striking out the period at the end thereof and inserting in lieu of such period a comma and the following: "nor shall any person engaged in any other business enterprise transport property by motor vehicle in interstate or foreign commerce for business purposes unless such transportation is within the scope, and in furtherance, of a primary business enterprise (other than transportation) of such person."

Approved August 12, 1958.

Public Law 85-626

AN ACT

To amend the Shipping Act, 1916.

August 12, 1958
[S. 3916]

Dual rate contract agreements.
39 Stat. 733.
46 USC 812.

46 USC 814.

Effective date.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section of the Shipping Act, 1916, is amended by inserting at the end thereof the following: "Provided, That nothing in this section or elsewhere in this Act, shall be construed or applied to forbid or make unlawful any dual rate contract arrangement in use by the members of a conference on May 19, 1958, which conference is organized under an agreement approved under section 15 of this Act by the regulatory body administering this Act, unless and until such regulatory body disapproves, cancels, or modifies such arrangement in accordance with the standards set forth in section 15 of this Act. The term 'dual rate contract arrangement' as used herein means a practice whereby a conference establishes tariffs of rates at two levels the lower of which will be charged to merchants who agree to ship their cargoes on vessels of members of the conference only and the higher of which shall be charged to merchants who do not so agree."

SEC. 2. This Act shall be effective immediately upon enactment and shall cease to be effective on and after June 30, 1960.

Approved August 12, 1958.

Public Law 85-627

JOINT RESOLUTION

To amend the Act of Congress approved August 7, 1935 (Public Law 253), concerning United States contributions to the International Council of Scientific Unions and certain associated unions.

August 14, 1958
[S. J. Res. 85]

49 Stat. 540.
22 USC 274.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 253, Seventy-fourth Congress, is hereby amended by striking out the figure "\$9,000" in the section dealing with the International Council of Scientific Unions and inserting in lieu thereof the figure "\$65,000".

Approved August 14, 1958.

Public Law 85-628

AN ACT

To provide compensation to the Crow Tribe of Indians for certain ceded lands embraced within and otherwise required in connection with the Huntley reclamation project, Montana, and for other purposes.

August 14, 1958
[H. R. 11722]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there is hereby authorized to be transferred in the Treasury of the United States from funds now or hereafter made available to the Bureau of Reclamation and to be placed to the credit of the Crow Tribe of Indians, Montana, and expended for its benefit and the benefit of its members, pursuant to existing law, a sum of money determined as provided in this section for terminating and extinguishing all of the right, title, estate, and interest, except minerals including oil and gas, of said Indian tribe in and to the lands of that part of the former Crow Indian Reservation lying within the boundaries described below. The Secretary of the Interior shall appraise the fair market value of the interest in the lands taken by this Act within ninety days after passage of this Act and offer that sum to the Crow Tribe. The Crow Tribe may also appraise the fair market value of the interest in the lands taken by this Act and determine whether the appraisal of the Secretary of the Interior is acceptable to the Crow Tribe. If the offer of the Secretary of the Interior is not accepted within sixty days, the Secretary or the Crow Tribe is authorized to commence in a court of competent jurisdiction an action for determining the just compensation payable for such taking. The fair market value of, and the just compensation payable for, the Indian interest in the lands taken by this Act shall not include any value attributable to the construction and development by the United States of the Huntley reclamation project.

Indians.
Payment to Crow
Tribe.

The perimeter boundaries of the tract of land, dealt with hereinabove, they being also the proposed exterior boundaries of the Huntley reclamation project, Montana, are described as follows:

Beginning at a point where the midchannel of the Yellowstone River intersects the west sixteenth line of section 1, township 3 north, range 31 east, principal meridian, Montana;

Thence south along said west sixteenth line to the southwest sixteenth corner; which is the southeast corner of lot 2 of said section 1;

Thence west along the south sixteenth line to the south sixteenth corner between sections 1 and 2;

Thence south along the section line to the south sixteenth corner between sections 11 and 12;

Thence west along the south sixteenth line to the southwest sixteenth corner of section 11;

Thence north along the west sixteenth line to the west sixteenth corner of section 11;

Thence west along the quarter line to the east sixteenth corner of section 10;

Thence south along the east sixteenth line to the southeast sixteenth corner of section 10;

Thence west along the south sixteenth line to the southwest sixteenth corner of section 10;

Thence south along the west sixteenth line to the west sixteenth corner between sections 10 and 15;

Thence west along the section line to the corner common to sections 9, 10, 15, and 16;

Thence south along the section line to the quarter corner between sections 15 and 16;

Thence west along the quarter line to the C quarter corner of section 16;

Thence north along the quarter line to the north sixteenth corner of section 16;

Thence west along the north sixteenth line to the northeast sixteenth corner of section 17;

Thence south along the east sixteenth line to the C-N-SE sixty-fourth corner, which is the southeast corner of the north half of the northwest quarter of the southeast quarter of section 17;

Thence west along the sixty-fourth line to the C-N-S sixty-fourth corner, which is the southwest corner of the north half of the northwest quarter of the southeast quarter of section 17;

Thence north along the quarter line to the north sixteenth corner of section 17; thence west along the north sixteenth line to the northwest sixteenth corner of section 17;

Thence south along the west sixteenth line to the southwest sixteenth corner of section 17;

Thence west along the south sixteenth line to the south sixteenth corner of section 18;

Thence south along the quarter line to the C quarter corner of section 19;

Thence west along the quarter line to the west quarter corner of section 19, said quarter corner lying on the range line between ranges 30 and 31 east of the principal meridian, Montana;

Thence south along the range line to the east quarter corner of section 25, township 3 north, range 30 east, principal meridian, Montana;

Thence west along the quarter line to the east sixteenth corner of section 25;

Thence south along the east sixteenth line to the southeast sixteenth corner of section 25;

Thence west along the south sixteenth line to the south sixteenth corner of section 25;

Thence south along the quarter line to the quarter corner between sections 25 and 36;

Thence west along the section line to the corner common to sections 25, 26, 35, and 36;

Thence south along the section line to the quarter corner between sections 35 and 36;

Thence west along the quarter line to the C quarter corner of section 35;

Thence north along the quarter line to the north sixteenth corner of section 35;

Thence west along the north sixteenth line to the northwest sixteenth corner of section 35;

Thence south along the west sixteenth line to the west sixteenth corner of section 35;

Thence west along the quarter line to the quarter corner between sections 34 and 35;

Thence south along the section line to the south sixteenth corner between sections 34 and 35;

Thence east along the south sixteenth line to the southwest sixteenth corner of section 35;

Thence south along the west sixteenth line to the west sixteenth corner between section 35, township 3 north, range 30 east, and section 2, township 2 north, range 30 east, principal meridian, Montana;

Thence west along the township line to the corner common to sections 34 and 35, township 3 north, range 30 east, and sections 2 and 3, township 2 north, range 30 east;

Thence north along the section line to the south sixteenth corner between sections 34 and 35;

Thence west along the south sixteenth line to the southeast sixteenth corner of section 34;

Thence south along the east sixteenth line to the east sixteenth corner between section 34, township 3 north, range 30 east, and section 3, township 2 north, range 30 east;

Thence west along the township line to the west sixteenth corner between section 34, township 3 north, range 30 east, and section 3, township 2 north, range 30 east, principal meridian, Montana;

Thence south along the west sixteenth line to the C-N-NW sixty-fourth corner of section 3, which is the southeast corner of the northeast quarter of lot 5, section 3, township 2 north, range 30 east, principal meridian, Montana;

Thence west along the sixty-fourth line to the NW-NW sixty-fourth corner, which is the northwest corner of the southeast quarter of lot 5, section 3;

Thence south along the sixty-fourth line to the C-W-NW sixty-fourth corner, which is the southwest corner of the southeast quarter of lot 5, section 3;

Thence east along the north sixteenth line to the C-W-NE sixty-fourth corner, which is the northeast corner of the west half of the southwest quarter of the northeast quarter of section 3;

Thence south along the sixty-fourth line to the C-W-E sixty-fourth corner, which is the southeast corner of the west half of the southwest quarter of the northeast quarter of section 3;

Thence east along the quarter line to the C-E-E sixty-fourth corner, which is the northeast corner of the west half of the northeast quarter of the southeast quarter of section 3;

Thence south along the sixty-fourth line to the C-E-SE sixty-fourth corner, which is the southeast corner of the west half of the northeast quarter of the southeast quarter of section 3;

Thence west along the south sixteenth line to the southeast sixteenth corner of section 3;

Thence south along the east sixteenth line to the east sixteenth corner of section 10;

Thence east along the quarter line to the C-E-E sixty-fourth corner, which is the northeast corner of the west half of the northeast quarter of the southeast quarter of section 10;

Thence south along the sixty-fourth line to the C-E-SE sixty-fourth corner, which is the southeast corner of the west half of the northeast quarter of the southeast quarter of section 10;

Thence east along the south sixteenth line to the south sixteenth corner between sections 10 and 11;

Thence south along the section line to the quarter corner between sections 14 and 15;

Thence east along the quarter line to the C-W-W-W two-hundred-fifty-sixth corner, which is the northeast corner of the west half of the west half of the northwest quarter of the southwest quarter of section 14;

Thence south along the two-hundred-fifty-sixth line to the C-W-W southwest two-hundred-fifty-sixth corner, which is the southeast corner of the west half of the west half of the northwest quarter of the southwest quarter of section 14;

Thence east along the south sixteenth line to the C-W-SW sixty-fourth corner, which is the northeast corner of the west half of the southwest quarter of the southwest quarter of section 14;

Thence south along the sixty-fourth line to the W-W sixty-fourth corner between sections 14 and 23, which is the southeast corner of the west half of the southwest quarter of the southwest quarter of section 14;

Thence east along the section line to the E-W sixty-fourth corner between sections 14 and 23, which is the northeast corner of the west half of the northeast quarter of the northwest quarter of section 23;

Thence south along the sixty-fourth line to the C-E-NW sixty-fourth corner, which is the southeast corner of the west half of the northeast quarter of the northwest quarter of section 23;

Thence west along the north sixteenth line to the north sixteenth corner between sections 22 and 23;

Thence south along the section line to the north sixteenth corner between sections 26 and 27;

Thence west along the north sixteenth line to the north sixteenth corner between sections 27 and 28;

Thence north along the section line to the south sixteenth corner between sections 21 and 22;

Thence west along the south sixteenth line to the south sixteenth corner of section 21;

Thence north along the quarter line to the quarter corner between sections 16 and 21;

Thence west along the section line to the west sixteenth corner between sections 16 and 21;

Thence south along the west sixteenth line to the northwest sixteenth corner of section 21;

Thence west along the north sixteenth line to the north sixteenth corner between sections 20 and 21;

Thence north along the section line to the corner common to sections 16, 17, 20, and 21;

Thence east along the section line to the W-W sixty-fourth corner between sections 16 and 21, which is the southeast corner of the west half of the southwest quarter of the southwest quarter of section 16;

Thence north along the sixty-fourth line to the C-W-SW sixty-fourth corner, which is the northeast corner of the west half of the southwest quarter of the southwest quarter of section 16;

Thence west along the south sixteenth line to the C-W-W-SW two-hundred-fifty-sixth corner, which is the southeast corner of the west half of the west half of the northwest quarter of the southwest quarter of section 16;

Thence north along the two-hundred-fifty-sixth line to the C-W-W-W two-hundred-fifty-sixth corner, which is the northeast corner of the west half of the west half of the northwest quarter of the southwest quarter of section 16;

Thence west along the quarter line to the quarter corner between sections 16 and 17;

Thence north along the section line to the quarter corner between sections 8 and 9;

Thence west along the quarter line to the quarter corner between sections 7 and 8; thence north along the section line to the corner common to sections 5, 6, 7, and 8;

Thence west along the section line to the quarter corner between sections 6 and 7;

Thence north along the quarter line to the C-S-S sixty-fourth corner, which is the northeast corner of the south half of the southeast quarter of the southwest quarter of section 6;

Thence west along the sixty-fourth line to the C-S-SW sixty-fourth corner which is the northwest corner of the south half of the southeast quarter of the southwest quarter of section 6;

Thence north along the west sixteenth line to the southwest sixteenth corner of section 6;

Thence west along the south sixteenth line to the south sixteenth corner between section 1, township 2 north, range 29 east, and section 6, township 2 north, range 30 east, principal meridian, Montana;

Thence south along the range line to the S-S sixty-fourth corner between said sections 1 and 6, which is the southeast corner of the north half of the southeast quarter of the southeast quarter of section 1;

Thence west along the sixty-fourth line to the C-S-SW sixty-fourth corner of section 2, which is the northwest corner of the south half of the southeast quarter of the southwest quarter of section 2;

Thence south along the west sixteenth line to the west sixteenth corner between sections 2 and 11;

Thence west along the section line to the corner common to sections 3, 4, 9, and 10;

Thence south along the section line to the north sixteenth corner between sections 9 and 10;

Thence west along the north sixteenth line to the northeast sixteenth corner of section 9;

Thence north along the east sixteenth line to the east sixteenth corner between sections 4 and 9;

Thence west along the section line to the corner common to sections 5, 6, 7, and 8;

Thence south along the section line to the south sixteenth corner between sections 7 and 8;

Thence west along the south sixteenth line to the south sixteenth corner of section 7;

Thence south along the quarter line to the quarter corner between sections 7 and 18;

Thence west along the section line to the west sixteenth corner between sections 7 and 18;

Thence north along the west sixteenth line to the C-S-SW sixty-fourth corner, which is the northeast corner of the southeast quarter of lot 11, section 7;

Thence west along the sixty-fourth line to the SW-SW sixty-fourth corner, which is the northwest corner of the southeast quarter of lot 11, section 7;

Thence south along the sixty-fourth line to the W-W sixty-fourth corner between sections 7 and 18, which is the southwest corner of the southeast quarter of lot 11, section 7;

Thence west along the section line to the corner common to sections 7 and 18, township 2 north, range 29 east, and sections 12 and 13, township 2 north, range 28 east, principal meridian, Montana;

Thence south along the section line to the north sixteenth corner between sections 13 and 18;

Thence west along the north sixteenth line to the northeast sixteenth corner of section 14, township 2 north, range 28 east;

Thence south along the east sixteenth line to the east sixteenth corner of section 14;

Thence west along the quarter line to the west sixteenth corner of section 14;

Thence south along the west sixteenth line to the southwest sixteenth corner of section 14;

Thence west along the south sixteenth line to the south sixteenth corner between sections 14 and 15;

Thence south along the section line to S-S sixty-fourth corner between sections 14 and 15, which is the southeast corner of the north half of the southeast quarter of the southeast quarter of section 15;

Thence west along the sixty-fourth line to the C-S-SE sixty-fourth corner, which is the southwest corner of the north half of the southeast quarter of the southeast quarter of section 15;

Thence north along the east sixteenth line to the southeast sixteenth corner of section 15;

Thence west along the south sixteenth line to the south sixteenth corner of section 15;

Thence north along the quarter line to the C fourth corner of section 15;

Thence west along the quarter line to the west sixteenth corner of section 15;

Thence south along the west sixteenth line to the southwest sixteenth corner of section 15;

Thence west along the south sixteenth line to the south sixteenth corner between sections 15 and 16;

Thence south along the section line to the corner common to sections 15, 16, 21, and 22;

Thence west along the section line to the east sixteenth corner between sections 16 and 21;

Thence south along the east sixteenth line to the northeast sixteenth corner of section 21;

Thence west along the north sixteenth line to the north sixteenth corner of section 21;

Thence south along the quarter line to the C-S-N sixty-fourth corner, which is the southeast corner of the north half of the southeast quarter of the northwest quarter of section 21;

Thence west along the sixty-fourth line to the C-S-NW sixty-fourth corner, which is the southwest corner of the north half of the southeast quarter of the northwest quarter of section 21;

Thence south along the west sixteenth line to the C-N-SW sixty-fourth corner, which is the southeast corner of the north half of the northwest quarter of the southwest quarter of section 21;

Thence west along the sixty-fourth line to the N-S sixty-fourth corner between sections 20 and 21, which is the southwest corner of the north half of the northwest quarter of the southwest quarter of section 21;

Thence south along the section line to the south sixteenth corner between sections 20 and 21;

Thence west along the south sixteenth line to the southeast sixteenth corner of section 20;

Thence south along the east sixteenth line to the C-S-SE sixty-fourth corner, which is the southeast corner of the north half of the southwest quarter of the southeast quarter of section 20;

Thence west along the sixty-fourth line to the C-S-S sixty-fourth corner, which is the southwest corner of the north half of the southwest quarter of the southeast quarter of section 20;

Thence south along the quarter line to the quarter corner between sections 20 and 29;

Thence west along the section line to the west sixteenth corner between sections 20 and 29;

Thence south along the west sixteenth line to the northwest sixteenth corner of section 29;

Thence west along the north sixteenth line to the north sixteenth corner between sections 29 and 30;

Thence north along the section line to the corner common to sections 19, 20, 29, and 30;

Thence west along the section line to the quarter corner between sections 19 and 30;

Thence south along the quarter line to the C quarter corner of section 30;

Thence west along the quarter line to the west sixteenth corner of section 30;

Thence south along the west sixteenth line to the southwest sixteenth corner of section 30;

Thence west along the south sixteenth line to the south sixteenth corner between section 30, township 2 north, range 28 east, and section 25, township 2 north, range 27 east, principal meridian, Montana;

Thence south along the range line to the corner common to sections 30 and 31, township 2 north, range 28 east, and sections 25 and 36, township 2 north, range 27 east;

Thence west along the section line to the E-W sixty-fourth corner between sections 25 and 36, which is the northeast corner of the northwest quarter of the northeast quarter of the northwest quarter of section 36;

Thence south along the sixty-fourth line to the NE-NW sixty-fourth corner, which is the southeast corner of the northwest quarter of the northeast quarter of the northwest quarter of section 36;

Thence west along the sixty-fourth line to the C-N-NW sixty-fourth corner, which is the southwest corner of the northwest quarter of the northeast quarter of the northwest quarter of section 36;

Thence south along the west sixteenth line to the northwest sixteenth corner of section 36;

Thence west along the north sixteenth line to the C-W-NW sixty-fourth corner, which is the northeast corner of the west half of the southwest quarter of the northwest quarter of section 36;

Thence south along the sixty-fourth line to the C-W-W sixty-fourth corner, which is the southeast corner of the west half of the southwest quarter of the northwest quarter of section 36;

Thence west along the quarter line to the quarter corner between sections 35 and 36;

Thence south along the section line to the N-S sixty-fourth corner between sections 35 and 36, which is the southeast corner of the northeast quarter of the northeast quarter of the southeast quarter of section 35;

Thence west along the sixty-fourth line to the NE-SE sixty-fourth corner, which is the southwest corner of the northeast quarter of the southeast quarter of section 35;

Thence south along the sixty-fourth line to the C-E-SE sixty-fourth corner, which is the southeast corner of the southwest quarter of the northeast quarter of the southeast quarter of section 35;

Thence west along the south sixteenth line to the southwest sixteenth corner of section 35;

Thence south along the west sixteenth line to the C-S-SW sixty-fourth corner, which is the southeast corner of the north half of the southwest quarter of the southwest quarter of section 35;

Thence west along the sixty-fourth line to the S-S sixty-fourth corner between sections 34 and 35, which is the southwest corner of the north half of the southwest quarter of the southwest quarter of section 35;

Thence south along the section line to the corner of the township line common to sections 34 and 35;

Thence west along the township line between townships 1 and 2 north, range 27 east, to the midchannel of the Yellowstone River;

Thence downstream along the midchannel of the Yellowstone River to the point of beginning.

Transfer of funds.

(b) There is hereby authorized to be transferred in the Treasury of the United States from funds now or hereafter made available to the Bureau of Reclamation and to be placed to the credit of the Crow Tribe of Indians a sum equal to all net revenues collected by the United States from grazing and agricultural leases on and other uses of the undisposed of ceded Crow lands referred to in subsection (a) of this section between 1904 and the date of this Act, together with interest which would have been earned in accordance with law on such revenues had they been deposited in the trust funds of the Tribe, as received: *Provided*, That such transfer shall not affect the credit of any part of such revenues to the repayment obligation of the Huntley Irrigation District as provided in its contract with the United States dated January 2, 1927.

Restoration of vacant lands.

SEC. 2. All unentered and vacant lands within the area described in section 1 hereof, are hereby restored to the public domain for administration, use, occupancy, and disposal under the reclamation and public-land laws of the United States, and shall not be subject to any other law with respect to Indian ceded lands: *Provided*, That the minerals reserved for the benefit of the Crow Tribe pursuant to section 1 hereof shall be leased or otherwise disposed of under the laws and regulations relating to Indian trust lands.

Net proceeds.

SEC. 3. The sum transferred to the credit of the Crow Tribe of Indians as aforesaid and the expenses of carrying out the provisions of this Act shall be nonreimbursable and nonreturnable under the reclamation laws of the United States. The net proceeds derived from the disposal of said lands shall be covered into the general fund of the Treasury or into the reclamation fund as the Secretary of the Interior shall find appropriate in the light of the source from which the funds transferred or expended in carrying out this Act are derived.

Delegation of authority.

SEC. 4. The Secretary of the Interior is authorized to perform any and all acts to carry out the provisions and purposes of this Act.

Approved August 14, 1958.

Public Law 85-629

AN ACT

August 14, 1958
[S. 3392]

Establishing the time for commencement and completion of the reconstruction, enlargement, and extension of the bridge across the Mississippi River at or near Rock Island, Illinois.

Bridge,
Rock Island, Ill.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act entitled "An Act authorizing the city of Rock Island, Illinois, or its assigns, to construct, maintain, and operate a toll bridge across the Mississippi River at or near Rock Island, Illinois, and to a place at or near the city of Davenport, Iowa," approved March 18, 1938, as amended by the Act entitled "An Act authorizing the reconstruction, enlargement, and extension of the bridge across the Mississippi River at or near Rock Island, Illinois", approved July 11, 1956, is amended by adding at the end thereof the following new subsection:

52 Stat. 110.

70 Stat. 520.

"(c) The reconstruction, enlargement, and extension of such bridge and its approaches pursuant to subsection (b) of this section shall be commenced not later than July 1, 1960, and shall be completed within three years after said date."

Approved August 14, 1958.

Public Law 85-630

AN ACT

To amend certain provisions of the Antidumping Act, 1921, to provide for greater certainty, speed, and efficiency in the enforcement thereof, and for other purposes.

August 14, 1958
[H. R. 6006]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 201 of the Antidumping Act, 1921 (19 U. S. C. 160), is amended as follows:

Antidumping Act,
1921, amendments.
68 Stat. 1138.
Dumping investi-
gation.

(1) By inserting after the second sentence of subsection (a) thereof the following sentence: "For the purposes of this subsection, the said Commission shall be deemed to have made an affirmative determination if the Commissioners of the said Commission voting are evenly divided as to whether its determination should be in the affirmative or in the negative."

(2) By striking out "he shall forthwith authorize" in subsection (b) and inserting in lieu thereof "he shall forthwith publish notice of that fact in the Federal Register and shall authorize".

Notice in F.R.

(3) By adding at the end of such section the following new subsection:

"(c) The Secretary, upon determining whether foreign merchandise is being, or is likely to be, sold in the United States at less than its fair value, and the United States Tariff Commission, upon making its determination under subsection (a) of this section, shall each publish such determination in the Federal Register, with a statement of the reasons therefor, whether such determination is in the affirmative or in the negative."

Decisions and
reports in F.R.

SEC. 2. Subsections (b) and (c) of section 202 of the Antidumping Act, 1921 (19 U. S. C. 161 (b) and (c)), are amended to read as follows:

Special dumping
duty.

"(b) In determining the foreign market value for the purposes of subsection (a), if it is established to the satisfaction of the Secretary or his delegate that the amount of any difference between the purchase price and the foreign market value (or that the fact that the purchase price is the same as the foreign market value) is wholly or partly due to—

Foreign market
value.
Determination.

"(1) the fact that the wholesale quantities, in which such or similar merchandise is sold or, in the absence of sales, offered for sale for exportation to the United States in the ordinary course of trade, are less or are greater than the wholesale quantities in which such or similar merchandise is sold or, in the absence of sales, offered for sale in the principal markets of the country of exportation in the ordinary course of trade for home consumption (or, if not so sold or offered for sale for home consumption, then for exportation to countries other than the United States),

"(2) other differences in circumstances of sale, or

"(3) the fact that merchandise described in subdivision (C), (D), (E), or (F) of section 212 (3) is used in determining foreign market value,

Post, p. 586.

then due allowance shall be made therefor.

"(c) In determining the foreign market value for the purposes of subsection (a), if it is established to the satisfaction of the Secretary or his delegate that the amount of any difference between the exporter's sales price and the foreign market value (or that the fact that the exporter's sales price is the same as the foreign market value) is wholly or partly due to—

"(1) the fact that the wholesale quantities in which such or similar merchandise is sold or, in the absence of sales, offered for

sale in the principal markets of the United States in the ordinary course of trade, are less or are greater than the wholesale quantities in which such or similar merchandise is sold or, in the absence of sales, offered for sale in the principal markets of the country of exportation in the ordinary course of trade for home consumption (or, if not so sold or offered for sale for home consumption, then for exportation to countries other than the United States),

“(2) other differences in circumstances of sale, or

“(3) the fact that merchandise described in subdivision (C), (D), (E), or (F) of section 212 (3) is used in determining foreign market value,

Post, p. 586.

then due allowance shall be made therefor.”

SEC. 3. The heading and text of section 205 of the Antidumping Act, 1921 (19 U. S. C. 164), are amended to read as follows:

“FOREIGN MARKET VALUE

“SEC. 205. For the purposes of this title, the foreign market value of imported merchandise shall be the price, at the time of exportation of such merchandise to the United States, at which such or similar merchandise is sold or, in the absence of sales, offered for sale in the principal markets of the country from which exported, in the usual wholesale quantities and in the ordinary course of trade for home consumption (or, if not so sold or offered for sale for home consumption, or if the Secretary determines that the quantity sold for home consumption is so small in relation to the quantity sold for exportation to countries other than the United States as to form an inadequate basis for comparison, then the price at which so sold or offered for sale for exportation to countries other than the United States), plus, when not included in such price, the cost of all containers and coverings and all other costs, charges, and expenses incident to placing the merchandise in condition packed ready for shipment to the United States, except that in the case of merchandise purchased or agreed to be purchased by the person by whom or for whose account the merchandise is imported, prior to the time of exportation, the foreign market value shall be ascertained as of the date of such purchase or agreement to purchase. In the ascertainment of foreign market value for the purposes of this title no pretended sale or offer for sale, and no sale or offer for sale intended to establish a fictitious market, shall be taken into account. If such or similar merchandise is sold or, in the absence of sales, offered for sale through a sales agency or other organization related to the seller in any of the respects described in section 207, the prices at which such or similar merchandise is sold or, in the absence of sales, offered for sale by such sales agency or other organization may be used in determining the foreign market value.”

19 USC 166.

SEC. 4. (a) The heading and text of section 206 of the Antidumping Act, 1921 (19 U. S. C. 165), are amended to read as follows:

“CONSTRUCTED VALUE

“SEC. 206. (a) For the purposes of this title, the constructed value of imported merchandise shall be the sum of—

“(1) the cost of materials (exclusive of any internal tax applicable in the country of exportation directly to such materials or their disposition, but remitted or refunded upon the exportation of the article in the production of which such materials are used) and of fabrication or other processing of any kind employed in producing such or similar merchandise, at a time preceding the

date of exportation of the merchandise under consideration which would ordinarily permit the production of that particular merchandise in the ordinary course of business;

“(2) an amount for general expenses and profit equal to that usually reflected in sales of merchandise of the same general class or kind as the merchandise under consideration which are made by producers in the country of exportation, in the usual wholesale quantities and in the ordinary course of trade, except that (A) the amount for general expenses shall not be less than 10 per centum of the cost as defined in paragraph (1), and (B) the amount for profit shall not be less than 8 per centum of the sum of such general expenses and cost; and

“(3) the cost of all containers and coverings of whatever nature, and all other expenses incidental to placing the merchandise under consideration in condition, packed ready for shipment to the United States.

“(b) For the purposes of this section, a transaction directly or indirectly between persons specified in any one of the paragraphs in subsection (c) of this section may be disregarded if, in the case of any element of value required to be considered, the amount representing that element does not fairly reflect the amount usually reflected in sales in the market under consideration of merchandise of the same general class or kind as the merchandise under consideration. If a transaction is disregarded under the preceding sentence and there are no other transactions available for consideration, then the determination of the amount required to be considered shall be based on the best evidence available as to what the amount would have been if the transaction had occurred between persons not specified in any one of the paragraphs in subsection (c).

Transaction.

“(c) The persons referred to in subsection (b) are:

“(1) Members of a family, including brothers and sisters (whether by the whole or half blood), spouse, ancestors, and lineal descendants;

“(2) Any officer or director of an organization and such organization;

“(3) Partners;

“(4) Employer and employee;

“(5) Any person directly or indirectly owning, controlling, or holding with power to vote, 5 per centum or more of the outstanding voting stock or shares of any organization and such organization; and

“(6) Two or more persons directly or indirectly controlling, controlled by, or under common control with, any person.”

(b) Sections 201 (b), 202 (a), 209, and 210 of the Antidumping Act, 1921 (19 U. S. C., secs. 160 (b), 161 (a), 168, and 169), are amended by striking out “cost of production” each place it appears and inserting in lieu thereof “constructed value”.

42 Stat. 11, 15.

SEC. 5. Section 212 of the Antidumping Act, 1921 (19 U. S. C. 171), is renumbered as section 213, and such Act is amended by inserting after section 211 the following:

42 Stat. 15.

“DEFINITIONS

“SEC. 212. For the purposes of this title—

“(1) The term ‘sold or, in the absence of sales, offered for sale’ means sold or, in the absence of sales, offered—

“(A) to all purchasers at wholesale, or

“(B) in the ordinary course of trade to one or more selected purchasers at wholesale at a price which fairly reflects the market value of the merchandise, without regard to restrictions as to the disposition or use of the merchandise by the purchaser except that, where such restrictions are found to affect the market value of the merchandise, adjustment shall be made therefor in calculating the price at which the merchandise is sold or offered for sale.

“(2) The term ‘ordinary course of trade’ means the conditions and practices which, for a reasonable time prior to the exportation of the merchandise under consideration, have been normal in the trade under consideration with respect to merchandise of the same class or kind as the merchandise under consideration.

“(3) The term ‘such or similar merchandise’ means merchandise in the first of the following categories in respect of which a determination for the purposes of this title can be satisfactorily made:

“(A) The merchandise under consideration and other merchandise which is identical in physical characteristics with, and was produced in the same country by the same person as, the merchandise under consideration.

“(B) Merchandise which is identical in physical characteristics with, and was produced by another person in the same country as, the merchandise under consideration.

“(C) Merchandise (i) produced in the same country and by the same person as the merchandise under consideration, (ii) like the merchandise under consideration in component material or materials and in the purposes for which used, and (iii) approximately equal in commercial value to the merchandise under consideration.

“(D) Merchandise which satisfies all the requirements of subdivision (C) except that it was produced by another person.

“(E) Merchandise (i) produced in the same country and by the same person and of the same general class or kind as the merchandise under consideration, (ii) like the merchandise under consideration in the purposes for which used, and (iii) which the Secretary or his delegate determines may reasonably be compared for the purposes of this title with the merchandise under consideration.

“(F) Merchandise which satisfies all the requirements of subdivision (E) except that it was produced by another person.

“(4) The term ‘usual wholesale quantities’, in any case in which the merchandise in respect of which value is being determined is sold in the market under consideration at different prices for different quantities, means the quantities in which such merchandise is there sold at the price or prices for one quantity in an aggregate volume which is greater than the aggregate volume sold at the price or prices for any other quantity.”

Applicability.

SEC. 6. The amendments made by this Act shall apply with respect to all merchandise as to which no appraisal report has been made on or before the date of the enactment of this Act; except that such amendments shall not apply with respect to any merchandise which—

(1) was exported from the country of exportation before the date of the enactment of this Act, and

(2) is subject to a finding under the Antidumping Act, 1921, which (A) is outstanding on the date of enactment of this Act, or (B) was revoked on or before the date of the enactment of this Act, but is still applicable to such merchandise.

42 Stat. 15.
19 USC 171.

Approved August 14, 1958.

Public Law 85-631

AN ACT

To authorize the Secretary of the Interior to exchange certain Federal lands for certain lands owned by the State of Utah.

August 14, 1958
[S. 3569]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to accept on behalf of the United States from the State of Utah the conveyance in fee simple of the following described lands situated in such State:

Utah.
Exchange of
lands.

Beginning at United States Government monument numbered 6 (monument numbered 6 is 876.31 feet south and 2,453.795 feet east more or less from the northwest corner of section numbered 4, township 1 south, range 1 east, Salt Lake meridian) and running thence south 480 feet to the south boundary of the United States Bureau of Mines property; thence west 60 feet; thence north 400 feet; thence west 544.5 feet; thence south 400.0 feet; thence west 60.0 feet; thence north 480 feet; thence east 664.5 feet more or less to the point of beginning and containing 2.32 acres more or less.

SEC. 2. In return for the lands described in the first section of this Act the Secretary of the Interior is authorized and directed to convey by quitclaim deed to the State of Utah all right, title, and interest of the United States in and to the following described lands situated in such State:

PARCEL NUMBERED 1

Beginning at a point 664.5 feet west of United States Government monument numbered 6 (monument numbered 6 is 876.31 feet south and 2,453.795 feet east more or less from the northwest corner of section numbered 4, township 1 south, range 1 east, Salt Lake meridian) and running thence north 160.0 feet; thence east 864.35 feet more or less to the east boundary of the United States Bureau of Mines property; thence north 0 degrees 00 minutes 50 seconds west 287.6 feet; thence south 67 degrees 11 minutes 40 seconds west 366.35 feet; thence north 88 degrees 21 minutes 10 seconds west 682.72 feet; thence south 325.41 feet; thence east 155.5 feet more or less to the point of beginning and containing 4.69 acres more or less.

PARCEL NUMBERED 2

Beginning at a point 480 feet south of United States Government monument numbered 6; thence north 89 degrees 59 minutes 10 seconds east 200.00 feet; thence north 0 degrees 00 minutes 50 seconds west 136.10 feet; thence south 55 degrees 45 minutes 00 seconds west 241.92 feet more or less to the point of beginning and containing 0.31 acre more or less.

Approved August 14, 1958.

Public Law 85-632

AN ACT

August 14, 1958
[S. 3248]

To authorize the Secretary of Agriculture to exchange lands comprising the Pleasant Grove Administrative Site, Uinta National Forest, Utah, and for other purposes.

Uinta National
Forest, Utah.
Exchange of
lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is authorized to convey by quitclaim deed to the Pleasant Grove Second Corporation of the Church of Jesus Christ of Latter-day Saints, a corporation organized and existing under the laws of the State of Utah, all right, title, and interest of the United States in and to the following described tract of land comprising the Pleasant Grove Administrative Site, Uinta National Forest, Pleasant Grove, Utah: Beginning at a point which is 148.5 feet north from the southeast corner of lot 1, block 49 of the survey of Pleasant Grove townsite; thence west 165 feet; thence north 198 feet; thence east 165 feet; thence south 198 feet to point of beginning, containing .75 acre, more or less, and to accept in exchange therefor a conveyance in fee simple by warranty deed to the United States by said Pleasant Grove Second Corporation of the Church of Jesus Christ of Latter-day Saints of the following described tracts of land located in Pleasant Grove, State of Utah. Tract 1: Commencing at a point in the west line of block 52, plat "A", Pleasant Grove City survey of building lots; which point of beginning is south 0 degrees 30 minutes west along the centerline of Second West Street, a distance of 33.0 feet and south 89 degrees 30 minutes east 28.6 feet from the intersection monument at said Second West Street and Fourth North Street as per the official city plat of Pleasant Grove City (1939); and running thence south 89 degrees 30 minutes east 247.5 feet; thence south 8 degrees 58 minutes east 142.0 feet; thence north 89 degrees 30 minutes west 269.8 feet to the west line of said block 52; thence with said block line north 0 degrees 05 minutes east 140.0 feet to the point of beginning, containing .83 acre, more or less. Tract 2: Commencing 70 links south and 9.85 chains east of the one-quarter corner common to sections 29 and 30, township 5 south, range 2 east of the Salt Lake base and meridian; thence east 132 feet; thence north 660 feet; thence west 132 feet; thence south 660 feet to the point of beginning, containing 2 acres, more or less, together with the spring arising on and appertaining thereto and used exclusively in connection with said tract: *Provided*, That the lands conveyed by either party under the provisions of this Act shall be subject to rights-of-way, exceptions, reservations, or conditions outstanding of record.

Rights-of-way,
exceptions, etc.

SEC. 2. Prior to the consummation of the exchange authorized by the first section of this Act, and as a condition to the execution of the quitclaim deed by the Secretary of Agriculture, the Pleasant Grove Second Corporation of the Church of Jesus Christ of Latter-day Saints shall remove all structures, improvements, appurtenances, and facilities situated on the Pleasant Grove Administrative Site described in section 1 of this Act and relocate or reconstruct them at its expense in a manner satisfactory to the Secretary of Agriculture on the tract of land described in section 1 of this Act as tract 1 of the lands which the Pleasant Grove Second Corporation of the Church of Jesus Christ of Latter-day Saints proposes to exchange with the United States. Previous to the removal of the aforesaid structures, improvements, appurtenances, and facilities, the Pleasant Grove Second Corporation of the Church of Jesus Christ of Latter-day Saints shall furnish a performance bond in favor of the United States satisfactory to the

Secretary of Agriculture to assure the proper relocation or reconstruction of such structures, improvements, appurtenances, and facilities.

Approved August 14, 1958.

Public Law 85-633

AN ACT

Providing for the reconveyance to Salt Lake City, Utah, of the Forest Service fire warehouse lot in that city.

August 14, 1958
[S. 3439]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is authorized to reconvey, by quitclaim deed, to Salt Lake City, a municipal corporation of the State of Utah, the Forest Service fire warehouse lot located at 634 South Second East Street in Salt Lake City, together with all appurtenances pertaining thereto and all improvements thereon: *Provided,* That as a condition of such conveyance the Secretary may in his discretion reserve to the United States for a period of not to exceed two years from the date of the deed the right to use and occupy without charge the property being conveyed.

Salt Lake City,
Utah.
Reconveyance.

SEC. 2. The real property conveyance which is authorized by this Act is described as commencing at the southeast corner of lot 8, block 20, plat A, Salt Lake City survey and running thence west 10 rods; thence north 5 rods; thence east 10 rods; thence south 5 rods to the place of beginning.

SEC. 3. The consideration for the conveyance herein authorized shall be the fair market value of the property as determined by the Secretary of Agriculture. Said payment to the United States shall be deposited in a special fund and shall be available to the Secretary of Agriculture for the purpose of aiding in the construction of other similar facilities in Salt Lake City on property available to the Forest Service at the former Veterans' Administration site near Fort Douglas, which is being assigned by the General Services Administration, or on other property acquired by or available to the Secretary of Agriculture.

Payment.

SEC. 4. The United States purchased the lot from Salt Lake City by deed dated April 25, 1935, recorded in book 142 of deeds, page 337 of the Salt Lake County recorder's office records.

Approved August 14, 1958.

Public Law 85-634

AN ACT

To provide for the Board of Trustees of the Postal Savings System to consist of the Postmaster General and the Secretary of the Treasury.

August 14, 1958
[S. 2033]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second sentence of the first section of the Act entitled "An Act to establish postal savings depositories for depositing savings at interest with the security of the Government for repayment thereof, and for other purposes", approved June 25, 1910 (36 Stat. 814), as amended (39 U. S. C. 751), is hereby further amended by striking out "the Secretary of the Treasury, and the Attorney-General", and inserting in lieu thereof "and the Secretary of the Treasury".

Postal savings.
Board of Trustees.

Approved August 14, 1958.

Public Law 85-635

AN ACT

August 14, 1958
[S. 2115]

To amend the Act of June 7, 1897, as amended, and section 4233 of the Revised Statutes, as amended, with respect to lights for vessels towing or being overtaken.

Vessel lights.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That article 3 of section 1 of the Act of June 7, 1897, as amended (30 Stat. 97, as amended; U. S. C., 1952 edition, title 33, sec. 173), is amended to read as follows:

Vessel towing another.

“ART. 3. (a) A steam vessel when towing another vessel or vessels alongside or by pushing ahead shall, in addition to her side lights, carry two bright white lights in a vertical line, one over the other, not less than three feet apart, and when towing one or more vessels astern, regardless of the length of the tow, shall carry an additional bright white light three feet above or below such lights. Each of these lights shall be of the same construction and character, and shall be carried in the same position as the white light mentioned in article 2 (a) or the after range light mentioned in article 2 (f).

Vessel pushing another.

“(b) A steam vessel carrying towing lights the same as the white light mentioned in article 2 (a), when pushing another vessel or vessels ahead, shall also carry at or near the stern two bright amber lights in a vertical line, one over the other, not less than three feet apart; each of these lights shall be so constructed as to show an unbroken light over an arc of the horizon of twelve points of the compass, so fixed as to show the light six points from right aft on each side of the vessel, and of such a character as to be visible at a distance of at least two miles. A steam vessel carrying towing lights the same as the white light mentioned in article 2 (a) may also carry, irrespective of the position of the tow, the after range light mentioned in article 2 (f); however, if the after range light is carried by such a vessel when pushing another vessel or vessels ahead, the amber lights shall be carried in a vertical line with and at least three feet lower than the after range light. A steam vessel carrying towing lights the same as the white light mentioned in article 2 (a), when towing one or more vessels astern, may also carry, in lieu of the stern light specified in article 10, a small white light abaft the funnel or aftermast for the tow to steer by, but such light shall not be visible forward of the beam.”

SEC. 2. Article 10 of section 1 of the Act of June 7, 1897, as amended (30 Stat. 98; U. S. C., 1952 edition, title 33, sec. 179), is amended to read as follows:

Vessel underway.

“ART. 10. (a) A vessel when underway, if not otherwise required by these rules to carry one or more lights visible from aft, shall carry at her stern a white light, so constructed that it shall show an unbroken light over an arc of the horizon of twelve points of the compass, so fixed as to show the light six points from right aft on each side of the vessel, and of such a character as to be visible at a distance of at least two miles. Such light shall be carried as nearly as practicable on the same level as the side lights.

Small vessel.

“(b) In a small vessel, if it is not possible on account of bad weather or other sufficient cause for this light to be fixed, an electric torch or a lighted lantern shall be kept at hand ready for use and shall, on the approach of an overtaking vessel, be shown in sufficient time to prevent collision.”

SEC. 3. Section (d) of Rule Numbered 3 of section 4233 of the Revised Statutes of the United States, as amended (U. S. C., 1952 edition, title 33, sec. 312), is amended to read as follows:

62 Stat. 250.

"(d) At or near the stern, where they can best be seen, two amber lights in a vertical line, one over the other, not less than three feet apart, of such a character as to be visible from aft for a distance of at least two miles, and so screened as not to be visible forward of the beam."

SEC. 4. Rule Numbered 10 of section 4233 of the Revised Statutes of the United States, as amended (U. S. C., 1952 edition, title 33, sec. 319), is amended to read as follows:

"Rule Numbered 10. (a) A vessel when under way, if not otherwise required by these rules to carry one or more lights visible from aft, shall carry at her stern a white light, so constructed that it shall show an unbroken light over an arc of the horizon of twelve points of the compass, so fixed as to show the light six points from right aft on each side of the vessel, and of such a character as to be visible at a distance of at least two miles. Such light shall be carried as nearly as practicable on the same level as the side lights.

"(b) In a small vessel, if it is not possible on account of bad weather or other sufficient cause for this light to be fixed, an electric torch or a lighted lantern shall be kept at hand ready for use and shall, on the approach of an overtaking vessel, be shown in sufficient time to prevent collision."

Approved August 14, 1958.

Vessel towing another.

62 Stat. 250.

Vessel under-way.

Small vessel.

Public Law 85-636

AN ACT

Authorizing the modification of the Crisfield Harbor, Maryland, project in the interest of navigation.

August 14, 1958
[S. 3177]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the project for Crisfield Harbor, Maryland, authorized in the River and Harbor Act of 1954 (Public Law 780, Eighty-third Congress) is hereby modified to provide for construction of the plan of improvement designated as plan numbered 2, substantially as contained in the report of the Chief of Engineers in House Document Numbered 435, Eighty-first Congress, with such additional modifications and changes as may be deemed advisable: *Provided*, That such modifications result in no increased cost to the Federal Government for construction over and above that contemplated and authorized in the River and Harbor Act of 1954: *Provided further*, That in lieu of the local cooperation recommended in House Document Numbered 435 and authorized by Public Law 780, local interests shall: (a) Furnish free of cost to the United States all lands, easements, rights-of-way and suitable spoil disposal areas for the construction and subsequent maintenance, when and as required for construction generally in accordance with the plan of improvement designated as plan numbered 2; (b) remove or cause to be removed the existing drawbridge and piers; and remove or cause to be removed existing structures and wrecks from the area to be dredged; (c) provide and maintain a public access at least twenty-five feet wide approximately normal to the north side of Somers Cove, such public access to consist of a suitable public road to a space at least twenty-five feet wide reserved for public use abutting the periphery of Somers Cove along the north side of the area to be dredged under the plan of improvement designated as plan numbered 2; and (d) hold and save the United States free from damages due to the construction and maintenance of the project.

Approved August 14, 1958.

Crisfield Harbor, Md.
Modification of navigation project.
68 Stat. 1250.

Public Law 85-637

AN ACT

August 14, 1958
[S. 2255]

To amend section 607 (d) of the Merchant Marine Act, 1936, as amended.

Merchant Marine
Act of 1936, amend-
ment.
49 Stat. 2005.

Investment of
contractor's funds.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 607 of the Merchant Marine Act, 1936, as amended (46 U. S. C. 1177), is amended by inserting at the beginning of the first two paragraphs of subsection (d) thereof the designations "(1)" and "(2)", respectively, and by inserting at the end of such subsection (d) the following new subdivisions:

"(3) (A) Upon application of the contractor, the Secretary of Commerce, in his discretion, may permit the contractor to transfer not exceeding 50 per centum of his capital reserve fund and 50 per centum of his special reserve fund to a trustee which is incorporated as a bank or trust company under the laws of the United States, or of any State, and which is approved by the Secretary of Commerce, in trust nevertheless for the benefit of the contractor and of the United States as their interests are stated in this section (1) to hold in separate trusts the principal of the capital and special reserve funds so transferred, one trust for the capital reserve fund and one trust for the special reserve fund; (2) to invest and reinvest the principal of such trusts in such common stocks of corporations organized and existing under the laws of the United States or of the District of Columbia or of any State of the United States which are currently fully listed and registered upon an exchange registered with the Securities and Exchange Commission as a national securities exchange, and which would be acquired by prudent men of discretion and intelligence in such matters who are seeking a reasonable income and the preservation of their capital; (3) to accumulate the income from the capital reserve fund trust in such trust, to pay the income from the special reserve fund trust into the capital reserve fund trust, and to invest and reinvest such income in common stocks in which the trustee is authorized to invest principal under this subdivision (3); and (4) to pay to the contractor and the Secretary of Commerce, as trustees of the special reserve fund and the capital reserve fund, after reasonable notice, from the principal and accumulated income of the trusts such amounts, in cash, as the contractor and the Secretary of Commerce direct.

"(B) Consent by the contractor to an investment which is not authorized by this subdivision (3) shall not be a defense to the trustee. Such common stock trusts shall be revocable by the Secretary of Commerce at any time and upon notice of the revocation, the common stock trustee shall reduce the principal and accumulated income of such trusts to cash and shall pay such cash to the contractor and the Secretary of Commerce as trustees of the capital reserve fund and special reserve fund. In the administration of such common stock trusts, capital gains, stock dividends, and rights to purchase stock shall be considered principal; cash dividends, whenever earned, shall be considered income. At the end of the contractor's recapture period, however, after satisfaction of the contractor's recapture obligations, an amount of the special reserve fund trust equal to the value of the capital gains made (whether realized or not), the stock dividends declared, and the rights to purchase stock issued to the special reserve fund trust during such recapture period, to the extent the special reserve fund trust contains this amount, shall be transferred (in cash or in stock) to the capital reserve fund trust. For the purpose of deter-

mining the 50 per centum of the capital reserve fund and the special reserve fund the transfer of which to a common stock trust the Secretary of Commerce may approve, the market value of each such fund as of the date of such transfer shall be used. The common stock trusts authorized by this subdivision (3) shall at all times remain a part of the capital reserve fund and the special reserve fund.

“(C) If immediately before a deposit is made in a capital or special reserve fund, 50 per centum or more of the value of such fund is invested in common stock, the Secretary of Commerce is authorized to approve, upon application of the contractor, the transfer of not exceeding 50 per centum of such deposit to the common stock trustee upon the trusts authorized in this subdivision (3). When payments are made, or funds are withdrawn, from a capital reserve fund or a special reserve fund, as authorized in this section, if 50 per centum or more of the value of such capital reserve fund or special reserve fund, as of the date of such payment or withdrawal, is invested in common stocks, such payment or withdrawal shall be made from the common stock trust in the proportion that the value of such common stock trust bears to the value of the entire capital reserve fund or special reserve fund. If, however, less than 50 per centum of the value of such capital or special reserve fund, as of the date of such payment or withdrawal, is invested in common stocks, the Secretary of Commerce is authorized, upon application by the contractor, to approve the allocation of the payment or withdrawal entirely to the portion of such capital or special reserve fund not invested in common stocks, or to approve the allocation of such payment or withdrawal between the common stock trust and the remainder of such capital or special reserve fund in any proportion, so long as the value of the common stock trust immediately after such withdrawal does not exceed 50 per centum of the value of such capital or special reserve fund, and if the contractor makes no such application or if the allocation requested in such application is not approved by the Secretary of Commerce, then such payment or withdrawal shall be allocated in the manner above provided for when the value of the common stock trust is 50 per centum or more of the value of the entire capital reserve fund or special reserve fund.

“(D) Trust indentures executed under the authority of this subdivision (3) may contain such other terms and conditions not inconsistent with this subdivision (3), as the Secretary of Commerce determines are desirable to protect the interests of the United States. The authority of the Secretary of Commerce to grant approvals, give directions, make determinations, and make regulations under this subdivision (3), and to act as trustee of the capital reserve fund and special reserve fund under this section may be delegated to the Maritime Administrator.”

Approved August 14, 1958.

Public Law 85-638

AN ACT

To amend the Veterans' Readjustment Assistance Act of 1952, to extend the time for filing claims for mustering-out payments.

August 14, 1958
[S. 1698]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 503 of the Veterans' Readjustment Assistance Act of 1952 is amended by striking out “July 16, 1956” and inserting in lieu thereof “July 16, 1959”.

Approved August 14, 1958.

69 Stat. 380.
38 USC 1013.

Public Law 85-639

AN ACT

To convey right-of-way to Eagle Creek Inter-Community Water Supply Association.

August 14, 1958
[S. 479]

Eagle Creek
Inter-Community
Water Supply Association.
Right-of-way.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a right-of-way is hereby granted for a period of fifty years from the date hereof to the Eagle Creek Inter-Community Water Supply Association, a public corporation of the State of New Mexico, its successors and assigns, over, through, across, and upon lands of the United States in the Lincoln National Forest, in the State of New Mexico, subject to the conditions herein contained, for the construction, maintenance, and operation of that certain pipeline, and branches thereof, known as the Eagle Creek pipeline, constructed by the El Paso and Rock Island Railway Company, as now located upon the right-of-way granted to said company by the Act of Congress of March 4, 1915 (38 Stat. L. 1195), within sections 9, 16, 21, and 32, township 10 south, range 13 east, New Mexico principal meridian, and such additions and extensions as said association may make thereto, for the purpose of transportation of water for domestic, public, or for any other beneficial uses, together with the right to construct, maintain, use, and occupy the present or additional reservoir sites for the storage of water for such purposes: *Provided*, That the Secretary of Agriculture may upon abandonment or nonuse of the same for the purpose for which it is granted for a period not less than one year declare said right-of-way or any part thereof forfeited and annul the same.

SEC. 2. That the right-of-way hereby granted shall be so much as may be necessary only for such purposes, not to exceed, however, twenty-five feet on each side of the centerline of such pipelines, and maps of the location of additional reservoir sites or any such extensions or additions to such pipelines shall be prepared by said association and submitted to the Secretary of Agriculture for his consideration and the right-of-way as to the same shall not take effect unless and until approved by him: *Provided*, That all rights-of-way hereby granted, extensions thereof and additions thereto shall conform to such conditions and stipulations and be subject to such fees as may be prescribed by the Secretary of Agriculture.

Conservation of
timber.

SEC. 3. That said association shall conform to all and singular the regulations adopted or prescribed by the Secretary of Agriculture governing such national forest, or the use or users thereof, and shall not take, cut, or destroy any timber within the same except such as it may be actually necessary to remove to construct its said pipelines and the structures pertaining thereto, and it shall pay to the proper officer of the Forest Service the full value of all timber and wood cut, used, or destroyed by it within the said national forest.

SEC. 4. That no private right, title, or interest owned by any person, persons, or corporation in such national forest shall be interfered with or abridged except with the consent of the owner or owners or by due process of law and just compensation to said owner or owners; nor shall the privileges herein granted be construed to interfere with the control of water for any purpose under the laws of the United States or of the State of New Mexico.

SEC. 5. That the enjoyment of the rights hereby granted shall be subject at all times to all laws relating to the national forests and to all rules and regulations authorized and established thereunder. For infraction of such laws, rules, or regulations the owner or user of such right-of-way shall be subject to all fines and penalties imposed

thereby, and shall also be liable in a civil action for all damages that may accrue from such breach.

SEC. 6. That said association shall continue to maintain the present connections of lines and permit the future connections of lines to and supply water for nearby Department of Agriculture installations and shall continue to maintain the present watering troughs and supply water as at present for the use of animals lawfully grazing upon such national forest or at such other place along said pipeline, in lieu thereof, as the officer in charge of such national forest shall from time to time direct.

Water supply.

SEC. 7. This Act shall not become effective until said association shall have filed with the Secretary of Agriculture a release and quit-claim by Southern Pacific Company, a corporation, successor in interest of the El Paso and Rock Island Railway Company, of all right, title and interest in and to the right-of-way for said Eagle Creek pipeline granted by said Act of Congress of March 4, 1915 (38 U. S. Stat. L. 1195).

Effective date.

SEC. 8. The Secretary of Agriculture is hereby authorized to extend the rights herein granted for such additional periods and on such terms and conditions as he may then deem appropriate and in the public interest.

Extension of rights.

Approved August 14, 1958.

Public Law 85-640

AN ACT

Relating to the procedure for altering certain bridges over navigable waters.

August 14, 1958
[S. 2158]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of June 21, 1940, entitled "An Act to provide for the alteration of certain bridges over navigable waters of the United States, for the apportionment of the cost of such alterations between the United States and the owners of such bridges, and for other purposes" (54 Stat. 497), as amended by the Act of July 16, 1952 (66 Stat. 732), is hereby further amended as follows:

Bridges.

33 USC 511-523.

(a) By amending the first sentence of section 5 to read as follows: "After approval of such general plans and specifications by the Secretary, and after notification of such approval, the bridge owner shall, in such manner and within such times as the Secretary may prescribe, take bids for the alteration of such bridge in accordance with such general plans and specifications."

Bids.
33 USC 515.

(b) By adding the following after the word "provided" at the end of section 5: "Provided, That where funds have been appropriated for part only of a project, the bridge owner may take bids for part only of the work. In the event the bridge owner proceeds with the alteration through the taking of successive partial bids, the bridge owner shall, if required by the Secretary, submit a revised guaranty of cost after bids are accepted for successive parts of the work."

(c) By adding the following after the word "navigation" at the end of section 6: "And provided further, That where the bridge owner proceeds with the alteration on a successive partial bid basis the Secretary is authorized to issue an order of apportionment of cost for the entire alteration based on the accepted bid for the first part of the alteration and an estimate of cost for the remainder of the work. The Secretary is authorized to revise the order of apportionment of cost, to the extent he deems reasonable and proper, to meet any changed conditions."

Apportionment of cost.
33 USC 516.

Partial pay-
ments.
33 USC 517.

(d) By amending the first two sentences of section 7 to read as follows: "Following approval by the Secretary of the general plans and specifications for the alteration of such bridge, the guaranty with respect to the cost thereof, the fixing of the proportionate shares thereof as between the United States and the bridge owner and approval of the commencement of the alteration, the Chief of Engineers may make partial payments as the work progresses to the extent that funds have been appropriated."

Approved August 14, 1958.

Public Law 85-641

AN ACT

August 14, 1958
[S. 359]

To permit desert land entries on disconnected tracts of lands which, in the case of any one entryman, form a compact unit and do not exceed in the aggregate three hundred and twenty acres.

Desert land en-
tries.

19 Stat. 377; 69
Stat. 491.

30 USC 83 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act of March 3, 1877, entitled "An Act to provide for the sale of desert lands in certain States and Territories", as amended (43 U. S. C. 321), is further amended by the deletion at the end of that section of the following words ": *Provided*, That no person shall be permitted to enter more than one tract of land and not to exceed three hundred and twenty acres which shall be in compact form" and the addition of the following: "Except as provided in section 3 of the Act of June 16, 1955 (69 Stat. 138), as amended, no person may make more than one entry under this Act. However, in that entry one or more tracts may be included, and the tracts so entered need not be contiguous. The aggregate acreage of desert land which may be entered by any one person under this section shall not exceed three hundred and twenty acres, and all the tracts entered by one person shall be sufficiently close to each other to be managed satisfactorily as an economic unit, as determined under rules and regulations issued by the Secretary of the Interior."

30 USC 83 note.

SEC. 2. Section 3 of the Act of June 16, 1955 (69 Stat. 138), is amended to read as follows:

36 Stat. 583; 38
Stat. 509.
30 USC 83-85;
121-123.

"SEC. 3. Any person who, prior to June 16, 1955, made a valid desert-land entry on lands subject to such Act of June 22, 1910, or of July 17, 1914, may, if otherwise qualified, make one additional entry, as a personal privilege, not assignable, upon one or more tracts of desert land subject to the provisions of such Acts, as hereby amended, and section 7 of the Act entitled 'An Act to stop injury to the public grazing lands by preventing overgrazing and soil deterioration, to provide for their orderly use, improvement, and development to stabilize the livestock industry dependent upon the public range, and for other purposes', approved June 28, 1934, as amended (48 Stat. 1269, 1272; 43 U. S. C. 315f). The additional land entered by any person pursuant to this section shall not, together with his original entry, exceed three hundred and twenty acres, and all the tracts included within the additional entry authorized by this section shall be sufficiently close to each other to be managed satisfactorily as an economic unit, as determined under rules and regulations issued by the Secretary of the Interior. Additional entries authorized by this section shall be subject to all the requirements of the desert-land law."

Approved August 14, 1958.

Public Law 85-642

AN ACT

To incorporate the Congressional Medal of Honor Society of the United States of America.

August 14, 1958
[S. 1857]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following named persons: Major General David M. Shoup, United States Marine Corps, Virginia; Joel T. Boone, Washington, District of Columbia; Samuel I. Parker, New Jersey; Nicholas Oresko, New Jersey; Luther Skaggs, Maryland; Rufus G. Herring, North Carolina; Nathan Gordon, Arkansas; Joseph J. McCarthy, Illinois; Pierpont M. Hamilton, California; Daniel W. Lee, Alabama; Walter D. Ehlers, California; David E. Hayden, California; William R. Huber, California; Robert S. Kennemore, California; Jackson C. Pharris, California; William J. Crawford, Colorado; Hugh C. Frazer, Washington, District of Columbia; Robert E. Galer, Washington, District of Columbia; Edouard V. M. Izac, Washington, District of Columbia; Leon W. Johnson, Washington, District of Columbia; Keith L. Ware, Washington, District of Columbia; John C. Latham, Connecticut; Homer L. Wise, Connecticut; Charles P. Murray, Georgia; Robert E. Gerstung, Illinois; Jake Alex Mandusich, Illinois; John L. Barkley, Kansas; Charles E. Kelly, Kentucky; John D. Bulkeley, Maryland; Justice M. Chambers, Maryland; Lawson P. Ramage, Washington, District of Columbia; Charles A. MacGillivray, Massachusetts; Everett P. Pope, Massachusetts; Russell E. Dunham, Missouri; Arthur J. Forrest, Missouri; M. Waldo Hatler, Missouri; Carl L. Sitter, North Carolina; Max Thompson, North Carolina; Francis X. Burke, New Jersey; Thomas J. Hudner, New Jersey; Samuel M. Sampler, New Jersey; Charles Henry Willey, New Hampshire; Frank L. Anders, North Dakota; Ernest Childers, Oklahoma; John R. Crews, Oklahoma; Jack C. Montgomery, Oklahoma; Robert D. Maxwell, Oregon; Gino J. Merli, Pennsylvania; Oscar Schmidt, Pennsylvania; Thomas Eadie, Rhode Island; Charles H. Coolidge, Tennessee; Carlton W. Barrett, Virginia; Raymond G. Davis, Virginia; Paul F. Foster, Virginia; James R. Hendrix, Virginia; John Mihalowski, Virginia; Louis H. Wilson, Virginia; Orville E. Bloch, Washington; Robert E. Bonney, Washington; Einar H. Ingman, Wisconsin; Herschel W. Williams, West Virginia; and their successors are created and declared to be a body corporate of the District of Columbia, where its legal domicile shall be by the name of the Congressional Medal of Honor Society of the United States of America (hereafter referred to as the "corporation") and by such name shall be known and have perpetual succession and the powers, limitations, and restrictions herein contained.

Congressional
Medal of Honor
Society.
Incorporation.

COMPLETION OF ORGANIZATION

SEC. 2. A majority of the persons named in the first section of this Act are authorized to complete the organization of the corporation by the selection of officers and employees, the adoption, amendment, and revision of a constitution and bylaws not inconsistent with the provisions of this chapter and the doing of such other acts as may be necessary for such purpose.

OBJECTS AND PURPOSES OF THE CORPORATION

SEC. 3. The objects and purposes of the corporation are as follows:

- (1) To form a bond of friendship and comradeship among all holders of the Congressional Medal of Honor.
- (2) To protect, uphold, and preserve the dignity and honor of the medal at all times and on all occasions.
- (3) To protect the name of the medal, and individual holders of the medal from exploitation.
- (4) To provide appropriate aid to all persons to whom the medal has been awarded, their widows or their children.
- (5) To serve our country in peace as we did in war.
- (6) To inspire and stimulate our youth to become worthy citizens of our country.
- (7) To foster and perpetuate Americanism.

POWERS OF THE CORPORATION

SEC. 4. The corporation shall have power—

- (1) to sue and be sued, complain and defend in any court of competent jurisdiction;
- (2) to adopt, alter, and use a corporate seal;
- (3) to choose officers, managers, and agents as the business of the corporation may require;
- (4) to charge and collect membership dues;
- (5) to adopt, amend, apply, and alter a constitution and by-laws not inconsistent with the laws of the United States of America or any State in which the corporation is to operate, for the management of its property and the regulation of its affairs;
- (6) to contract and be contracted with;
- (7) to take and hold by lease, gift, purchase, grant, devise, bequest or otherwise any property real, personal, or mixed, necessary or convenient for attaining the objects of the corporation, subject, however, to applicable provisions of law of any State, (a) governing the amount or kind of real and personal property which may be held by, or, (b) otherwise limiting or controlling the ownership of real and personal property by, a corporation operating in such State;
- (8) to transfer, lease, or convey real or personal property;
- (9) to borrow money for the purposes of the corporation and issue bonds or other evidences of indebtedness therefor and secure the same by mortgage or pledge subject to applicable Federal or State laws; and
- (10) to do any and all acts necessary and proper to carry out the purposes of the corporation.

PRINCIPAL OFFICE; TERRITORIAL SCOPE OF ACTIVITIES; RESIDENT AGENT

SEC. 5. (a) The principal office of the corporation shall be located in Washington, District of Columbia, or in such other place as may later be determined by the board of directors but the activities of the corporation shall not be confined to that place and may be conducted throughout the various Territories and possessions of the United States.

(b) The corporation shall have in the District of Columbia at all times a designated agent authorized to accept service and process for the corporation; and notice to or service upon such agent or mailed to the business address of such agent shall be deemed as service to or notice on the corporation.

MEMBERSHIP RIGHTS

SEC. 6. (a) Any person who has been awarded the Medal of Honor is eligible for membership in the society.

(b) Honorary memberships shall not be granted.

(c) Each member of the corporation shall have the right to one vote either in person or by proxy on each matter submitted to a vote at all meetings of the members of the corporation.

GOVERNING BODY; COMPOSITION; TENURE

SEC. 7. (a) The governing body of the corporation is its board of directors which during the year 1958 will comprise the following: President, David M. Shoup; executive vice president, Joel T. Boone; secretary-treasurer, Samuel I. Parker; first regional vice president, Nicholas Oresko; second regional vice president, Luther Skaggs; third regional vice president, Rufus G. Herring; fourth regional vice president, Nathan Gordon; fifth regional vice president, Joseph J. McCarthy; sixth regional vice president, Pierpont M. Hamilton; who currently hold such offices in the Congressional Medal of Honor Society of the United States of America.

(b) Thereafter the board of directors of the corporation shall consist of such number (not less than nine), shall be elected in such manner (including the filling of vacancies) and shall serve their terms as may be prescribed in the bylaws of the corporation.

(c) The board of directors may exercise, or provide for the exercise of, the powers herein granted to the corporation, and each member of the board shall have one vote upon all matters determined, except that if the offices of secretary and treasurer are combined and are held by one person, he shall have only one vote as a member of the board of directors. The board shall meet at least annually. The president of the corporation shall act as chairman of the board.

OFFICERS; POWERS; ELECTION; TENURE

SEC. 8. (a) The officers of the corporation shall consist of a president, executive vice president, secretary, treasurer, and six regional vice presidents as may be provided in the bylaws. The office of secretary may be combined with the office of treasurer and the combined offices may be held by one person.

(b) The officers shall have such powers consistent with this charter, as may be determined by the bylaws.

(c) The officers of the corporation shall be elected in such manner and have such terms and with such duties as may be prescribed in the bylaws of the corporation.

DISTRIBUTION OF INCOME OR ASSETS TO MEMBERS; LOANS

SEC. 9. (a) No part of the income or assets of the corporation shall inure to any member, officer, or director as such, or be distributed to any of them during the life of the corporation or upon its dissolution or final liquidation, nor shall any member or private individual be liable for the obligations of the corporation. Nothing in this section, however, shall be construed to prevent—

(1) the payment of bona fide expenses of officers of the corporation in amounts approved by the board or directors; or

(2) the payment of appropriate aid to persons to whom the Medal of Honor has been awarded, their widows or their children pursuant to the objects of the corporation.

(b) The corporation shall not make loans to its officers, directors, or employees. Any officer or director who votes for or assents to the making of a loan to an officer, director, or employee of the corporation and any officer who participates in the making of such loan shall be jointly and severally liable to the corporation for the amount of such loan until the payment thereof.

NONPOLITICAL NATURE OF CORPORATION

SEC. 10. The corporation and its officers and directors as such shall not contribute to or participate in, directly or indirectly, local or national political activity or in any manner attempt to influence legislation.

LIABILITY FOR ACTS OF OFFICERS AND AGENTS

SEC. 11. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

PROHIBITION AGAINST ISSUANCE OF STOCK OR ISSUANCE OF DIVIDENDS

SEC. 12. The corporation shall have no power to issue any shares of stock or declare or pay dividends.

BOOKS AND RECORDS ; INSPECTION

SEC. 13. The corporation shall keep correct and complete books and records of account. It shall also keep minutes of the proceedings of its membership and of the board of directors or committees having authority under the board of directors. It shall also keep at its principal office a record giving the names and addresses of its members, directors, and officers. All books and records of the corporation may be inspected by any member or his agent or attorney for any proper purpose at any reasonable time.

AUDIT OF FINANCIAL TRANSACTIONS ; REPORT TO CONGRESS

SEC. 14. (a) The financial transactions of the corporation shall be audited annually by an independent certified accountant in accordance with the principles and procedures applicable to commercial corporate transactions. The audit shall be conducted at the place or places where the accounts of the corporation are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the corporation and necessary to facilitate the audit shall be made available to the person or persons conducting the audit and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

(b) A report of such audit shall be made by the corporation to the Congress not later than March 1 of each year. The report shall set forth the scope of the audit and shall include a verification by the person or persons conducting the audit of statements of (1) assets and liabilities; (2) capital and surplus or deficit; (3) surplus or deficit analyses; (4) income and expense; and (5) sources and application of funds. The report shall not be printed as a public document.

USE OF ASSETS UPON DISSOLUTION OR LIQUIDATION

SEC. 15. Upon final dissolution or liquidation of the corporation and after discharge or satisfaction of all outstanding obligations and liabilities the remaining assets of the corporation may be distributed in

accordance with the determination of the board of directors of the corporation and in compliance with the bylaws of the corporation and all Federal and State laws applicable thereto.

TRANSFER OF ASSETS FROM PRIOR CORPORATION

SEC. 16. The corporation may acquire the assets of the Congressional Medal of Honor Society of the United States, Incorporated, a body corporate organized under the laws of the State of New York, upon discharge or satisfactorily providing for the payment and discharge of all of the liabilities of such State corporation and upon complying with all the laws of the State of New York applicable thereto.

RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER

SEC. 17. The right to alter, amend, or repeal this Act is expressly reserved.

Approved August 14, 1958.

Public Law 85-643.

AN ACT

To provide for a survey of the Coosawhatchie and Broad Rivers in South Carolina, upstream to the vicinity of Dawson Landing.

August 14, 1958
[S. 3833]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army is hereby authorized and directed to cause a survey in the interest of navigation, to be made under the direction of the Chief of Engineers, of the Coosawhatchie and the Broad Rivers in South Carolina, upstream to the vicinity of Dawson Landing, subject to all applicable provisions of section 110 of the River and Harbor Act of 1950.

Coosawhatchie
and Broad Rivers,
S.C.
Survey.

64 Stat. 168.

SEC. 2. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

Appropriation.

Approved August 14, 1958.

Public Law 85-644

AN ACT

To amend the Act of July 1, 1948 (62 Stat. 1215) to authorize the furnishing of headstones or markers in memory of members of the Armed Forces dying in the service, whose remains have not been recovered or identified or were buried at sea.

August 14, 1958
[H. R. 4381]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of July 1, 1948 (62 Stat. 1215; 24 U. S. C. 279a) is amended:

Armed Forces.
Memorial mark-
ers.

(1) By adding the following sentence after the first sentence of section 1 thereof: "The Secretary of the Army is authorized and directed to furnish, when requested, an appropriate memorial headstone or marker to commemorate any member of the armed forces of the United States dying in the service, whose remains have not been recovered or identified or were buried at sea, for placement by the applicant in a national cemetery or in any private or local cemetery."

(2) By amending section 2 thereof to read as follows:

“The Secretary of the Army is authorized to prescribe such rules and regulations with respect to the submission of applications for all Government headstones and markers and other pertinent matters as may be necessary to carry out the provisions of this Act.”

Approved August 14, 1958.

Public Law 85-645

AN ACT

August 14, 1958
[H. R. 10277]

To reduce from fifteen to thirteen inches the minimum width of paper in rolls which may be imported into the United States free of duty as standard newspaper, and for other purposes.

Imports.
Standard news-
print paper.
58 Stat. 73.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph 1772 of section 201 of the Tariff Act of 1930, as amended (19 U. S. C. 1201, par. 1772), is amended by striking out the last sentence and inserting in lieu thereof the following: “For the purposes of this paragraph, paper which is in rolls not less than thirteen inches in width shall be deemed to be standard newsprint paper insofar as width of rolls is concerned.”

Effective date.

SEC. 2. The amendment made by the first section of this Act shall apply with respect to paper entered, or withdrawn from warehouse, for consumption, after the date of the enactment of this Act.

52 Stat. 1077.

SEC. 3. (a) Paragraph 1313 of the Tariff Act of 1930 (19 U. S. C., sec. 1001, par. 1313) is amended to read as follows:

“Synthetic tex-
tiles.”

“PAR. 1313. As used in this title, the term ‘rayon or other synthetic textile’ means any fiber, filament, or fibrous structure, and any band or strip (suitable for the manufacture of textiles) not over one inch in width, all the foregoing whether formed by extrusion or by other processes from substances derived by man from cellulosic or non-cellulosic materials by chemical processes, such as, but not limited to, polymerization and condensation, but the term does not include fibers, filaments, fibrous structures, or bands and strips of glass or other nonmetallic mineral, or of metal, paper, or natural rubber.”

(b) Notwithstanding the provisions of subsection (a) of this section, nothing in this section shall change the existing customs classification of nylon monofilament fishing line, nylon surgical sutures, nylon tennis racket strings or nylon brush bristles.

Effective date.

(c) The amendment made by subsection (a) of this section shall apply to articles entered, or withdrawn from warehouse, for consumption after the thirtieth day after the date of the enactment of this Act.

Tanning ex-
tracts.
71 Stat. 516.

SEC. 4. (a) Paragraph 1670 (b) of the Tariff Act of 1930, as amended (19 U. S. C., sec. 1201, par. 1670 (b)), is amended by striking out “all the foregoing” and inserting in lieu thereof the following: “and extracts, decoctions, and preparations of eucalyptus (irrespective of their chief use) suitable for use for tanning; all the foregoing”.

Effective date.

(b) The amendment made by subsection (a) of this section shall apply to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act and prior to September 29, 1960, and to articles covered by entries or withdrawals which have not been liquidated or the liquidation of which has not become final on such date of enactment.

Approved August 14, 1958.

Public Law 85-646

AN ACT

August 14, 1958
[H. R. 13209]

To provide for adjustments in the lands or interests therein acquired for the Albeni Falls Reservoir project, Idaho, by the reconveyance of certain lands or interests therein to the former owners thereof.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a), in order to provide for adjustments in the lands or interests in land heretofore acquired for the Albeni Falls Reservoir project to conform such acquisition to a lesser estate in lands now being acquired to complete the real estate requirements of the project, the Secretary of the Army is authorized to reconvey any such land or interests in land heretofore acquired to the former owners thereof whenever (1) he shall determine that such land or interest is not required for public purposes, (2) he shall have received a written statement from such agency or person as may be designated by the Governor of the State of Idaho that the reconveyance of such property is in the best interest of the State, and (3) he shall have received an application for reconveyance as herein-after provided.

Albeni Falls
Reservoir, Idaho.
Project adjust-
ments.

(b) Any such reconveyance of any such land or interest shall be made only after the Secretary (1) has given notice in such manner (including publication) as he shall by regulation prescribe, to the former owner of such land or interest, and (2) has received an application for the reconveyance of such land or interest from such former owner, in such form as he shall by regulation prescribe, within a period of ninety days following the date of issuance of such notice.

(c) Any reconveyance of land or interest therein made under this Act shall be subject to such exceptions, restrictions, and reservations (including a reservation to the United States of flowage rights) as the Secretary may determine are in the public interest.

(d) Any land or interest therein reconveyed under this Act shall be sold for an amount determined by the Secretary to be equal to the price for which the land was acquired by the United States, adjusted to reflect (1) any increase in the value thereof resulting from improvements to the land made by the United States, and (2) any decrease in the value thereof resulting from (A) any reservation, exception, restriction, and condition to which the reconveyance is made subject, and (B) any damage to the land or interest therein caused by the United States. In addition, the cost of any surveys necessary as an incident of such reconveyance shall be borne by the grantee.

(e) The requirements of this section shall not be applicable with respect to the disposition of any land, or interest therein, described in subsection (a) if the Secretary shall certify (1) that notice has been given the former owner of such land or interest as provided in subsection (b), and that no qualified applicant has made timely application for the reconveyance of such land or interest, or (2) that within a reasonable time after receipt of a proper application for reconveyance of such land or interest the parties have been unable to reach a satisfactory agreement with respect to the reconveyance of such land or interest.

(f) As used in this section, the term "former owner" means the person from whom any land, or interest therein, was acquired by the United States, or if such person is deceased, his spouse, or if such spouse is deceased, his children.

SEC. 2. The Secretary of the Army may delegate any authority conferred upon him by this Act to any officer or employee of the Department of the Army. Any such officer or employee shall exercise the

Delegation of
authority.

authority so delegated under rules and regulations approved by the Secretary.

SEC. 3. Any proceeds from reconveyances made under this Act shall be covered into the Treasury of the United States as miscellaneous receipts.

Termination date.

SEC. 4. This Act shall terminate three years after the date of its enactment.

Approved August 14, 1958.

Public Law 85-647

AN ACT

August 14, 1958.
[H. R. 5450]

To authorize the enlargement of the administrative headquarters site for Isle Royale National Park, Houghton, Michigan, and for other purposes.

Isle Royale National Park, Mich.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to acquire by purchase or donation, or with donated funds, a tract of land, or interests therein, located in Houghton, Michigan, fronting on Portage Lake and lying to the east of Franklin Street and to the north of Carroll Avenue, said land aggregating not more than three acres and being known as the Carroll Estate. The property so acquired shall be added to the existing nearby administrative headquarters site furnishing services and facilities required for the administration of Isle Royale National Park.

SEC. 2. Any funds now or hereafter made available for purposes of construction or for purposes of operation and maintenance within Isle Royale National Park may be used for such purposes with respect to the administrative site and facilities relating thereto at Houghton, Michigan. Any land acquisition funds now or hereafter made available to the Secretary of the Interior for purposes of the national park system may be used by the Secretary for the acquisition of the property authorized to be added to the headquarters site pursuant to this Act.

Approved August 14, 1958.

Public Law 85-648

AN ACT

August 14, 1958
[H. R. 6198]

To exclude certain lands from the Sequoia National Park, in the State of California, and for other purposes.

Sequoia National Park, Calif.
Exclusion of lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of eliminating certain lands from the Sequoia National Park, the Secretary of the Interior, with the approval of the Secretary of Agriculture, is hereby authorized to exclude from the Sequoia National Park not to exceed ten acres of land situated adjacent to the boundary of the park in township 17 south, range 30 east, Mount Diablo meridian and at a place where the Mineral King Road intersects the east line of said township. Land so excluded shall become a part of the Sequoia National Game Refuge, within the Sequoia National Forest. Exclusion of such land from the park and the addition thereof to the Sequoia National Game Refuge of the Sequoia National Forest, pursuant to this section, shall be effective upon publication of notice thereof in the Federal Register.

Notification in F.R.

Approved August 14, 1958.

Public Law 85-649

AN ACT

To provide a right-of-way to the city of Alamogordo, a municipal corporation of the State of New Mexico.

August 14, 1958
[S. 1245]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a right-of-way is hereby granted for a period of fifty years from the date hereof to the city of Alamogordo, a municipal corporation of the State of New Mexico, its successors and assigns, over, through, across, and upon lands of the United States in the Lincoln National Forest, in the State of New Mexico, subject to the conditions herein contained, for the construction, maintenance, and operation of that certain pipeline, and branches thereof, known as the Bonito pipeline, constructed by the El Paso and Rock Island Railway Company, as now located upon the right-of-way granted to said company by the Act of Congress of March 4, 1915 (38 U. S. Stat. L. 1195), within sections 4, 7, 8, and 9, township 10 south, range 13 east; section 12, township 10 south, range 12 east; and sections 8, 9, 16, 17, and 21, township 9 south, range 13 east, New Mexico principal meridian, and such additions and extensions as said city of Alamogordo may make thereto, for the purpose of transportation of water for domestic, public, or for any other beneficial uses, together with the right to construct, maintain, use, and occupy the present or additional reservoir sites for the storage of water for such purposes: *Provided*, That the Secretary of Agriculture may upon abandonment or nonuse of the same for the purpose for which it is granted for a period not less than one year declare said right-of-way or any part thereof forfeited and annul the same.

Alamogordo, N.
Mex.
Right-of-way.

SEC. 2. That the right-of-way hereby granted shall be so much as may be necessary only for such purposes, not to exceed, however, twenty-five feet on each side of the centerline of such pipelines, and maps of the location of additional reservoir sites or any such extensions or additions to such pipelines shall be prepared by said city of Alamogordo and submitted to the Secretary of Agriculture for his consideration and the right-of-way as to the same shall not take effect unless and until approved by him: *Provided*, That all rights-of-way hereby granted, extensions thereof and additions thereto shall conform to such conditions and stipulations and be subject to such fees as may be prescribed by the Secretary of Agriculture.

SEC. 3. That said city of Alamogordo shall conform to all and singular the regulations adopted or prescribed by the Secretary of Agriculture governing such national forest, or the use or users thereof, and shall not take, cut, or destroy any timber within the same except such as it may be actually necessary to remove to construct its said pipelines and the structures pertaining thereto, and it shall pay to the proper officer of the Forest Service the full value of all timber and wood cut, used, or destroyed by it within the said national forest.

Conservation of
timber.

SEC. 4. That no private right, title, or interest owned by any person, persons, or corporation in such national forest shall be interfered with or abridged except with the consent of the owner or owners or by due process of law and just compensation to said owner or owners; nor shall the privileges herein granted be construed to interfere with the control of water for any purpose under the laws of the United States or of the State of New Mexico.

SEC. 5. That the enjoyment of the rights hereby granted shall be subject at all times to all laws relating to the national forests and to all rules and regulations authorized and established thereunder. For infraction of such laws, rules, or regulations the owner or user of such

right-of-way shall be subject to all fines and penalties imposed thereby, and shall also be liable in a civil action for all damages that may accrue from such breach.

Water supply.

SEC. 6. That said city of Alamogordo shall continue to maintain the present connections of lines and permit the future connections of lines to and supply water for nearby Department of Agriculture installations and shall continue to maintain the present watering troughs and supply water as at present for the use of animals lawfully grazing upon such national forest or at such other place along said pipeline, in lieu thereof, as the officer in charge of such national forest shall from time to time direct.

Effective date.

SEC. 7. This Act shall not become effective until said city of Alamogordo shall have filed with the Secretary of Agriculture a release and quitclaim by Southern Pacific Company, a corporation, successor in interest of the El Paso and Rock Island Railway Company, of all right, title, and interest in and to the right-of-way for said Bonito pipeline granted by said Act of Congress of March 4, 1915 (38 U. S. Stat. L. 1195).

Extension of rights.

SEC. 8. The Secretary of Agriculture is hereby authorized to extend the rights herein granted for such additional periods and on such terms and conditions as he may then deem appropriate and in the public interest.

Approved August 14, 1958.

Public Law 85-650

AN ACT

August 14, 1958
[H. R. 4675]

To provide that certain employees under the jurisdiction of the commissioner of public lands and those under the jurisdiction of the board of harbor commissioners of the Territory of Hawaii shall be subject to the civil service laws of the Territory of Hawaii.

Hawaii, civil service.
Board of harbor commissioners.
42 Stat. 121.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first paragraph of section 106 of the Hawaiian Organic Act (48 U. S. C., sec. 545) is amended by striking out the last sentence thereof and inserting in lieu of such sentence the following: "The Board shall likewise have power to appoint, subject to the Territorial laws of Hawaii relating to the civil service of Hawaii, clerks, wharfingers, and their assistants, pilots and pilot-boat crews, and such other officers and employees as may be necessary; to make rules and regulations pursuant to this section and not inconsistent with law; and generally shall have all powers necessary to carry out the provisions of this section. All officers and employees appointed pursuant to this section shall be subject to the Territorial laws of Hawaii relating to the civil service of Hawaii."

Commissioner of Public Lands.
42 Stat. 119.

SEC. 2. Paragraph (q) of section 73 of the Hawaiian Organic Act (48 U. S. C., sec. 677), is amended by adding at the end thereof the following new sentence: "All officers and employees under the jurisdiction of the commissioner shall be appointed by him, subject to the Territorial laws of Hawaii relating to the civil service of Hawaii, and all such officers and employees shall be subject to such civil service laws."

Applicability.

SEC. 3. All officers and employees who on the date of enactment of this Act are under the jurisdiction of the board of harbor commissioners of the Territory of Hawaii, or of the land commissioner of the Territory of Hawaii, are hereby covered into the civil service of Hawaii under the job classification and status held as of the date of enactment hereof and are made subject to the Territorial laws of Hawaii relating to such civil service.

Approved August 14, 1958.

Public Law 85-651

AN ACT

To add certain lands located in Idaho and Wyoming to the Caribou and Targhee National Forests.

August 14, 1958
[S. 1748]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the exterior boundaries of the Targhee National Forest, located in Idaho and Wyoming, are hereby extended to include the following described lands:

Targhee National Forest, Idaho-Wyo.
Addition of lands.

Lot 1 of section 7; lots 1, 4, 5, 6, and 9, the east half of the northeast quarter, the northwest quarter of the northeast quarter, the northeast quarter of the northwest quarter, and the east half of the southeast quarter of section 8; all of section 15; lots 1, 2, and 3, the northeast quarter, the northwest quarter, the north half of the southwest quarter, the east half of the southeast quarter, and the northwest quarter of the southeast quarter, of section 16; lots 1, 4, and 5, of section 17; lots 1 and 2 of section 21; lots 1, 2, 5, and 6, the east half of the northeast quarter, and the northwest quarter of the northeast quarter of section 22; lots 1 and 3, the north half, the northeast quarter of the southwest quarter, and the southeast quarter of section 23; the west half of section 24; the west half of section 25; lots 1, 4, 5, and 8, the northeast quarter, and the east half of the southeast quarter of section 26; lots 1, 4, 5, and 8 of section 35; and all of section 36, all in township 1 south, range 45 east of the Boise meridian, in Bonneville County, State of Idaho; and

All of section 1; lots 1, 2, 7, 8, and 11, the southeast quarter of the northeast quarter, and the northeast quarter of the southeast quarter of section 2; lot 1 of section 11; lots 1, 3, 4, and 7, the northeast quarter, the northeast quarter of the northwest quarter, and the east half of the southeast quarter of section 12; lots 1, 4, 5, and 9, the northeast quarter, and the northeast quarter of the southeast quarter of section 13; and lot 1 of section 24, all in township 2 south, range 45 east of the Boise meridian, in Bonneville County, State of Idaho, and

The west half of section 6; all of section 7; the west half of section 8; the west half of section 17; all of section 18; lots 1, 2, 3, and 6, the northeast quarter, the east half of the northwest quarter, the east half of the southeast quarter, and the northwest quarter of the southeast quarter of section 19; all of section 20; the southwest quarter of section 21; all of section 27; all of section 28; all of section 29; lots 1, 4, 5, and 8, and the southeast quarter of the southeast quarter of section 30; lots 1 and 4, and the northeast quarter of the northeast quarter of section 31; lots 1 and 3, the northeast quarter, the northwest quarter, the northeast quarter of the southwest quarter, and the southeast quarter of section 32; all of section 33; all of section 34; all in township 2 south, range 46 east of the Boise meridian, in Bonneville County, State of Idaho; and

All of section 3; all of section 4; lots 1, 2, 3, 6, 7, and 11, the south half of the northeast quarter, and the northeast quarter of the southeast quarter of section 5; lot 1 of section 8; all of section 9; all of section 10; all of section 15; all of section 16; and all of section 22, all in township 3 south, range 46, east of the Boise meridian, in Bonneville County, State of Idaho; and

The southwest quarter of the southwest quarter of section 17; lots 2, 3, and 4, the west half of the southwest quarter of the northeast quarter, the southeast quarter of the northwest quarter, the east half of the southwest quarter, the northwest quarter of the southeast quarter, and the south half of the southeast quarter of section 18; all of section 19; the west half of the northwest quarter, and the south

half, of section 20; all of section 29; all of section 30; all of section 31; and all of section 32, all in township 37 north, range 118 west of the sixth principal meridian, in Lincoln County, State of Wyoming; and

All of section 2; all of section 3; and all of section 4, all in township 36 north, range 119 west of the sixth principal meridian, in Lincoln County, State of Wyoming.

SEC. 2. All lands of the United States located within the exterior boundaries of the Targhee National Forest and all lands which have been, or are hereafter acquired by the United States in connection with the Palisades Reservoir reclamation project (other than the lands referred to in section 3) are hereby incorporated into and made parts of the Targhee National Forest: *Provided*, That any acquired lands hereby incorporated into the national forest shall be subject to the laws and regulations applicable to national forest lands acquired under the Act of March 1, 1911 (36 Stat. 961), as amended.

16 USC 552.
Caribou National
Forest, Idaho.

SEC. 3. All lands of the United States within the exterior boundaries of the Caribou National Forest, Idaho, which have been, or are hereafter, acquired by the United States in connection with the Palisades Reservoir reclamation project are hereby incorporated into and made parts of the Caribou National Forest and shall be subject to the laws and regulations applicable to national forest lands acquired under the Act of March 1, 1911 (36 Stat. 961), as amended.

16 USC 552.
Applicability to
laws and regula-
tions.

SEC. 4. (a) It is hereby declared that the sole purpose of this Act is to subject the lands referred to in the foregoing sections of this Act to all laws and regulations applicable to national forests, and nothing in this Act shall be construed to authorize the United States to acquire any additional lands or any interest therein, nor to diminish or in anywise affect any valid rights in or to, or in connection with, any such lands which may be in existence on the date of enactment of this Act.

Palisades Res-
ervoir reclamation
project.

(b) (1) The Secretary of Agriculture shall make available, from the lands referred to in the foregoing sections of this Act, to the Bureau of Reclamation of the Department of the Interior such lands as the Secretary of the Interior finds are needed in connection with the Palisades Reservoir reclamation project.

Agreement.

(2) The Secretary of the Interior is authorized to enter into such agreements with the Secretary of Agriculture with respect to the relative responsibilities of the aforesaid Secretaries for the administration of, as well as accountings for and use of revenues arising from, lands made available to the Bureau of Reclamation of the Department of the Interior pursuant to paragraph (1) as the Secretary of the Interior finds to be proper in carrying out the purpose of this Act.

Approved August 14, 1958.

Public Law 85-652

AN ACT

August 14, 1958
[H. R. 10461]

To amend section 315 (m) of the Veterans' Benefits Act of 1957 to provide a special rate of compensation for certain blind veterans.

Veterans.
71 Stat. 425.
Post, p. 1274.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 315 (m) of the Veterans' Benefits Act of 1957 (38 U. S. C. 2315 (m)) is amended by inserting immediately before "or has suffered blindness in both eyes" the following: "or has suffered blindness in both eyes having only light perception".

Applicability.

SEC. 2. The amendment made by this Act shall apply only with respect to compensation payable for months after the month in which this Act is enacted.

Approved August 14, 1958.

Public Law 85-653

AN ACT

Granting the consent and approval of Congress to the Tennessee-Tombigbee Waterway Development Compact.

August 14, 1958
[S. 3987]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent and approval of Congress is given to the Tennessee-Tombigbee Waterway Development Compact, as hereinafter set out. Such compact reads as follows:

Tennessee-Tombigbee Waterway Development Compact.
Congressional consent.

TENNESSEE-TOMBIGBEE WATERWAY DEVELOPMENT COMPACT

ARTICLE I

The purpose of this compact is to promote the development of a navigable waterway connecting the Tennessee and Tombigbee Rivers by way of the east fork of the Tombigbee River and Mackeys and Yellow Creeks so as to provide a nine-foot navigable channel from the junction of the Tombigbee and Warrior Rivers at Demopolis in the State of Alabama to the junction of Yellow Creek with the Tennessee River at Pickwick Pool in the State of Mississippi, and to establish a joint interstate authority to assist in these efforts.

ARTICLE II

This compact shall become effective immediately as to the States ratifying it whenever the States of Alabama and Mississippi have ratified it and Congress has given consent thereto. Any State not mentioned in this article which is contiguous with any member State may become a party to this compact, subject to approval by the legislature of each of the member States.

ARTICLE III

The States which are parties to this compact (hereinafter referred to as "party States") do hereby establish and create a joint agency which shall be known as the Tennessee-Tombigbee Waterway Development Authority (hereinafter referred to as the "Authority"). The membership of which Authority shall consist of the governor of each party State and five other citizens of each party State, to be appointed by the governor thereof. Each appointed member of the Authority shall be a citizen of that State who is interested in the promotion and development of waterways and water transportation. The appointive members of the Authority shall serve for terms of four years each. Vacancies on the Authority shall be filled by appointment by the governor for the unexpired portion of the term. The members of the Authority shall not be compensated, but each shall be entitled to actual expenses incurred in attending meetings, or incurred otherwise in the performance of his duties as a member of the Authority. The members of the Authority shall hold regular quarterly meetings and such special meetings as its business may require. They shall choose annually a chairman and vice chairman from among their members, and the chairmanship shall rotate each year among the party States in order of their acceptance of this compact. The secretary of the Authority (hereinafter provided for) shall notify each member in writing of all meetings of the Authority in such a manner and under such rules and regulations as the Authority may prescribe. The Authority shall adopt rules and regulations

for the transaction of its business; and the secretary shall keep a record of all its business, and shall furnish a copy thereof to each member of the Authority. It shall be the duty of the Authority, in general, to promote, encourage, and coordinate the efforts of the party States to secure the development of the Tennessee-Tombigbee Waterway. Toward this end, the Authority shall have power to hold hearings; to conduct studies and surveys of all problems, benefits, and other matters associated with the development of the Tennessee-Tombigbee Waterway, and to make reports thereon; to acquire, by gift or otherwise, and hold and dispose of such money and property as may be provided for the proper performance of their functions; to cooperate with other public or private groups, whether local, State, regional, or national, having an interest in waterways development; to formulate and execute plans and policies for emphasizing the purpose of this compact before the Congress of the United States and other appropriate officers and agencies of the United States; and to exercise such other powers as may be appropriate to enable it to accomplish its functions and duties in connection with the development of the Tennessee-Tombigbee Waterway and to carry out the purposes of this compact.

ARTICLE IV

The Authority shall appoint a secretary, who shall be a person familiar with the nature, procedures, and significances of inland waterways development and the informational, educational, and publicity methods of stimulating general interest in such developments, and who shall be the compact administrator. His term of office shall be at the pleasure of the Authority and he shall receive such compensation as the Authority shall prescribe. He shall maintain custody of the Authority's books, records, and papers, which he shall keep at the office of the Authority, and he shall perform all functions and duties and exercise all powers and authorities that may be delegated to him by the Authority.

ARTICLE V

Each party State agrees that, when authorized by its legislature, it will from time to time make available and pay over to the Authority such funds as may be required for the establishment and operation of the Authority. The contribution of each party State shall be in the proportion that its population bears to the total population of the States which are parties hereto, as shown by the most recent official report of the United States Bureau of the Census, or upon such other basis as may be agreed upon.

ARTICLE VI

Nothing in this compact shall be construed so as to conflict with any existing statute, or to limit the powers of any party State, or to repeal or prevent legislation, or to authorize or permit curtailment or diminution of any other waterway project, or to affect any existing or future cooperative arrangement or relationship between any Federal agency and a party State.

ARTICLE VII

This compact shall continue in force and remain binding upon each party State until the legislature or governor of each or either State takes action to withdraw therefrom: *Provided*, That such withdrawal

shall not become effective until six months after the date of the action taken by the legislature or governor. Notice of such action shall be given to the other party State or States by the secretary of state of the party State which takes such action.

SEC. 2. Without further submission of the compact, the consent of Congress is given to any State to become a party to it in accordance with its terms.

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

Approved August 14, 1958.

Public Law 85-654

AN ACT

To amend the vessel admeasurement laws relating to water ballast spaces.

August 14, 1958
[S. 3499]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subdivision (i) of section 4153 of the Revised Statutes, as amended (46 U. S. C. 77 (i)), is further amended by inserting after "cargo" where it appears in the last sentence of the fifth paragraph of subdivision (i) the parenthetical phrase "(other than ballast water for use for underwater drilling, mining, and related purposes, including production)"; so that the last sentence will read as follows: "From the gross tonnage there shall be deducted any other space adapted only for water ballast certified by the collector not to be available for the carriage of cargo (other than ballast water for use for underwater drilling, mining, and related purposes, including production), stores, supplies, or fuel."

Vessels.
Water ballast
spaces.

Approved August 14, 1958.

Public Law 85-655

AN ACT

To extend certain veterans' benefits to or on behalf of dependent husbands and widowers of female veterans.

August 14, 1958
[H. R. 5322]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title I of the Veterans' Benefits Act of 1957 is amended by adding at the end thereof the following:

Veterans.
71 Stat. 88.
38 U. S. C. 2101-
2106.

"DEPENDENT HUSBANDS

"SEC. 107. For the purposes of all laws administered by the Veterans' Administration, (1) the term 'wife' includes the husband of any female veteran if such husband is incapable of self-maintenance and is permanently incapable of self-support due to physical or mental disability, and (2) the term 'widow' includes the widower of any female veteran if such widower is incapable of self-maintenance and was permanently incapable of self-support due to physical or mental disability at the time of the veteran's death."

SEC. 2. The table of contents in the first section of the Veterans' Benefits Act of 1957 is amended by inserting immediately below

71 Stat. 83.

"Sec. 106. Discharge or release includes retirement."

the following:

"Sec. 107. Dependent husbands."

Approved August 14, 1958.

Public Law 85-656

AN ACT

August 14, 1958
[S. 3951]

To amend the Act of June 7, 1897, as amended, and section 4233A of the Revised Statutes, so as to authorize the Secretary of the Treasury to prescribe day signals for certain vessels, and for other purposes.

Vessels.
Day signals.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 2, 3, and 4 of the Act of June 7, 1897, as amended (30 Stat. 102; 33 U. S. C. 157, 158, and 159) are further amended to read as follows:

"SEC. 2. (a) The Secretary of the Department in which the Coast Guard is operating shall establish such rules to be observed, on the waters described in section 1 of this Act, by steam vessels in passing each other and as to the lights and day signals to be carried on such waters by ferryboats, by vessels and craft of all types when in tow of steam vessels or operating by hand power or horsepower or drifting with the current, and by any other vessels not otherwise provided for, not inconsistent with the provisions of this Act, as he from time to time may deem necessary for safety, which rules are hereby declared special rules duly made by local authority. A pamphlet containing such Act and regulations shall be furnished to all vessels and craft subject to this Act. On vessels and craft over sixty-five feet in length the pamphlet shall, where practicable, be kept on board and available for ready reference.

Publication of
proposed rules,
etc.

"(b) Except in an emergency, before any rules or any alteration, amendment, or repeal thereof, are established by the Secretary under the provisions of this section, the said Secretary shall publish the proposed rules, alterations, amendments, or repeals, and public hearings shall be held with respect thereto on such notice as the Secretary deems reasonable under the circumstances.

Persons liable.

"SEC. 3. Every licensed and unlicensed pilot, engineer, mate, or master of any vessel who violates the provisions of this Act or the regulations established pursuant hereto shall be liable to a penalty of not exceeding \$500, and for all damages sustained by any passenger, in his person or baggage, as a result of such violation: *Provided*, That nothing herein shall relieve any vessel, owner, or corporation from any liability incurred by reason of such violation.

Vessels liable.

"SEC. 4. Every vessel which is navigated in violation of any of the provisions of this Act or the regulations established pursuant hereto shall be liable to a penalty of \$500, one-half to go to the informer, for which sum such vessel may be seized and proceeded against by action in any district court of the United States having jurisdiction of the offense."

62 Stat. 250.

SEC. 2. Section 4233A of the Revised Statutes (33 U. S. C. 353) is amended to read as follows:

Regulations fur-
nished to vessels.

"SEC. 4233A. (a) The Secretary of the Department in which the Coast Guard is operating shall establish such rules to be observed, on the waters described in section 4233, by steam vessels in passing each other and as to the lights and day signals to be carried on such waters by ferryboats, by vessels and craft of all types when in tow of steam vessels or operating by hand power or horsepower or drifting with the current, and by any other vessels not otherwise provided for, not inconsistent with the provisions of this Act, as he from time to time may deem necessary for safety, which rules are hereby declared special rules duly made by local authority. A pamphlet containing such Act and regulations shall be furnished to all vessels and craft subject to this Act. On vessels and craft over sixty-five feet in length the

pamphlet shall, where practicable, be kept on board and available for ready reference.

“(b) Except in an emergency, before any rules or any alteration, amendment, or repeal thereof, are established by the Secretary under the provisions of this section, the said Secretary shall publish the proposed rules, alterations, amendments, or repeals, and public hearings shall be held with respect thereto on such notice as the Secretary deems reasonable under the circumstances.”

Approved August 14, 1958.

Public Law 85-657

AN ACT

To authorize appropriations to the National Aeronautics and Space Administration for construction and other purposes.

August 14, 1958
[S. 4208]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated to the National Aeronautics and Space Administration the sum of \$47,800,000 for acquisition or condemnation of real property, for plant and facility acquisition, construction, or expansion, and for other items of a capital nature as follows:

National Aeronautics and Space Administration.
Construction authority.

Pilotless aircraft station, Wallops Island, Virginia: Additional launching facilities; range control and administration building; shop and laboratory facilities; roads, causeway, bridges, seawall, and appurtenances; utilities; equipment and instrumentation; and approximately 3,400 acres of land, \$24,500,000.

Space projects center, vicinity of Washington, D. C.: Space projects building; research projects laboratory; roads and appurtenances; utilities; equipment and instrumentation, \$3,750,000.

Various locations: Equipment and instrumentation, \$19,550,000.

SEC. 2. Any of the amounts enumerated in section 1 of this Act may, in the discretion of the Administrator of the National Aeronautics and Space Administration, be varied upward 5 per centum to meet unusual cost variations, but the total cost of all work so enumerated shall not exceed \$47,800,000.

Cost variation.

Approved August 14, 1958.

Public Law 85-658

AN ACT

To amend the Act of August 11, 1955 (69 Stat. 632), relating to the rehabilitation and preservation of historic properties in the New York City area, and for other purposes.

August 14, 1958
[H. R. 11868]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled “An Act to promote public cooperation in the rehabilitation and preservation of the Nation’s important historic properties in the New York City area, and for other purposes,” approved August 11, 1955 (69 Stat. 632), is hereby amended as follows:

New York City area.
Historic properties.

(a) In the first sentence of the second paragraph of section 1 of such Act insert a comma and the word “development” after the word “rehabilitation.”

(b) In the first sentence of section 2 of such Act insert a comma and the word “development” after the word “rehabilitation.”

16 USC 463 note.

Approved August 14, 1958.

Public Law 85-659

AN ACT

August 14, 1958
[H. R. 6274]

To provide that the Secretary of the Interior shall accept title to Grant's Tomb in New York, New York, and maintain it as the General Grant National Memorial.

General Grant
National Memorial.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to accept, as a gift to the United States, title to the real property known as Grant's Tomb at Riverside Drive and West One Hundred and Twenty-Second Street in New York, New York, and thereafter to administer and maintain such real property as the General Grant National Memorial.

Approved August 14, 1958.

Public Law 85-660

AN ACT

August 14, 1958
[H. R. 5949]

To provide for the conveyance of certain real property of the United States located at the Veterans' Administration hospital near Amarillo, Texas, to Potter County, Texas.

Veterans hos-
pital,
Amarillo, Tex.
Land convey-
ance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services shall convey, without consideration, to the county commissioners court of Potter County, Texas, all right, title, and interest of the United States in and to the real property, consisting of approximately 21.9 acres, constituting a portion of the tract of land on which is located the Veterans' Administration hospital near Amarillo, Texas. The real property to be conveyed under authority of this Act, the exact legal description of which shall be determined by the Administrator of General Services, was originally conveyed to the Veterans' Administration by Potter County, Texas, on October 1, 1939, for the nominal consideration of \$1, and was declared excess to the needs of the Veterans' Administration on November 29, 1955.

Use.

SEC. 2. The conveyance of such real property to the county commissioners court of Potter County, Texas, under the first section of this Act shall be on condition that such property be used only for hospital purposes or other related health purposes; and if at any time the Administrator of General Services determines that such property is no longer being used for hospital purposes or other related health purposes, all right, title, and interest in and to such property shall revert to the United States.

Approved August 14, 1958.

Public Law 85-661

AN ACT

August 14, 1958
[H. R. 4640]

To amend the Civil Service Retirement Act with respect to payments from voluntary contributions accounts.

Civil Service
retirement.
70 Stat. 756.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 12 (d) of the Civil Service Retirement Act (5 U. S. C., sec. 2262 (d)) is amended to read as follows:

“(d) Any present or former employee or Member shall be paid the voluntary contribution account, provided application for payment is filed with the Commission prior to receipt of any additional annuity, but such account shall not in any case include interest beyond date of payment. Such individual shall thereafter be eligible to deposit additional sums under this section only if he again becomes subject to this Act after a separation from the service of more than three calendar days.”

SEC. 2. The amendment made by the first section of this Act shall take effect as of October 1, 1956.

Approved August 14, 1958.

Effective date.

Public Law 85-662

AN ACT

To amend section 26, title I, chapter 1, of the Act entitled “An Act making further provision for a civil government for Alaska, and for other purposes”, approved June 6, 1900 (48 U. S. C. 381).

August 14, 1958
[H. R. 6785]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 26, title I, chapter 1, of the Act entitled “An Act making further provision for a civil government for Alaska, and for other purposes”, approved June 6, 1900 (48 U. S. C. 381), is amended by striking out the word “fisheries” wherever it appears and substituting in lieu thereof the words “fish and game”, and by adding after the words “precious metals” in the first proviso the words “, and in the Chilkat River, and its tributaries, within two and three-tenths miles of United States survey numbered 991 for all metals,”.

Alaska.
Mining laws.
61 Stat. 916.

Approved August 14, 1958.

Public Law 85-663

AN ACT

To authorize the Secretary of the Interior to amend the repayment contract with the Arch Hurley Conservancy District, Tucumcari project, New Mexico.

August 14, 1958
[S. 3469]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the interior is authorized, upon the concurrence of the Arch Hurley Conservancy District, New Mexico, to amend further the repayment contract dated December 27, 1938, as amended on August 20, 1953, with said District to provide that the construction cost repayment obligation of the District, in the amount agreed to in said contract, as amended, and on which payments of installments are to commence in 1959, may be repaid in accordance with a variable repayment formula which, being based on full repayment within forty years, or as near thereto as is consistent with the adoption and operation of such a formula, permits variance in the required annual payments in the light of economic factors pertinent to the ability of the District to pay: *Provided,* That any such amendatory contract making provision for the repayment of the District's construction cost repayment obligation in accordance with a variable repayment formula may provide further that for the years 1959 and 1960 the Arch Hurley Conservancy District's annual installments shall each be fixed in the sum of \$30,000.

Arch Hurley
Conservancy Dis-
trict, N. Mex.
Repayment con-
tract.

Fixed sum.

Approved August 14, 1958.

Public Law 85-664

August 14, 1958
[H. R. 12628]

AN ACT

To amend title VI of the Public Health Service Act to extend for an additional three-year period the Hospital Survey and Construction Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first sentence of section 621 of the Public Health Service Act is amended by striking out "nine" and inserting in lieu thereof "fourteen".

(b) Section 651 of such Act is amended by striking out "four" and inserting in lieu thereof "nine".

Approved August 14, 1958.

70 Stat. 929,
42 USC 291d,
291e.

Public Law 85-665

August 14, 1958
[S. 2793]

AN ACT

To provide for the conveyance of a pumping station and related facilities of the Intracoastal Waterway System at Algiers, Louisiana, to the Jefferson-Plaquemines Drainage District, Louisiana.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army is authorized to convey to the Jefferson-Plaquemines Drainage District, Louisiana, all the right, title, and interest of the United States in and to the tract of land in Jefferson and Plaquemines Parishes, Louisiana, together with buildings and improvements thereon, being that parcel of land in the vicinity of Algiers, Louisiana, known as the Plaquemines Parish pumping station and appurtenant drainage canals and facilities subject, however, to the conditions and restrictions set forth in section 2 of this Act.

Jefferson-
Plaquemines
Drainage District,
La.
Conveyance.

Operation of fa-
cilities.

SEC. 2. The conveyance authorized by this Act shall be made without monetary consideration therefor but upon condition that the Jefferson-Plaquemines Drainage District shall assume responsibility for the operation and maintenance of the facilities conveyed, in further consideration of which the Secretary of the Army is authorized to pay to the said drainage district, from funds heretofore or hereafter appropriated, a sum not in excess of \$1,420,000, for the operation and maintenance of the facility by the said drainage district in perpetuity. The deed of conveyance shall contain such other terms, conditions, reservations, and restrictions as the Secretary of the Army may determine to be in the public interest or necessary for the management and operation of the Intracoastal Waterway System.

Conditions.

Approved August 14, 1958.

Public Law 85-666

August 14, 1958
[H. R. 6038]

AN ACT

To revise the boundary of the Kings Canyon National Park, in the State of California, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of improving the boundary of Kings Canyon National Park, California, and excluding therefrom certain land that is no longer needed for park purposes, that particular area of the park, comprising approximately 160 acres, lying west of the section line between sections

Kings Canyon
National Park,
Calif.
Boundary re-
vision.

21 and 22, and lying west of the section line between sections 27 and 28, township 13 south, range 30 east, Mount Diablo meridian, is hereby excluded from the park.

Land excluded from the park by this section hereafter shall be a part of the Sequoia National Forest.

SEC. 2. For the purpose of facilitating park road maintenance, and to include in the park certain property that is desirable for future use and development, the following land situated in section 7, township 14 south, range 28 east, Mount Diablo meridian, is hereby excluded from the Sequoia National Forest and added to the Kings Canyon National Park:

East half northeast quarter, east half west half northeast quarter, northeast quarter southeast quarter, east half northwest quarter southeast quarter, and those portions of the southeast quarter southeast quarter and of the east half southwest quarter southeast quarter, lying north of the right-of-way of State Highway 180.

Approved August 14, 1958.

Public Law 85-667

AN ACT

To authorize the Secretary of the Interior to exchange certain land at Vicksburg National Military Park, Mississippi, and for other purposes.

August 14, 1958
[H. R. 11008]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to further the consolidation of land comprising Vicksburg National Military Park, the Secretary of the Interior is hereby authorized, upon such terms and conditions as he may deem necessary, to transfer to the city of Vicksburg, Mississippi, for school purposes, a tract of park land containing three and one-tenth acres, more or less, now under revocable permit to said city, acting through its board of education, and to transfer to the Mississippi State Highway Commission a tract of park land containing one and thirty-two hundredths acres, more or less, now under revocable permit to said commission for use as a site for a weighing station: *Provided,* That, from among the land designated as tracts 199, 201, 202, 203, 204, 205, 206, and 216 on map Numbered NMP-VIC-7007, said city and highway commission shall transfer in exchange to the United States, for addition to Vicksburg National Military Park, such land or interests therein as may be mutually agreed upon and which are approximately equal in value to the properties being acquired in each case.

Vicksburg National Military Park.
Exchange of land.

Approved August 14, 1958.

Public Law 85-668

AN ACT

To provide for the conveyance of certain real property of the United States situated in Clallam County, Washington, to the Department of Natural Resources, State of Washington.

August 14, 1958
[H. R. 11694]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services shall convey on or before August 31, 1959, to the Department of Natural Resources of the State of Washington all right, title, and interest of the United States in and to the real property described in section 2 of this Act, said conveyance to be

Clallam County, Wash.
Conveyance.

made in consideration of an amount equal to 75 per centum of the fair market value of said property as determined by the Administrator of General Services, a 25 per centum public benefit allowance being hereby authorized inasmuch as such property administered by the said department is used extensively for park and recreational purposes. Payment of said amount shall be made in accordance with terms and conditions as shall be prescribed by said Administrator: *Provided*, That total payment shall be made not later than eight years from the date of the conveyance herein authorized.

SEC. 2. The real property referred to in the first section of this Act consists of 518 acres, more or less, in the county of Clallam, State of Washington, comprising a portion of the Camp Hayden site, the exact description of which shall be determined by the Administrator of General Services. The cost of any surveys necessary as an incident of the conveyance authorized in this Act shall be borne by the grantee.

SEC. 3. In the event that the conveyance authorized herein is not executed on or before August 31, 1959, the Administrator of General Services shall dispose of the property described in section 2 in accordance with the provisions of the Federal Property and Administrative Services Act of 1949, as amended.

Approved August 14, 1958.

Property disposal.

63 Stat. 377.
40 USC 471 note.

Public Law 85-669

AN ACT

To authorize the Secretary of Agriculture to convey certain lands in the State of Wyoming to the town of Dayton, Wyoming.

August 18, 1958
[H. R. 6542]

Dayton, Wyo.
Conveyance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is authorized and directed to convey by quit claim deed, without consideration, to the town of Dayton, Wyoming, all the right, title, and interest of the United States in and to the following described lands located in said town of Dayton, Wyoming: Beginning at the northwest corner of block 9 of the original town of Dayton, Wyoming; thence northerly along the east line of said Main Street 60 feet; thence easterly paralleling the north line of said block 9 a distance of 210 feet to the east limits of the original town of Dayton, Wyoming; thence southerly along the east line of the original town of Dayton, Wyoming 60 feet to the northeast corner of the said block 9; thence westerly along the north line of said block 9 210 feet to the point of beginning.

Approved August 18, 1958.

Public Law 85-670

AN ACT

To enact a certain provision now included in the District of Columbia Appropriation Act, 1958.

August 18, 1958
[H. R. 13218]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioners of the District of Columbia are authorized to utilize District-owned vehicles for transportation of children of employees of the District of Columbia Government residing at Children's Center between Children's Center and Laurel, Maryland.

Approved August 18, 1958.

Public Law 85-671

AN ACT

To provide for the distribution of the land and assets of certain Indian rancherias and reservations in California, and for other purposes.

August 18, 1958
[H. R. 2824]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the lands, including minerals, water rights, and improvements located on the lands, and other assets of the following rancherias and reservations in the State of California shall be distributed in accordance with the provisions of this Act: Alexander Valley, Auburn, Big Sandy, Big Valley, Blue Lake, Buena Vista, Cache Creek, Chicken Ranch, Chico, Cloverdale, Cold Springs, Elk Valley, Guidiville, Graton, Greenville, Hopland, Indian Ranch, Lytton, Mark West, Middletown, Montgomery Creek, Mooretown, Nevada City, North Fork, Paskenta, Picayune, Pinoleville, Potter Valley, Quartz Valley, Redding, Redwood Valley, Robinson, Rohnerville, Ruffeys, Scotts Valley, Smith River, Strawberry Valley, Table Bluff, Table Mountain, Upper Lake, Wilton.

Indian rancherias.
Land distribution.

SEC. 2. (a) The Indians who hold formal or informal assignments on each reservation or rancheria, or the Indians of such reservation or rancheria, or the Secretary of the Interior after consultation with such Indians, shall prepare a plan for distributing to individual Indians the assets of the reservation or rancheria, including the assigned and the unassigned lands, or for selling such assets and distributing the proceeds of sale, or for conveying such assets to a corporation or other legal entity organized or designated by the group, or for conveying such assets to the group as tenants in common. The Secretary shall provide such assistance to the Indians as is necessary to organize a corporation or other legal entity for the purposes of this Act.

Distribution of assets.

(b) General notice shall be given of the contents of a plan prepared pursuant to subsection (a) of this section and approved by the Secretary, and any Indian who feels that he is unfairly treated in the proposed distribution of the property shall be given an opportunity to present his views and arguments for the consideration of the Secretary. After such consideration, the plan or a revision thereof shall be submitted for the approval of the adult Indians who will participate in the distribution of the property, and if the plan is approved by a majority of such Indians who vote in a referendum called for that purpose by the Secretary the plan shall be carried out. It is the intention of Congress that such plan shall be completed not more than three years after it is approved.

Referendum.

(c) Any grantee under the provisions of this section shall receive an unrestricted title to the property conveyed, and the conveyance shall be recorded in the appropriate county office.

Record of conveyance.

(d) No property distributed under the provisions of this Act shall at the time of distribution be subject to any Federal or State income tax. Following any distribution of property made under the provisions of this Act, such property and any income derived therefrom by the distributee shall be subject to the same taxes, State and Federal, as in the case of non-Indians: *Provided*, That for the purpose of capital gains or losses the base value of the property shall be the value of the property when distributed to the individual, corporation, or other legal entity.

Taxation.

SEC. 3. Before making the conveyances authorized by this Act on any rancheria or reservation, the Secretary of the Interior is directed:

(a) To cause surveys to be made of the exterior or interior boundaries of the lands to the extent that such surveys are necessary or

Surveys.

appropriate for the conveyance of marketable and recordable titles to the lands.

Improvement of roads.

(b) To complete any construction or improvement required to bring Indian Bureau roads serving the rancherias or reservations up to adequate standards comparable to standards for similar roads of the State or subdivision thereof. The Secretary is authorized to contract with the State of California or political subdivisions thereof for the construction or improvement of such roads and to expend under such contracts moneys appropriated by Congress for the Indian road system. When such roads are transferred to the State or local government the Secretary is authorized to convey rights-of-way for such roads, including any improvements thereon.

Water systems.

(c) to install or rehabilitate such irrigation or domestic water systems as he and the Indians affected agree, within a reasonable time, should be completed by the United States.

(d) To cancel all reimbursable indebtedness owing to the United States on account of unpaid construction, operation, and maintenance charges for water facilities on the reservation or rancheria.

Land exchanges.

(e) To exchange any lands within the rancheria or reservation that are held by the United States for the use of Indians which the Secretary and the Indians affected agree should be exchanged before the termination of the Federal trust for non-Indian lands and improvements of approximately equal value.

Water rights.

SEC. 4. Nothing in this Act shall abrogate any water right that exists by virtue of the laws of the United States. To the extent that the laws of the State of California are not now applicable to any water right appurtenant to any lands involved herein they shall continue to be inapplicable while the water right is in Indian ownership for a period not to exceed fifteen years after the conveyance pursuant to this Act of an unrestricted title thereto, and thereafter the applicability of such laws shall be without prejudice to the priority of any such right not theretofore based upon State law. During the time such State law is not applicable the Attorney General shall represent the Indian owner in all legal proceedings, including proceedings before administrative bodies, involving such water right, and in any necessary affirmative action to prevent adverse appropriation of water which would encroach upon the Indian water right.

Conveyances.

SEC. 5. (a) The Secretary of the Interior is authorized to convey without consideration to Indians who receive conveyances of land pursuant to this Act, or to a corporation or other legal entity organized by such Indians, or to a public or nonprofit body, any federally owned property on the reservations or rancherias subject to this Act that is not needed for the administration of Indian affairs in California.

(b) For the purposes of this Act, the assets of the Upper Lake Rancheria and the Robinson Rancheria shall include the one-hundred-and-sixty-acre tract set aside as a wood reserve for the Upper Lake Indians by secretarial order dated February 15, 1907.

(c) The Secretary of the Interior is authorized to sell the five hundred and sixty acres of land, more or less, which were withdrawn from entry, sale, or other disposition, and set aside for the Indians of Indian Ranch, Inyo County, California, by the Act of March 3, 1928 (45 Stat. 162), and to distribute the proceeds of sale among the heirs of George Hanson.

Disbursements.

SEC. 6. The Secretary of the Interior shall disburse to the Indians of the rancherias and reservations that are subject to this Act all funds of such Indians that are in the custody of the United States.

Claims.

SEC. 7. Nothing in this Act shall affect any claim filed before the Indian Claims Commission, or the right, if any, of the Indians sub-

ject to this Act to share in any judgment recovered against the United States on behalf of the Indians of California.

SEC. 8. Before conveying or distributing property pursuant to this Act, the Secretary of the Interior shall protect the rights of individual Indians who are minors, non compos mentis, or in the opinion of the Secretary in need of assistance in conducting their affairs, by causing the appointment of guardians for such Indians in courts of competent jurisdiction, or by such other means as he may deem adequate, without application from such Indians, including but not limited to the creation of a trust for such Indians' property with a trustee selected by the Secretary, or the purchase by the Secretary of annuities for such Indians.

Appointment of guardians.

SEC. 9. Prior to the termination of the Federal trust relationship in accordance with the provisions of this Act, the Secretary of the Interior is authorized to undertake, within the limits of available appropriations, a special program of education and training designed to help the Indians to earn a livelihood, to conduct their own affairs, and to assume their responsibilities as citizens without special services because of their status as Indians. Such program may include language training, orientation in non-Indian community customs and living standards, vocational training and related subjects, transportation to the place of training or instruction, and subsistence during the course of training or instruction. For the purposes of such program, the Secretary is authorized to enter into contracts or agreements with any Federal, State, or local governmental agency, corporation, association, or person. Nothing in this section shall preclude any Federal agency from undertaking any other program for the education and training of Indians with funds appropriated to it.

Educational training.

SEC. 10. (a) The plan for the distribution of the assets of a rancheria or reservation, when approved by the Secretary and by the Indians in a referendum vote as provided in subsection 2 (b) of this Act, shall be final, and the distribution of assets pursuant to such plan shall not be the basis for any claim against the United States by an Indian who receives or is denied a part of the assets distributed.

Finality of plan.

(b) After the assets of a rancheria or reservation have been distributed pursuant to this Act, the Indians who receive any part of such assets, and the dependent members of their immediate families, shall not be entitled to any of the services performed by the United States for Indians because of their status as Indians, all statutes of the United States which affect Indians because of their status as Indians shall be inapplicable to them, and the laws of the several States shall apply to them in the same manner as they apply to other citizens or persons within their jurisdiction. Nothing in this Act, however, shall affect the status of such persons as citizens of the United States.

Laws applicable.

SEC. 11. The constitution and corporate charter adopted pursuant to the Act of June 18, 1934 (48 Stat. 984), as amended, by any rancheria or reservation subject to this Act shall be revoked by the Secretary of the Interior when a plan is approved by a majority of the adult Indians thereof pursuant to subsection 2 (b) of this Act.

Revocation.
25 USC 461-479.

SEC. 12. The Secretary of the Interior is authorized to issue such rules and regulations and to execute or approve such conveying instruments as he deems necessary to carry out the provisions of this Act.

Rules and regulations.

SEC. 13. There is authorized to be appropriated not to exceed \$509,235 to carry out the provisions of this Act.

Appropriation.

Approved August 18, 1958.

Public Law 85-672

AN ACT

To provide certain assistance to State and Territorial maritime academies or colleges.

August 18, 1958
[S. 1728]

Maritime Academy Act of 1958.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Maritime Academy Act of 1958".

DECLARATION OF POLICY

SEC. 2. It is hereby declared to be the policy of this Act to promote the national policy with respect to the United States Merchant Marine, as set out in section 101 of the Merchant Marine Act, 1936, by assisting and cooperating with the States and Territories in the operation and maintenance of maritime academies or colleges for the training of merchant marine officers.

49 Stat. 1985.
46 USC 1101.

VESSELS FOR MARITIME ACADEMIES

SEC. 3. (a) In order to carry out the policy set out in section 2 of this Act, the Secretary of Commerce (hereinafter referred to as the "Secretary") may furnish any suitable vessel under his jurisdiction, or obtained under the provisions of subsection (b) of this section, or construct and furnish a suitable vessel if such a vessel is not available, to the State of Maine, the State of Massachusetts, the State of New York, the State of California, and to any other State or Territory of the United States, for use as a training vessel for a maritime academy or college meeting the requirements of this Act. Any such vessel (1) shall be repaired, reconditioned, equipped (including all apparel, charts, books, and instruments of navigation) as necessary for use as a training ship, (2) shall be furnished only upon application therefor in writing by the Governor of such State or Territory, (3) shall be furnished only if a suitable port for the safe mooring of such vessel is available while it is being used by such academy or college, (4) shall be maintained in good repair by the Secretary, and (5) shall remain the property of the United States.

(b) Any department or agency of the United States may provide to the Secretary for disposition under the provisions of this Act any vessel (including equipment) which is suitable for the purposes of this Act and can be spared without detriment to the service to which such vessel has been assigned.

CONTRACTS FOR ASSISTANCE

SEC. 4. The Secretary may enter into agreements with not more than one maritime academy or college, which meets the requirements of this Act, in each State or Territory, to make annual payments to such academy or college for not in excess of four years in the case of each such agreement, to be used for the maintenance and support of such academy or college. Such payments for any year to any maritime academy or college shall be an amount equal to the amount furnished to such academy or college for its maintenance and support by the State or Territory in which such academy or college is located, except that such payments to any academy or college for any year shall not exceed \$75,000, or \$25,000 if such academy or college does not meet the requirement of section 5 (b) of this Act.

REQUIREMENTS

SEC. 5. (a) As a condition to receiving any payments or the use of any vessel under the provisions of this Act an academy or college shall—

(1) provide courses of instruction to youths in navigation and marine engineering, including steam and diesel propulsion, and courses in atomic or nuclear propulsion as soon as practical and possible; and

(2) shall agree in writing to conform to such standards in such course, in training facilities, in entrance requirements, and in instructors, as are established by the Secretary after consultation with superintendents of maritime academies and colleges in the United States.

(b) As a condition to receiving payment of any amount in excess of \$25,000 for any year under the provisions of section 4 of this Act, a maritime academy or college shall agree to admit to such academy or college students resident in other States in such numbers as the Secretary shall prescribe, except that the number of such students prescribed for any academy or college shall not at any time exceed one-third of the student capacity of such academy or college.

SUBSISTENCE PAYMENTS

SEC. 6. (a) The Secretary may enter into agreements, with each academy or college with which he contracts under section 4 to make payments, at a rate not in excess of \$600 per academic year per student, to such academy or college, with respect to each student attending such academy or college. Such payments (1) shall be used to assist in defraying the cost of uniforms, books, and subsistence for such student, (2) shall commence to accrue on the day such student begins his first term of work at such academy or college, and (3) shall be paid to such academy or college in such installments as the Secretary shall prescribe, while such student is in attendance and until the completion of his course of instruction, but in no event for more than four academic years for any one student.

(b) If the Secretary deems it advisable in the case of any such academy or college, he may, in lieu of entering into agreements with such academy or college for payments under this section, enter into such agreements directly with each student at such academy or college and make such payments directly to each such student.

DETAILING OF CERTAIN OFFICERS

SEC. 7. When requested by the governor of any State or Territory, the President of the United States is authorized to detail, when in his opinion such detailing can be done without detriment to the public service, proper officers of the Navy or Coast Guard or United States Maritime Service instructors employed under the provisions of section 216 (a) of the Merchant Marine Act, 1936, as superintendents or instructors, or both, at maritime academies or colleges meeting the requirements of this Act. Officers or instructors so detailed shall be compensated by the Federal agency ordinarily compensating them for service as such an officer or instructor.

52 Stat. 965.
46 USC 1126.

RULES AND REGULATIONS

SEC. 8. The Secretary may establish such rules and regulations as may be necessary to carry out the provisions of this Act.

ACTS REPEALED

34 U.S.C. 1121-1123.

34 U.S.C. 1122-1123e.

SEC. 9. The Act entitled "An Act for the establishment of marine schools, and for other purposes", approved March 4, 1911 (36 Stat. 1353), as amended, and the joint resolution entitled "Joint resolution to provide suitable vessels for the use of certain State nautical schools, and for other purposes", approved July 29, 1941 (55 Stat. 607), are repealed.

APPROPRIATIONS AUTHORIZED

SEC. 10. There are authorized to be appropriated such amounts as may be necessary to carry out the provisions of this Act.

Approved August 18, 1958.

Public Law 85-673

AN ACT

August 18, 1958
[H. R. 9919]

To amend the Tariff Act of 1930 to extend the privilege of substitution for the purpose of obtaining drawback upon reexportation to all classes of merchandise, and for other purposes.

Tariff Act of 1930, amendment.
46 Stat. 693.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 313 (b) of the Tariff Act of 1930, as amended (19 U. S. C., sec. 1313 (b)), is amended to read as follows:

"(b) **SUBSTITUTION FOR DRAWBACK PURPOSES.**—If imported duty-paid merchandise and duty-free or domestic merchandise of the same kind and quality are used in the manufacture or production of articles within a period not to exceed three years from the receipt of such imported merchandise by the manufacturer or producer of such articles, there shall be allowed upon the exportation of any such articles, notwithstanding the fact that none of the imported merchandise may actually have been used in the manufacture or production of the exported articles, an amount of drawback equal to that which would have been allowable had the merchandise used therein been imported; but the total amount of drawback allowed upon the exportation of such articles, together with the total amount of drawback allowed in respect of such imported merchandise under any other provision of law, shall not exceed 99 per centum of the duty paid on such imported merchandise."

Applicability.

SEC. 2. The amendment made by the first section of this Act shall be effective with respect to articles exported on or after the 30th day after the date of the enactment of this Act.

Approved August 18, 1958.

Public Law 85-674

AN ACT

August 18, 1958
[H. R. 11801]

To amend sections 802 and 803 of the Veterans' Benefits Act of 1957 to increase the burial allowance for deceased veterans from \$150 to \$250.

Post, p. 1274.
71 Stat. 117.
38 U.S.C. 2802,
2803.
Effective date.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 802 and 803 of the Veterans' Benefits Act of 1957 are each amended by striking out "\$150" and inserting "\$250".

SEC. 2. The amendments made by this Act shall apply only with respect to deaths occurring after the date of enactment of this Act.

Approved August 18, 1958.

Public Law 85-675

AN ACT

To amend an Act entitled "An Act to provide for the refunding of the bonds of municipal corporations and public-utility districts in the Territory of Alaska, to validate bonds which have heretofore been issued by a municipal corporation or any public-utility district in the Territory of Alaska, and for other purposes" (54 Stat. 14), approved June 17, 1940; to validate bonds which have heretofore been issued by any municipal corporation, any public-utility district or any school district in the Territory of Alaska; and for other purposes.

August 18, 1958
[H. R. 4183]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 1, 2, and 3 of an Act entitled "An Act to provide for the refunding of the bonds of municipal corporations and public-utility districts in the Territory of Alaska, to validate bonds which have heretofore been issued by a municipal corporation or any public-utility district in the Territory of Alaska, and for other purposes" (54 Stat. 14), approved January 17, 1940, are amended to read as follows:

Alaska.
Revenue bonds.

48 USC 315e-g.

Refunding bonds.
Issuance and
sale.

"SECTION 1. Whenever any municipal corporation or any public-utility district or any school district in the Territory of Alaska shall have outstanding any general obligation bonded indebtedness or bonds payable from the revenues from any municipal or public utility, it shall be lawful for said municipal corporation or public-utility district or any school district through its common council or board of directors, or other governing body, as the case may be, to issue its bonds and to sell such bonds and apply the proceeds of the sale in payment of the bonds for the payment of which such refunding bonds are issued, or to exchange same for such outstanding general obligation bonds constituting said indebtedness, or, as the case may be, for such outstanding bonds payable from the revenues of a municipal or public utility. Said refunding bonds may be exchanged privately for and in payment and discharge of any outstanding bonds of a municipal or public-utility district or school district. Refunding bonds payable from the revenues of a municipal or public utility may be exchanged for a like or greater amount of outstanding bonds payable from the revenues of such municipal or public utility, and the principal amount of such refunding bonds may exceed the principal amount of such outstanding bonds to the extent necessary or advisable to fund interest in arrears or about to become due on such outstanding bonds. The holder or holders of any outstanding bonds need not pay accrued interest on the refunding bonds to be delivered in exchange therefor if, and to the extent that interest is due or accrued and unpaid on the outstanding bonds to be surrendered. Refunding bonds payable from the revenues of a municipal or public utility may be issued at any time to retire the bonds to be refunded when such bonds are payable or redeemable, in an amount sufficient to pay not only the principal of and interest on the bonds to be refunded but also any redemption premiums required to be paid in connection with the redemption of the outstanding bonds, and may also be issued in an amount sufficient to provide for the payment of the principal of and interest on and any redemption premiums with respect to the redemption of general obligation bonds issued for the acquisition of the municipal or public utility. No election shall be required to authorize the issuance and sale of such refunding bonds and the issuance and sale thereof may be authorized, and all proceedings with reference thereto prescribed by ordinance or resolution of the common council, or the board of directors, or other governing body, of the municipal corporation or public-utility district or school district, as the case may be, at any legally called meeting thereof. Refunding bonds issued under authority of this section

which are payable solely from the revenues of a municipal or public utility shall not be subject to the limitations on bonded indebtedness prescribed by any debt-limitation law applicable to municipal corporations or public-utility districts in the Territory of Alaska; but refunding bonds issued under authority of this section which constitute general obligations of a municipal corporation or a public-utility district or school district shall be subject to the limitations of bonded indebtedness prescribed by any debt-limitation law applicable to municipal corporations or public-utility districts or school districts in the Territory of Alaska, except as provided in section 6 of the Alaska Public Works Act, as amended (48 U. S. C. 486d).

63 Stat. 628.
Terms, maturity,
interest, etc.

"SEC. 2. Bonds issued pursuant to this Act shall bear such date or dates, may be in such denominations, may mature in such amounts at such time or times, not exceeding thirty years from the date thereof, may be payable at such place or places, may be sold at either public or private sale, or exchanged as above provided, may be redeemable (either with or without premium) or nonredeemable, may carry such registration privileges as to either principal and interest, or principal only, and may be executed by such officers and in such manner, as shall be prescribed by the common council or board of directors or other governing body of the municipality or public-utility district or school district issuing the bonds. In case any of the officers whose signatures appear on the bonds or coupons shall cease to be such officers before delivery of such bonds, such signatures, whether manual or facsimile, shall, nevertheless, be valid and sufficient for all purposes the same as if such officers had remained in office until such delivery. The bonds so issued shall bear interest at a rate to be fixed by the governing body of the municipality or public-utility district or school district issuing the same, not to exceed, however, 6 per centum per annum payable semiannually. Such bonds shall at all times be, and shall be, treated as negotiable instruments for all purposes. In case such bonds are sold rather than exchanged, the purchase price thereof shall be not less than par plus accrued interest, and said refunding bonds may be delivered to the purchasers thereof not more than ninety days prior to the date upon which the bonds to be refunded mature or are to be redeemed.

Taxes.

"SEC. 3. It shall be the duty of the governing body of every municipal corporation or public-utility district or school district which issues such bonds under the authority of this Act to levy or cause to be levied each year during the life of such bonds taxes in amounts sufficient seasonably to provide for payment of and to pay all interest on and the principal of such obligations as they respectively accrue and mature: *Provided, however,* That the provisions of this section shall not apply to bonds which by their terms are to be paid from the revenues of a public utility owned or operated by such municipal corporation or public-utility district and are not general obligations of the municipal corporation or public-utility district. Such refunding bonds which are to be paid from the revenues of a municipality or public utility shall be secured by a lien on or a pledge of the revenues of said utility which shall be equal to or greater than the lien pledge of said revenues which secures the outstanding bonds to be refunded. Nothing herein contained shall prevent the issuance of refunding bonds payable solely from the revenues of a municipal or public utility which bonds are issued for the purpose of refunding general obligation bonds issued for the acquisition of such municipal or public utility."

SEC. 2. All bonds which have heretofore been issued by any municipal corporation or any public-utility district or any school district in the Territory of Alaska and all proceedings for the authorization

and issuance of such bonds and the sale, execution, and delivery thereof hereby are validated, ratified, approved, and confirmed, notwithstanding any defects or irregularities in such proceedings. Said bonds heretofore issued and sold are declared to be and shall be in the actual form in which such bonds have been issued and shall be the binding and legal obligations of the municipal corporation or public-utility district or school district issuing the same.

Approved August 18, 1958.

Public Law 85-676

AN ACT

August 18, 1958
[H. R. 4503]

To provide that all interests of the United States in a certain tract of land formerly conveyed to it by the Commonwealth of Kentucky, shall be quit-claimed and returned to the Commonwealth of Kentucky.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subject to restrictions, reservations, and easements determined by the Secretary of the Army to be necessary, the Administrator of General Services is hereby authorized and directed to forthwith quitclaim, release and deed back to the Commonwealth of Kentucky all of its right, title and interest of said United States in and to the following described tract of land situated in the Commonwealth of Kentucky, county of Franklin, on the right bank of the Kentucky River, approximately 2,000 feet downstream from the city of Frankfort and more particularly described as follows to wit:

Franklin County,
Ky.
Reconveyance.

Beginning at the northeast corner of the right bank (abutment side) of Kentucky River lock and dam numbered 4 reservation, said property corner being about 1,310 feet downstream and 196 feet landward from the centerline of dam numbered 4, said corner being 70 feet east of the downstream entrance road to the abutment side of the United States reservation; thence with the lines of said reservation along an old stone wall as follows:

South 6 degrees 50 minutes east 413 feet, south 15 degrees 50 minutes east 276 feet, south 49 degrees 53 minutes east 591.88 feet, south 36 degrees 18 minutes west 345 feet, south 53 degrees 18 minutes east 288 feet, south 38 degrees 31 minutes west 243 feet to a point; thence along the southwest property line of the abutment side of the United States reservation running 18.89 feet west of the southwest corner of a brick building;

North 55 degrees 45 minutes west 550 feet, more or less, to a point on the right bank upper pool line (elevation 470.35) of dam numbered 4; thence downstream with the meanders of said pool line;

Northeasterly 200 feet, more or less, to the right bank downstream face of dam numbered 4; thence from said dam and with the meanders of the right bank lower pool line (elevation 457.13) downstream; and

Northerly 1,290 feet, more or less, to the northwest corner of the abutment side of the United States reservation; thence leaving the right bank lower pool line;

North 83 degrees 40 minutes east 196 feet, more or less, to the point of beginning, containing 12.0 acres, more or less.

Being the same land conveyed to the United States by an act of the Kentucky Legislature of 1879, chapter 58, page 9, section 4.

Approved August 18, 1958.

Public Law 85-677

AN ACT

August 18, 1958
[H. R. 10423]

To grant the status of public lands to certain reef lands and vesting authority in the commissioner of public lands of the Territory of Hawaii in respect of reef lands having the status of public lands.

Hawaii.
Reef lands.

48 USC 491.
42 Stat. 119.

Commissioner.
Powers and
duties.

31 Stat. 141.
48 USC 491.
Sale of lease.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the reef lands described in section 2 of this Act are hereby given the status of public lands within the meaning of the Hawaiian Organic Act (31 Stat. 141) and, unless set aside for public purposes under section 73 (q) of the Hawaiian Organic Act (48 U. S. C. 677), are placed under the control of the commissioner of public lands of the Territory of Hawaii. The commissioner of public lands with the approval of two-thirds of the Board of Public Lands, Territory of Hawaii, is authorized in respect of reef lands which have the status of public lands to (a) initiate, and cause to be constructed or made as provided by the laws of the Territory, one or more projects for the reclamation of said reef lands, (b) permit or require such reclamation by one or more lessees pursuant to the terms of leases made by him, and (c) exercise any other power relating to public lands: *Provided*, That no work shall be done on said reef lands without the consent of the Territorial board of harbor commissioners and all work shall be in compliance with Federal laws enacted for the protection and preservation of the navigable waters of the United States. Any lease made by the commissioner of public lands in respect of such reef lands may be made for any term not to exceed fifty-five years or such longer term as may be authorized by an amendment of the Hawaiian Organic Act concerning public lands. Any such lease shall be sold at public auction and may contain such terms, covenants, and conditions as the commissioner of public lands may deem proper and as are approved by the said board of public lands.

SEC. 2. The reef lands given the status of public lands by this Act are more particularly described as follows:

PORTION OF ALA MOANA REEF AREA

Kewalo Basin to Ala Wai Boat Harbor

Kukuluaeo and Kalia, Honolulu, Oahu, Territory of Hawaii

Beginning at the east corner of this reef area and on the north boundary of lot 5-A-1 of land court application 852, the coordinates of said point of beginning referred to Government survey triangulation station "Punchbowl" being 9,063.05 feet south and 2,940.06 feet east, as shown on Government survey registered map 1986 and running by azimuths measured clockwise from true south:—

1. 77 degrees 59 minutes 93.79 feet along lot 5-A-1 of land court application 852;
2. 336 degrees 48 minutes 0.76 foot along lot 5-A-1 of land court application 852;
3. 45 degrees 00 minutes 2,900.00 feet more or less along area transferred to the Territory of Hawaii by Presidential Proclamation 1856 dated October 27, 1928, to the line of breakers;
4. 117 degrees 32 minutes 05 seconds 5,583.15 feet more or less along line of breakers;
5. 202 degrees 50 minutes 2,538.56 feet more or less along the reef area of Kaakaukui acquired by the Territory of Hawaii from B. P. Bishop estate by deed dated November 3, 1919, and recorded in liber 529, pages 216-218 (land office deed 1903);

45 Stat. 2974.

6. 296 degrees 24 minutes 270.50 feet along the southwest side of Ala Moana;

7. 291 degrees 50 minutes 342.99 feet along the southwest side of Ala Moana;

8. 296 degrees 05 minutes 293.72 feet along the southwest side of Ala Moana;

9. 302 degrees 55 minutes 513.01 feet along the southwest side of Ala Moana;

10. 32 degrees 55 minutes 700.00 feet along land transferred to the Territory of Hawaii by Presidential Proclamation 1818, dated October 25, 1927 (Ala Moana Park);

11. 302 degrees 55 minutes 168.30 feet along land transferred to the Territory of Hawaii by Presidential Proclamation 1818, dated October 25, 1927 (Ala Moana Park);

12. 307 degrees 55 minutes 496.30 feet along land transferred to the Territory of Hawaii by Presidential Proclamation 1818, dated October 25, 1927 (Ala Moana Park);

13. 291 degrees 44 minutes 437.70 feet along land transferred to the Territory of Hawaii by Presidential Proclamation 1818, dated October 25, 1927 (Ala Moana Park);

14. 286 degrees 37 minutes 173.30 feet along land transferred to the Territory of Hawaii by Presidential Proclamation 1818, dated October 25, 1927 (Ala Moana Park);

15. 278 degrees 56 minutes 412.60 feet along land transferred to the Territory of Hawaii by Presidential Proclamation 1818, dated October 25, 1927 (Ala Moana Park);

16. 287 degrees 07 minutes 718.00 feet along land transferred to the Territory of Hawaii by Presidential Proclamation 1818, dated October 25, 1927 (Ala Moana Park);

17. 292 degrees 09 minutes 476.80 feet along land transferred to the Territory of Hawaii by Presidential Proclamation 1818, dated October 25, 1927 (Ala Moana Park);

18. 297 degrees 52 minutes 359.40 feet along land transferred to the Territory of Hawaii by Presidential Proclamation 1818, dated October 25, 1927 (Ala Moana Park);

19. 285 degrees 05 minutes 1,352.60 feet along land transferred to the Territory of Hawaii by Presidential Proclamation 1818, dated October 25, 1927 (Ala Moana Park);

20. 241 degrees 51 minutes 901.80 feet along land transferred to the Territory of Hawaii by Presidential Proclamation 1818, dated October 25, 1927 (Ala Moana Park);

21. 11 degrees 26 minutes 11.05 feet to the northwest corner of lot 2 of land court application 852;

22. 344 degrees 06 minutes 40 seconds 165.16 feet along lot 2 of land court application 852;

23. 334 degrees 59 minutes 307.89 feet along portion of grant 2789 to W. L. Moehonua, across Ala Wai Canal and along portion of grant 2789 to W. L. Moehonua to the point of beginning and containing an area of 307.42 acres.

SEC. 3. Sections 4, 5, and 6 of Joint Resolution 45 of the Twenty-ninth Legislature of the Territory of Hawaii, Session Laws of Hawaii, 1957, relating to revenue bonds of the Territory of Hawaii for financing reclamation projects, are hereby ratified, confirmed, and approved insofar as reef lands which have the status of public lands are concerned.

Revenue bonds.

Approved August 18, 1958.

Public Law 85-678

AN ACT

August 18, 1958
[H. R. 11577]

To increase from \$5 to \$10 per month for each \$1,000 national service life insurance in force the amount of total disability income benefits which may be purchased by insureds, and for other purposes.

Veterans.
Disability insur-
ance benefits, in-
crease.
54 Stat. 1009.
38 USC 802.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the portion of subsection 602 (v) (1) of the National Service Life Insurance Act of 1940 which precedes the first proviso is amended to read as follows:

“(v) (1) The Administrator shall, upon application by the insured and proof of good health satisfactory to the Administrator and payment of such extra premium as the Administrator shall prescribe, include in any national service life insurance policy on the life of the insured (including insurance issued under section 621 but not including insurance issued under section 620) provisions whereby an insured who is shown to have become totally disabled for a period of six consecutive months or more commencing after the date of such application and before attaining the age of sixty and while the payment of any premium is not in default, shall be paid monthly disability benefits from the first day of the seventh consecutive month of and during the continuance of such total disability of \$10 for each \$1,000 of such insurance in effect when such benefits become payable; however, the total disability provision authorized under this amendatory Act shall not be added to a policy containing the total disability coverage heretofore issued under this subsection, except upon surrender of such total disability coverage, proof of good health satisfactory to the Administrator, and payment of such extra premium as the Administrator shall determine is required in such cases:”

38 USC 822, 821.

Total disability
premiums.

SEC. 2. Subsection 602 (v) (1) of the National Service Life Insurance Act of 1940 is further amended by adding the following at the end thereof: “The total disability provision issued under this subsection which is included in a policy of insurance issued under section 621 shall be nonparticipating. The premiums on such total disability provision shall be credited directly to the revolving fund established under section 621 and payments on such total disability provision shall be made directly from such revolving fund.

38 USC 822.

Effective date.

SEC. 3. This Act shall be effective the first day of the third calendar month following the date of its approval.

Approved August 18, 1958.

Public Law 85-679

AN ACT

August 18, 1958
[H. R. 8980]

To authorize an exchange of lands at Hot Springs National Park, Arkansas, and for other purposes.

Hot Springs Na-
tional Park, Ark.
Exchange of
lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of consolidating Federal holdings of land within Hot Springs National Park, Arkansas, and in order to bring about certain improvements in park land use, the Secretary of the Interior is authorized in his discretion to accept, on behalf of the United States, approximately 4.75 acres of non-Federal land or interests in land situated in blocks 195 and 196 of the city of Hot Springs, Arkansas, and in exchange therefor to convey by deed on behalf of the United States to the grantor of the aforesaid property certain federally owned land or interests in

land, of no greater value, comprising not in excess of five and three-tenths acres of land situated adjacent to and in the immediate rear of the Arlington Hotel in Hot Springs, Arkansas.

Approved August 18, 1958.

Public Law 85-680

AN ACT

August 19, 1958
[S. 2752]

To amend section 207 of the Federal Property and Administrative Services Act of 1949 so as to modify and improve the procedure for submission to the Attorney General of certain proposed surplus property disposals for his advice as to whether such disposals would be inconsistent with the antitrust laws.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 207 of the Federal Property and Administrative Services Act of 1949 is amended to read as follows:

Surplus property
disposal.
Antitrust laws.
63 Stat. 391.
40 USC 488.

“APPLICABILITY OF ANTITRUST LAWS

“SEC. 207. (a) Except as provided by subsection (c), no executive agency shall dispose of any plant, plants, or other property to any private interest until such agency has received the advice of the Attorney General on the question whether such disposal would tend to create or maintain a situation inconsistent with the antitrust laws. Whenever any such disposal is contemplated by any executive agency, such agency shall transmit promptly to the Attorney General notice of such proposed disposal and the probable terms or conditions thereof. If such notice is given by any executive agency other than the General Services Administration, a copy of such notice shall be transmitted simultaneously to the Administrator. Within a reasonable time, in no event to exceed sixty days, after receipt of such notification, the Attorney General shall advise the Administrator and any other interested executive agency whether, so far as he can determine, the proposed disposition would tend to create or maintain a situation inconsistent with the antitrust laws.

“(b) Upon request made by the Attorney General, the Administrator or any other executive agency shall furnish or cause to be furnished to the Attorney General such information as the Administrator or such other executive agency may possess which the Attorney General determines to be appropriate or necessary to enable him to give the advice required by this section, or to determine whether any other disposition or proposed disposition of surplus property violates or would violate any of the antitrust laws.

“(c) This section shall not apply to the disposal of—

“(1) real property if the aggregate amount of the original acquisition cost of such property to the Government and all capital expenditures made by the Government with respect thereto is less than \$1,000,000; or

“(2) personal property (other than a patent, process, technique, or invention) with an acquisition cost of less than \$3,000,000.

“(d) Nothing contained in this Act shall impair, amend, or modify any of the antitrust laws or limit or prevent the application of any such law to any person who acquires in any manner any property under the provisions of this Act.

15 USC 1-7, 44
note, 58, 8, 9.

“As used in this section, the term ‘antitrust laws’ includes the Act of July 2, 1890 (ch. 647, 26 Stat. 209), as amended; the Act of October 15, 1914 (ch. 323, 38 Stat. 730), as amended; the Federal Trade Commission Act (38 Stat. 717), as amended; and sections 73 and 74 of the Act of August 27, 1894 (28 Stat. 570), as amended.”

Approved August 19, 1958.

Public Law 85-681

AN ACT

August 19, 1958
[H. R. 13482]

To amend the Atomic Energy Act of 1954, as amended.

Atomic Energy
Act of 1954,
amendment,
68 Stat. 930,
42 USC 2073.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection a. of section 53 of the Atomic Energy Act of 1954, as amended, is amended by deleting “or” at the end of paragraph “(2)”; by changing the period at the end of paragraph “(3)” to a semicolon; and by adding the following at the end of the subsection:

Licenses.

“(4) For such other uses as the Commission determines to be appropriate to carry out the purposes of this Act.”

SEC. 2. That subsection c. of section 53 of the Atomic Energy Act of 1954, as amended, is amended by deleting in both the first and second sentences the words “subsection 53a (1) or subsection 53a (2)” and inserting in lieu thereof in both sentences “subsection 53a (1), (2) or (4)”.

42 USC 2098.

SEC. 3. That section 68 of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

“SEC. 68. PUBLIC AND ACQUIRED LANDS.—

Release of res-
ervation.

“b. Any reservation of radioactive mineral substances, fissionable materials, or source material, together with the right to enter upon the land and prospect for, mine, and remove the same, inserted pursuant to Executive Order 9613 of September 13, 1945, Executive Order 9701 of March 4, 1946, the Atomic Energy Act of 1946, or Executive Order 9908 of December 5, 1947, in any patent, conveyance, lease, permit, or other authorization or instrument disposing of any interest in public or acquired lands of the United States, is hereby released, remised, and quitclaimed to the person or persons entitled upon the date of this Act under the grant from the United States or successive grants to the ownership, occupancy, or use of the land under applicable Federal or State laws: *Provided, however,* That in cases where any such reservation on acquired lands of the United States has been heretofore released, remised, or quitclaimed subsequent to August 12, 1954, in reliance upon authority deemed to have been contained in the Atomic Energy Act of 1946, as amended, or the Atomic Energy Act of 1954, as heretofore amended, the same shall be valid and effective in all respects to the same extent as if public lands and not acquired lands had been involved. The foregoing release shall be subject to any rights which may have been granted by the United States pursuant to any such reservation, but the releasees shall be subrogated to the rights of the United States.”

3 CFR Cum.
Supp., p. 425.

60 Stat. 755.
42 USC 1801
note.

3 CFR Cum.
Supp., p. 510, 674.

International
agreements for co-
operation.
42 USC 2153.

SEC. 4. Section 123 c. of the Atomic Energy Act of 1954, as amended, is amended by substituting a colon for the period at the end thereof and adding the following: “*Provided, however,* That the Joint Committee, after having received such agreement for cooperation, may by resolution in writing waive the conditions of all or any portion of such thirty-day period.”

SEC. 5. Section 145 of the Atomic Energy Act of 1954, as amended, is amended by adding at the end thereof the following new subsection:

"g. Whenever the Congress declares that a state of war exists, or in the event of a national disaster due to enemy attack, the Commission is authorized during the state of war or period of national disaster due to enemy attack to employ individuals and to permit individuals access to Restricted Data pending the investigation report, and determination required by section 145 b., to the extent that and so long as the Commission finds that such action is required to prevent impairment of its activities in furtherance of the common defense and security."

42 USC 2165.
Security clearance in time of war.

SEC. 6. Section 161 d. of the Atomic Energy Act of 1954, as amended, is amended by adding after the word "responsibility" the following sentence: "Such rates of compensation may be adopted by the Commission as may be authorized by the Classification Act of 1949, as amended, as of the same date such rates are authorized for positions subject to such Act."

Compensation rates
42 USC 2201.

63 Stat. 954.
5 USC 1071 note.

SEC. 7. Section 161 of the Atomic Energy Act of 1954, as amended, is amended by adding the following new subsections:

"t. establish a plan for a succession of authority which will assure the continuity of direction of the Commission's operations in the event of a national disaster due to enemy activity. Notwithstanding any other provision of this Act, the person or persons succeeding to command in the event of disaster in accordance with the plan established pursuant to this subsection shall be vested with all of the authority of the Commission: *Provided*, That any such succession to authority, and vesting of authority shall be effective only in the event and as long as a quorum of three or more members of the Commission is unable to convene and exercise direction during the disaster period: *Provided further*, That the disaster period includes the period when attack on the United States is imminent and the post-attack period necessary to reestablish normal lines of command;

42 USC 220L
Succession of authority.

"u. enter into contracts for the processing, fabricating, separating, or refining in facilities owned by the Commission of source, byproduct or other material, or special nuclear material, in accordance with and within the period of an agreement for cooperation while comparable services are available to persons licensed under section 103 or 104: *Provided*, That the prices for services under such contracts shall be no less than the prices currently charged by the Commission pursuant to section 161 m.;

Contracts.

42 USC 103, 104.

"v. (1) enter into contracts for such periods of time as the Commission may deem necessary or desirable, but not to exceed five years from the date of execution of the contract, for the purchase or acquisition of reactor services or services related to or required by the operation of reactors;

"(2) (A) enter into contracts for such periods of time as the Commission may deem necessary or desirable for the purchase or acquisition of any supplies, equipment, materials, or services required by the Commission whenever the Commission determines that: (i) it is advantageous to the Government to make such purchase or acquisition from commercial sources; (ii) the furnishing of such supplies, equipment, materials, or services will require the construction or acquisition of special facilities by the vendors or suppliers thereof; (iii) the amortization chargeable to the Commission constitutes an appreciable portion of the cost of contract performance, excluding cost of materials; and (iv) the contract for such period is more advantageous to the Government than a similar contract not executed under the authority of

this subsection. Such contracts shall be entered into for periods not to exceed five years each from the date of initial delivery of such supplies, equipment, materials, or services or ten years from the date of execution of the contracts excluding periods of renewal under option.

“(B) In entering into such contracts the Commission shall be guided by the following principles: (i) the percentage of the total cost of special facilities devoted to contract performance and chargeable to the Commission should not exceed the ratio between the period of contract deliveries and the anticipated useful life of such special facilities; (ii) the desirability of obtaining options to renew the contract for reasonable periods at prices not to include charges for special facilities already amortized; and (iii) the desirability of reserving in the Commission the right to take title to the special facilities under appropriate circumstances; and

“(3) include in contracts made under this subsection provisions which limit the obligation of funds to estimated annual deliveries and services and the unamortized balance of such amounts due for special facilities as the parties shall agree is chargeable to the performance of the contract. Any appropriation available at the time of termination or thereafter made available to the Commission for operating expenses shall be available for payment of such costs which may arise from termination as the contract may provide. The term ‘special facilities’ as used in this subsection means any land and any depreciable buildings, structures, utilities, machinery, equipment, and fixtures necessary for the production or furnishing of such supplies, equipment, materials, or services and not available to the vendors or suppliers for the performance of the contract.”

Disposal of
records.
42 USC 2206.

SEC. 8. Section 166 of the Atomic Energy Act of 1954, as amended, is amended by adding the following proviso at the end thereof “: *And provided further*, That nothing in this section shall preclude the earlier disposal of contractor and subcontractor records in accordance with records disposal schedules agreed upon between the Commission and the General Accounting Office.”

Approved August 19, 1958.

Public Law 85-682

AN ACT

August 19, 1958
[H. R. 12938]

To provide for the conveyance of an interest of the United States in and to fissionable materials in a tract of land in Leon County, Florida.

Leon County,
Fla.
Conveyance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is authorized and directed to convey by quitclaim deed to the city of Tallahassee, a municipal corporation of the State of Florida, all of the right, title, and interest of the United States in and to all fissionable materials in certain lands situated in Leon County, State of Florida, which lands were conveyed by the United States to the city of Tallahassee by quitclaim deed dated October 1, 1947, and recorded in deed book 92, page 253, in the office of the clerk of the circuit court of Leon County, Florida, such lands formerly constituting a part of Dale Mabry Airbase in Leon County, Florida.

Approved August 19, 1958.

Public Law 85-683

AN ACT

Authorizing Commodity Credit Corporation to purchase flour and cornmeal and donating same for certain domestic and foreign purposes.

August 19, 1958
[H. R. 13268]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That at any time Commodity Credit Corporation has wheat or corn available for donation pursuant to clauses (3) or (4) of section 416 of the Agricultural Act of 1949, as amended, section 210 of the Agricultural Act of 1956, or title II of the Agricultural Trade Development and Assistance Act, as amended, the Corporation, in lieu of processing all or any part of such wheat or corn into flour or meal, may purchase flour or meal in quantities not to exceed the equivalent of such wheat or corn so available on the date of purchase and donate such flour and meal pursuant to clauses (3) or (4) of said section 416 and to said section 210 and make such flour or meal available to the President, pursuant to said title II and may sell, without regard to the provisions of section 407 of the Agricultural Act of 1949, as amended, a quantity of wheat and corn not to exceed that which is equivalent to the quantity of flour and meal so purchased.

Agriculture.
Flour and corn-
meal donations.
68 Stat. 457,458,
70 Stat. 202.
7 USC 1431,
1859, 1727.

Approved August 19, 1958.

Public Law 85-684

JOINT RESOLUTION

Granting the consent of Congress to the several States to negotiate and enter into compacts for the purpose of promoting highway traffic safety.

August 20, 1958
[H. J. Res. 221]

Whereas from year to year there has been an increase in the number of accidents and deaths on the streets and highways of the United States; and

Whereas this increase in highway traffic deaths and accidents presents a serious national problem; and

Whereas to aid in meeting this problem there is need for the development of nationwide highway traffic safety programs, including, but not limited to, establishment of uniform traffic laws, improvement in driver education and training, and coordination of traffic enforcement; and

Whereas cooperative effort and mutual assistance on the part of the States offers the greatest hope of satisfactorily dealing with this national problem: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby given to any two or more of the several States to enter into agreements or compacts—

Interstate com-
pacts.
Highway safety.

(1) for cooperative effort and mutual assistance in the establishment and carrying out of traffic safety programs, including, but not limited to, the enactment of uniform traffic laws, driver education and training, coordination of traffic law enforcement, research into safe automobile and highway design, and research programs of the human factors affecting traffic safety, and

(2) for the establishment of such agencies, joint or otherwise, as they deem desirable for the establishment and carrying out of such traffic safety programs.

Approved August 20, 1958.

Public Law 85-685

August 20, 1958
[H. R. 13015]

AN ACT

To authorize certain construction at military installations, and for other purposes.

Military Construction Act of 1958.
Army.

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

TITLE I

SEC. 101. The Secretary of the Army may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including site preparation, appurtenances, utilities, and equipment, for the following projects:

INSIDE THE UNITED STATES

TECHNICAL SERVICES FACILITIES

(Ordnance Corps)

Aberdeen Proving Ground, Maryland: Troop housing, and utilities, \$2,697,000.

Detroit Arsenal, Michigan: Administrative facilities, \$5,666,000.

Redstone Arsenal, Alabama: Administrative facilities, troop housing, and utilities, \$8,529,000.

Rock Island Arsenal, Illinois: Operational and training facilities, \$570,000.

White Sands Missile Range, New Mexico: Operational and training facilities, research, development and test facilities, medical facilities, troop housing, and community facilities, \$7,931,000.

(Quartermaster Corps)

Fort Lee, Virginia: Operational and training facilities, and troop housing, \$4,630,000.

(Chemical Corps)

Army Chemical Center, Maryland: Troop housing, and utilities, \$2,051,000.

Fort Detrick, Maryland: Troop housing, \$795,000.

(Signal Corps)

Fort Huachuca, Arizona: Maintenance facilities, research, development, and test facilities, administrative facilities, troop housing, operational and training facilities, and utilities, \$9,098,000.

(Corps of Engineers)

Army Map Service, Maryland: Operational and training facilities, \$1,913,000.

(Transportation Corps)

Fort Eustis, Virginia: Operational and training facilities, administrative facilities, troop housing, and utilities, \$3,634,000.

(Medical Corps)

Fitzsimons Army Hospital, Colorado: Troop housing, \$862,000.

FIELD FORCES FACILITIES

(First Army Area)

Fort Devens, Massachusetts: Operational and training facilities, \$171,000.

Fort Dix, New Jersey: Troop housing and utilities, \$3,749,000.

(Second Army Area)

Carlisle Barracks, Pennsylvania: Hospital facilities, family housing, and real estate, \$2,274,000.

Fort Knox, Kentucky: Operational and training facilities, and utilities, \$516,000.

Fort Meade, Maryland: Operational and training facilities, \$498,000.

Fort Ritchie, Maryland: Supply facilities, \$43,000.

(Third Army Area)

Fort Benning, Georgia: Operational and training facilities, maintenance facilities, troop housing, and family housing, \$3,454,000.

Fort Bragg, North Carolina: Operational and training facilities, and maintenance facilities, \$762,000.

Fort Campbell, Kentucky: Operational and training facilities, maintenance facilities, medical facilities, and administrative facilities, \$847,000.

Fort McClellan, Alabama: Operational and training facilities, and hospital facilities, \$3,505,000.

Fort Rucker, Alabama: Operational and training facilities, administrative facilities, troop housing, and utilities, \$2,406,000.

(Fourth Army Area)

Fort Bliss, Texas: Operational and training facilities, maintenance facilities, troop housing, and utilities, \$13,734,000.

Fort Hood, Texas: Operational and training facilities, maintenance facilities, supply facilities, administrative facilities, troop housing, and utilities, \$4,258,000.

Fort Sill, Oklahoma: Operational and training facilities, maintenance facilities, administrative facilities, and utilities, \$3,227,000.

(Fifth Army Area)

Fort Benjamin Harrison, Indiana: Troop housing, and family housing, \$783,000.

Fort Leavenworth, Kansas: Operational and training facilities, and troop housing, \$1,076,000.

Fort Riley, Kansas: Operational and training facilities, and utilities, \$1,084,000.

(Sixth Army Area)

Camp Desert Rock, Nevada: Maintenance facilities, and utilities, \$374,000.

Fort Lewis, Washington: Operational and training facilities, and maintenance facilities, \$1,085,000.

Fort Ord, California: Operational and training facilities, maintenance facilities, supply facilities, troop housing, community facilities, and utilities, \$4,733,000.

Yuma Test Station, Arizona: Operational and training facilities, \$173,000.

(Military Academy)

United States Military Academy, West Point, New York: Troop housing, medical facilities, and community facilities, \$5,844,000.

(Armed Forces Special Weapons)

Various locations: Maintenance facilities, community facilities, and utilities, \$273,000.

(Tactical Installations Support Facilities)

Various locations: Maintenance facilities, \$6,311,000.

OUTSIDE CONTINENTAL UNITED STATES

(Alaskan Area)

Fairbanks Permafrost Research Area: Real estate, \$7,000.

(Pacific Command Area)

Kawaihae Harbor, Hawaii: Operational and training facilities, \$240,000.

Schofield Barracks, Hawaii: Troop housing, \$593,000.

Fort Shafter, Hawaii: Supply facilities, maintenance facilities, family housing, and community facilities, \$2,925,000.

Korea: Operational and training facilities, supply facilities, and utilities, \$904,000.

(United States Army, Europe)

France: Operational and training facilities, maintenance facilities, medical facilities, administrative facilities, supply facilities and utilities and ground improvements, \$4,063,000.

Classified installations and facilities.

SEC. 102. Subject to the provisions of Section 402 hereof, the Secretary of the Army may establish or develop classified military installations and facilities, including those for defense missiles, by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, in the total amount of \$173,678,000.

Construction for unforeseen requirements.

SEC. 103. The Secretary of the Army may establish or develop Army installations and facilities by proceeding with construction made necessary by changes in Army missions, new weapons developments, new and unforeseen research and development requirements, or improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next military construction authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, in the total amount of \$17,500,000: *Provided*, That the Secretary of the Army, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto.

Report to Congressional committees.

Family housing.
5 USC 1712-1.

SEC. 104. (a) In accordance with the provisions of section 407 of the Act of September 1, 1954 (68 Stat. 1119, 1125), as amended, and subject to the provisions of section 513 of this Act, the Secretary of the Army is authorized to construct, or acquire by lease or otherwise,

family housing for occupancy as public quarters at the following locations by utilizing foreign currencies acquired pursuant to the provisions of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 454) or through other commodity transactions of the Commodity Credit Corporation:

7 USC 1691 note.

Various locations, France, 298 units.
 Vicenza, Italy, 371 units.
 Army Security Agency, location 13, 91 units.
 Gateway Communications Station, 174 units.

(b) In accordance with the provisions of title IV of the Housing Amendments of 1955 (69 Stat. 646), as amended, the Secretary of the Army is authorized to construct family housing for occupancy as public quarters at the following locations:

12 USC 1748a-1748g; 42 USC 1594-1594f.

INSIDE THE UNITED STATES

Redstone Arsenal, Alabama, 316 units.
 Seneca Ordnance Depot, New York, 120 units.
 White Sands Missile Range, New Mexico, 200 units.
 Fort Monmouth, New Jersey, 130 units.
 Fort Lee, Virginia, 435 units.
 Natick R&E, Massachusetts, 35 units.
 Fort Belvoir, Virginia, 618 units.
 Two Rock Ranch Station, California, 25 units.
 Dugway Proving Ground, Utah, 50 units.
 Beaumont Army Hospital, Texas, 125 units.
 Fort Totten, New York, 130 units.
 Fort Campbell, Kentucky, 837 units.
 Granite City Engineer Depot, Illinois, 65 units.
 Fort Rucker, Alabama, 400 units.
 Fort Stewart, Georgia, 73 units.
 Fort Bliss, Texas, 410 units.
 Fort Hood, Texas, 500 units.
 Fort Sill, Oklahoma, 349 units.
 Fort Leonard Wood, Missouri, 700 units.
 Fort Leavenworth, Kansas, 200 units.
 Fort Sheridan, Illinois, 50 units.
 Forts Baker and Barry, California, 98 units.
 Oakland Army Terminal, California, 88 units.
 Fort Lewis, Washington, 856 units.
 Branch United States Disciplinary Barracks, California, 160 units.
 United States Military Academy, New York, 156 units.
 Bossier Base, Louisiana, 200 units.
 Medina Base, Texas, 125 units.
 Sandia Base, New Mexico, 213 units.
 Army Air Defense Command Stations, 466 units.

OUTSIDE THE UNITED STATES

Canal Zone, 330 units.
 Schofield Barracks, Hawaii, 385 units.
 Fort Shafter, Hawaii, 481 units: *Provided, however,* That no family housing units shall be constructed on Fort DeRussy.

(c) In accordance with the provisions of section 404 (a) of the Housing Amendments of 1955 (69 Stat. 652), as amended, the Secretary of the Army is authorized to acquire family housing at the following locations:

Family housing.
42 USC 1594a.

Aberdeen Proving Ground, Aberdeen, Maryland, 796 units.
 Dugway Proving Ground, Utah, 400 units.
 Fort Sam Houston, Texas, 840 units.
 Fort Sill, Oklahoma, 500 units.

SEC. 105. (a) Public Law 209, Eighty-third Congress, as amended, is amended under the heading "CONTINENTAL UNITED STATES" in section 101 as follows:

67 Stat. 440.

Under the subheading "TECHNICAL SERVICE FACILITIES (Ordnance Corps)", with respect to Pueblo Ordnance Depot, Colorado, strike out "\$563,000" and insert in place thereof "\$600,000".

67 Stat. 451.

(b) Public Law 209, Eighty-third Congress, as amended, is amended by striking out in clause (1) of section 502 the amounts "\$44,407,000" and "\$134,075,000" and inserting in place thereof "\$44,444,000" and "\$134,112,000", respectively.

69 Stat. 324.

SEC. 106. (a) Public Law 161, Eighty-fourth Congress, as amended, is amended under the heading "CONTINENTAL UNITED STATES" in section 101, as follows:

(1) Under the subheading "TECHNICAL SERVICES FACILITIES (Ordnance Corps)", with respect to Redstone Arsenal, Alabama, strike out "\$2,865,000" and insert in place thereof "\$4,180,000".

(2) Under the subheading "TECHNICAL SERVICES FACILITIES (Signal Corps)", with respect to Fort Monmouth, New Jersey, strike out "\$615,000" and insert in place thereof "\$731,000"; and with respect to Vint Hill Farms Station, Virginia, strike out "\$695,000" and insert in place thereof "\$1,022,000".

(3) Under the subheading "TECHNICAL SERVICES FACILITIES (Corps of Engineers)", with respect to Granite City Engineer Depot, Illinois, strike out "\$1,822,000" and insert in place thereof "\$2,815,000".

(4) Under the subheading "TECHNICAL SERVICES FACILITIES (Medical Corps)", with respect to Walter Reed Army Medical Center, District of Columbia, strike out "\$4,472,000" and insert in place thereof "\$6,714,000".

(5) Under the subheading "FIELD FORCES FACILITIES (Second Army Area)", with respect to Fort George G. Meade, Maryland, strike out "\$923,000" and insert in place thereof "\$1,264,000".

(6) Under the subheading "FIELD FORCES FACILITIES (Fourth Army Area)", with respect to Fort Bliss, Texas, strike out "\$4,645,000" and insert in place thereof "\$4,965,000"; and with respect to Fort Sill, Oklahoma, strike out "\$3,053,000" and insert in place thereof "\$3,454,000".

(7) Under the subheading "FIELD FORCES FACILITIES (Sixth Army Area)", with respect to Fort Ord, California, strike out "\$1,407,000" and insert in place thereof "\$1,742,000".

(8) Under the subheading "FIELD FORCES FACILITIES (Military Academy)", with respect to the United States Military Academy, New York, strike out "\$756,000" and insert in place thereof "\$1,171,000".

67 Stat. 451.

(b) Public Law 161, Eighty-fourth Congress, as amended, is amended by striking out in clause (1) of section 502 the amounts "\$237,320,000" and "\$546,387,000" and inserting in place thereof "\$244,125,000" and "\$553,192,000", respectively.

70 Stat. 991.

SEC. 107. (a) Public Law 968, Eighty-fourth Congress, as amended, is amended under the heading "INSIDE THE UNITED STATES" in section 101, as follows:

(1) Under the subheading "TECHNICAL SERVICES FACILITIES (Ordnance Corps)", with respect to White Sands Proving Ground, New Mexico, strike out "\$693,000" and insert in place thereof "\$735,000".

(2) Under the subheading "TECHNICAL SERVICES FACILITIES (Chemical Corps)", with respect to Camp Detrick, Maryland, strike out "\$913,000" and insert in place thereof "\$1,074,000"; and with respect to Dugway Proving Ground, Utah, strike out "\$867,000" and insert in place thereof "\$1,044,000".

(3) Under the subheading "TECHNICAL SERVICES FACILITIES (Signal Corps)", with respect to Fort Huachuca, Arizona, strike out "\$6,856,000" and insert in place thereof "\$7,576,000".

(4) Under the subheading "TECHNICAL SERVICES FACILITIES (Corps of Engineers)", with respect to Fort Belvoir, Virginia, strike out "\$492,000" and insert in place thereof "\$940,000".

(5) Under the subheading "TECHNICAL SERVICES FACILITIES (Transportation Corps)", with respect to Fort Eustis, Virginia, strike out "\$1,231,000" and insert in place thereof "\$1,436,000".

(6) Under the subheading "FIELD FORCES FACILITIES (First Army Area)", with respect to Fort Dix, New Jersey, strike out "\$54,000" and insert in place thereof "\$68,000".

(7) Under the subheading "FIELD FORCES FACILITIES (Second Army Area)", with respect to Fort George G. Meade, Maryland, strike out "\$5,885,000" and insert in place thereof "\$7,695,000".

(8) Under the subheading "FIELD FORCES FACILITIES (Third Army Area)", with respect to Fort Benning, Georgia, strike out "\$422,000" and insert in place thereof "\$616,000"; and with respect to Fort McClellan, Alabama, strike out "\$397,000" and insert in place thereof "\$527,000".

(9) Under the subheading "FIELD FORCES FACILITIES (Fourth Army Area)", with respect to Fort Hood, Texas, strike out "\$2,457,000" and insert in place thereof "\$2,846,000".

(10) Under the subheading "FIELD FORCES FACILITIES (Fifth Army Area)", with respect to Fort Riley, Kansas, strike out "\$1,519,000" and insert in place thereof "\$1,892,000".

(11) Under the subheading "FIELD FORCES FACILITIES (Sixth Army Area)", with respect to Fort Lewis, Washington, strike out "\$3,022,000" and insert in place thereof "\$3,596,000"; and with respect to Fort Ord, California, strike out "\$223,000" and insert in place thereof "\$319,000".

(b) Public Law 968, Eighty-fourth Congress, as amended, is amended under the heading "OUTSIDE THE UNITED STATES" in section 101, as follows:

70 Stat. 991.

Under the subheading "(Alaskan Area)", with respect to Wildwood Station (Kenai), strike out "\$352,000" and insert in place thereof "\$516,000".

(c) Public Law 968, Eighty-fourth Congress, as amended, is amended by striking out in clause (1) of section 402 the amounts "\$95,010,000", "\$35,763,000", and "\$334,104,000" and inserting in place thereof "\$100,343,000", "\$35,927,000", and "\$339,601,000", respectively.

70 Stat. 1015.

SEC. 108. (a) Public Law 85-241, Eighty-fifth Congress, is amended under the heading "INSIDE THE UNITED STATES" in section 101 as follows:

71 Stat. 531.

Under the subheading "TECHNICAL SERVICES FACILITIES (Corps of Engineers)", with respect to Cold Regions Laboratory, Hanover, New Hampshire, strike out "\$2,496,000" and insert in place thereof "\$3,787,000".

(b) Public Law 85-241, Eighty-fifth Congress, is amended by striking out in clause (1) of section 502 the amounts "\$115,624,000" and "\$293,103,000" and inserting in place thereof "\$116,915,000" and "\$294,394,000".

71 Stat. 557.

SEC. 109. (a) The Secretary of the Army is authorized and directed, unless the Secretary of Defense finds after due investigation that such action would be inimical to the national security, to make available to the Administrator of the General Services Administration, or his designee, the San Jacinto Ordnance Depot, Texas. Upon such property being made available, the Administrator or his designee is authorized and directed to enter into a contract or contracts for the

San Jacinto Ordnance Depot, Tex. Conveyance.

sale of such property in lots or in its entirety under public bid procedures and at not less than the fair market value and to convey by quitclaim deed, all right, title, and interest of the United States, except as retained in this Act, in and to such property to any legal person or group except Government agencies or departments upon such terms and conditions as the Administrator or his designee determines to be in the public interest.

Conditions.

(b) Any conveyance made pursuant to the provisions of subsection (a) hereof shall include the following conditions:

(1) All mineral rights, including gas and oil, in the lands to be conveyed shall be reserved to the United States;

(2) The San Jacinto property shall be offered for sale within twenty-four months from the date of enactment of this Act;

(3) Title in and to such property shall remain in the United States until full payment of the agreed purchase price is made.

Point-Aux-Pins,
Ala.
Appropriation,
etc.

(c) In the event the San Jacinto Ordnance Depot is made available to the General Services Administration pursuant to the provisions of subsections (a) and (b) hereof, there is hereby authorized to be appropriated to the Secretary of the Army such sums as are necessary not to exceed \$40,000,000 to establish and construct, including land acquisition, replacement facilities to the extent required at Point-Aux-Pins, Alabama, or any other location selected by the Secretary of Defense.

70A Stat. 147.

(d) Nothing in this section shall be construed to modify the requirements of section 2662 of title 10 of the United States Code relative to coming into agreement with the Committees on Armed Services of the Senate and of the House of Representatives with respect to real estate actions.

TITLE II

Navy.

SEC. 201. The Secretary of the Navy may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including site preparation, appurtenances, utilities, and equipment for the following projects:

INSIDE THE UNITED STATES

SHIPYARD FACILITIES

Naval Facility, Cape May, New Jersey: Operational and training facilities, \$141,000.

Naval Shipyard, Charleston, South Carolina: Drydock, design, plans and engineering studies preliminary to initiation of construction, \$500,000.

Naval Shipyard, Long Beach, California: Operational and training facilities, \$6,000,000: *Provided, however,* That no more than \$500,000 of this sum shall be utilized for protective works until the Secretary of the Navy determines in his judgment that sufficient action has been taken or arrangements made to arrest further subsidence of the shipyard.

Naval Submarine Base, New London, Connecticut: Operational and training facilities, \$2,247,000.

Naval Shipyard, San Francisco, California: Operational and training facilities, \$766,000.

FLEET BASE FACILITIES

Naval Station, Newport, Rhode Island: Troop housing, and community facilities, \$1,709,000.

Naval Base, Norfolk, Virginia: Operational and training facilities, \$2,546,000.

AVIATION FACILITIES

(Naval Air Training Stations)

Naval Auxiliary Air Station, Kingsville, Texas: Troop housing, \$1,041,000.

Naval Auxiliary Air Station, Meridian, Mississippi: Operational and training facilities, maintenance facilities, supply facilities, medical facilities, troop housing, community facilities, and utilities and ground improvements, \$14,940,000.

Naval Auxiliary Air Station, Whiting Field, Florida: Operational and training facilities, utilities and ground improvements, and real estate, \$4,679,000.

(Fleet Support Air Stations)

Naval Air Station, Alameda, California: Operational and training facilities, \$114,000.

Naval Air Station, Cecil Field, Florida: Maintenance facilities, \$1,252,000.

Naval Auxiliary Landing Field, Crows Landing, California: Operational and training facilities, \$47,000.

Naval Auxiliary Air Station, Fallon, Nevada: Operational and training facilities, \$80,000.

Naval Auxiliary Landing Field, Fentress, Virginia: Operational and training facilities, \$142,000.

Naval Seaplane Facility, Harvey Point, North Carolina: Operational and training facilities, maintenance facilities, medical facilities, troop housing, administrative facilities, and utilities and ground improvements, \$11,215,000.

Naval Air Station, Jacksonville, Florida: Operational and training facilities, \$74,000.

Naval Air Station, Lemoore, California: Operational and training facilities, troop housing, community facilities, administrative facilities, supply facilities, and utilities and ground improvements, \$15,823,000.

Naval Auxiliary Air Station, Mayport, Florida: Operational and training facilities, supply facilities, community facilities, utilities, and real estate, \$9,892,000.

Naval Air Station, North Island, San Diego, California: Operational facilities, and real estate, \$7,000,000.

Naval Outlying Field, Whitehouse Field, Florida: Operational and training facilities, \$142,000.

(Marine Corps Air Stations)

Marine Corps Auxiliary Air Station, Beaufort, South Carolina: Operational and training facilities and real estate, \$4,352,000.

Marine Corps Auxiliary Air Station, Yuma, Arizona: Operational and training facilities and real estate, \$8,946,000.

Marine Corps Air Station, Cherry Point, North Carolina: Operational and training facilities, and supply facilities, \$1,067,000.

Marine Corps Air Facility, New River, North Carolina: Operational and training facilities, \$1,003,000.

Marine Corps Air Facility, Santa Ana, California: Operational and training facilities, \$2,158,000.

(Special Purpose Air Stations)

Naval Air Facility, Towers Field, Andrews Air Force Base, Camp Springs, Maryland: Operational and training facilities, maintenance facilities, supply facilities, administrative facilities, troop housing,

utilities, and operational and training facilities at the Naval Air Station, Patuxent River, Maryland, \$17,666,000.

Naval Air Missile Test Center, Point Mugu, California: Operational and training facilities, maintenance facilities, research, development and test facilities, supply facilities, and troop housing (including operational and training facilities and troop housing on San Nicolas Island; and maintenance facilities, research, development and test facilities, supply facilities, troop housing, and utilities and ground improvements at Camp Cooke), \$13,841,000.

SUPPLY FACILITIES

Naval Supply Depot, Newport, Rhode Island: Utilities, \$2,210,000.

Naval Supply Center, Norfolk, Virginia: Administrative facilities, \$128,000.

Naval Supply Center, Oakland, California: Administrative facilities, \$146,000.

MARINE CORPS FACILITIES

Marine Corps Supply Center, Barstow, California: Operational and training facilities, \$280,000.

Marine Corps Recruit Depot, Parris Island, South Carolina: Utilities, \$462,000.

Marine Corps Base, Camp Pendleton, California: Operational and training facilities, maintenance facilities, troop housing, and utilities, \$5,138,000.

Marine Corps Schools, Quantico, Virginia: Operational and training facilities, \$168,000.

Marine Corps Recruit Depot, San Diego, California: Utilities, \$206,000.

Marine Corps Base, Twentynine Palms, California: Maintenance facilities, \$241,000.

ORDNANCE FACILITIES

Naval Ammunition Depot, Bangor, Washington: Maintenance facilities, \$86,000.

Naval Ordnance Test Station, China Lake, California: Supply facilities, \$129,000.

Naval Ammunition Depot, Concord, California: Maintenance facilities, \$2,517,000.

Naval Ordnance Laboratory, Corona, California: Research, development, and test facilities, \$510,000.

Naval Proving Ground, Dahlgren, Virginia: Research, development, and test facilities, \$44,000.

Naval Ammunition Depot, Hingham, Massachusetts: Maintenance facilities, \$694,000.

Naval Ordnance Laboratory, White Oak, Maryland: Research, development, and test facilities, \$601,000.

SERVICE SCHOOL FACILITIES

Naval Academy, Annapolis, Maryland: Troop housing, \$14,200,000.

Fleet Air Defense Training Center, Dam Neck, Virginia: Operational and training facilities, \$1,184,000.

Naval Receiving Station, District of Columbia: Operational facilities, \$650,000.

Naval Training Center, Great Lakes, Illinois: Operational and training facilities, \$1,368,000.

Naval War College, Newport, Rhode Island: Operational and training facilities, \$273,000.

Armed Forces Staff College, Norfolk, Virginia: Operational and training facilities, \$4,643,000.

Naval Training Center, San Diego, California: Operational and training facilities, \$4,199,000.

MEDICAL FACILITIES

National Naval Medical Center, Bethesda, Maryland: Hospital and medical facilities, \$8,503,000.

COMMUNICATION FACILITIES

Naval Radio Station, Washington County, Maine: Operational and training facilities, and utilities and ground improvements, \$38,654,000.

OFFICE OF NAVAL RESEARCH FACILITIES

Naval Research Laboratory, District of Columbia: Research, development, and test facilities, \$192,000.

OUTSIDE THE UNITED STATES

SHIPYARD FACILITIES

Naval Submarine Base, Pearl Harbor, Oahu, Territory of Hawaii: Operational and training facilities, \$159,000.

AVIATION FACILITIES

Naval Air Station, Agana, Mariana Islands: Operational and training facilities, and real estate, \$4,414,000.

Naval Station, Bermuda, British West Indies: Operational and training facilities, \$683,000.

Naval Air Station, Ford Island, Territory of Hawaii: Operational and training facilities, \$1,271,000.

Naval Air Facility, Naha, Okinawa: Supply facilities, \$165,000.

Naval Station, Roosevelt Roads, Puerto Rico: Operational and training facilities, \$3,824,000.

SUPPLY FACILITIES

Naval Supply Depot, Guam, Mariana Islands: Supply facilities, \$3,060,000.

COMMUNICATION FACILITIES

Naval Communication Unit Number Three, Asmara, Eritrea: Operational and training facilities, \$1,180,000.

Naval Radio Facility, Londonderry, North Ireland: Operational and training facilities, \$219,000.

Naval Radio Facility, Port Lyautey, Morocco: Operational and training facilities, \$519,000.

YARDS AND DOCKS FACILITIES

Public Works Center, Guantanamo Bay, Cuba: Utilities, \$890,000.

SEC. 202. The Secretary of the Navy may establish or develop classified naval installations and facilities by acquiring, constructing, con-

Classified installations and facilities.

verting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of \$75,301,000.

Construction for unforeseen requirements.

SEC. 203. The Secretary of the Navy may establish or develop naval installations and facilities by proceeding with construction made necessary by changes in Navy missions, new weapons developments, new and unforeseen research and development requirements, or improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next military construction authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, in the total amount of \$17,500,000: *Provided*, That the Secretary of the Navy, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto.

Report to Congressional committees.

Family housing.
5 USC 171z-1.

SEC. 204. (a) In accordance with the provisions of section 407 of the Act of September 1, 1954 (68 Stat. 1119, 1125), as amended, and subject to the provisions of section 513 of this Act, the Secretary of the Navy is authorized to construct, or acquire by lease or otherwise, family housing for occupancy as public quarters and community facilities at the following locations by utilizing foreign currencies acquired pursuant to the provisions of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 454) or through other commodity transactions of the Commodity Credit Corporation:

7 USC 1691 note.

Naval Magazine, Cartagena, Spain, 46 units, and community facilities.

Naval Magazine, El Ferrol, Spain, 45 units, and community facilities.

Naval Air Station, Port Lyautey, Morocco, 330 units.

Naval Air Facility, Sigonella, Italy, 122 units, and community facilities.

12 USC 1748a-1748g; 42 USC 1594-1594f.

(b) In accordance with the provisions of title IV of the Housing Amendments of 1955 (69 Stat. 646), as amended, the Secretary of the Navy is authorized to construct family housing for occupancy as public quarters at the following locations:

INSIDE THE UNITED STATES

Naval Air Station, Brunswick, Maine, 277 units.

Marine Corps Base, Camp Lejeune, North Carolina, 800 units.

Naval Facility, Cape Hatteras, North Carolina, 27 units.

Naval Facility, Centerville, California, 24 units.

Marine Corps Air Station, Cherry Point, North Carolina, 849 units.

Naval Facility, Coos Head, Oregon, 24 units.

Naval Training Center, Great Lakes, Illinois, 425 units.

Naval Air Station, Lemoore, California, 800 units.

Naval Facility, Nantucket, Massachusetts, 19 units.

Naval Submarine Base, New London, Connecticut, 500 units.

Naval Facility, Pacific Beach, Washington, 30 units.

Naval Facility, Point Sur, California, 24 units.

Naval Air Station, Whidbey Island, Washington, 550 units.

Naval Ordnance Missile Test Facility, White Sands Proving Grounds, New Mexico, 51 units.

Naval Base, San Diego, California, 1,000 units, to be constructed on land, including the following tracts which are hereby authorized and directed to be transferred to the Department of the Navy by the Administrator of General Services without reimbursement: GSA H-Cal 546B; and GSA H-Cal 587.

OUTSIDE OF THE UNITED STATES

Naval Air Station, Barber's Point, Oahu, Territory of Hawaii, 1,140 units.

Fleet Marine Force, Pacific, Headquarters, Camp H. M. Smith, Oahu, Territory of Hawaii, 168 units.

Naval Station, Guam, Mariana Islands, 220 units.

Marine Corps Air Station, Kaneohe Bay, Oahu, Territory of Hawaii, 650 units.

Naval Ammunition Depot, Oahu, Territory of Hawaii, 80 units.

Naval Station, Pearl Harbor, Oahu, Territory of Hawaii, 650 units.

(c) In accordance with the provisions of section 404 (a) of the Housing Amendments of 1955 (69 Stat. 652), as amended, the Secretary of the Navy is authorized to acquire family housing at the following locations:

42 USC 1594a.

Marine Corps Base, Camp Pendleton, California, 1,562 units.

Marine Corps Training Center, Twentynine Palms, California, 493 units.

Naval Auxiliary Air Station, Whiting Field, Florida, 96 units.

Naval Powder Factory, Indian Head, Maryland, 385 units.

Naval Station, Green Cove Springs, Florida, 392 units.

Squantum Gardens, Massachusetts, 150 units.

SEC. 205. (a) Public Law 534, Eighty-second Congress, as amended, is amended under the heading "CONTINENTAL UNITED STATES" in section 201 as follows:

66 Stat. 609.

Under the subheading "MEDICAL FACILITIES", with respect to the Naval Hospital, Norfolk, Virginia Area, strike out "\$12,815,000" and insert in place thereof "\$13,979,000".

(b) Public Law 534, Eighty-second Congress, as amended, is amended by striking out in clause (2) of section 402 the amounts "\$139,143,000" and "\$266,927,000", and inserting respectively in place thereof "\$140,307,000", and "\$268,091,000".

66 Stat. 625.

SEC. 206. (a) Public Law 534, Eighty-third Congress, as amended, is amended by striking out in section 202, "\$70,656,000", and inserting in place thereof "\$72,785,000".

66 Stat. 613.

(b) Public Law 534, Eighty-third Congress, as amended, is amended by striking out in clause (2) of section 502 the amounts "\$70,656,000", and "\$210,704,000" and inserting respectively in place thereof "\$72,785,000", and "\$212,833,000".

68 Stat. 561.

SEC. 207. (a) Public Law 161, Eighty-fourth Congress, as amended, is amended under the heading "CONTINENTAL UNITED STATES" in section 201 as follows:

69 Stat. 333.

(1) Under the subheading "MARINE CORPS FACILITIES", with respect to the Marine Corps Base, Camp Pendleton, California, strike out "\$648,000" and insert in place thereof "\$778,000".

(2) Under the subheading "ORDNANCE FACILITIES", with respect to the Naval Underwater Ordnance Station, Newport, Rhode Island, strike out "\$370,000" and insert in place thereof "\$411,000".

(b) Public Law 161, Eighty-fourth Congress, as amended, is amended under the heading "OUTSIDE CONTINENTAL UNITED STATES" in section 201, as follows:

69 Stat. 335.

Under subheading "AVIATION FACILITIES", with respect to the Naval Air Station, Agana, Guam, Mariana Islands, by striking out "\$6,525,000" and inserting in place thereof "\$9,063,000" and with respect to the Naval Station, Argentia, Newfoundland, by striking out "\$8,589,800" and inserting in place thereof "\$9,089,800".

70 Stat. 1002.

(c) Public Law 161, Eighty-fourth Congress, as amended, is amended by striking out in clause (2) of section 502 the amounts "\$308,463,600", "\$108,365,300", and "\$575,592,300" and inserting respectively in place thereof "\$308,634,600", "\$111,403,300", and "\$578,801,300".

70 Stat. 994.

SEC. 208. (a) Public Law 968, Eighty-fourth Congress, as amended, is amended under the heading "INSIDE THE UNITED STATES" in section 201, as follows:

(1) Under the subheading "FLEET BASE FACILITIES", with respect to the Naval Station, Newport, Rhode Island, strike out "\$11,672,000" and insert in place thereof "\$14,601,000".

(2) Under the subheading "AVIATION FACILITIES (Naval Air Training Stations)", with respect to the Naval Auxiliary Air Station, Chase Field, Texas, strike out "\$2,247,000" and insert in place thereof "\$2,569,000"; and with respect to the Naval Auxiliary Air Station, Meridian, Mississippi, strike out "\$8,231,000" and insert in place thereof "\$9,141,000".

(3) Under the subheading "AVIATION FACILITIES (Marine Corps Air Stations)", with respect to the Marine Corps Air Station, Cherry Point, North Carolina, strike out "\$170,000" and insert in place thereof "\$273,000".

(4) Under the subheading "SERVICE SCHOOL FACILITIES", with respect to the Fleet Air Defense Training Center, Dam Neck, Virginia, strike out "\$237,000" and insert in place thereof "\$300,000", and with respect to the Naval Training Center, Great Lakes, Illinois, strike out "\$8,413,000" and insert in place thereof "\$10,613,000".

(5) Under the subheading "MEDICAL FACILITIES", with respect to the Naval Hospital, Great Lakes, Illinois, strike out "\$12,730,000" and insert in place thereof "\$14,754,000".

70 Stat. 1000.

(b) Public Law 968, Eighty-fourth Congress, as amended, is amended by striking out in section 203 "\$85,939,000" and inserting in place thereof "\$86,711,000".

70 Stat. 1015.

(c) Public Law 968, Eighty-fourth Congress, as amended, is amended by striking out in clause (2) of section 402 the amounts "\$303,453,000", "\$85,939,000", and "\$451,393,000" and inserting respectively in place thereof "\$312,004,000", "\$86,711,000", and "\$460,716,000".

71 Stat. 538.

SEC. 209. Public Law 85-241, Eighty-fifth Congress, is amended under the heading "INSIDE THE UNITED STATES" in section 201 as follows:

Under the subheading "AVIATION FACILITIES (Special Purpose Air Stations)", with respect to the Naval Air Missile Test Center, Point Mugu, California, insert before "\$7,669,000" the words "and land acquisition."

TITLE III

Air Force.

SEC. 301. The Secretary of the Air Force may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including site preparation, appurtenances, utilities, and equipment, for the following projects:

INSIDE THE UNITED STATES

AIR DEFENSE COMMAND

Duluth Municipal Airport, Duluth, Minnesota: Maintenance facilities, troop housing, utilities, and real estate, \$2,649,000.

Ethan Allen Air Force Base, Winooski, Vermont: Troop housing, \$990,000.

Glasgow Air Force Base, Glasgow, Montana: Operational and training facilities, maintenance facilities, supply facilities, hospital facilities, community facilities, utilities, and real estate, \$10,659,000.

Grand Forks Air Force Base, Grand Forks, North Dakota: Maintenance facilities, supply facilities, hospital facilities, troop housing, community facilities, and utilities, \$4,176,000.

K. I. Sawyer Municipal Airport, Marquette, Michigan: Operational and training facilities, maintenance facilities, supply facilities, hospital facilities, administrative facilities, troop housing, and utilities, \$10,673,000.

Kingsley Field, Klamath Falls, Oregon: Community facilities, and utilities, \$229,000.

Kinross Air Force Base, Sault Sainte Marie, Michigan: Operational and training facilities, maintenance facilities, supply facilities, hospital facilities, and utilities, \$9,948,000.

McChord Air Force Base, Tacoma, Washington: Operational and training facilities, and utilities, \$935,000.

Minot Air Force Base, Minot, North Dakota: Maintenance facilities, supply facilities, administrative facilities, troop housing, community facilities, and utilities, \$2,721,000.

Otis Air Force Base, Falmouth, Massachusetts: Operational and training facilities, maintenance facilities, troop housing and utilities, \$3,689,000.

Oxnard Air Force Base, Camarillo, California: Medical facilities, \$122,000.

Richards-Gebaur Air Force Base, Kansas City, Missouri: Operational and training facilities, maintenance facilities, supply facilities, administrative facilities, and real estate, \$2,799,000.

Selfridge Air Force Base, Mount Clemens, Michigan: Operational and training facilities, maintenance facilities, and utilities and ground improvements, \$3,579,000.

Suffolk County Air Force Base, Westhampton Beach, New York: Maintenance facilities, \$86,000.

Truax Field, Madison, Wisconsin: Troop housing, and ground improvements, \$795,000.

Tyndall Air Force Base, Panama City, Florida: Operational and training facilities, maintenance facilities, and utilities, \$3,992,000.

Wurtsmith Air Force Base, Oscoda, Michigan: Operational and training facilities, maintenance facilities, supply facilities, hospital facilities, community facilities, and utilities, \$8,696,000.

AIR MATERIEL COMMAND

Brookley Air Force Base, Mobile, Alabama: Maintenance facilities, and supply facilities, \$975,000.

Griffiss Air Force Base, Rome, New York: Operational and training facilities, supply facilities, and real estate, \$1,177,000.

Hill Air Force Base, Ogden, Utah: Operational and training facilities, maintenance facilities, and troop housing, \$1,746,000.

Kelly Air Force Base, San Antonio, Texas: Utilities, \$157,000.

Marietta Air Force Station, Marietta, Pennsylvania: Supply facilities, \$94,000.

McClellan Air Force Base, Sacramento, California: Operational and training facilities, maintenance facilities, supply facilities, medical facilities, and troop housing, \$1,560,000.

Memphis General Depot, Memphis, Tennessee: Administrative facilities, \$1,464,000.

Norton Air Force Base, San Bernardino, California: Supply facilities, \$658,000.

Olmsted Air Force Base, Middletown, Pennsylvania: Operational and training facilities, maintenance facilities, medical facilities, administrative facilities, troop housing, community facilities, utilities, and real estate, \$6,169,000.

Robins Air Force Base, Macon, Georgia: Operational and training facilities, maintenance facilities, supply facilities, and utilities, \$4,362,000.

Tinker Air Force Base, Oklahoma City, Oklahoma: Operational and training facilities, maintenance facilities, troop housing, and community facilities, \$5,196,000.

Wright-Patterson Air Force Base, Dayton, Ohio: Operational and training facilities, maintenance facilities, research, development, and test facilities, supply facilities, and medical facilities, \$11,037,000.

AIR RESEARCH AND DEVELOPMENT COMMAND

Edwards Air Force Base, Muroc, California: Research, development, and test facilities, and utilities, \$981,000.

Eglin Air Force Base, Valparaiso, Florida: Operational and training facilities, maintenance facilities, research, development, and test facilities, supply facilities, utilities, and real estate, \$10,109,000.

Holloman Air Force Base, Alamogordo, New Mexico: Maintenance facilities, supply facilities, troop housing, utilities, and real estate, \$1,650,000.

Kirtland Air Force Base, Albuquerque, New Mexico: Supply facilities, and utilities, \$481,000.

Laurence G. Hanscom Field, Bedford, Massachusetts: Maintenance facilities, \$165,000.

Patrick Air Force Base, Cocoa, Florida: Operational and training facilities, maintenance facilities, troop housing, and community facilities, \$2,884,000.

SCHOOL OF AVIATION MEDICINE

School of Aviation Medicine, Brooks Air Force Base, San Antonio, Texas: Operational and training facilities, research, development, and test facilities, supply facilities, hospital and medical facilities, administrative facilities, troop housing, community facilities, utilities, and ground improvements, \$12,000,000.

AIR TRAINING COMMAND

Amarillo Air Force Base, Amarillo, Texas: Operational and training facilities, community facilities, and utilities, \$979,000.

Bergstrom Air Force Base, Austin, Texas: Operational and training facilities, maintenance facilities, supply facilities, utilities, and real estate, \$1,584,000.

Chanute Air Force Base, Rantoul, Illinois: Troop housing, \$640,000.

Craig Air Force Base, Selma, Alabama: Troop housing, \$400,000.

Greenville Air Force Base, Greenville, Mississippi: Operational and training facilities, and real estate, \$208,000.

James Connally Air Force Base, Waco, Texas: Troop housing, \$750,000.

Luke Air Force Base, Phoenix, Arizona: Maintenance facilities, and utilities, \$441,000.

Mather Air Force Base, Sacramento, California: Operational and training facilities, supply facilities, and utilities, \$1,213,000.

McConnell Air Force Base, Wichita, Kansas: Operational and training facilities, \$2,119,000.

Moody Air Force Base, Valdosta, Georgia: Operational and training facilities, troop housing and utilities, \$5,432,000.

Nellis Air Force Base, Las Vegas, Nevada: Maintenance facilities, \$358,000.

Perrin Air Force Base, Sherman, Texas: Maintenance facilities, \$319,000.

Randolph Air Force Base, San Antonio, Texas: Operational and training facilities, and utilities, \$245,000.

Sheppard Air Force Base, Wichita Falls, Texas: Operational and training facilities, maintenance facilities, troop housing, community facilities, and utilities, \$2,051,000.

Stead Air Force Base, Reno, Nevada: Supply facilities, administrative facilities, and community facilities, \$571,000.

Vance Air Force Base, Enid, Oklahoma: Operational and training facilities, and maintenance facilities, \$1,770,000.

Webb Air Force Base, Big Spring, Texas: Operational and training facilities, maintenance facilities, utilities and ground improvements, and real estate, \$3,081,000.

Williams Air Force Base, Chandler, Arizona: Operational and training facilities, and maintenance facilities, \$1,361,000.

CONTINENTAL AIR COMMAND

Brooks Air Force Base, San Antonio, Texas: Troop housing, \$1,805,000.

Clinton County Air Force Base, Wilmington, Ohio: Operational and training facilities, maintenance facilities, supply facilities, and administrative facilities, troop housing, community facilities, and utilities, \$11,589,000.

Dobbins Air Force Base, Marietta, Georgia: Utilities, \$172,000.

HEADQUARTERS COMMAND

Andrews Air Force Base, Camp Springs, Maryland: Operational and training facilities, maintenance facilities, supply facilities, administrative facilities, and utilities, \$18,937,000.

MILITARY AIR TRANSPORT SERVICE

Donaldson Air Force Base, Greenville, South Carolina: Maintenance facilities, \$78,000.

Dover Air Force Base, Dover, Delaware: Operational and training facilities, maintenance facilities, and utilities, \$2,874,000.

McGuire Air Force Base, Wrightstown, New Jersey: Operational and training facilities, maintenance facilities, troop housing, and utilities, \$3,901,000.

Scott Air Force Base, Belleville, Illinois: Troop housing, \$423,000.

STRATEGIC AIR COMMAND

Altus Air Force Base, Altus, Oklahoma: Operational and training facilities, supply facilities, utilities, and real estate, \$4,051,000.

Barksdale Air Force Base, Shreveport, Louisiana: Operational and training facilities, troop housing, and utilities, \$4,280,000.

Beale Air Force Base, Marysville, California: Operational and training facilities, maintenance facilities, supply facilities, hospital facilities, administrative facilities, community facilities, and utilities, \$7,868,000.

Biggs Air Force Base, El Paso, Texas: Operational and training facilities, supply facilities, troop housing, and utilities, \$5,080,000.

Blytheville Air Force Base, Blytheville, Arkansas: Operational and training facilities, and utilities, \$1,654,000.

Brunswick Naval Air Station, Brunswick, Maine: Operational and training facilities, maintenance facilities, supply facilities, administrative facilities, troop housing, community facilities, and utilities, \$11,417,000.

Bunker Hill Air Force Base, Peru, Indiana: Operational and training facilities, maintenance facilities, troop housing, and utilities, \$7,996,000.

Carswell Air Force Base, Fort Worth, Texas: Operational and training facilities, and supply facilities, \$2,257,000.

Castle Air Force Base, Merced, California: Operational and training facilities, troop housing, utilities, and real estate, \$4,183,000.

Clinton-Sherman Air Force Base, Clinton, Oklahoma: Operational and training facilities, maintenance facilities, supply facilities, community facilities, and utilities, \$2,734,000.

Columbus Air Force Base, Columbus, Mississippi: Operational and training facilities, supply facilities, and utilities, \$1,939,000.

Davis-Monthan Air Force Base, Tucson, Arizona: Operational and training facilities, maintenance facilities, supply facilities, utilities, and real estate, \$4,174,000.

Dow Air Force Base, Bangor, Maine: Operational and training facilities, maintenance facilities, supply facilities, troop housing, and utilities, \$2,404,000.

Dyess Air Force Base, Abilene, Texas: Operational and training facilities, and supply facilities, \$1,346,000.

Ellsworth Air Force Base, Rapid City, South Dakota: Operational and training facilities, maintenance facilities, community facilities, and utilities, \$2,931,000.

Fairchild Air Force Base, Spokane, Washington: Operational and training facilities, and utilities, \$4,094,000.

Forbes Air Force Base, Topeka, Kansas: Operational and training facilities, supply facilities, community facilities, and utilities, \$2,703,000.

Homestead Air Force Base, Homestead, Florida: Operational and training facilities, supply facilities, and utilities and ground improvements, \$1,489,000.

Hunter Air Force Base, Savannah, Georgia: Operational and training facilities, supply facilities, and utilities, \$4,493,000.

Lake Charles Air Force Base, Lake Charles, Louisiana: Operational and training facilities, and supply facilities, \$3,401,000.

Larson Air Force Base, Moses Lake, Washington: Operational and training facilities, maintenance facilities, supply facilities, and utilities, \$3,795,000.

Laughlin Air Force Base, Del Rio, Texas: Operational and training facilities, maintenance facilities, and community facilities, \$897,000.

Lincoln Air Force Base, Lincoln, Nebraska: Operational and training facilities, maintenance facilities, supply facilities, and utilities \$4,250,000.

Little Rock Air Force Base, Little Rock, Arkansas: Operational and training facilities, supply facilities, and utilities, \$3,463,000.

Lockbourne Air Force Base, Columbus, Ohio: Operational and training facilities, supply facilities, and real estate, \$11,716,000.

Loring Air Force Base, Limestone, Maine: Operational and training facilities, and utilities, \$3,774,000.

MacDill Air Force Base, Tampa, Florida: Operational and training facilities, supply facilities, and utilities, \$3,577,000.

Malmstrom Air Force Base, Great Falls, Montana: Operational and training facilities, maintenance facilities, supply facilities, troop housing, and utilities, \$1,832,000.

March Air Force Base, Riverside, California: Operational and training facilities, supply facilities, utilities, and real estate, \$3,344,000.

McCoy Air Force Base, Orlando, Florida: Operational and training facilities, supply facilities, utilities, and real estate, \$5,137,000.

Mountain Home Air Force Base, Mountain Home, Idaho: Operational and training facilities, supply facilities, and community facilities, \$1,039,000.

Offutt Air Force Base, Omaha, Nebraska: Operational and training facilities, supply facilities, and real estate, \$3,265,000.

Pease Air Force Base, Portsmouth, New Hampshire: Operational and training facilities, and supply facilities, \$940,000.

Plattsburgh Air Force Base, Plattsburgh, New York: Supply facilities, and utilities, \$208,000.

Richard Bong Air Force Base, Kansasville, Wisconsin: Operational and training facilities, maintenance facilities, supply facilities, hospital facilities, troop housing, and community facilities, \$15,552,000.

Schilling Air Force Base, Salina, Kansas: Operational and training facilities, supply facilities, and utilities, \$2,352,000.

Travis Air Force Base, Fairfield, California: Operational and training facilities, supply facilities, and utilities, \$2,997,000.

Walker Air Force Base, Roswell, New Mexico: Operational and training facilities, supply facilities, community facilities, and utilities, \$8,431,000.

Westover Air Force Base, Chicopee Falls, Massachusetts: Troop housing, \$945,000.

Whiteman Air Force Base, Knob Noster, Missouri: Operational and training facilities, supply facilities, utilities, and real estate, \$5,185,000.

TACTICAL AIR COMMAND

George Air Force Base, Victorville, California: Maintenance facilities, \$536,000.

Langley Air Force Base, Hampton, Virginia: Maintenance facilities, supply facilities, and utilities, \$1,371,000.

Myrtle Beach Air Force Base, Myrtle Beach, South Carolina: Operational and training facilities, maintenance facilities, troop housing, and community facilities, \$1,650,000.

Sewart Air Force Base, Smyrna, Tennessee: Troop housing, \$591,000.

Seymour-Johnson Air Force Base, Goldsboro, North Carolina: Operational and training facilities, supply facilities, troop housing, and utilities, \$4,707,000.

Shaw Air Force Base, Sumter, South Carolina: Operational and training facilities, and maintenance facilities, \$1,339,000.

Turner Air Force Base, Albany, Georgia: Operational and training facilities, maintenance facilities, supply facilities, troop housing, community facilities, utilities, and real estate, \$5,474,000.

SPECIAL FACILITIES

Various locations: Operational and training facilities, \$563,000.

AIRCRAFT CONTROL AND WARNING SYSTEM

Various locations: Operational and training facilities, maintenance facilities, supply facilities, medical facilities, administrative facilities, family housing, troop housing, community facilities, utilities, and real estate, \$169,833,000.

OUTSIDE THE UNITED STATES

AIR MATERIEL COMMAND

Various locations: Supply facilities, and utilities, \$696,000.

ALASKAN AIR COMMAND

Eielson Air Force Base: Operational and training facilities, \$380,000.

Elmendorf Air Force Base: Operational and training facilities, \$710,000.

King Salmon Airport: Operational and training facilities, \$340,000.

Various locations: Operational and training facilities, maintenance facilities, supply facilities, medical facilities, administrative facilities, troop housing, community facilities, utilities and ground improvements, and real estate, \$24,986,000.

CARIBBEAN AIR COMMAND

Howard Air Force Base, Canal Zone: Operational and training facilities, \$1,540,000.

MILITARY AIR TRANSPORT SERVICE

Various locations: Maintenance facilities, supply facilities, community facilities, and utilities, \$5,347,000.

PACIFIC AIR FORCES

Hickam Air Force Base, Honolulu, Hawaii: Operational and training facilities, and supply facilities, \$144,000.

Midway Island: Supply facilities, \$839,000.

Various locations: Operational and training facilities, maintenance facilities, supply facilities, troop housing, community facilities, and utilities, \$15,688,000.

STRATEGIC AIR COMMAND

Andersen Air Force Base, Guam: Operational and training facilities, maintenance facilities, and supply facilities, \$1,508,000.

Ramey Air Force Base, Puerto Rico: Operational and training facilities, maintenance facilities, and supply facilities, \$643,000.

Various locations: Operational and training facilities, maintenance facilities, supply facilities, family housing, troop housing, community facilities, and utilities, \$21,431,000.

UNITED STATES AIR FORCES IN EUROPE

Various locations: Operational and training facilities, maintenance facilities, supply facilities, medical facilities, administrative facilities, family housing, troop housing, community facilities, and utilities, \$19,952,000.

AIRCRAFT CONTROL AND WARNING SYSTEM

Various locations: Operational and training facilities, maintenance facilities, supply facilities, medical facilities, administrative facilities, family housing, troop housing, community facilities, and utilities, \$29,135,000.

SPECIAL FACILITIES

Various locations: Operational and training facilities, \$315,000.

SEC. 302. Subject to the provisions of Section 402 hereof, the Secretary of the Air Force may establish or develop classified military installations and facilities for ballistic, strategic, and defense missiles by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of \$269,100,000.

Classified installations and facilities.

SEC. 303. The Secretary of the Air Force may establish or develop Air Force installations and facilities by proceeding with construction made necessary by changes in Air Force missions, new weapons developments, new and unforeseen research and development requirements, or improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next military construction authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, in the total amount of \$17,500,000: *Provided*, That the Secretary of the Air Force, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto.

Construction for unforeseen requirements.

Report to Congressional committees.

SEC. 304. (a) In accordance with the provisions of section 407 of the Act of September 1, 1954 (68 Stat. 1119, 1125), as amended, and subject to the provisions of section 513 of this Act, the Secretary of the Air Force is authorized to construct, or acquire by lease or otherwise, family housing for occupancy as public quarters and community facilities at the following locations by utilizing foreign currencies acquired pursuant to the provisions of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 454), or through other commodity transactions of the Commodity Credit Corporation:

Family housing.
5 USC 1712-1.

7 USC 1691 note.

Lajes Field, Azores, 306 units.

Kindley Air Force Base, Bermuda, 300 units.

Laon, France, 102 units.

Keflavik Airport, Iceland, 300 units.

Benguerir Airport, Morocco, 248 units.

Sidi Slimane Air Base, Morocco, 295 units.

Clark Air Force Base, Philippines, 900 units.

Kadena Air Base, Okinawa, 200 units.

Madrid-Torrejón area, Spain, 460 units.

Moron-San Pablo area, Spain, 40 units.

Various locations, Spain, 120 units, and community facilities.

Zaragoza Air Base, Spain, 176 units.
 Alconbury RAF Station, United Kingdom, 50 units.
 Bentwaters RAF Station, United Kingdom, 190 units.
 Bruntingthorpe RAF Station, United Kingdom, 93 units.
 Brize Norton RAF Station, United Kingdom, 215 units.
 Chelveston RAF Station, United Kingdom, 79 units.
 Chicksands Priory RAF Station, United Kingdom, 83 units.
 Fairford RAF Station, United Kingdom, 177 units.
 High Wycombe RAF Station, United Kingdom, 110 units.
 Lakenheath-Mildenhall Area, United Kingdom, 55 units, and community facilities.
 Stansted-Mountfitchet RAF Station, United Kingdom, 22 units.
 Upper Heyford RAF Station, United Kingdom, 259 units.
 Wethersfield RAF Station, United Kingdom, 416 units.

(b) In accordance with the provisions of title IV of the Housing Amendments of 1955 (69 Stat. 646), as amended, the Secretary of the Air Force is authorized to construct family housing for occupancy as public quarters at the following locations:

12 USC 1748a-
 1748g; 42 USC
 1594-1594f.

INSIDE THE UNITED STATES

Camp Adair Air Force Station, Oregon, 150 units.
 Amarillo Air Force Base, Texas, 500 units.
 Beale Air Force Base, California, 970 units.
 Bunker Hill Air Force Base, Indiana, 250 units.
 Chanute Air Force Base, Illinois, 450 units.
 Clinton County Air Force Base, Ohio, 536 units.
 Clinton-Sherman Air Force Base, Oklahoma, 50 units.
 Custer Air Force Station, Michigan, 169 units.
 Donaldson Air Force Base, South Carolina, 275 units.
 Cooke Air Force Base, California, 525 units.
 Dover Air Force Base, Delaware, 500 units.
 Dow Air Force Base, Maine, 530 units.
 Duluth Municipal Airport, Minnesota, 365 units.
 Edwards Air Force Base, California, 778 units.
 Ellsworth Air Force Base, South Dakota, 220 units.
 Forbes Air Force Base, Kansas, 414 units.
 Fort Lee Air Force Station, Virginia, 154 units.
 Geiger Field, Washington, 168 units.
 Glasgow Air Force Base, Montana, 460 units.
 Grand Forks Air Force Base, North Dakota, 744 units.
 Griffiss Air Force Base, New York, 270 units.
 Hamilton Air Force Base, California, 550 units.
 Holloman Air Force Base, New Mexico, 400 units.
 James Connally Air Force Base, Texas, 366 units.
 Keesler Air Force Base, Mississippi, 290 units.
 Kinross Air Force Base, Michigan, 475 units.
 K. I. Sawyer Airport, Michigan, 595 units.
 Kirtland Air Force Base, New Mexico, 490 units.
 Lake Charles Air Force Base, Louisiana, 300 units.
 Langley Air Force Base, Virginia, 500 units.
 Larson Air Force Base, Washington, 200 units.
 Lockbourne Air Force Base, Ohio, 400 units.
 Malmstrom Air Force Base, Montana, 150 units.
 Mather Air Force Base, California, 220 units.
 McChord Air Force Base, Washington, 1,000 units.
 McClellan Air Force Base, California, 540 units.
 McCoy Air Force Base, Florida, 668 units.
 McGuire Air Force Base, New Jersey, 1,450 units.

Minot Air Force Base, North Dakota, 932 units.
 Mountain Home Air Force Base, Idaho, 270 units.
 Nellis Air Force Base, Nevada, 200 units.
 Niagara Falls Municipal Airport, New York, 290 units.
 Offutt Air Force Base, Nebraska, 616 units.
 Oxnard Air Force Base, California, 315 units.
 Pease Air Force Base, New Hampshire, 483 units.
 Presque Isle Air Force Base, Maine, 114 units.
 Richard Bong Air Force Base, Wisconsin, 900 units.
 Richards-Gebaur Air Force Base, Missouri, 610 units.
 Robins Air Force Base, Georgia, 150 units.
 Selfridge Air Force Base, Michigan, 580 units.
 Sheppard Air Force Base, Texas, 500 units.
 Sioux City Municipal Airport, Iowa, 235 units.
 Stewart Air Force Base, New York, 300 units.
 Suffolk County Air Force Base, New York, 220 units.
 Syracuse Air Force Station, New York, 216 units.
 Topsham Air Force Station, Maine, 177 units.
 Truax Field, Wisconsin, 280 units.
 Turner Air Force Base, Georgia, 200 units.
 United States Air Force Academy, Colorado, 300 units.
 Vance Air Force Base, Oklahoma, 230 units.
 Westover Air Force Base, Massachusetts, 310 units.
 Whiteman Air Force Base, Missouri, 154 units.
 Williams Air Force Base, Arizona, 150 units.
 Wurtsmith Air Force Base, Michigan, 618 units.

OUTSIDE THE UNITED STATES

Andersen Air Force Base, Guam, 1,050 units.

Hickam Air Force Base, Hawaii, 600 units.

(c) In accordance with the provisions of section 404 (a) of the Housing Amendments of 1955 (69 Stat. 652), as amended, the Secretary of the Air Force is authorized to acquire family housing at the following locations:

Family housing.
42 USC 1594a.

Brookley Air Force Base, Alabama, 175 units.

Carswell Air Force Base, Texas, 600 units.

Craig Air Force Base, Alabama, 225 units.

Davis-Monthan Air Force Base, Arizona, 550 units.

Francis E. Warren Air Force Base, Wyoming, 500 units.

Hunter Air Force Base, Georgia, 500 units.

Kelly Air Force Base, Texas, 592 units.

Lowry Air Force Base, Colorado, 480 units.

March Air Force Base, California, 644 units.

Maxwell Air Force Base, Alabama, 250 units.

Mitchel Air Force Base, New York, 628 units.

Randolph Air Force Base, Texas, 612 units.

Reese Air Force Base, Texas, 418 units.

Shaw Air Force Base, South Carolina, 400 units.

Walker Air Force Base, New Mexico, 800 units.

Wright-Patterson Air Force Base, Ohio, 2,000 units.

SEC. 305. (a) Public Law 161, Eighty-fourth Congress, as amended, is amended, under the heading "CONTINENTAL UNITED STATES" in section 301 as follows:

Under the subheading "AIR DEFENSE COMMAND", with respect to Otis Air Force Base, Falmouth, Massachusetts, strike out "\$6,076,000", and insert in place thereof "\$6,522,000".

69 Stat. 338.

Under the subheading "AIR MATERIAL COMMAND", with respect to Wright-Patterson Air Force Base, Dayton, Ohio, strike out "\$14,508,000" and insert in place thereof "\$15,800,000".

69 Stat. 340.

69 Stat. 350.

(b) Public Law 161, Eighty-fourth Congress, as amended, is amended by striking out in clause (3) of section 502 the amounts "\$824,300,000" and "\$1,363,189,000" and inserting in place thereof "\$826,038,000" and "\$1,364,927,000", respectively.

70 Stat. 1002.

SEC. 306. (a) Public Law 968, Eighty-fourth Congress, as amended, is amended, under the heading "INSIDE THE UNITED STATES" in section 301, as follows:

Under the subheading "AIR DEFENSE COMMAND"—

(1) with respect to Duluth Municipal Airport, Duluth, Minnesota, strike out "\$1,469,000" and insert in place thereof "\$1,636,000".

(2) with respect to Otis Air Force Base, Falmouth, Massachusetts, strike out "\$11,577,000" and insert in place thereof "\$13,341,000".

Under the subheading "AIR MATERIEL COMMAND", with respect to Hill Air Force Base, Ogden, Utah, strike out "\$1,339,000" and insert in place thereof "\$1,661,000".

Under the subheading "AIR TRAINING COMMAND", with respect to James Connally Air Force Base, Waco, Texas, strike out "\$4,687,000" and insert in place thereof "\$5,301,000".

Under the subheading "STRATEGIC AIR COMMAND" with respect to Malmstrom Air Force Base, Great Falls, Montana, strike out, "\$1,586,000" and insert in place thereof "\$1,726,000".

70 Stat. 1015.

(b) Public Law 968, Eighty-fourth Congress, as amended, is amended by striking out in clause (3) of section 402 the amounts "\$811,342,000" and "\$1,447,950,000" and inserting in place thereof "\$814,349,000" and "\$1,450,957,000", respectively.

71 Stat. 543.

SEC. 307. (a) Public Law 85-241, Eighty-fifth Congress, is amended, under the heading "INSIDE THE UNITED STATES" in section 301, as follows:

Under the subheading "AIR DEFENSE COMMAND"—

(1) with respect to Glasgow Air Force Base, Glasgow, Montana, strike out "\$2,048,000" and insert in place thereof "\$2,390,000".

(2) with respect to Grandview Air Force Base, Kansas City, Missouri, strike out "\$1,100,000" and insert in place thereof "\$1,348,000".

(3) with respect to Minot Air Force Base, Minot, North Dakota, strike out "\$6,804,000" and insert in place thereof "\$8,507,000".

(4) with respect to Otis Air Force Base, Falmouth, Massachusetts, strike out "\$559,000" and insert in place thereof "\$615,000".

Under the subheading "AIR MATERIEL COMMAND", with respect to Kelly Air Force Base, San Antonio, Texas, strike out "\$899,000" and insert in place thereof "\$1,128,000".

Under the subheading "AIR TRAINING COMMAND", with respect to Perrin Air Force Base, Sherman, Texas, strike out "\$460,000" and insert in place thereof "\$637,000".

Under the subheading "STRATEGIC AIR COMMAND"—

(1) with respect to Barksdale Air Force Base, Shreveport, Louisiana, strike out "\$3,344,000" and insert in place thereof "\$3,633,000".

(2) with respect to Beale Air Force Base, Marysville, California, strike out "\$7,458,000" and insert in place thereof "\$9,087,000".

(3) with respect to MacDill Air Force Base, Tampa, Florida, strike out "\$936,000" and insert in place thereof "\$1,268,000".

(4) with respect to Portsmouth Air Force Base, Portsmouth, New Hampshire, strike out "\$2,344,000" and insert in place thereof "\$2,947,000".

(5) with respect to Whiteman Air Force Base, Knob Noster, Missouri, strike out "\$235,000" and insert in place thereof "\$306,000".

(b) Public Law 85-241, Eighty-fifth Congress, is amended by striking out in clause (3) of section 502 the amounts "\$394,076,000" and "\$601,781,000" and inserting in place thereof "\$399,755,000" and "\$607,460,000", respectively.

71 Stat. 557.

SEC. 308. (a) Public Law 85-325, Eighty-fifth Congress, is amended, under the heading "ALERT AND DISPERSAL OF STRATEGIC AIR COMMAND FORCES" in section 1, as follows:

Ante, p. 11.

(1) with respect to Grand Forks Air Force Base, Grand Forks, North Dakota, strike out "\$895,000" and insert in place thereof "\$1,892,000".

(2) with respect to Minot Air Force Base, Minot, North Dakota, strike out "\$867,000" and insert in place thereof "\$1,479,000".

(3) with respect to Mountain Home Air Force Base, Mountain Home, Idaho, strike out "\$4,380,000" and insert in place thereof "\$5,479,000".

(4) with respect to Offutt Air Force Base, Omaha, Nebraska, strike out "\$690,000" and insert in place thereof "\$969,000".

Ante, p. 11.

(b) Public Law 85-325, Eighty-fifth Congress, is amended by striking out in section 3 the amount "\$549,670,000" and inserting in place thereof "\$552,657,000".

SEC. 309. Section 9 of the Air Force Academy Act, as amended (68 Stat. 49), is further amended by striking out in the first sentence the figure "\$135,425,000" and inserting in place thereof the figure "\$139,797,000".

10 U S C app.
1857.

SEC. 310. The last paragraph under the heading "RESEARCH AND DEVELOPMENT COMMAND" in title III of Public Law 161, Eighty-fourth Congress (69 Stat. 342), is amended to read as follows:

"Various Locations: Research, development, and operational facilities (including not more than \$357,000 for an off-base roadway approximately ten miles in length in the vicinity of the north boundary of Cape Canaveral—an auxiliary to Patrick Air Force Base) \$20,000,000."

The amendment made by this section is effective from March 1, 1956.

Effective date.

TITLE IV

SEC. 401. The Secretary of Defense may establish or develop installations and facilities required for advanced research projects and in connection therewith may acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities and equipment, in the total amount of \$50,000,000.

Advanced re-
search projects.
Appropriation.

SEC. 402. The Secretary of Defense or his designee shall, prior to the utilization of the funds authorized by Sections 102 and 302 of this Act for establishing or developing classified military installations and facilities for defense missiles by the Secretary of the Army and the Secretary of the Air Force, respectively, determine with respect to each defended area, which missile or combination of missiles will be employed in that area. In making such determination, the Secretary of Defense shall have the authority to transfer such funds as may be made available pursuant to the authorizations contained in such sections for such installations and facilities, to the Secretary of the Army or the Secretary of the Air Force, as the case may be, to enable such

Determination of
missile type.Transfer of
funds.

Secretaries to utilize the authority contained in such sections in accordance with such determinations.

Report to Congress.

SEC. 403. The Secretary of Defense shall report in detail semi-annually to the President of the Senate and to the Speaker of the House of Representatives with respect to the exercise of the authority granted by this title.

TITLE V

GENERAL PROVISIONS

Land improvements, etc.

70A Stat. 269, 590.

SEC. 501. The Secretary of Defense and the Secretary of each military department may proceed to establish or develop installations and facilities under this Act without regard to sections 3648 and 3734 of the Revised Statutes, as amended (31 U. S. C. 529, 40 U. S. C. 259, 267), and sections 4774 (d) and 9774 (d) of title 10, United States Code. The authority to place permanent or temporary improvements on land includes authority for surveys, administration, overhead, planning, and supervision incident to construction. That authority may be exercised before title to the land is approved under section 355 of the Revised Statutes, as amended (40 U. S. C. 255), and even though the land is held temporarily. The authority to acquire real estate or land includes authority to make surveys and to acquire land, and interests in land (including temporary use), by gift, purchase, exchange of Government-owned land, or otherwise.

Appropriation.

SEC. 502. There are authorized to be appropriated such sums as may be necessary for the purposes of this Act, but appropriations, for public works projects authorized by titles I, II, III, and IV shall not exceed—

(1) for title I: Inside the United States, \$109,556,000; outside the United States, \$8,732,000; section 102, \$173,678,000; section 103, \$17,500,000; or a total of \$309,466,000.

(2) for title II: Inside the United States, \$216,809,000; outside the United States, \$16,384,000; section 202, \$75,301,000; section 203, \$17,500,000; or a total of \$325,994,000.

(3) for title III: Inside the United States, \$542,161,000; outside the United States, \$123,654,000; section 302, \$269,100,000; section 303, \$17,500,000; or a total of \$952,415,000.

(4) for title IV: \$50,000,000.

Cost variations.

SEC. 503. Any of the amounts named in titles I, II, and III of this Act may, in the discretion of the Secretary concerned, be increased by 5 per centum for projects inside the United States and by 10 per centum for projects outside the United States. However, the total cost of all projects in each such title may not be more than the total amount authorized to be appropriated for projects in that title.

Family housing.

SEC. 504. Any outstanding authority heretofore provided by the Act of September 1, 1954 (68 Stat. 1119), the Act of July 15, 1955 (69 Stat. 324), and the Act of August 3, 1956 (70 Stat. 991), for the provision of family housing shall be available for the construction of family housing at any installations for which appropriated fund family housing is authorized to be constructed under titles I and III of this Act.

Contracts.

SEC. 505. Whenever—

70A Stat. 132.

(1) the President determines that compliance with section 2313 (b) of title 10, United States Code, for contracts made under this Act for the establishment or development of military installations and facilities in foreign countries would interfere with the carrying out of this Act; and

(2) the Secretary of Defense and the Comptroller General have agreed upon alternative methods of adequately auditing those

contracts; the President may exempt those contracts from the requirements of that section.

SEC. 506. Contracts for construction made by the United States for performance within the United States, its territories and possessions, under this Act shall be executed under the jurisdiction and supervision of the Corps of Engineers, Department of the Army or the Bureau of Yards and Docks, Department of the Navy, unless the Secretary of Defense determines that because such jurisdiction and supervision is wholly impracticable such contracts should be executed under the jurisdiction and supervision of another Department or Government agency, and shall be awarded, insofar as practicable, on a competitive basis to the lowest responsible bidder, if the national security will not be impaired and the award is consistent with chapter 137 of title 10, United States Code, and section 15 of the Act of August 9, 1955 (69 Stat. 547, 551). The Secretary of Defense and the Secretaries of the military departments shall report semiannually to the President of the Senate and the Speaker of the House of Representatives with respect to all contracts awarded on other than a competitive basis to the lowest responsible bidder.

SEC. 507. As of July 1, 1959, all authorization for military public works to be accomplished by the Secretary of a military department in connection with the establishment or development of military installations and facilities, and all authorizations for appropriations therefor, that are contained in Acts approved before August 4, 1956, and not superseded or otherwise modified by a later authorization are repealed, except—

(1) authorizations for public works and for appropriations therefor that are set forth in those Acts in the titles that contain the general provisions;

(2) the authorization for public works projects as to which appropriated funds have been obligated for construction contracts or land acquisitions in whole or in part before July 1, 1959, and authorizations for appropriations therefor;

(3) the authorization for the rental guaranty for family housing in the amount of \$100,000,000 that is contained in section 302 of the Act of July 14, 1952 (66 Stat. 606, 622);

(4) the authorizations for public works and the appropriation of funds that are contained in sections 2231–2238 of title 10, United States Code, as amended (50 U. S. C. 882, 883, 885, 886);

(5) the authorization for the development of the Line of Communications, France, in the amount of \$30,000,000 that is contained in title I, section 102, of the Act of July 14, 1952 (66 Stat. 606, 609);

(6) the authorization for development of classified facilities in the amount of \$6,439,000 that is contained in title I, section 102, of the Act of September 28, 1951 (65 Stat. 336, 343);

(7) the authorization for public works and for the appropriation of funds that are contained in the Act of April 1, 1954 (68 Stat. 47), as amended; and

(8) notwithstanding the provision of section 506 of the Act of August 30, 1957 (71 Stat. 531, 558), the authorization for:

(a) jet engine test cells in the amount of \$1,850,000 at the Naval Air Station, Norfolk, Virginia, that is contained in title II, section 201 under the heading "CONTINENTAL UNITED STATES" and subheading "AVIATION FACILITIES" of the Act of August 7, 1953 (67 Stat. 440, 442), as amended;

(b) ammunition storage facilities in the amount of \$225,000 at the Naval Auxiliary Air Station, El Centro, California; navigational aids in the amount of \$590,000 at

70A Stat. 127.
41 USC 152.
Report to Congress.

Repeals.

Exceptions.

70A Stat. 120-123.
64 Stat. 830, 831.

the Marine Corps Air Station, El Toro, California; research and development facilities in the amount of \$1,804,000 at the Naval Air Turbine Test Station, Trenton, New Jersey; and navigational aids in the amount of \$400,000 at the Naval Air Station, Whidbey Island, Washington: that are contained in title II, section 201, under the heading "CONTINENTAL UNITED STATES" and subheading "AVIATION FACILITIES" of the Act of July 27, 1954 (68 Stat. 535, 540), as amended;

(c) the development of aviation ordnance facilities in the amount of \$2,638,000 that is contained in title II, section 202, of the Act of July 27, 1954 (68 Stat. 535, 543), as amended.

Repeal.

SEC. 508. Section 408 (b) of the Act of June 17, 1950 (64 Stat. 236, 245), is hereby repealed.

SEC. 509. Section 515 of the Act of July 15, 1955 (69 Stat. 324, 352), as amended, is further amended to read as follows:

Housing facilities.
Lease.

"SEC. 515. During fiscal years 1958 through and including 1961, the Secretaries of the Army, Navy, and Air Force, respectively, are authorized to lease housing facilities at or near military tactical installations for assignment as public quarters to military personnel and their dependents, if any, without rental charge upon a determination by the Secretary of Defense, or his designee, that there is a lack of adequate housing facilities at or near such military tactical installations. Such housing facilities shall be leased on a family or individual unit basis and not more than five thousand of such units may be so leased at any one time. Expenditures for the rental of such housing facilities may be made out of appropriations available for maintenance and operation but may not exceed \$150 a month for any such unit."

50 USC 171b.

SEC. 510. Section 406 of the Act of August 3, 1956 (70 Stat. 991, 1015), is amended to read as follows:

Acquisition of land.

"SEC. 406. (a) The Secretary of a military department may acquire any interest in land that—

"(1) he or his designee determines is needed in the interest of national defense; and

"(2) does not cost more than \$25,000 (exclusive of administrative costs and the amounts of any deficiency judgments).

This section does not authorize the acquisition, as part of the same project, of two or more contiguous parcels of land that together cost more than \$25,000."

5 USC 171z-4.

SEC. 511. Section 408 (a) of the Act of August 3, 1956 (70 Stat. 991, 1016), is amended by adding the following new subsection at the end thereof:

"(5) No determination that a project is urgently required shall be necessary for projects, the cost of which is not in excess of \$5,000."

42 USC 1594i.

Family housing.

SEC. 512. Subsection (a) of section 406 of the Act of August 30, 1957 (71 Stat. 531, 556), is amended to read as follows:

"(a) Notwithstanding the provisions of any other law, and effective July 1, 1958, no family housing units shall be contracted for or acquired at or in support of military installations or activities unless the actual number of units involved has been specifically authorized by an annual military construction authorization Act except (1) housing units acquired pursuant to the provisions of section 404 of the Housing Amendments of 1955; (2) housing units leased, utilizing available operation and maintenance appropriations, for terms of one year, whether renewable or not, or for terms of not more than five years pursuant to the provisions of section 417 of the Act of August 3, 1956 (70 Stat. 991, 1018).

Exceptions.

69 Stat. 652.
42 USC 1594a.

5 USC 171z-3.

SEC. 513. (a) Notwithstanding the authorizations for the construction of family housing contained in subsections 104 (a), 204 (a), and 304 (a) of this Act, the total number of units of family housing contracted for during fiscal year 1959 pursuant to the authority contained in such subsections shall not exceed a total of four thousand units. The Secretary of Defense shall determine the total number of units to be constructed by each of the military services in conformity with the provisions of this subsection.

(b) Notwithstanding the authorizations for the construction of family housing contained in subsections 104 (b), 204 (b), and 304 (b) of this Act, the total number of units of family housing contracted for during fiscal year 1959 pursuant to the authority contained in such subsections shall not exceed a total of thirty thousand units. The Secretary of Defense shall determine the total number of units to be constructed by each of the military services in conformity with the provisions of this subsection. The Secretaries of the three military departments, or the designee of each, shall promptly notify the Committees on Armed Services of the Senate and House of Representatives of any determination made hereunder as it affects each such department.

(c) To the extent that any of the authorizations contained in subsections 104 (b), 204 (b), and 304 (b) of this Act to construct housing at locations specified therein are not utilized, such authorizations may be exercised to construct housing at other locations, except that (1) the total number of housing units to be constructed under the authority of this subsection by any service shall not exceed 10 per centum of the total number of units authorized to be constructed by that service under subsections 104 (b), 204 (b), or 304 (b), as the case may be, and (2) the total number of units constructed by the three services pursuant to this authority shall not, when added to the total number of units constructed pursuant to the authority contained in subsections 104 (b), 204 (b), and 304 (b), exceed the total number of units authorized to be contracted for by subsection (b) hereof.

(d) Section 404 (c) of the Housing Amendments of 1955, as amended, is amended to read as follows:

“(c) (1) Condemnation proceedings instituted pursuant to this section shall be conducted in accordance with the provisions of the Act of August 1, 1888 (25 Stat. 357; 40 U. S. C. 257), as amended, or any other applicable Federal statute. Before any such condemnation proceedings are instituted, an effort shall be made to acquire the property involved by negotiation. In any such condemnation proceedings, and in the interests of expedition, the issue of just compensation may be determined by a commission of three qualified, disinterested persons to be appointed by the court. Any commission appointed hereunder shall give full consideration to all elements of value in accordance with existing law, and shall have the powers of a master provided in subdivision (c) of rule 53 of the Federal Rules of Civil Procedure and proceedings before it shall be governed by the provisions of paragraphs (1) and (2) of subdivision (d) of such rule. Its action and report shall be determined by a majority and its findings and report shall have the effect, and be dealt with by the court in accordance with the practice prescribed in paragraph (2) of subdivision (e) of such rule. Trial of all issues, other than just compensation, shall be by the court.

“(2) In any condemnation proceedings instituted pursuant to this section, the court shall not order the party in possession to surrender possession in advance of final judgment unless a declaration of taking has been filed, and a deposit of the amount estimated to be just compensation has been made, under the first section of the Act of February

Housing units.
Limitation.

70 Stat. 1111.
42 USC 1594a.

Condemnation,
proceedings.

40 USC 258a.

26, 1931 (46 Stat. 1421), providing for such declarations. Unless title is in dispute, the court, upon application, shall promptly pay to the owner at least 75 per centum of the amount so deposited, but such payment shall be made without prejudice to any party to the proceeding. In the event that condemnation proceedings are instituted in accordance with procedures under such Act of February 26, 1931, the court shall order that the amount deposited shall be paid in a lump sum or over a period not exceeding five years in accordance with stipulations executed by the parties in the proceedings. In connection with condemnation proceedings which do not utilize the procedures under such Act, the Secretary or his designee, after final judgment of the court, may pay or agree to pay in a lump sum or, in accordance with stipulations executed by the parties to the proceedings, over a period not exceeding five years the difference between the outstanding principal obligation, plus accrued interest, and the price for the property fixed by the court. Unless such payment is made in a lump sum, the unpaid balance thereof shall bear interest at the rate of 4 per centum per annum."

Cost limitation.

SEC. 514. None of the authority contained in titles I, II, and III of this Act shall be deemed to authorize any building construction project within the continental United States at a unit cost in excess of—

- (1) \$32 per square foot for cold-storage warehousing;
- (2) \$6 per square foot for regular warehousing;
- (3) \$1,850 per man for permanent barracks;
- (4) \$8,500 per man for bachelor officer quarters;

unless the Secretary of Defense determines that, because of special circumstances, application to such project of the limitations on unit costs contained in this section is impracticable.

Short title.

SEC. 515. Titles I, II, III, IV, and V of this Act may be cited as the "Military Construction Act of 1958".

Rental housing.
71 Stat. 557.
42 USC 1594j.

SEC. 516. Section 407 (e) of Public Law 85-241, approved August 30, 1957, is amended by striking out "July 1, 1960" and inserting in lieu thereof "July 1, 1961".

TITLE VI

RESERVE FORCES FACILITIES

Reserve Forces
Facilities Act of
1958.

70A Stat. 121.

SEC. 601. Title 10, United States Code, is amended as follows:

(1) That part of section 2233 (a) that precedes clause (1) thereof is amended to read as follows:

"§ 2233. Acquisition

"(a) Subject to sections 2233a, 2234, 2235, 2236, and 2238 of this title and subsection (c) of this section, the Secretary of Defense may—"

(2) Section 2233 is amended by adding the following new subsections at the end thereof:

"(e) The Secretary of Defense may procure advance planning, construction design, and architectural services in connection with facilities to be established or developed under this chapter which are not otherwise authorized by law.

"(f) Facilities authorized by subsection (a) shall not be considered 'military public works' under the provisions of the military construction authorization acts that repeal prior authorizations for military public works."

(3) The following new section is inserted after section 2233:

70A Stat. 121.

“§ 2233a. Limitation

“No expenditure or contribution that is more than \$50,000 may be made under section 2233 of this title for any facility that has not been authorized by a law authorizing appropriations for specific facilities for reserve forces. This requirement does not apply to the following:

Exceptions.

“(a) Facilities acquired by lease.

“(b) Facilities acquired, constructed, expanded, rehabilitated, converted, or equipped to restore or replace facilities damaged or destroyed, where the Senate and the House of Representatives have been notified of that action.”

(4) The analysis of chapter 133 is amended by inserting the following new item:

“2233a. Limitation.”

SEC. 602. (a) Section 3 of the National Defense Facilities Act of 1950, as amended by paragraph (a) of the Act of August 9, 1955, chapter 662 (69 Stat. 593), and by section 2 of the Act of August 29, 1957, Public Law 85-215 (71 Stat. 489), is amended by striking out the words “in an amount not to exceed \$580,000,000 over a period of the next eight fiscal years commencing with fiscal year 1951.”

64 Stat. 830.
50 USC 882.

10 USC 2231.

(b) Section 3 (a) of the National Defense Facilities Act of 1950, as amended by section 414 of the Act of August 3, 1956, chapter 939 (70 Stat. 1018), is amended by striking out the words “and without regard to the monetary limitation otherwise imposed by this section”.

50 USC 882.

SEC. 603. Subject to chapter 133 of title 10, United States Code, the Secretary of Defense may establish or develop the following facilities for reserve forces:

70A Stat. 121-
123.

(1) For Department of the Navy:

Navy.

NAVAL RESERVE (AVIATION)

Naval Air Station (Dobbins Air Force Base), Atlanta, Georgia: Training facilities, \$480,000.

Naval Air Station, Dallas, Texas: Supply facilities and utilities, \$259,000.

Naval Air Station, Denver, Colorado: Maintenance facilities, utilities, and land acquisition, \$652,000.

Naval Air Station, Glenview, Illinois: Navigational aids and utilities, \$179,000.

Naval Air Station, Grosse Ile, Michigan: Airfield lighting, \$147,000.

Naval Air Station, Los Alamitos, California: Operational and training facilities, liquid fueling and dispensing facilities, airfield lighting, and land acquisition, \$1,992,000.

Naval Air Station, New Orleans (Alvin Callender Field), Louisiana: Administrative facilities, community facilities, navigational aids, operational facilities, supply facilities, maintenance facilities, and land acquisition, \$2,447,000.

Naval Air Station, New York, New York: Airfield lighting, \$130,000.

Naval Air Station, Niagara Falls, New York: Operational and training facilities, and utilities, \$652,000.

Naval Air Station, Olathe, Kansas: Operational and training facilities, \$570,000.

Naval Air Station, South Weymouth, Massachusetts: Utilities \$407,000.

Naval Air Station, Willow Grove, Pennsylvania: Utilities, \$99,000.

NAVAL RESERVE (SURFACE)

Alameda, California: Waterfront operational facilities, \$128,000.
 Naval Reserve Electronics Facility, Bloomington, Indiana: Training facilities, \$95,000.

Naval and Marine Corps Reserve Training Center, Boston, Massachusetts: Training facilities, \$108,000.

Naval Reserve Electronics Facility, Centralia, Washington: Training facilities, \$81,000.

Naval Reserve Electronics Facility, Chillicothe, Ohio: Training facilities, \$100,000.

Naval Reserve Electronics Facility, Danville, Kentucky: Training facilities, \$84,000.

Naval Reserve Training Center, Dunkirk, New York: Training facilities, \$79,000.

Fort Schuyler, New York: Waterfront operational facilities, \$120,000.

Naval Reserve Electronics Facility, Hayward, California: Training facilities and land acquisition, \$99,000.

Naval and Marine Corps Reserve Training Center, Honolulu, Hawaii: Training facilities, \$515,000.

Naval Reserve Electronics Facility, Iowa City, Iowa: Training facilities, \$97,000.

Master Control Radio Station, New Orleans, Louisiana: Communications, \$210,000.

Naval Reserve Electronics Facility, Olympia (Tumwater), Washington: Training facilities, \$47,000.

Naval Reserve Training Center, Pasadena, California: Training facilities, \$132,000.

Naval Reserve Electronics Facility, Port Chicago, California: Training facilities, \$94,000.

Naval and Marine Corps Reserve Training Center, San Jose, California: Land acquisition, \$78,000.

Saint Petersburg, Florida: Waterfront operational facilities, \$26,000.

Naval and Marine Corps Reserve Training Center, Steubenville, Ohio: Land acquisition, \$18,000.

Naval Reserve Training Center, White Oak (Lewiston), Maryland: Training facilities, \$557,000.

Naval Reserve Electronics Facility, Yakima, Washington: Training facilities, \$48,000.

MARINE CORPS RESERVE (GROUND)

Marine Corps Reserve Training Center, Lynchburg, Virginia: Training facilities and land acquisition, \$388,000.

Marine Corps Reserve Training Center, Memphis, Tennessee: Training facilities, \$453,000.

Naval and Marine Corps Reserve Training Center, Moline, Illinois: Training facilities, \$152,000.

Naval and Marine Corps Reserve Training Center, Pasadena, California: Training facilities, \$163,000.

(2) For Department of the Air Force:

AIR FORCE RESERVE

Andrews Air Force Base, Camp Springs, Maryland: Operational and training facilities, \$129,000.

Bakalar Air Force Base, Columbus, Indiana: Operational and training facilities, utilities and ground improvements, and land acquisition, \$3,174,000.

Bates Field, Mobile, Alabama: Maintenance facility, \$97,000.

Bradley Field, Windsor Locks, Connecticut: Maintenance facility and utilities and ground improvements, \$160,000.

Davis Field, Muskogee, Oklahoma: Maintenance facility, and supply facility, \$325,000.

General Mitchell Field, Milwaukee, Wisconsin: Maintenance facility, and operational and training facilities, \$173,000.

Grenier Air Force Base, Manchester, New Hampshire: Operational and training facilities, \$180,000.

Richards-Gebaur Air Force Base, Belton, Missouri: Operational and training facilities, \$101,000.

Naval Air Station (Alvin Callender Field), Orleans Parish, Louisiana: Operational and training facilities, \$622,000.

Naval Air Station, Willow Grove, Pennsylvania: Maintenance facility, \$93,000.

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Alpena County Airport, Alpena, Michigan: Operational and training facilities, and hospital and medical facilities, \$171,000.

Barnes Field, Westfield, Massachusetts: Operational and training facilities, \$740,000.

Bethel Air National Guard Base, Bethel, Minnesota: Site improvements, \$500,000.

Birmingham Municipal Airport, Birmingham, Alabama: Operational and training facilities, \$150,000.

Byrd Field, Richmond, Virginia: Supply facilities, \$50,000.

Camp Williams, Camp Douglas, Wisconsin: Operational and training facilities, \$579,000.

Capital Airport, Springfield, Illinois: Supply facilities, \$78,000.

Des Moines Municipal Airport, Des Moines, Iowa: Operational and training facilities, \$53,000.

Geiger Field, Spokane, Washington: Operational and training facilities, maintenance facilities, supply facilities, and utilities and ground improvements, \$1,308,000.

Grenier Air Force Base, Manchester, New Hampshire: Operational and training facilities, \$170,000.

Gulfport Municipal Airport, Gulfport, Mississippi: Supply facilities, \$362,000.

Hayward Municipal Airport, Hayward, California: Operational and training facilities, \$113,000.

Hensley Field, Grand Prairie, Texas: Operational and training facilities, and supply facilities, \$1,862,000.

Hubbard Field, Reno, Nevada: Operational and training facilities, and supply facilities, \$159,000.

Kellogg Field, Battle Creek, Michigan: Operational and training facilities, maintenance facilities, and utilities and ground improvements, \$1,136,000.

Kirtland Air Force Base, Albuquerque, New Mexico: Operational and training facilities, and supply facilities, \$570,000.

Martinsburg Municipal Airport, Martinsburg, West Virginia: Operational and training facilities, \$123,000.

O'Hare International Airport, Chicago, Illinois: Operational and training facilities, \$1,099,000.

Ontario International Airport, Ontario, California: Operational and training facilities, \$127,000.

Portland Municipal Airport, Portland, Oregon: Supply facilities and maintenance facilities, \$233,000.

Rosecrans Field, Saint Joseph, Missouri: Operational and training facilities, and supply facilities, \$123,000.

San Juan International Airport, San Juan, Puerto Rico: Supply facilities, \$70,000.

Sky Harbor Airport, Phoenix, Arizona: Operational and training facilities, \$655,000.

Standiford Field, Louisville, Kentucky: Operational and training facilities, and administrative facilities, \$715,000.

Theodore F. Green Airport, Providence, Rhode Island: Operational and training facilities, \$213,000.

Travis Field, Savannah, Georgia: Housing, supply facilities and utilities, \$317,000.

Various locations: Runway arrestor barriers, \$300,000.

(3) For Department of the Army:

Army.

ARMY RESERVE

Batavia, New York: Training facilities, \$171,000.

Beckley, West Virginia: Training facilities, \$289,000.

Beloit, Wisconsin: Training facilities, \$157,000.

Canandaigua, New York: Training facilities, \$171,000.

Canton, Ohio: Training facilities, \$40,000.

Cheyenne, Wyoming: Training facilities, \$149,000.

Durant, Oklahoma: Training facilities, \$141,000.

Fargo, North Dakota: Training facilities, \$149,000.

Fremont, Ohio: Training facilities, \$149,000.

Galesburg, Illinois: Training facilities, \$157,000.

Greenwood, South Carolina: Training facilities, \$85,000.

Hempstead, New York (Nr2): Training facilities, \$536,000.

Jonestown, Pennsylvania: Training facilities, \$99,000.

Kewaunee, Wisconsin: Training facilities, \$157,000.

Madison, Wisconsin (Nr2): Training facilities, \$490,000.

Oklahoma City, Oklahoma (Nr2): Training facilities, \$443,000.

Saint Marys, Ohio: Training facilities, \$149,000.

Saint Marys, Pennsylvania: Training facilities, \$149,000.

Salinas, California: Training facilities, \$164,000.

Sinton, Texas: Training facilities, \$134,000.

Stockton, California: Training facilities, \$164,000.

Warren, Ohio: Training facilities, \$289,000.

Weirton, West Virginia: Training facilities, \$149,000.

San Jose, California: Road improvements, \$32,000.

Land acquisition: Training facilities, \$419,000.

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(ARMORY)

Ackerman, Mississippi: Training facilities, \$54,000.

Agawam, Massachusetts: Training facilities, \$210,000.

Amarillo, Texas: Training facilities, \$231,000.

Asheville, North Carolina: Training facilities, \$132,000.

Ashford, Alabama: Training facilities, \$70,000.

Atlanta, Georgia: Training facilities, \$132,000.

Batesburg, South Carolina: Training facilities, \$99,000.

Batesville, Mississippi: Training facilities, \$54,000.

Beckley, West Virginia: Training facilities, \$200,000.

Belfast, Maine: Training facilities, \$75,000.

Belmont, North Carolina: Training facilities, \$98,000.

Belton, South Carolina: Training facilities, \$122,000.
Belton, Texas: Training facilities, \$86,000.
Berryville, Arkansas: Training facilities, \$45,000.
Berryville, Virginia: Training facilities, \$135,000.
Bethel, Alaska: Training facilities, \$480,000.
Bethlehem, Pennsylvania: Training facilities, \$45,000.
Boston, Massachusetts: Training facilities, \$270,000.
Bridgeport, Alabama: Training facilities, \$70,000.
Brunswick, Maine: Training facilities, \$75,000.
Caldwell, Ohio: Training facilities, \$135,000.
Calhoun, Georgia: Training facilities, \$110,000.
Camden, Tennessee: Training facilities, \$91,000.
Carlisle, Pennsylvania: Training facilities, \$45,000.
Catskill, New York: Training facilities, \$300,000.
Chesterfield, South Carolina: Training facilities, \$99,000.
Chester, Pennsylvania: Training facilities, \$206,000.
Cincinnati, Ohio: Training facilities, \$300,000.
Clarksburg, West Virginia: Training facilities, \$189,000.
Clayton, New Mexico: Training facilities, \$57,000.
Clover, South Carolina: Training facilities, \$99,000.
Cody, Wyoming: Training facilities, \$142,000.
Concord, New Hampshire: Training facilities, \$375,000.
Crossville, Tennessee: Training facilities, \$91,000.
Cuero, Texas: Training facilities, \$93,000.
Culver City, California: Training facilities, \$38,000.
Dallas Number 5, Texas: Training facilities, \$154,000.
Dayton, Tennessee: Training facilities, \$91,000.
Duluth, Minnesota: Training facilities, \$37,000.
Eatonton, Georgia: Training facilities, \$90,000.
Edna, Texas: Training facilities, \$93,000.
El Campo, Texas: Training facilities, \$104,000.
Espanola, New Mexico: Training facilities, \$57,000.
Fairbanks, Alaska: Training facilities, \$277,000.
Farmville, North Carolina: Training facilities, \$98,000.
Fontana, California: Training facilities, \$105,000.
Franklin, Tennessee: Training facilities, \$91,000.
Fredericktown, Missouri: Training facilities, \$135,000.
Gainesville, Florida: Training facilities, \$120,000.
Gainesville, Texas: Training facilities, \$111,000.
Gardiner, Maine: Training facilities, \$75,000.
Gassaway, West Virginia: Training facilities, \$189,000.
Greensboro, North Carolina: Training facilities, \$357,000.
Greenville, Ohio: Training facilities, \$165,000.
Hammonton, New Jersey: Training facilities, \$175,000.
Harriman, Tennessee: Training facilities, \$91,000.
Hendersonville, North Carolina: Training facilities, \$120,000.
Hollister, California: Training facilities, \$105,000.
Honey Grove, Texas: Training facilities, \$90,000.
Houston Number 1, Texas: Training facilities, \$323,000.
Houston Number 2, Texas: Training facilities, \$264,000.
Jerome, Idaho: Training facilities, \$52,000.
Johnston, South Carolina: Training facilities, \$99,000.
Juncos, Puerto Rico: Training facilities, \$38,000.
Juneau, Alaska: Training facilities, \$450,000.
Kannapolis, North Carolina: Training facilities, \$109,000.
Kealahou, Hawaii: Training facilities, \$145,000.
Ketchikan, Alaska: Training facilities, \$277,000.
Keyser, West Virginia: Training facilities, \$157,000.
Kingsport, Tennessee: Training facilities, \$165,000.

Lake City, South Carolina: Training facilities, \$99,000.
Lasker-Woodland, North Carolina: Training facilities, \$103,000.
Laurinburg, North Carolina: Training facilities, \$105,000.
Lincolnton, North Carolina: Training facilities, \$95,000.
Ligonier, Pennsylvania: Training facilities, \$45,000.
Little Rock, Arkansas: Training facilities, \$260,000.
Livingston, Tennessee: Training facilities, \$91,000.
Logan, West Virginia: Training facilities, \$189,000.
Lovell, Wyoming: Training facilities, \$142,000.
Marietta, Georgia: Training facilities, \$90,000.
Mayaguez, Puerto Rico: Training facilities, \$160,000.
Middleboro, Kentucky: Training facilities, \$130,000.
Millinocket, Maine: Training facilities, \$75,000.
Minneapolis, Minnesota: Training facilities, \$88,000.
Nashville, North Carolina: Training facilities, \$98,000.
New Bern, Tennessee: Training facilities, \$91,000.
New London, Connecticut: Training facilities, \$360,000.
Norfolk, Virginia: Training facilities, \$441,000.
Northwest St. Paul, Minnesota: Training facilities, \$130,000.
Oak Ridge, Tennessee: Training facilities, \$142,000.
Ocean Springs, Mississippi: Training facilities, \$54,000.
Pacolet Mills, South Carolina: Training facilities, \$99,000.
Patchogue, New York: Training facilities, \$375,000.
Persons, Tennessee: Training facilities, \$91,000.
Phoenix, Arizona: Training facilities, \$65,000.
Pitman, New Jersey: Training facilities, \$175,000.
Portland, Maine: Training facilities, \$75,000.
Preston, Idaho: Training facilities, \$57,000.
Princeton, New Jersey: Training facilities, \$175,000.
Pulaski, Virginia: Training facilities, \$135,000.
Quitman, Georgia: Training facilities, \$90,000.
Reynolds, Georgia: Training facilities, \$90,000.
Richmond, Virginia: Training facilities, \$441,000.
Rigby, Idaho: Training facilities, \$57,000.
Rockingham, North Carolina: Training facilities, \$98,000.
Roseboro, North Carolina: Training facilities, \$98,000.
Saco, Maine: \$150,000.
Salem, New Jersey: Training facilities, \$15,000.
Salem, Oregon: Training facilities, \$161,000.
Salem, South Dakota: Training facilities, \$150,000.
San Fernando, California: Training facilities, \$115,000.
San Rafael (Fairfax), California: Training facilities, \$115,000.
Saranac Lake, New York: Training facilities, \$300,000.
Saugus, Massachusetts: Training facilities, \$210,000.
Shallotte, North Carolina: Training facilities, \$95,000.
Silver City, New Mexico: Training facilities, \$57,000.
Sitka, Alaska: Training facilities, \$45,000.
Smithfield, North Carolina: Training facilities, \$98,000.
Smithtown, New York: Training facilities, \$300,000.
Socorro, New Mexico: Training facilities, \$57,000.
South Boston, Massachusetts: Training facilities, \$360,000.
South Pittsburg, Tennessee: Training facilities, \$91,000.
South Portland, Maine: Training facilities, \$150,000.
Saint George, South Carolina: Training facilities, \$99,000.
Stillwater, Minnesota: Training facilities, \$37,000.
Storm Lake, Iowa: Training facilities, \$95,000.
Sturgis, Michigan: Training facilities, \$220,000.
Swanton, Vermont: Training facilities, \$137,000.
Tell City, Indiana: Training facilities, \$188,000.

Texarkana, Texas: Training facilities, \$153,000.
 Twin Falls, Idaho: Training facilities, \$90,000.
 Valparaiso, Indiana: Training facilities, \$188,000.
 Ventura, California: Training facilities, \$115,000.
 Wahoo, Nebraska: Training facilities, \$115,000.
 Wallace, North Carolina: Training facilities, \$95,000.
 Waverly, Tennessee: Training facilities, \$91,000.
 Waynesboro, Tennessee: Training facilities, \$91,000.
 Weston, West Virginia: Training facilities, \$189,000.
 Whitman, Massachusetts: Training facilities, \$210,000.
 Whitmire, South Carolina: Training facilities, \$99,000.
 Winnemucca, Nevada: Training facilities, \$110,000.
 Yates Center, Kansas: Training facilities, \$93,000.
 Yuma, Arizona: Training facilities, \$45,000.

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(NONARMORY)

Anchorage, Alaska: Administrative and supply facilities, \$192,000.
 Augusta, Maine: Administrative and supply facilities, \$190,000.
 Burlington, Vermont: Administrative and supply facilities,
 \$208,000.
 Camp Beaugard, Louisiana: Administrative and supply facilities,
 \$325,000.
 Camp Beaugard, Louisiana: Maintenance facilities, \$279,000.
 Camp Butner, North Carolina: Supply facilities, \$353,000.
 Camp Dodge, Iowa: Maintenance facilities, \$80,000.
 Camp Dodge, Iowa: Supply facilities, \$120,000.
 Camp Shelby, Mississippi: Maintenance facilities, \$165,000.
 Columbia, South Carolina: Maintenance facilities, \$80,000.
 Concord, New Hampshire: Administrative and supply facilities,
 \$145,000.
 Culbertson, Montana: Maintenance facilities, \$73,000.
 Jefferson City, Missouri: Administrative and supply facilities,
 \$113,000.
 Kalispell, Montana: Maintenance facilities, \$67,000.
 Nashville, Tennessee: Administrative and supply facilities,
 \$493,000.
 Salt Lake City, Utah: Maintenance facilities, \$235,000.
 Trenton, New Jersey: Supply facilities, \$80,000.

(4) For all reserve components: Facilities made necessary by changes in the assignment of weapons or equipment to reserve forces units, if the Secretary of Defense or his designee determines that deferral of such facilities for inclusion in the next law authorizing appropriations for specific facilities for reserve forces would be inconsistent with the interests of national security and if the Secretary of Defense or his designee notifies the Senate and the House of Representatives immediately upon reaching a final decision to implement, of the nature and estimated cost of any facility to be undertaken under this subsection.

Additional facilities.

Report to Congressional committees.

SEC. 604. The first sentence of section 2233a of title 10, United States Code, does not apply to—

Ante, p. 665.

(a) facilities that—

- (1) have been the subject of consultation with the Committees on Armed Services of the Senate and the House of Representatives before July 1, 1958;
- (2) are under contract before July 1, 1960; and
- (3) are funded from appropriations made before the date of enactment of this Act; or

(b) facilities that are authorized by section 603 (4) of this Act; or
 (c) The following facilities for the Air National Guard of the United States:

(1) Milford Point, Connecticut: Operation and training facilities, \$337,000.

(2) Wellesley, Massachusetts: Operational and training facilities, \$319,000.

(3) Westchester County Airport, White Plains, New York: Operational and training facilities, \$105,000.

Land improve-
ment, etc.

31 USC 529; 40
USC 259, 267.
70A Stat. 269,
590.

SEC. 605. The Secretary of Defense may establish or develop installations and facilities under this title without regard to sections 3648 and 3734 of the Revised Statutes, as amended, and section 4774 (d) and 9774 (d) of title 10, United States Code. The authority to place permanent or temporary improvements on land includes authority for surveys, administration, overhead, planning, and supervision incident to construction. That authority may be exercised before title to the land is approved under section 355 of the Revised Statutes, as amended, and even though the land is held temporarily. The authority to acquire real estate or land includes authority to make surveys and to acquire land, and interests in land (including temporary use), by gift, purchase, exchange of Government-owned land, or otherwise.

40 USC 255.

Appropriation.

SEC. 606. Appropriations for facilities projects authorized by section 603 for the respective reserve components of the armed forces may not exceed—

(1) for Department of the Navy: Naval and Marine Corps Reserves, \$11,886,000.

(2) for Department of the Air Force:

(a) Air Force Reserve, \$5,054,000;

(b) Air National Guard of the United States, \$11,976,000.

(3) for Department of the Army: Army Reserve and Army National Guard of the United States, \$28,330,000.

Cost variations.

SEC. 607. (a) Any of the amounts named in section 603 of this Act may, in the discretion of the Secretary of Defense, be increased by 15 per centum, but the total cost for all projects authorized for the Naval and Marine Corps Reserves, the Air Force Reserve, the Air National Guard of the United States, and the Army Reserve and the Army National Guard of the United States, may not exceed the amounts named in clauses 1, 2 (a), 2 (b), and 3 of section 606 respectively.

Cost limitation.

(b) The Secretary of the Army, Navy, and Air Force, respectively, may, in the discretion of the Secretary of Defense, establish or develop facilities for Reserve forces other than those facilities authorized by section 603 of this Act, except that (1) the total cost of such facilities by any service shall not exceed 10 per centum of the total amount authorized to be expended by that service for projects under such section, and (2) the total cost for all projects established or developed by any service under the authority of this subsection shall not, when added to the total cost of the projects established or developed by such service under the authority of section 603, exceed the amounts prescribed by clauses 1, 2 (a), 2 (b), 3, of section 606, respectively.

Short title.

SEC. 608. This title may be cited as the "Reserve Forces Facilities Act of 1958".

Approved August 20, 1958.

Public Law 85-686

AN ACT

To extend the authority of the President to enter into trade agreements under section 350 of the Tariff Act of 1930, as amended, and for other purposes.

August 20, 1958
[H. R. 12591]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Trade Agreements Extension Act of 1958".

Trade Agreements Extension Act of 1958.

SEC. 2. The period during which the President is authorized to enter into foreign trade agreements under section 350 of the Tariff Act of 1930, as amended (19 U. S. C., sec. 1351), is hereby extended from the close of June 30, 1958, until the close of June 30, 1962.

69 Stat. 162.

SEC. 3. (a) Subsection (a) of section 350 of the Tariff Act of 1930, as amended (19 U. S. C., sec. 1351 (a)), is amended as follows:

69 Stat. 163.

(1) Paragraph (2) (A) is amended to read as follows:

"(A) Increasing by more than 50 per centum any rate of duty existing on July 1, 1934; except that a specific rate of duty existing on July 1, 1934, may be converted to its ad valorem equivalent based on the value of imports of the article concerned during the calendar year 1934 (determined in the same manner as provided in subparagraph (D) (ii)) and the proclamation may provide an ad valorem rate of duty not in excess of 50 per centum above such ad valorem equivalent."

Duty increase. Authorization.

(2) Paragraph (2) (D) is amended by inserting "and before July 1, 1958," after "June 12, 1955."

(3) The last sentence of paragraph (2) (D) (ii) is amended by striking out "section 402 of this Act (as in effect" and inserting in lieu thereof "section 402 or 402a of this Act (as in effect, with respect to the article concerned,".

46 Stat. 708; 70 Stat. 943. 19 U S C 1402, 1401a.

(4) Paragraph (2) is amended by adding at the end thereof the following new subparagraph:

"(E) In order to carry out a foreign trade agreement entered into by the President on or after July 1, 1958, decreasing any rate of duty below the lowest of the rates provided for in paragraph (4) (A) of this subsection."

Reduction authority.

(5) Paragraph (3) (A) is amended (A) by striking out "of subparagraphs (B) and (C) of this paragraph," and by inserting in lieu thereof "of subparagraphs (B) and (C) of this paragraph and of subparagraph (B) of paragraph (4) of this subsection," and (B) by striking out "suspension under paragraph (4)" and by inserting in lieu thereof "suspension under paragraph (5)".

(6) Paragraph (3) (D) is amended by striking out "paragraph (2) (C) or (D)" and by inserting in lieu thereof "paragraph (2) (C) or (D) or paragraph (4) (A) or (B)".

(7) Paragraphs (4) and (5) are renumbered as paragraphs (5) and (6), respectively.

(8) Subsection (a) is amended by inserting after paragraph (3) the following new paragraph:

"(4) (A) No proclamation pursuant to paragraph (1) (B) of this subsection shall be made, in order to carry out a foreign trade agreement entered into by the President on or after July 1, 1958, decreasing any rate of duty below the lowest of the following rates:

Limitations.

"(i) The rate which would result from decreasing the rate existing on July 1, 1958, by 20 per centum of such rate.

"(ii) Subject to paragraph (2) (B) of this subsection, the rate 2 per centum ad valorem below the rate existing on July 1, 1958.

"(iii) The rate 50 per centum ad valorem or, in the case of any article subject to a specific rate of duty or to a combination

of rates including a specific rate, any rate (or combination of rates), however stated, the ad valorem equivalent of which has been determined as 50 per centum ad valorem.

The provisions of clauses (ii) and (iii) of this subparagraph and of subparagraph (B) (ii) of this paragraph shall, in the case of any article subject to a combination of ad valorem rates of duty, apply to the aggregate of such rates; and, in the case of any article subject to a specific rate of duty or to a combination of rates including a specific rate, such provisions shall apply on the basis of the ad valorem equivalent of such rate or rates, during a representative period (whether or not such period includes July 1, 1958), determined in the same manner as the ad valorem equivalent of rates not stated wholly in ad valorem terms is determined for the purpose of paragraph (2) (D) (ii) of this subsection.

“(B) (i) In the case of any decrease in duty to which clause (i) of subparagraph (A) of this paragraph applies, such decrease shall become initially effective in not more than four annual stages, and no amount of decrease becoming initially effective at one time shall exceed 10 per centum of the rate of duty existing on July 1, 1958, or, in any case in which the rate has been increased since that date, exceed such 10 per centum or one-third of the total amount of the decrease under the foreign trade agreement, whichever is the greater.

“(ii) In the case of any decrease in duty to which clause (ii) of subparagraph (A) of this paragraph applies, such decrease shall become initially effective in not more than four annual stages, and no amount of decrease becoming initially effective at one time shall exceed 1 per centum ad valorem or, in any case in which the rate has been increased since July 1, 1958, exceed such 1 per centum or one-third of the total amount of the decrease under the foreign trade agreement, whichever is the greater.

“(iii) In the case of any decrease in duty to which clause (iii) of subparagraph (A) of this paragraph applies, such decrease shall become initially effective in not more than four annual stages, and no amount of decrease becoming initially effective at one time shall exceed one-third of the total amount of the decrease under the foreign trade agreement.

“(C) In the case of any decrease in duty to which subparagraph (A) of this paragraph applies (i) no part of a decrease after the first part shall become initially effective until the immediately previous part shall have been in effect for a period or periods aggregating not less than one year, nor after the first part shall have been in effect for a period or periods aggregating more than three years, and (ii) no part of a decrease shall become initially effective after the expiration of the four-year period which begins on July 1, 1962. If any part of a decrease has become effective, then for the purposes of clauses (i) and (ii) of the preceding sentence any time thereafter during which such part of the decrease is not in effect by reason of legislation of the United States or action thereunder shall be excluded in determining when the three-year period or the four-year period, as the case may be, expires.”

(b) Subsection (b) of section 350 of the Tariff Act of 1930, as amended (19 U. S. C., sec. 1351 (b)), is amended (1) by striking out “exclusive” in the first sentence, and (2) by amending paragraph (2) to read as follows:

“(2) In order to carry out a foreign trade agreement entered into by the President on or after June 12, 1955, below the applicable alternative specified in subsection (a) (2) (C) or (D) or (4) (A) (subject to the applicable provisions of subsection (a) (3) (B), (C), and (D) and (4) (B) and (C)), each such alterna-

63 Stat. 698.

Cuban products.

tive to be read for the purposes of this paragraph as relating to the rate of duty applicable to products of Cuba. With respect to products of Cuba, the limitation of subsection (a) (2) (D) (ii) or (4) (A) (iii) may be exceeded to such extent as may be required to maintain an absolute margin of preference to which such products are entitled."

(c) Paragraph (2) (A) of subsection (c) of section 350 of the Tariff Act of 1930, as amended (19 U. S. C., sec. 1351 (c) (2) (A)), is amended by striking out "existing on January 1, 1945" and "existing on January 1, 1955" and by inserting in lieu thereof "existing on July 1, 1934", "existing on January 1, 1945", "existing on January 1, 1955", and "existing on July 1, 1958".

Definition of duties.

(d) Paragraph (1) of subsection (e) of section 350 of the Tariff Act of 1930, as amended (19 U. S. C., sec. 1351 (e) (1)), is amended by inserting after "(including the incorporation therein of escape clauses)," the following: "the results of action taken to obtain removal of foreign trade restrictions (including discriminatory restrictions) against United States exports, remaining restrictions, and the measures available to seek their removal in accordance with the objectives of this section."

Report to Congress.

(e) Section 350 of the Tariff Act of 1930, as amended (19 U. S. C., sec. 1351), is amended by adding at the end thereof the following new subsection:

"(f) It is hereby declared to be the sense of the Congress that the President, during the course of negotiating any foreign trade agreement under this section, should seek information and advice with respect to such agreement from representatives of industry, agriculture, and labor."

Information.

SEC. 4. (a) The third sentence of subsection (a) of section 3 of the Trade Agreements Extension Act of 1951, as amended (19 U. S. C., sec. 1360 (a)), is amended by striking out "120 days" and inserting in lieu thereof "six months". The last sentence of such subsection is amended by striking out "120-day" and inserting in lieu thereof "six-month".

Peril-point investigations.
65 Stat. 72.

(b) Subsection (b) of section 3 of the Trade Agreements Extension Act of 1951, as amended (19 U. S. C., sec. 1360 (b)), is amended by adding at the end thereof the following new sentence: "If in the course of any such investigation the Commission shall find with respect to any article on the list upon which a tariff concession has been granted that an increase in duty or additional import restriction is required to avoid serious injury to the domestic industry producing like or directly competitive articles, the Commission shall promptly institute an investigation with respect to that article pursuant to section 7 of this Act."

Escape-clause investigations.

(c) Such subsection (b) is further amended by inserting "(1)" after "(b)" and by adding at the end thereof the following:

"(2) In each such investigation the Commission shall, to the extent practicable and without excluding other factors, ascertain for the last calendar year preceding the investigation the average invoice price on a country-of-origin basis (converted into currency of the United States in accordance with the provisions of section 522 of the Tariff Act of 1930, as amended) at which the foreign article was sold for export to the United States, and the average prices at which the like or directly competitive domestic articles were sold at wholesale in the principal markets of the United States. The Commission shall also, to the extent practicable, estimate for each article on the list the maximum increase in annual imports which may occur without causing serious injury to the domestic industry producing like or directly competitive articles. The Commission shall request the executive de-

19 USC 1364.

46 Stat. 739.
31 USC 372.

partments and agencies for information in their possession concerning prices and other economic data from the principal supplier foreign country of each such article.”

Applications.

SEC. 5. (a) The first paragraph of subsection (a) of section 7 of the Trade Agreements Extension Act of 1951, as amended (19 U. S. C., sec. 1364 (a)), is amended by striking out “any interested party” and inserting in lieu thereof “any interested party (including any organization or group of employees)”.

(b) (1) The first paragraph of section 7 (a) of such Act is amended by striking out “nine months” and inserting in lieu thereof “six months”.

(2) The amendment made by paragraph (1) shall apply only with respect to applications made after the date of the enactment of this Act.

Free-list articles.
Authority for duty.

(c) Section 7 of the Trade Agreements Extension Act of 1951, as amended (19 U. S. C., sec. 1364), is amended by adding at the end thereof the following new subsection:

19 USC 1351.

“(f) In carrying out the provisions of this section the President may, notwithstanding section 350 (a) (2) of the Tariff Act of 1930, as amended, impose a duty not in excess of 50 per centum ad valorem on any article not otherwise subject to duty.”

SEC. 6. Subsection (c) of section 7 of the Trade Agreements Extension Act of 1951, as amended (19 U. S. C., sec. 1364 (c)), is amended by inserting “(1)” after “(c)” at the beginning thereof, and by adding at the end thereof the following:

Actions to prevent or remedy injury.

“(2) The action so found and reported by the Commission to be necessary shall take effect (as provided in the first sentence of paragraph (1) or in paragraph (3), as the case may be)—

“(A) if approved by the President, or

“(B) if disapproved by the President in whole or in part, upon the adoption by both Houses of the Congress (within the 60-day period following the date on which the report referred to in the second sentence of paragraph (1) is submitted to such committees), by the yeas and nays by a two-thirds vote of each House, of a concurrent resolution stating in effect that the Senate and House of Representatives approve the action so found and reported by the Commission to be necessary.

For the purposes of subparagraph (B), in the computation of the 60-day period there shall be excluded the days on which either House is not in session because of an adjournment of more than 3 days to a day certain or an adjournment of the Congress sine die.

“(3) In any case in which the contingency set forth in paragraph (2) (B) occurs, the President shall (within 15 days after the adoption of such resolution) take such action as may be necessary to make the adjustments, impose the quotas, or make such other modifications as were found and reported by the Commission to be necessary.”

Congressional procedure regarding resolutions.

SEC. 7. (a) The following subsections of this section are enacted by the Congress:

(1) As an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in such House in the case of resolutions (as defined in subsection (b)); and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) With full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure in such House) at any time, in the same manner and to the same extent as in the case of any other rule of such House.

(b) As used in this section, the term "resolution" means only a concurrent resolution of the two Houses of Congress, the matter after the resolving clause of which is as follows: "That the Senate and House of Representatives approve the action—

"Resolution."

Resolving
clause.

"(1) found and reported by the United States Tariff Commission to be necessary to prevent or remedy serious injury to the respective domestic industry, in its report to the President dated , 19 , on its escape-clause investigation numbered under the provisions of section 7 of the Trade Agreements Extension Act of 1951, as amended (19 U. S. C., sec. 1364), and

"(2) disapproved by the President in whole or in part in his report (dated , 19) pursuant to the second sentence of paragraph (1) of section 7 (c) of such Act."

the blank spaces therein being appropriately filled; and does not include a concurrent resolution which specifies more than one such investigation.

(c) A resolution with respect to an investigation shall be referred to the Committee on Finance of the Senate or to the Committee on Ways and Means of the House of Representatives by the President of the Senate or the Speaker of the House of Representatives, as the case may be.

(d) (1) If the committee to which has been referred a resolution with respect to an investigation has not reported it before the expiration of ten calendar days after its introduction (or, in the case of a resolution received from the other House, ten calendar days after its receipt), it shall then (but not before) be in order to move either to discharge the committee from further consideration of such resolution, or to discharge the committee from further consideration of any other resolution with respect to such investigation which has been referred to the committee.

(2) Such motion may be made only by a person favoring the resolution, shall be highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same investigation), and debate thereon shall be limited to not to exceed one hour, to be equally divided between those favoring and those opposing the resolution. No amendment to such motion shall be in order, and it shall not be in order to move to reconsider the vote by which such motion is agreed to or disagreed to.

(3) If the motion to discharge is agreed to or disagreed to, such motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to the same investigation.

(e) (1) When the committee has reported, or has been discharged from further consideration of, a resolution with respect to an investigation it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of such resolution. Such motion shall be highly privileged and shall not be debatable. No amendment to such motion shall be in order and it shall not be in order to move to reconsider the vote by which such motion is agreed to or disagreed to.

(2) Debate on the resolution shall be limited to not to exceed ten hours, which shall be equally divided between those favoring and those opposing the resolution. A motion further to limit debate shall not be debatable. No amendment to, or motion to recommit, the resolution shall be in order, and it shall not be in order to move to reconsider the vote by which the resolution is agreed to or disagreed to.

(f) (1) All motions to postpone, made with respect to the discharge from committee, or the consideration of, a resolution with respect to an investigation, and all motions to proceed to the consideration of other business, shall be decided without debate.

(2) All appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution with respect to an investigation shall be decided without debate.

(g) If, prior to the passage by one House of a resolution of that House with respect to an investigation, such House receives from the other House a resolution with respect to the same investigation, then—

(1) If no resolution of the first House with respect to such investigation has been referred to committee, no other resolution with respect to the same investigation may be reported or (despite the provisions of subsection (d) (1)) be made the subject of a motion to discharge.

(2) If a resolution of the first House with respect to such investigation has been referred to committee—

(A) the procedure with respect to that or other resolutions of such House with respect to such investigation which have been referred to committee shall be the same as if no resolution from the other House with respect to such investigation had been received; but

(B) on any vote on final passage of a resolution of the first House with respect to such investigation the resolution from the other House with respect to such investigation shall be automatically substituted for the resolution of the first House.

Trade agreement
negotiation.
68 Stat. 360; 69
Stat. 166.

SEC. 8. (a) Section 2 of the Act entitled "An Act to extend the authority of the President to enter into trade agreements under section 350 of the Tariff Act of 1930, as amended", approved July 1, 1954, as amended by section 7 of the Trade Agreements Extension Act of 1955 (19 U. S. C., sec. 1352a), is amended to read as follows:

"SEC. 2. (a) No action shall be taken pursuant to section 350 of the Tariff Act of 1930, as amended (19 U. S. C., sec. 1351), to decrease the duty on any article if the President finds that such reduction would threaten to impair the national security.

Investigation and
reports on imports
impairing national
security.

"(b) Upon request of the head of any Department or Agency, upon application of an interested party, or upon his own motion, the Director of the Office of Defense and Civilian Mobilization (hereinafter in this section referred to as the 'Director') shall immediately make an appropriate investigation, in the course of which he shall seek information and advice from other appropriate Departments and Agencies, to determine the effects on the national security of imports of the article which is the subject of such request, application, or motion. If, as a result of such investigation, the Director is of the opinion that the said article is being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security, he shall promptly so advise the President, and, unless the President determines that the article is not being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security as set forth in this section, he shall take such action, and for such time, as he deems necessary to adjust the imports of such article and its derivatives so that such imports will not so threaten to impair the national security.

"(c) For the purposes of this section, the Director and the President shall, in the light of the requirements of national security and without excluding other relevant factors, give consideration to domestic production needed for projected national defense requirements, the capacity of domestic industries to meet such requirements, existing and anticipated availabilities of the human resources, products, raw materials, and other supplies and services essential to the national de-

fense, the requirements of growth of such industries and such supplies and services including the investment, exploration, and development necessary to assure such growth, and the importation of goods in terms of their quantities, availabilities, character, and use as those affect such industries and the capacity of the United States to meet national security requirements. In the administration of this section, the Director and the President shall further recognize the close relation of the economic welfare of the Nation to our national security, and shall take into consideration the impact of foreign competition on the economic welfare of individual domestic industries; and any substantial unemployment, decrease in revenues of government, loss of skills or investment, or other serious effects resulting from the displacement of any domestic products by excessive imports shall be considered, without excluding other factors, in determining whether such weakening of our internal economy may impair the national security.

“(d) A report shall be made and published upon the disposition of each request, application, or motion under subsection (b). The Director shall publish procedural regulations to give effect to the authority conferred on him by subsection (b).

Publication of reports.

“(e) The Director, with the advice and consultation of other appropriate Departments and Agencies and with the approval of the President, shall by February 1, 1959, submit to the Congress a report on the administration of this section. In preparing such a report, an analysis should be made of the nature of projected national defense requirements, the character of emergencies that may give rise to such requirements, the manner in which the capacity of the economy to satisfy such requirements can be judged, the alternative means of assuring such capacity and related matters.”

Report to Congress.

(b) The amendment made by subsection (a) shall not affect any action taken or determinations made before the date of the enactment of this Act.

SEC. 9. (a) Subsection (a) of section 333 of the Tariff Act of 1930 (19 U. S. C., sec. 1333 (a)) is amended to read as follows:

Subpena powers.
46 Stat. 699.

“(a) **AUTHORITY TO OBTAIN INFORMATION.**—For the purposes of carrying out its functions and duties in connection with any investigation authorized by law, the commission or its duly authorized agent or agents (1) shall have access to and the right to copy any document, paper, or record, pertinent to the subject matter under investigation, in the possession of any person, firm, copartnership, corporation, or association engaged in the production, importation, or distribution of any article under investigation, (2) may summon witnesses, take testimony, and administer oaths, (3) may require any person, firm, copartnership, corporation, or association to produce books or papers relating to any matter pertaining to such investigation, and (4) may require any person, firm, copartnership, corporation, or association to furnish in writing, in such detail and in such form as the commission may prescribe, information in their possession pertaining to such investigation. Any member of the commission may sign subpoenas, and members and agents of the commission, when authorized by the commission, may administer oaths and affirmations, examine witnesses, take testimony, and receive evidence.”

(b) Subsection (d) of section 333 of the Tariff Act of 1930 (19 U. S. C., sec. 1333 (d)) is amended by striking out “under Part II of this title” and inserting in lieu thereof “before the commission”.

46 Stat. 699.

(c) (1) Subsection (a) of section 336 of the Tariff Act of 1930 (19 U. S. C., sec. 1336 (a)) is amended by striking out the third sentence thereof. The first sentence of subsection (c) of section 337 of the Tariff Act of 1930 (19 U. S. C., sec. 1337 (c)) is amended by striking out “under and in accordance with such rules as it may promulgate”.

46 Stat. 701.

Hearings.

46 Stat. 703.

(2) Part II of title III of the Tariff Act of 1930 (19 U. S. C., sec. 1330, et seq.) is amended by inserting after section 334 the following new section:

“SEC. 335. RULES AND REGULATIONS.

“The commission is authorized to adopt such reasonable procedures and rules and regulations as it deems necessary to carry out its functions and duties.”

SEC. 10. The enactment of this Act shall not be construed to determine or indicate the approval or disapproval by the Congress of the executive agreement known as the General Agreement on Tariffs and Trade.

Approved August 20, 1958.

Public Law 85-687

AN ACT

August 20, 1958
[H.R. 11800]

To authorize the Secretary of Agriculture to convey a certain parcel of land and buildings thereon to the city of Clifton, New Jersey.

Clifton, N.J.
Conveyance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is authorized and directed to convey by quitclaim deed to the city of Clifton, New Jersey, all of the rights, title, and interest of the United States in and to seven acres, more or less, of the land of the United States Animal Quarantine Station, Clifton, New Jersey, more particularly described as a parcel of land comprising the westerly portion of the United States Animal Quarantine Station, Clifton, New Jersey, lying along the southerly side of Colfax Avenue, together with all buildings, facilities, and improvements thereon, upon payment by said city of 75 per centum of the appraised fair market value of such land, buildings, facilities, and improvements as determined by the Secretary of Agriculture: *Provided*, That in addition the city of Clifton shall deposit at time of conveyance \$30,000 to the Treasury of the United States into a special account for the use of the Secretary of Agriculture in making alterations of buildings, facilities, and improvements situated upon the remaining portion of said quarantine station. The conveyance hereunder shall be subject to the reservations, conditions, and restrictions contained in this Act. The cost of any survey required in connection with the conveyance of this property shall be at the expense of the city of Clifton.

Mineral rights.

SEC. 2. Said quitclaim deed shall also contain a reservation to the United States of all gas, oil, coal and all source materials essential to the production of fissionable material and all other mineral deposits and the right to the use of the land for extracting and removing same.

Reversion of title.

SEC. 3. The city of Clifton shall, prior to the actual use of the tract of land conveyed to such city by the first section of this Act and prior to the alteration or removal of any fences now upon such tract of land, provide a suitable fence on the boundary line between such parcel of land and the remaining land of the United States animal quarantine station. If the city of Clifton fails to provide such fence prior to the actual use of such tract of land and prior to the alteration or removal of the existing fences, or if the city of Clifton uses or conveys any part of such land for other than public purposes, all the right, title, and interest in and to the land conveyed by the first section of this Act shall revert to, and become the property of, the United States, which shall have the immediate right of entry thereon.

Approved August 20, 1958.

Public Law 85-688

AN ACT

To amend section 31 of the Organic Act of Guam, and for other purposes.

August 20, 1958
[H. R. 12569]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 31 of the Organic Act of Guam (64 Stat. 384, 392; 48 U. S. C., 1952 edition, sec. 1421i), is amended to read as follows:

Guam,
Federal income
tax applicability.

“(a) The income-tax laws in force in the United States of America and those which may hereafter be enacted shall be held to be likewise in force in Guam.

Territorial in-
come tax.

“(b) The income-tax laws in force in Guam pursuant to subsection (a) of this section shall be deemed to impose a separate Territorial income tax, payable to the government of Guam, which tax is designated the ‘Guam Territorial income tax’.

Enforcement of
tax.

“(c) The administration and enforcement of the Guam Territorial income tax shall be performed by or under the supervision of the Governor. Any function needful to the administration and enforcement of the income-tax laws in force in Guam pursuant to subsection (a) of this section shall be performed by any officer or employee of the government of Guam duly authorized by the Governor (either directly, or indirectly by one or more redelegations of authority) to perform such function.

“(d) (1) The income-tax laws in force in Guam pursuant to subsection (a) of this section include but are not limited to the following provisions of the Internal Revenue Code of 1954, where not manifestly inapplicable or incompatible with the intent of this section: Subtitle A (not including chapter 2 and section 931); chapters 24 and 25 of subtitle C, with reference to the collection of income tax at source on wages; and all provisions of subtitle F which apply to the income tax, including provisions as to crimes, other offenses, and forfeitures contained in chapter 75. For the period after 1950 and prior to the effective date of the repeal of any provision of the Internal Revenue Code of 1939 which corresponds to one or more of those provisions of the Internal Revenue Code of 1954 which are included in the income-tax laws in force in Guam pursuant to subsection (a) of this section, such income-tax laws include but are not limited to such provisions of the Internal Revenue Code of 1939.

68A Stat.

68A Stat., 455,
471, 731, 851.

53 Stat. 1-504.

68A Stat.

“(2) The Governor or his delegate shall have the same administrative and enforcement powers and remedies with regard to the Guam Territorial income tax as the Secretary of the Treasury, and other United States officials of the executive branch, have with respect to the United States income tax. Needful rules and regulations for enforcement of the Guam Territorial income tax shall be prescribed by the Governor. The Governor or his delegate shall have authority to issue, from time to time, in whole or in part, the text of the income-tax laws in force in Guam pursuant to subsection (a) of this section.

Rules for en-
forcement.

“(e) In applying as the Guam Territorial income tax the income-tax laws in force in Guam pursuant to subsection (a) of this section, except where it is manifestly otherwise required, the applicable provisions of the Internal Revenue Codes of 1954 and 1939, shall be read so as to substitute ‘Guam’ for ‘United States’, ‘Governor or his delegate’ for ‘Secretary or his delegate’, ‘Governor or his delegate’ for ‘Commissioner of Internal Revenue’ and ‘Collector of Internal Revenue’, ‘District Court of Guam’ for ‘district court’ and with other changes in nomenclature and other language, including the omission of inapplicable language, where necessary to effect the intent of this section.

Prosecution of
criminal offenses.

68A Stat. 851.

“(f) Any act or failure to act with respect to the Guam Territorial income tax which constitutes a criminal offense under chapter 75 of subtitle F of the Internal Revenue Code of 1954, or the corresponding provisions of the Internal Revenue Code of 1939, as included in the income-tax laws in force in Guam pursuant to subsection (a) of this section, shall be an offense against the government of Guam and may be prosecuted in the name of the government of Guam by the appropriate officers thereof.

Liens.

“(g) The government of Guam shall have a lien with respect to the Guam Territorial income tax in the same manner and with the same effect, and subject to the same conditions, as the United States has a lien with respect to the United States income tax. Such lien in respect of the Guam Territorial income tax shall be enforceable in the name of and by the government of Guam. Where filing of a notice of lien is prescribed by the income-tax laws in force in Guam pursuant to subsection (a) of this section, such notice shall be filed in the Office of the Clerk of the District Court of Guam.

Jurisdiction of
District Court.

“(h) (1) Notwithstanding any provision of section 22 of this Act or any other provision of law to the contrary, the District Court of Guam shall have exclusive original jurisdiction over all judicial proceedings in Guam, both criminal and civil, regardless of the degree of the offense or of the amount involved, with respect to the Guam Territorial income tax.

Taxes illegally
collected.

“(2) Suits for the recovery of any Guam Territorial income tax alleged to have been erroneously or illegally assessed or collected, or of any penalty claimed to have been collected without authority, or of any sum alleged to have been excessive or in any manner wrongfully collected, under the income-tax laws in force in Guam, pursuant to subsection (a) of this section, may, regardless of the amount of claim, be maintained against the government of Guam subject to the same statutory requirements as are applicable to suits for the recovery of such amounts maintained against the United States in the United States district courts with respect to the United States income tax. When any judgment against the government of Guam under this paragraph has become final, the Governor shall order the payment of such judgments out of any unencumbered funds in the treasury of Guam.

“(3) Execution shall not issue against the Governor or any officer or employee of the government of Guam on a final judgment in any proceeding against him for any acts or for the recovery of money exacted by or paid to him and subsequently paid into the treasury of Guam, in performing his official duties under the income-tax laws in force in Guam pursuant to subsection (a) of this section, if the court certifies that—

“(A) probable cause existed; or

“(B) such officer or employee acted under the directions of the Governor or his delegate.

“When such certificate has been issued, the Governor shall order the payment of such judgment out of any unencumbered funds in the treasury of Guam.

Civil actions.

“(4) A civil action for the collection of the Guam Territorial income tax, together with fines, penalties, and forfeitures, or for the recovery of any erroneous refund of such tax, may be brought in the name of and by the government of Guam in the District Court of Guam or in any district court of the United States or in any court having the jurisdiction of a district court of the United States.

“(5) The jurisdiction conferred upon the District Court of Guam by this subsection shall not be subject to transfer to any other court by the legislature, notwithstanding section 22 (a) of this Act.”

SEC. 2. Income taxes heretofore assessed by the authorities of the government of Guam pursuant to, or under color of, section 31 of the Organic Act of Guam, the collection of such taxes, and all acts done to effectuate such assessment and collection are hereby legalized, ratified and confirmed as fully, to all intents and purposes, as if section 1 of this Act (subsections (b) to (g), inclusive, of which are hereby declared to express the true intentment of said section 31 as it was prior to enactment of this Act) had then been in full force and effect: *Provided*, That if it shall be judicially determined that, except for the enactment of this Act, an assessment or collection of such taxes or an act done or required to be done in order to effectuate such assessment and collection would not, in the particular circumstances of the case, have been lawful under said section 31 as it was prior to enactment of this Act, no penalty shall be imposed for failure to have made timely payment of such taxes or to have complied at the prescribed time with a requirement intended to effectuate the assessment and collection thereof, but such penalty shall be imposed for any failure to make payment or to comply which continues more than sixty days from the date of this Act.

Assessment and
collection legal-
ized.
64 Stat. 392.
48 USC 1421i.

Approved August 20, 1958.

Public Law 85-689

AN ACT

To amend title 28 of the United States Code to provide that notice of an action with respect to real property pending before a United States district court must be recorded in certain instances in order to provide constructive notice of such action.

August 20, 1958
[H. R. 7306]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 125 of title 28 of the United States Code is amended by adding at the end thereof the following new section:

District courts.
Real property.

“§ 1964. Constructive notice of pending actions

Notice of ac-
tions.

“Where the law of a State requires a notice of an action concerning real property pending in a court of the State to be registered, recorded, docketed, or indexed in a particular manner, or in a certain office or county or parish in order to give constructive notice of the action as it relates to the real property, and such law authorizes a notice of an action concerning real property pending in a United States district court to be registered, recorded, docketed, or indexed in the same manner, or in the same place, those requirements of the State law must be complied with in order to give constructive notice of such an action pending in a United States district court as it relates to real property in such State.”

(b) The heading of such chapter 125 is amended to read as follows:

“CHAPTER 125—PENDING ACTIONS AND JUDGMENTS”

(c) The analysis of such chapter 125 is amended by adding at the end thereof the following:

28 USC prec.
1961.

“1964. Constructive notice of pending actions.”

SEC. 2. The amendments made by this Act shall only be effective with respect to actions commenced in United States district courts more than one hundred and eighty days after the date of enactment of this Act.

Effectivity.

Approved August 20, 1958.

Public Law 85-690

AN ACT

August 20, 1958
[H. R. 7564]

To provide that the Legislature of the Territory of Hawaii shall meet annually, and for other purposes.

Hawaiian Legis-
lature.
Regular ses-
sions, etc.
31 Stat. 148.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 41 of the Hawaiian Organic Act (48 U. S. C. 576) is amended to read as follows:

"SEC. 41. (a) Regular sessions of the legislature shall be held in odd number years and additional regular sessions may, if so provided by act of the legislature, be held in even number years. All such sessions shall commence at 10 o'clock antemeridian, on the third Wednesday in February. Regular sessions in odd number years shall be known as general sessions and those in even number years shall be known as budget sessions.

"(b) At budget sessions the legislature shall be limited to the consideration and enactment of (1) the general appropriation bill for the succeeding fiscal year, (2) bills to authorize proposed capital expenditures, (3) revenue bills necessary therefor, (4) bills calling elections, (5) proposed constitutional amendments, (6) bills to provide for the expenses of such session, and (7) matters relating to the impeachment or removal of officers."

General ses-
sions.
31 Stat. 148.

SEC. 2. Section 43 of the Hawaiian Organic Act (48 U. S. C. 576) is amended to read as follows:

"SEC. 43. (a) General sessions shall be limited to a period of sixty days and budget sessions and special sessions to a period of thirty days, but the Governor may extend any session for not more than thirty days. Sundays and holidays shall be excluded in computing the number of days in any session.

"(b) The Governor may convene the legislature, or the Senate alone, in special session. All sessions shall be held at the capital of the Territory. In case the capital shall be unsafe, the Governor may direct that any session shall be held at some other place in the Territory of Hawaii."

Appropriation
estimates.
31 Stat. 149.

SEC. 3. Section 53 of the Hawaiian Organic Act (48 U. S. C. 586) is amended to read as follows:

"SEC. 53. The Governor shall submit to the legislature, at each regular session, estimates for appropriations for the succeeding biennial period or, if provision be made in accordance with section 41 of this Act for additional regular sessions of the legislature, for the succeeding fiscal year."

Compensation.

SEC. 4. Section 26 of the Hawaiian Organic Act (31 Stat. 146), as amended (48 U. S. C. 599), is further amended to read as follows:

"The members of the legislature shall receive for their services, in addition to mileage to and from general sessions at the rate of 20 cents a mile each way, the sum of \$1,000 for each general session, payable in three equal installments, on and after the first, thirtieth, and fiftieth days of such session, to be appropriated by Congress from any moneys in the Treasury not otherwise appropriated, based upon regular estimates submitted through the Secretary of the Interior. The sums authorized to be appropriated from the Federal Treasury for mileage and salary of members for general sessions shall constitute the only sums to be appropriated by the Congress for legislative expenses. Members shall receive from the Treasury of the Territory \$500 as compensation for any special session held under the provisions of existing law. The Territory of Hawaii is hereby authorized to enact such laws as it may deem appropriate for the payment from

the Treasury of the Territory for compensation and mileage to such members for budget sessions and for the payment of additional compensation to such members for general sessions and special sessions."

SEC. 5. This Act shall not become effective until the legislature of Hawaii has, by concurrent resolution, resolved that it approves this Act, in which event it shall become effective on the first of January immediately following such resolution.

Approved August 20, 1958.

Effective date.

Public Law 85-691

AN ACT

To amend the Hawaiian Organic Act and Public Laws 640 and 643 of the Eighty-third Congress, as amended, relating to general obligation bonds of the Territory of Hawaii.

August 20, 1958
[H. R. 11954]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of Public Law 640 of the Eighty-third Congress (68 Stat. 782), as amended by section 1 of Public Law 720 of the Eighty-fourth Congress (70 Stat. 552), is further amended—

Hawaii.
O b l i g a t i o n
bonds.
48 USC 562n.

(a) by deleting the proviso from the first sentence thereof and inserting in lieu thereof the following: "*Provided, however,* That the total indebtedness of such Territory shall not exceed the amount of total indebtedness authorized by the Hawaiian Organic Act: *Provided further,* That in applying the Territory's debt limitation, the computation of the amount to which the total indebtedness of the Territory may be extended at any time shall include all general obligation bonds, but shall not include the general obligation bonds to be issued pursuant to this Act."; and
(b) by inserting in the second sentence thereof, immediately following the words "such bonds", the words "issued pursuant to this Act".

SEC. 2. Section 2 of Public Law 643 of the Eighty-third Congress (68 Stat. 785, 786), as amended by section 2 of Public Law 720 of the Eighty-fourth Congress (70 Stat. 552), is hereby repealed.

Repeal.

SEC. 3. The third sentence of the first paragraph of section 55 of the Hawaiian Organic Act (31 Stat. 150), as amended (48 U. S. C., sec. 562), is further amended by deleting therefrom the words "the total of such indebtedness incurred in any one year by the Territory or any such subdivision shall not exceed 1 per centum of the assessed value of the property in the Territory or subdivision, respectively, as shown by the then last assessments for taxation, whether such assessments are made by the Territory or the subdivision or subdivisions, and the total indebtedness of the Territory shall not at any time be extended beyond 10 per centum of such assessed value of property in the Territory and the total indebtedness of any such subdivision shall not at any time be extended beyond 5 per centum of such assessed value of property in the subdivision" and by inserting in lieu thereof the words "the total indebtedness of the Territory shall not at any time be extended beyond 10 per centum of the assessed value of the property in the Territory and the total indebtedness of any such subdivision shall not at any time be extended beyond 5 per centum of the assessed value of property in the subdivision, as shown by the then latest assessments for taxation, whether such assessments are made in either case by the Territory or subdivision,".

Total indebtedness.

Approved August 20, 1958.

Public Law 85-692

August 20, 1958
[S. 3827]

AN ACT

To amend the District of Columbia Motor Vehicle Parking Facility Act of 1942, as amended.

D.C. street and
traffic improve-
ments.
56 Stat. 91.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the District of Columbia Motor Vehicle Parking Facility Act of 1942, approved February 16, 1942, as amended (sec. 40-804, D. C. Code, 1951 edition), is amended by adding thereto a new paragraph to read as follows:

“(g) The power to use moneys in the fund established by section 7 of this Act, as amended, for the purpose of widening or channelizing streets or making other street improvements to correct or improve traffic conditions in the vicinity of off-street parking facilities, and to correct traffic conditions resulting from a lack or shortage of parking facilities.”

Approved August 20, 1958.

Public Law 85-693

August 20, 1958
[H. R. 9304]

AN ACT

To amend section 12 of the Act approved September 1, 1916, as amended.

D.C. Policemen
and Firemen.
D.C. Code 4-
524.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (1) of subsection (d) of section 12 of the Act approved September 1, 1916, as amended, is amended to read as follows:

71 Stat. 391.
D.C. Code 4-
521 note.

“(d) (1) On and after the first day of the first pay period which begins on or after the date of approval of the Policemen and Firemen’s Retirement and Disability Act Amendments of 1957 there shall be deducted and withheld from each member’s basic salary an amount equal to 6½ per centum of such basic salary. Such deductions and withholdings shall be paid to the Collector of Taxes of the District of Columbia, and shall be deposited in the Treasury to the credit of the District of Columbia.”

Effective date.

SEC. 2. This Act shall be effective as of the date of approval of the Policemen and Firemen’s Retirement and Disability Act Amendments of 1957.

Approved August 20, 1958.

Public Law 85-694

August 20, 1958
[H. R. 9232]

AN ACT

To amend Public Law 481, Eighty-fourth Congress (70 Stat. 104).

Hawaii.
Land patents.
48 USC 677 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first proviso of Public Law 481, Eighty-fourth Congress (70 Stat. 104), is hereby amended to read as follows: “*Provided,* That no such restriction shall be removed with respect to any tract of land encompassing an area in excess of one-half acre.”

Approved August 20, 1958.

Public Law 85-695

AN ACT

To authorize the Gray Reef Dam and Reservoir as a part of the Glendo unit of the Missouri River Basin project.

August 20, 1958
[S. 4002]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Glendo unit of the Missouri River Basin project, as authorized by the joint resolution of July 16, 1954 (68 Stat. 486), is modified to provide for the construction and operation of the small reregulating Gray Reef Dam and Reservoir on the North Platte River downstream from Alcova Dam at an estimated cost of \$700,000.

Gray Reef Dam
and Reservoir, Mo.
Glendo unit.

SEC. 2. There are authorized to be appropriated such amounts as may be necessary to carry out the provisions of this Act: *Provided,* That no construction shall proceed until a feasibility report has been approved by the Secretary of the Interior and submitted to the President and the Congress.

Appropriation.

Reports.

Approved August 20, 1958.

Public Law 85-696

AN ACT

To amend the Tariff Act of 1930 with respect to the dutiable status of handles, wholly or in chief value of wood, imported to be used in the manufacture of paint rollers.

August 20, 1958
[H. R. 7004]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph 412 of section 1 of the Tariff Act of 1930, as amended (19 U. S. C., sec. 1001, par. 412), is amended by adding at the end thereof the following: "Handles, wholly or in chief value of wood, imported to be used in the manufacture of paint rollers, shall be dutiable at the rate (however established) applicable to paintbrush handles, wholly or in chief value of wood, on the date handles imported for such use are entered, or withdrawn from warehouse, for consumption."

Imports.
Paint roller
handles.
46 Stat. 630.

SEC. 2. The amendment made by the first section of this Act shall be effective with respect to articles entered, or withdrawn from warehouse, for consumption after the date of the enactment of this Act.

Applicability.

Approved August 20, 1958.

Public Law 85-697

AN ACT

To facilitate the naturalization of adopted children and spouses of certain United States citizens performing religious duties abroad.

August 20, 1958
[H. R. 13378]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 11 of the Act of September 11, 1957 (71 Stat. 642) be amended by adding the following immediately after the words "by treaty or statute": "or is authorized to perform the ministerial or priestly functions of a religious denomination having a bona fide organization within the United States, or is engaged solely as a missionary by a religious denomination or by an interdenominational mission organization having a bona fide organization within the United States".

Naturalization.
Children and
spouses.
8 USC 1434.

SEC. 2. Subsection (b) of section 319 of the Immigration and Nationality Act is hereby amended by adding the following immediately after the words "by treaty or statute," "or is authorized to per-

66 Stat. 214.
8 USC 1430.

form the ministerial or priestly functions of a religious denomination having a bona fide organization within the United States, or is engaged solely as a missionary by a religious denomination or by an interdenominational mission organization having a bona fide organization within the United States.”.

Approved August 20, 1958.

Public Law 85-698

AN ACT

August 21, 1958
[S. 2069]

To amend section 27 of the Mineral Leasing Act of February 25, 1920, as amended, in order to promote the development of coal on the public domain.

Coal leases.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 27 of the Act of February 25, 1920, as amended (41 Stat. 448, 30 U. S. C. 184), is further amended by deleting from the first sentence thereof the words “coal or” and “for each of said minerals”, and by inserting at the beginning of said section the following:

“No person, association, or corporation, except as herein provided, shall take or hold coal leases or permits during the life of such lease in any one State exceeding an aggregate of ten thousand two hundred and forty acres: *Provided*, That a person, association or corporation may apply for coal leases or permits for acreage in addition to said ten thousand two hundred and forty acres, which application or applications shall be in multiples of forty acres, not exceeding a total of five thousand one hundred twenty additional acres in such State, and shall contain a statement that the granting of a lease for such additional lands is necessary for the person, association, or corporation to carry on business economically and is in the public interest. On the filing of said application, the coal deposits in such lands covered thereby shall be temporarily set aside and withdrawn from all forms of disposal under this Act. The Secretary of the Interior shall, after posting notice of the pending application in the local land office, conduct public hearings on said application or applications for additional acreage. After such public hearings, to such extent as he finds to be in the public interest and necessary for the applicant in order to carry on business economically, the Secretary of the Interior may, under such regulations as he may prescribe, permit such person, association, or corporation to take or hold coal leases or permits for an additional aggregate acreage of not more than five thousand one hundred and twenty acres in such State. The Secretary may, in his own discretion or whenever sufficient public interest is manifested, re-evaluate the lessee's or permittee's need for all or any part of the additional acreage. The Secretary may cancel the lease or leases and permit or permits covering all or any part of the additional acreage, if he finds that such cancellation is in the public interest or that the coal deposits in the additional acreage are no longer necessary for the lessee or permittee to carry on business economically or if the lessee or permittee has divested himself of all or any part of the original ten thousand two hundred and forty acres or no longer has facilities which in the Secretary's opinion enable him to exploit the deposits under lease or permit. No assignment, transfer, or sale of any part of the additional acreage may be made without the approval of the Secretary.”

Approved August 21, 1958.

Public Law 85-699

AN ACT

To make equity capital and long-term credit more readily available for small-business concerns, and for other purposes.

August 21, 1958
[S. 3651]

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

Small Business
Investment Act of
1958.

TITLE I—SHORT TITLE, STATEMENT OF POLICY, AND DEFINITIONS

SHORT TITLE

SEC. 101. This Act, divided into titles and sections according to the following table of contents, may be cited as the "Small Business Investment Act of 1958."

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TITLE I—SHORT TITLE, STATEMENT OF POLICY, AND DEFINITIONS

- Sec. 101. Short title.
- Sec. 102. Statement of policy.
- Sec. 103. Definitions.

TITLE II—SMALL BUSINESS INVESTMENT DIVISION OF THE SMALL BUSINESS ADMINISTRATION

- Sec. 201. Establishment of Small Business Investment Division.
- Sec. 202. Provision and purposes of funds.

TITLE III—SMALL BUSINESS INVESTMENT COMPANIES

- Sec. 301. Organization of small business investment companies.
- Sec. 302. Capital stock and subordinated debentures.
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- Sec. 306. Aggregate limitations.
- Sec. 307. Exemptions.
- Sec. 308. Miscellaneous.
- Sec. 309. Approving State chartered companies for operations under this Act.

TITLE IV—CONVERSION OF STATE CHARTERED INVESTMENT COMPANIES AND STATE DEVELOPMENT COMPANIES

TITLE V—LOANS TO STATE AND LOCAL DEVELOPMENT COMPANIES

TITLE VI—CHANGES IN FEDERAL RESERVE AUTHORITY

- Sec. 601. Repeal of section 13b of the Federal Reserve Act.
- Sec. 602. Fund for management counseling.

TITLE VII—CRIMINAL PENALTIES

STATEMENT OF POLICY

SEC. 102. It is declared to be the policy of the Congress and the purpose of this Act to improve and stimulate the national economy in general and the small-business segment thereof in particular by establishing a program to stimulate and supplement the flow of private equity capital and long-term loan funds which small-business concerns need for the sound financing of their business operations and for their growth, expansion, and modernization, and which are not available in adequate supply: *Provided, however,* That this policy

shall be carried out in such manner as to insure the maximum participation of private financing sources.

It is the intention of the Congress that the provisions of this Act shall be so administered that any financial assistance provided hereunder shall not result in a substantial increase of unemployment in any area of the country.

DEFINITIONS

SEC. 103. As used in this Act—

(1) the term "Administration" means the Small Business Administration;

(2) the term "Administrator" means the Administrator of the Small Business Administration;

(3) the terms "small business investment company" and "company" mean a small business investment company organized as provided in title III, including (except for purposes of section 301 and section 308 (f)) a State-chartered investment company which has obtained the approval of the Administrator to operate under the provisions of this Act as provided in section 309 and a company converted into a small business investment company under section 401 of this Act;

(4) the term "United States" means the several States, the Territories of Alaska and Hawaii, the District of Columbia, and the Commonwealth of Puerto Rico;

(5) the term "small-business concern" shall have the same meaning as in the Small Business Act; and

(6) the term "development companies" means enterprises incorporated under State law with the authority to promote and assist the growth and development of small-business concerns in the areas covered by their operations.

TITLE II—SMALL BUSINESS INVESTMENT DIVISION OF THE SMALL BUSINESS ADMINISTRATION

ESTABLISHMENT OF SMALL BUSINESS INVESTMENT DIVISION

SEC. 201. There is hereby established in the Small Business Administration a division to be known as the Small Business Investment Division. The Division shall be headed by a Deputy Administrator who shall be appointed by the Administrator, and shall receive compensation at the rate provided by law for other deputy administrators of the Small Business Administration. The powers conferred by this Act upon the Administration shall be exercised by the Administration through the Small Business Investment Division, and the powers herein conferred upon the Administrator shall be exercised by him through the Deputy Administrator appointed hereunder. In the performance of, and with respect to the functions, powers, and duties vested by this Act, the Administrator and the Administration shall (in addition to any authority otherwise vested by this Act) have the functions, powers, and duties set forth in the Small Business Act, and the provisions of sections 13 and 16 of that Act, insofar as applicable, are extended to apply to the functions of the Administrator and the Administration under this Act.

Ante, p. 394,
395.

PROVISION AND PURPOSES OF FUNDS

SEC. 202. (a) Section 4 (c) of the Small Business Act is amended—

(1) by striking out "\$650,000,000" each place it appears and inserting in lieu thereof "\$900,000,000";

Ante, p. 385.

(2) by inserting before the period at the end of the fourth sentence the following: “, and in the exercise of the functions of the Administration under the Small Business Investment Act of 1958”; and

(3) by inserting after the seventh sentence the following new sentence: “Not to exceed an aggregate of \$250,000,000 shall be outstanding at any one time for the exercise of the functions of the Administration under the Small Business Investment Act of 1958.”

(b) There are hereby authorized to be appropriated such sums as may be necessary and appropriate for the administrative expenses of the Administration under this Act.

Appropriation.

TITLE III—SMALL BUSINESS INVESTMENT COMPANIES

ORGANIZATION OF SMALL BUSINESS INVESTMENT COMPANIES

SEC. 301. (a) Small business investment companies may be formed for the purpose of operating under this Act by any number of persons, not less than 10, who shall subscribe to the articles of incorporation of any such company: *Provided*, That no such company shall be chartered by the Administration under this section in any State unless the Administration determines that investment companies cannot be chartered under the laws of such State and operate in accordance with the purpose of this Act: *Provided further*, That no such company shall be chartered by the Administration under this section after June 30, 1961.

(b) The articles of incorporation of any small business investment company shall specify in general terms the objects for which the company is formed, the name assumed by such company, the area or areas in which its operations are to be carried on, the place where its principal office is to be located, and the amount and classes of its shares of capital stock. Such articles may contain any other provisions not inconsistent with this Act that the company may see fit to adopt for the regulation of its business and the conduct of its affairs. Such articles and any amendments thereto adopted from time to time shall be subject to the approval of the Administration.

(c) The articles of incorporation and amendments thereto shall be forwarded to the Administration for consideration and approval or disapproval. In determining whether to approve the establishment of such a company and its proposed articles of incorporation, the Administration shall give due regard, among other things, to the need for the financing of small-business concerns in the area in which the proposed company is to commence business, the general character of the proposed management of the company, the number of such companies previously organized in the United States, and the volume of their operations. After consideration of all relevant factors, the Administration may in its discretion approve the articles of incorporation and issue a permit to begin business.

(d) Upon issuance of such permit, the company shall become and be a body corporate, and as such, and in the name designated in its articles shall have power—

(1) to adopt and use a corporate seal;

(2) to have succession for a period of thirty years, unless extended as provided in section 308 (f), or unless sooner dissolved by the act of the shareholders owning two-thirds of the stock or by an Act of Congress, or unless its franchise becomes forfeited by some violation of law or regulation issued hereunder;

(3) to make contracts;

(4) to sue and be sued, complain, and defend in any court of law or equity;

(5) by its board of directors, to appoint such officers and employees as may be deemed proper, define their authority and duties, fix their compensation, require bonds of such of them as it deems advisable and fix the penalty thereof, dismiss such officers or employees, or any thereof, at pleasure, and appoint others to fill their places;

(6) to adopt bylaws regulating the manner in which its stock shall be transferred, its officers and employees appointed, its property transferred, and the privileges granted to it by law exercised and enjoyed;

(7) to establish branch offices or agencies subject to the approval of the Administration;

(8) to acquire, hold, operate, and dispose of any property (real, personal, or mixed) whenever necessary or appropriate to the carrying out of its lawful functions;

(9) to act as depository or fiscal agent of the United States when so designated by the Secretary of the Treasury;

(10) to operate in such area or areas as may be specified in its articles of incorporation and approved by the Administration; and

(11) to exercise the other powers set forth in this Act and such incidental powers as may reasonably be necessary to carry on the business for which the company is established.

(e) The board of directors of each small business investment company shall consist of nine members who shall be elected annually by the holders of the shares of stock of the company.

CAPITAL STOCK AND SUBORDINATED DEBENTURES

SEC. 302. (a) Each company authorized to operate under this Act shall have a paid-in capital and surplus equal to at least \$300,000. In order to facilitate the formation of small business investment companies, the Administration is hereby authorized, notwithstanding any other provisions of law, to purchase the debentures of any such company in an amount equal to not more than \$150,000. Any debentures purchased by the Administration under this subsection shall be subordinate to any other debenture bonds, promissory notes, or other obligations which may be issued by such companies, and shall be deemed a part of the capital and surplus of such companies for purposes of this section and sections 303 (b) and 306 of this Act.

(b) Shares of stock in small business investment companies shall be eligible for purchase by national banks, and shall be eligible for purchase by other member banks of the Federal Reserve System and nonmember insured banks to the extent permitted under applicable State law; except that in no event shall any such bank hold shares in small business investment companies in an amount aggregating more than 1 percent of its capital and surplus.

(c) The aggregate amount of shares in any such company or companies which may be owned or controlled by any stockholder, or by any group or class of stockholders, may be limited by the Administration.

BORROWING POWER

SEC. 303. (a) Each small business investment company shall have authority to borrow money and to issue its debenture bonds, promissory notes, or other obligations under such general conditions and

subject to such limitations and regulations as the Administration may prescribe.

(b) To encourage the formation and growth of small business investment companies, the Administration is authorized to lend funds to such companies through the purchase of their obligations which shall bear interest at such rate, and contain such other terms, as the Administration may fix. The total amount of obligations purchased and outstanding at any one time by the Administration under this subsection in any one company shall not exceed 50 percent of the paid-in capital and surplus of such company.

PROVISION OF EQUITY CAPITAL FOR SMALL-BUSINESS CONCERNS

SEC. 304. (a) It shall be a primary function of each small business investment company to provide a source of needed equity capital for small-business concerns in the manner and subject to the conditions described in this section.

(b) Capital shall be provided by a company to a small-business concern under this section only through the purchase of debenture bonds (of such concern) which shall—

(1) bear interest at such rate, and contain such other terms, as the company may fix with the approval of the Administration;

(2) be callable on any interest payment date, upon three months' notice, at par plus accrued interest; and

(3) be convertible at the option of the company, or a holder in due course, up to and including the effective date of any call by the issuer, into stock of the small-business concern at the sound book value of such stock determined at the time of the issuance of the debentures.

(c) Before any capital is provided to a small-business concern under this section—

(1) the company may require such concern to refinance any or all of its outstanding indebtedness so that the company is the only holder of any evidence of indebtedness of such concern; and

(2) except as provided in regulations issued by the Administration, such concern shall agree that it will not thereafter incur any indebtedness without first securing the approval of the company and giving the company the first opportunity to finance such indebtedness.

(d) Whenever a company provides capital to a small-business concern under this section, such concern shall be required to become a stockholder-proprietor of the company by investing in the capital stock of the company, in an amount equal to not less than 2 percent nor more than 5 percent of the amount of the capital so provided, in accordance with regulations prescribed by the Administrator.

LONG-TERM LOANS TO SMALL-BUSINESS CONCERNS

SEC. 305. (a) Each company is authorized to make loans, in the manner and subject to the conditions described in this section, to incorporated and unincorporated small-business concerns in order to provide such concerns with funds needed for sound financing, growth, modernization, and expansion.

(b) Loans made under this section may be made directly or in cooperation with other lending institutions through agreements to participate on an immediate or deferred basis. In agreements to participate in loans on a deferred basis under this subsection, the participation by the company shall not be in excess of 90 per centum of the balance of the loan outstanding at the time of disbursement.

(c) The maximum rate of interest for the company's share of any

loan made under this section shall be determined by the Administration.

(d) Any loan made under this section shall have a maturity not exceeding twenty years.

(e) Any loan made under this section shall be of such sound value, or so secured, as reasonably to assure repayment.

(f) Any company which has made a loan to a small-business concern under this section is authorized to extend the maturity of or renew such loan for additional periods, not exceeding ten years, if the company finds that such extension or renewal will aid in the orderly liquidation of such loan.

AGGREGATE LIMITATIONS

SEC. 306. Without the approval of the Administration, the aggregate amount of obligations and securities acquired and for which commitments may be issued by any small business investment company under the provisions of this Act for any single enterprise shall not exceed 20 percent of the combined capital and surplus of such small business investment company authorized by this Act.

EXEMPTIONS

48 Stat. 75.

SEC. 307. (a) Section 3 of the Securities Act of 1933, as amended (15 U. S. C. 77c), is hereby amended by inserting at the end thereof the following new subsection (c):

"(c) The Commission may from time to time by its rules and regulations and subject to such terms and conditions as may be prescribed therein, add to the securities exempted as provided in this section any class of securities issued by a small business investment company under the Small Business Investment Act of 1958 if it finds, having regard to the purposes of that Act, that the enforcement of this Act with respect to such securities is not necessary in the public interest and for the protection of investors."

53 Stat. 1153.

(b) Section 304 of the Trust Indenture Act of 1939 (15 U. S. C. 77ddd) is hereby amended by adding the following subsection (e):

"(e) The Commission may from time to time by its rules and regulations, and subject to such terms and conditions as may be prescribed herein, add to the securities exempted as provided in this section any class of securities issued by a small business investment company under the Small Business Investment Act of 1958 if it finds, having regard to the purposes of that Act, that the enforcement of this Act with respect to such securities is not necessary in the public interest and for the protection of investors."

54 Stat. 817.

(c) Section 18 of the Investment Company Act of 1940 (15 U. S. C. 80a-18) is amended by adding at the end thereof the following:

"(k) The provisions of subparagraphs (A) and (B) of paragraph (1) of subsection (a) of this section shall not apply to investment companies operating under the Small Business Investment Act of 1958."

MISCELLANEOUS

Fees.

SEC. 308. (a) Wherever practicable the operations of a small business investment company, including the generation of business, may be undertaken in cooperation with banks or other financial institutions, and any servicing or initial investigation required for loans or acquisitions of securities by the company under the provisions of this Act may be handled through such banks or other financial institutions on a fee basis. Any small business investment company may receive fees for services rendered to banks or other financial institutions.

(b) Each small business investment company may make use, wherever practicable, of the advisory services of the Federal Reserve System and of the Department of Commerce which are available for and useful to industrial and commercial businesses, and may provide consulting and advisory services on a fee basis and have on its staff persons competent to provide such services. Any Federal Reserve bank is authorized to act as a depository or fiscal agent for any company organized under this Act. Such companies may invest funds not reasonably needed for their current operations in direct obligations of, or obligations guaranteed as to principal and interest by, the United States.

Advisory services.

(c) The Administration is authorized to prescribe regulations governing the operations of small business investment companies, and to carry out the provisions of this Act, in accordance with the purposes of this Act. Each small business investment company shall be subject to examinations made by direction of the Administration by examiners selected or approved by the Administration, and the cost of such examinations, including the compensation of the examiners, may in the discretion of the Administration be assessed against the company examined and when so assessed shall be paid by such company. Every such company shall make such reports to the Administration at such times and in such form as the Administration may require; except that the Administration is authorized to exempt from making such reports any such company which is registered under the Investment Company Act of 1940 to the extent necessary to avoid duplication in reporting requirements.

Examinations, etc.

54 Stat. 789.
15 USC 80a-51.

(d) Should any small business investment company violate or fail to comply with any of the provisions of this Act or of regulations prescribed hereunder, all of its rights, privileges, and franchises derived therefrom may thereby be forfeited. Before any such company shall be declared dissolved, or its rights, privileges, and franchises forfeited, any noncompliance with or violation of this Act shall be determined and adjudged by a court of the United States of competent jurisdiction in a suit brought for that purpose in the district, territory, or other place subject to the jurisdiction of the United States, in which the principal office of such company is located. Any such suit shall be brought by the United States at the instance of the Administration or the Attorney General.

Noncompliance.

(e) Whenever in the judgment of the Administration any person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of this Act or of any regulation thereunder, the Administration may make application to the proper district court of the United States, or a United States court of any Territory or other place subject to the jurisdiction of the United States, for an order enjoining such acts or practices, or for an order enforcing compliance with such provision, or regulation, and such courts shall have jurisdiction of such actions and, upon a showing by the Administration that such person has engaged or is about to engage in any such acts or practices, a permanent or temporary injunction, restraining order, or other order, shall be granted without bond.

Restraining orders.

(f) Any small business investment company may at any time within the two years next previous to the date of the expiration of its corporate existence, by a vote of the shareholders owning two-thirds of its stock, apply to the Administration for approval to extend the period of its corporate existence for a term of not more than thirty years, and upon approval of the Administration, as provided in section 301 hereof, such company shall have its corporate existence extended for such approved period unless sooner dissolved by the act

Corporate extension.

of the shareholders owning two-thirds of its stock, or by an Act of Congress, or unless its franchise becomes forfeited as herein provided.

(g) Nothing in this Act or in any other provision of law shall be deemed to impose any liability on the United States with respect to any obligations entered into, or stocks issued, or commitments made, by any company organized under this Act.

APPROVING STATE CHARTERED COMPANIES FOR OPERATIONS UNDER
THIS ACT

SEC. 309. Any investment company chartered under the laws of any State expressly for the purpose of operating under this Act may with the approval of the Administrator be permitted to operate under the provisions of this Act. Such approval shall be given with due regard to the factors specified in section 301 (c) with respect to organization of small business investment companies.

TITLE IV—CONVERSION OF STATE CHARTERED INVESTMENT COMPANIES AND STATE DEVELOPMENT COMPANIES

SEC. 401. (a) Prior to July 1, 1961, any investment company or any State development company may, by the vote of the shareholders owning not less than 51 percent of the capital stock of such company, with the approval of the Administration, be converted into a small business investment company under this Act; except that nothing contained herein shall be construed to supersede the laws of any State.

(b) In such case the articles of association and organization certificate may be executed by a majority of the directors of the corporation, and the certificate shall declare that the owners of 51 percent of the capital stock have authorized the directors to make such certificate and to change or convert the corporation into a small business investment company. A majority of the directors, after executing the articles of association and the organization certificate, shall have power to execute all other papers and to do whatever may be required to make its organization perfect and complete as a small business investment company. The shares of any such company may continue to be for the same amount each as they were before the conversion, and the directors, regardless of number, may continue to be directors of the corporation until the election of the board of directors is held in accordance with regulations of the Administration.

(c) When the Administration has given to such company a certificate that the provisions of this Act have been complied with, such company shall have the same powers and privileges and shall be subject to the same duties, liabilities, and regulations, in all respects, as are prescribed by this Act for companies originally organized as small business investment companies.

TITLE V—LOANS TO STATE AND LOCAL DEVELOPMENT COMPANIES

SEC. 501. (a) The Administration is authorized to make loans to State development companies to assist in carrying out the purposes of this Act. Any funds advanced under this subsection shall be in exchange for obligations of the development company which bear interest at such rate, and contain such other terms, as the Administration may fix, and funds may be so advanced without regard to the use and investment by the development company of funds secured by it from other sources.

(b) The total amount of obligations purchased and outstanding at any one time by the Administration under this section from any one State development company shall not exceed the total amount borrowed by it from all other sources. Funds advanced to a State development company under this section shall be treated on an equal basis with those funds borrowed by such company after the date of the enactment of this Act, regardless of source, which have the highest priority, except when this requirement is waived by the Administrator.

SEC. 502. The Administration may, in addition to its authority under section 501, make loans for plant construction, conversion or expansion, including the acquisition of land, to State and local development companies, and such loans may be made or effected either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis: *Provided, however,* That the foregoing powers shall be subject to the following restrictions and limitations:

(1) All loans made shall be so secured as reasonably to assure repayment. In agreements to participate in loans on a deferred basis under this subsection, such participation by the Administration shall not be in excess of 90 per centum of the balance of the loan outstanding at the time of disbursement.

(2) The proceeds of any such loan shall be used solely by such borrower to assist an identifiable small-business concern and for a sound business purpose approved by the Administration.

(3) Loans made by the Administration under this section shall be limited to \$250,000 for each such identifiable small-business concern.

(4) Any development company assisted under this section must meet criteria established by the Administration, including the extent of participation to be required or amount of paid-in capital to be used in each instance as is determined to be reasonable by the Administration.

(5) No loans, including extensions or renewals thereof, shall be made by the Administration for a period or periods exceeding ten years plus such additional period as is estimated may be required to complete construction, conversion, or expansion, but the Administration may extend the maturity of or renew any loan made pursuant to this section beyond the period stated for additional periods, not to exceed ten years, if such extension or renewal will aid in the orderly liquidation of such loan. Any such loan shall bear interest at a rate fixed by the Administration.

(6) No loan shall be made under this section to any local development company after June 30, 1961.

TITLE VI—CHANGES IN FEDERAL RESERVE AUTHORITY

REPEAL OF SECTION 13b OF THE FEDERAL RESERVE ACT

SEC. 601. Effective one year after the date of enactment of this Act, section 13b of the Federal Reserve Act (12 U. S. C. 352a) is hereby repealed; but such repeal shall not affect the power of any Federal Reserve bank to carry out, or protect its interest under, any agreement theretofore made or transaction entered into in carrying on operations under that section.

FUND FOR MANAGEMENT COUNSELING

SEC. 602. (a) Within sixty days after the enactment of this Act, each Federal Reserve bank shall pay to the United States the aggregate amount which the Secretary of the Treasury has heretofore paid to such bank under the provisions of section 13b of the Federal Reserve Act; and such payment shall constitute a full discharge of any obligation or liability of the Federal Reserve bank to the United States or to the Secretary of the Treasury arising out of subsection (e) of said section 13b or out of any agreement thereunder.

(b) The amounts repaid to the United States pursuant to subsection (a) of this section shall be covered into a special fund in the Treasury which shall be available for grants under section 7 (d) of the Small Business Act. Any remaining balance of funds set aside in the Treasury for payments under section 13b of the Federal Reserve Act shall be covered into the Treasury as miscellaneous receipts.

(c) Section 7 of the Small Business Act is amended by adding at the end thereof a new subsection as follows:

“(d) The Administration also is empowered to make grants to any State government, or any agency thereof, State chartered development credit or finance corporations, land-grant colleges and universities, and colleges and schools of business, engineering, commerce, or agriculture for studies, research, and counseling concerning the managing, financing, and operation of small-business enterprises and technical and statistical information necessary thereto in order to carry out the purposes of section 8 (b) (1) by coordinating such information with existing information facilities within the State and by making such information available to State and local agencies. Only one such grant shall be made within any one State in any one year, and no such grant shall exceed an aggregate amount of \$40,000. Such grants shall be made from the fund established in the Treasury by section 602 (b) of the Small Business Investment Act of 1958.”

TITLE VII—CRIMINAL PENALTIES

SEC. 701. (a) The first paragraph of section 217 of title 18, United States Code, is amended by inserting after “farm credit examiner,” the following: “or of any small business investment company,”.

(b) Section 218 of such title is amended by inserting after “National Agricultural Credit Corporations,” the following: “or an examiner of small business investment companies,”.

SEC. 702. (a) The first paragraph of section 221 of title 18, United States Code, is amended by inserting after “United States,” the following: “or a small business investment company,”.

(b) The second paragraph of such section 221 is amended by inserting after “Congress,” the following: “or any small business investment company,”.

(c) The heading of such section 221 is amended by striking out “farm loan or land bank” and inserting in lieu thereof “farm loan, land bank, or small business”.

(d) The table of sections for chapter 11 of such title 18 is amended by striking out “farm loan or land bank” in the reference to section 221 and inserting in lieu thereof “farm loan, land bank, or small business”.

SEC. 703. Section 657 of title 18, United States Code, is amended by inserting after “Federal Savings and Loan Insurance Corporation,” the following: “or any small business investment company,”.

SEC. 704. Section 1006 of title 18, United States Code, is amended by inserting after “Federal Savings and Loan Insurance Corporation,” the following: “or any small business investment company,”.

48 Stat. 1105.
12 USC 352a.

Intra.

12 USC 352a.

62 Stat. 694.

62 Stat. 695.

62 Stat. 695.

18 USC prec.
201.

62 Stat. 729.

62 Stat. 750.

SEC. 705. Section 1014 of title 18, United States Code, is amended by inserting after "a Federal Reserve bank," the following: "or of a small business investment company,".

Approved August 21, 1958.

62 Stat. 752.

Public Law 85-700

AN ACT

To amend section 245 of the Immigration and Nationality Act, and for other purposes.

August 21, 1958
[H. R. 13451]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 245 of the Immigration and Nationality Act (66 Stat. 217) be amended to read as follows:

Aliens.
Permanent resi-
dence.
8 USC 1255.

"SEC. 245. (a) The status of an alien who was admitted to the United States as a bona fide nonimmigrant may be adjusted by the Attorney General, in his discretion and under such regulations as he may prescribe, to that of an alien lawfully admitted for permanent residence if (1) the alien makes an application for such adjustment, (2) the alien is eligible to receive an immigrant visa and is admissible to the United States for permanent residence, (3) an immigrant visa was immediately available to him at the time of his application, and (4) an immigrant visa is immediately available to him at the time his application is approved. A quota immigrant visa shall be considered immediately available for the purposes of this subsection only if the portion of the quota to which the alien is chargeable is under-subscribed by applicants registered on a consular waiting list.

"(b) Upon the approval of an application for adjustment made under subsection (a), the Attorney General shall record the alien's lawful admission for permanent residence as of the date the order of the Attorney General approving the application for the adjustment of status is made, and the Secretary of State shall reduce by one the quota of the quota area to which the alien is chargeable under section 202 for the fiscal year current at the time such adjustment is made.

8 USC 1152.

"(c) The provisions of this section shall not be applicable to any alien who is a native of any country contiguous to the United States, or of any adjacent island named in section 101 (b) (5)."

8 USC 1101.

SEC. 2. The Act of September 11, 1957 (71 Stat. 639), is hereby amended by inserting after section 12 the following additional section 12A:

8 USC 1153 note.

"SEC. 12A. Any alien eligible for quota immigrant status under the provisions of section 203 (a) (1) of the Immigration and Nationality Act on the basis of a petition approved by the Attorney General prior to July 1, 1958, shall be held to be a nonquota immigrant and shall be issued a nonquota immigrant visa: *Provided*, That upon his application for an immigrant visa and for admission to the United States the alien is found to have retained his status as established in the approved petition. This section shall be applicable only to aliens admissible to the United States except for the fact that an immigrant visa is not promptly available for issuance to them because the quota of the quota area to which they are chargeable is over-subscribed."

Immigrant visas.
8 USC 1153.

Approved August 21, 1958.

Public Law 85-701

AN ACT

August 21, 1958
[S. 3817]

To provide a program for the discovery of the mineral reserves of the United States, its Territories, and possessions by encouraging exploration for minerals, and for other purposes.

Minerals exploration.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is declared to be the policy of the Congress to stimulate exploration for minerals within the United States, its Territories and possessions.

SECTION 1. The Secretary of the Interior is hereby authorized and directed, in order to provide for discovery of additional domestic mineral reserves, to establish and maintain a program for exploration by private industry within the United States, its Territories and possessions for such minerals, excluding organic fuels, as he shall from time to time designate, and to provide Federal financial assistance on a participating basis for that purpose.

Exploration contracts.

SEC. 2. (a) In order to carry out the purposes of this Act, and subject to the provisions of this section, the Secretary is authorized to enter into exploration contracts with individuals, partnerships, corporations, or other legal entities which shall provide for such Federal financial participation as he deems in the national interest. Such contracts shall contain terms and conditions as the Secretary deems necessary and appropriate, including terms and conditions for the repayment of the Federal funds made available under any contract together with interest thereon, as a royalty on the value of the production from the area described in the contract. Interest shall be calculated from the date of the loan. Such interest shall be at rates which (1) are not less than the rates of interest which the Secretary of the Treasury shall determine the Department of the Interior would have to pay if it borrowed such funds from the Treasury of the United States, taking into consideration current average yields on outstanding marketable obligations of the United States with maturities comparable to the terms of the particular contracts involved and (2) plus 2 per centum per annum in lieu of recovering the cost of administering the particular contracts.

Interest rates.

Royalty payments.

(b) Royalty payments received under paragraph (a) of this section shall be covered into the miscellaneous receipts of the Treasury.

Certification.

(c) When in the opinion of the Secretary an analysis and evaluation of the results of the exploration project disclose that mineral production from the area covered by the contract may be possible he shall so certify within the time specified in the contract. Upon certification, payment of royalties shall be a charge against production for the full period specified in the contract or until the obligation has been discharged, but in no event shall such royalty payments continue for a period of more than twenty-five years from the date of contract. When the Secretary determines not to certify he shall promptly notify the contractor. When the Secretary deems it necessary and in the public interest, he may enter into royalty agreements to provide for royalty payments in the same manner as though the project had been certified.

Agreements.

(d) No provision of this Act, nor any rule or regulation which may be issued by the Secretary shall be construed to require any production from the area described in the contract.

Adjustment of contract.

(e) The Secretary shall establish and promulgate such rules and regulations as may be necessary to carry out the purposes of this Act: *Provided, however,* That he may modify and adjust the terms and conditions of any contract to reduce the amount and term of any royalty payment when he shall determine that such action is necessary

and in the public interest: *Provided further*, That no such single contract shall authorize Government participation in excess of \$250,000.

(f) No funds shall be made available under this Act unless the applicant shall furnish evidence that funds from commercial sources are unavailable on reasonable terms.

SEC. 3. As used in this Act, the term "exploration" means the search for new or unexplored deposits of minerals, including related development work, within the United States, its Territories and possessions, whether conducted from the surface or underground, using recognized and sound procedures including standard geophysical and geochemical methods for obtaining mineralogical and geological information.

"Exploration."

SEC. 4. Departments and agencies of the Government are hereby authorized to advise and assist the Secretary of the Interior, upon his request, in carrying out the provisions of this Act and may expend their funds for such purposes, with or without reimbursement, in accordance with such agreements as may be necessary.

Advisory services.

SEC. 5. The Secretary of the Interior is authorized and directed to present to the Congress, through the President, on March 1 and September 1 of each year, a report containing a review and evaluation of the operations of the programs authorized in this Act, together with his recommendations regarding the need for the continuation of the programs and such amendments to this Act as he deems to be desirable.

Reports to Congress and President.

SEC. 6. There are hereby authorized to be appropriated, from any funds in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this Act.

Appropriation.

Approved August 21, 1958.

Public Law 85-702

AN ACT

To authorize the Secretary of the Interior to acquire certain land for the Deshler-Morris House, Independence National Historical Park.

August 21, 1958
[H. R. 7403]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of placing in Government ownership a small strip of land encroached upon by the Deshler-Morris House, which was donated to the United States and accepted as a part of Independence National Historical Park pursuant to section 3 of the Act of June 28, 1948 (62 Stat. 1061), the Secretary of the Interior is authorized to acquire the following land:

Independence National Historical Park, Pa.
Acquisition of land.
16 USC 407o.

Beginning at a point on the southwesterly side of Germantown Avenue at the distance of 165 feet 7½ inches southeastwardly from the southeasterly side of School House Lane, in the 22d ward of the city of Philadelphia; thence extending south 41 degrees 50 minutes 46 seconds west 44 feet to a point; thence extending north 48 degrees 58 minutes 40 seconds west 6 feet 1 inch to a point; thence extending south 42 degrees 8 minutes 17 seconds west 106 feet 4 inches to a point of corner; thence extending south 48 degrees 58 minutes 40 seconds east 12 feet 1½ inches to a point of corner; thence extending north 41 degrees 50 minutes 46 seconds east 150 feet 37⁄8 inches to the southwesterly side of Germantown Avenue; thence extending north 48 degrees 58 minutes 40 seconds west along the southwesterly side of Germantown Avenue 5 feet 6 inches to the first mentioned point and place of beginning.

Approved August 21, 1958.

Public Law 85-703

August 21, 1958
[S. 4153]

AN ACT

To authorize the delivery of sewage from Virginia into the sewerage system of the District of Columbia and the treatment of such sewage, and for other purposes.

D.C.-Virginia
sewage agree-
ments.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the protection of the Potomac River and its tributary streams within the metropolitan area of the District of Columbia from pollution by sewage or other liquid wastes originating in Virginia, and for the protection of the health of the residents of the District of Columbia and of the employees of the United States Government residing in such metropolitan area, the Commissioners of the District of Columbia are authorized in their discretion, from time to time, to enter into and renew agreements, for such periods as they deem advisable, with the proper authorities of the Commonwealth of Virginia, including county, municipal, and other governmental units thereof, for the drainage of such sewage or other liquid wastes into the sewerage system of the District of Columbia for treatment and disposal: *Provided,* That to the extent and in the manner determined by such agreements, the proper authorities of such Commonwealth, county, municipal, or other governmental units shall pay part or all of the costs of construction, expansion, relocation, replacement, repair, maintenance, and operation (including administrative expenses, interest, and amortization) of such sewers and other facilities as may be necessary or appropriate to convey and treat such sewage or other liquid wastes either separately or with sewage or other liquid wastes originating in said District or elsewhere. All payments or reimbursements made to the District of Columbia pursuant to this Act and the agreements entered into hereunder shall be made to the Commissioners and shall be deposited in the Treasury of the United States to the credit of the District of Columbia Sewage Works Fund.

Definitions.

SEC. 2. As used in this Act, the terms "Commissioners of the District of Columbia" and "Commissioners" mean the Board of Commissioners of the District of Columbia or their designated agents.

Approved August 21, 1958.

Public Law 85-704

August 21, 1958
[H. R. 781]

AN ACT

To amend title 10, United States Code, to make retired pay for non-regular service available to certain persons who performed active duty during the Korean conflict.

Armed Forces.
Retired pay.

70A Stat. 102.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 10, United States Code, is amended as follows:

Section 1331 (c) is amended to read as follows:

"(c) No person who, before August 16, 1945, was a Reserve of an armed force, or a member of the Army without component or other category covered by section 1332 (a) (1) of this title except a regular component, is eligible for retired pay under this chapter, unless he performed active duty after April 5, 1917, and before November 12, 1918, or after September 8, 1940, and before January 1, 1947, or unless he performed active duty (other than for training) after June 26, 1950, and before July 28, 1953."

Approved August 21, 1958.

Public Law 85-705

AN ACT

To amend the Agricultural Adjustment Act of 1938.

August 21, 1958
[H. R. 12840]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Agricultural Adjustment Act of 1938, as amended, is amended by inserting immediately after section 314 of title III thereof the following new section:

“SEC. 315. (a) The provisions of this section shall be effective, where applicable, notwithstanding any other provision of this Act. Within thirty days after the date this section is enacted into law, the Secretary shall conduct a special referendum of farmers who were engaged in the production of the crops of type 21 (Virginia) fire-cured tobacco or type 37 Virginia sun-cured tobacco which was harvested immediately prior to the referendum. The provisions of the regulations issued by the Secretary governing the holding of referendums on marketing quotas authorized under section 312 of this Act shall apply, insofar as applicable, to the holding of the special referendum provided for in this section. The purpose of such special referendum is to determine whether those persons eligible to vote therein favor the establishment, as hereinafter provided in this section, of a single combined tobacco acreage allotment for the 1958-59 and subsequent marketing years for any farm for which both a type 21 (Virginia) fire-cured tobacco acreage allotment and a type 37 Virginia sun-cured tobacco acreage allotment have been established for the 1958-59 marketing year.

“(b) If two-thirds or more of the persons voting in the special referendum provided for in this section favor the establishment for the 1958-1959 and subsequent marketing years of a single combined tobacco acreage allotment for any farm having both a type 21 (Virginia) fire-cured tobacco acreage allotment and a type 37 Virginia sun-cured tobacco acreage allotment for the 1958-1959 marketing year, the Secretary, through local committees, shall establish for each of such farms a single combined tobacco acreage allotment for the 1958-1959 marketing year and subsequent marketing years applicable to one kind of tobacco, either type 21 (Virginia) fire-cured tobacco or type 37 Virginia sun-cured tobacco, whichever kind of tobacco the owner of such farm or his representative designates with respect to the 1958-1959 marketing year and notifies the local committee of such designation within a period of time as determined and fixed by the Secretary. In the absence of such a designation and notification by the owner or his representative of any farm for which a single combined tobacco acreage allotment shall be established as provided in this section, the Secretary shall designate such combined allotment for such farm as either a type 21 (Virginia) fire-cured tobacco acreage allotment or a type 37 Virginia sun-cured tobacco acreage allotment after taking into consideration the prevalent kind of tobacco grown in the area in which such farm is located, the curing facilities on such farm, and the proximity and nature of marketing outlets. The single combined tobacco acreage allotment determined as heretofore provided for each farm for the 1958-1959 marketing year shall be in lieu of and shall equal the total of the acreage of the type 21 (Virginia) fire-cured tobacco allotment and the acreage of the type 37 Virginia sun-cured tobacco allotment for the 1958-1959 marketing year established for such farm. No contract entered into under the acreage reserve program for the 1958 crop of type 21 (Virginia) fire-cured tobacco or of type 37 Virginia sun-cured tobacco shall be

Tobacco allotments.
52 Stat. 48.
7 USC 1314.

Fire and sun cured.

affected by the establishment of a single combined tobacco acreage allotment for a farm as provided in this section. If the establishment of farm acreage allotments as provided in this section are approved in the special referendum as heretofore provided in this section, and thereafter two or more farms, of which one or more has a type 21 (Virginia) fire-cured tobacco allotment and another or more has a type 37 Virginia sun-cured tobacco allotment, are combined and operated as a single farm, a single combined tobacco acreage allotment designated for either type 21 (Virginia) fire-cured tobacco or type 37 Virginia sun-cured tobacco as heretofore provided, shall be established for the combined farm in lieu of and shall equal the total acreage of the allotments for type 21 (Virginia) fire-cured tobacco and type 37 Virginia sun-cured tobacco established for the farms comprising the combined farm for the marketing year for which such single combined tobacco acreage allotment is established. For marketing years subsequent to the marketing year for which a single combined tobacco acreage allotment is first established for a farm as provided in this section, the history of past marketing or of past harvested acreage from such farm of both type 21 (Virginia) fire-cured tobacco and type 37 Virginia sun-cured tobacco shall constitute the past marketing of tobacco or the past harvested acreage of tobacco of such farm in determining a single combined tobacco acreage allotment therefor.

“(c) Notwithstanding the national marketing quotas for the marketing year beginning October 1, 1958, announced by the Secretary for each of the two kinds of tobacco described as type 21 (Virginia) fire-cured tobacco and type 37 Virginia sun-cured tobacco, each of the State acreage allotments for such kinds of tobacco apportioned by the Secretary to the State of Virginia for the marketing year beginning October 1, 1958, shall be increased or decreased respectively by the amount of acreage equivalent to the corresponding net total change in farm acreage allotments for each of such kinds of tobacco for such marketing year which result from the establishment of single combined tobacco farm acreage allotments as provided in this section. In determining and announcing the amount of the national marketing quotas for type 21 (Virginia) fire-cured tobacco, and type 37 Virginia sun-cured tobacco in terms of the total quantity of each of such kinds of tobacco which may be marketed during the marketing year beginning October 1, 1959, and during each of the four succeeding marketing years thereafter, the Secretary shall increase or decrease such national marketing quotas determined as provided in section 312 (b) and the Virginia State acreage allotments for type 21 (Virginia) fire-cured tobacco and type 37 Virginia sun-cured tobacco to reflect correspondingly the changes which previously have occurred in the total acreage allotted for each of such kinds of tobacco pursuant to this section. Notwithstanding any marketing quota determined and announced for type 21 (Virginia) fire-cured tobacco and type 37 Virginia sun-cured tobacco for the marketing year beginning October 1, 1959, and for each marketing year thereafter, each of the State acreage allotments for such kinds of tobacco apportioned to the State of Virginia for any such marketing year shall be increased or decreased respectively by the amount of acreage equivalent to the corresponding net total change in farm acreage allotments for each of such kinds of tobacco for such marketing year which results from the combination of farms and the establishment of single combined tobacco farm acreage allotments as provided in this section. The sum of the State acreage allotments for type 21 (Virginia) fire-cured tobacco and type 37 Virginia sun-cured tobacco determined for any marketing year as

provided in section 313 shall not be increased or decreased by reason of any increase or decrease in the State acreage allotment for each of such kinds of tobacco previously provided for in this paragraph to reflect net changes occurring in acreage allotted."

Approved August 21, 1958.

52 Stat. 47.
7 USC 1313.

Public Law 85-706

AN ACT

To amend the Act authorizing the Washoe reclamation project, Nevada and California, in order to increase the amount authorized to be appropriated for such project.

August 21, 1958
[S. 4009]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 of the Act entitled "An Act to authorize the Secretary of the Interior to construct, operate, and maintain the Washoe reclamation project, Nevada and California", approved August 1, 1956 (70 Stat. 777), is amended by striking out "\$43,700,000" and inserting in lieu thereof "\$52,000,000 (April 1958 prices)".

Washoe reclamation project.

43 USC 614d.

Approved August 21, 1958.

Public Law 85-707

AN ACT

To amend the Act of May 29, 1930, with respect to the stream valley parks in Maryland.

August 21, 1958
[H. R. 3778]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (a) of the first section of the Act of May 29, 1930 (46 Stat. 482), as amended, is amended by striking out the period at the end of the next to the last sentence thereof, and inserting in lieu thereof a colon and the following: "Provided further, That in the discretion of the National Capital Planning Commission, upon agreement duly entered into between that Commission and the Maryland-National Capital Park and Planning Commission, an agency of the State of Maryland, created by chapter 448 of the laws of Maryland of 1927, as amended, such portion of the said \$7,500,000 authorized to be appropriated under this paragraph as the said Federal and Maryland agencies may determine may be appropriated for the purposes set forth under paragraph (b) of this section and subject to the conditions imposed by that paragraph."

Maryland.
Stream valley parks.

Approved August 21, 1958.

Public Law 85-708

AN ACT

To provide for the periodic transfer to the Hawaiian home-development fund of certain excess funds in the Hawaiian home administration account.

August 21, 1958
[H. R. 7149]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (3) of subsection (f) of section 213 of the Hawaiian Homes Commission Act, 1920, as amended (48 U. S. C. 707), is amended by striking out "general fund of the treasury of the Territory," and inserting in lieu thereof "Hawaiian home-development fund,".

42 Stat. 112.

Approved August 21, 1958.

Public Law 85-709

August 21, 1958
[H. R. 5104]

AN ACT

To preserve Gloria Dei (Old Swedes') Church national historic site by authorizing the acquisition of abutting properties, and for other purposes.

Gloria Dei
Church, Philadel-
phia,
Preservation.
16 USC 461-467.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That to assure the preservation of Gloria Dei (Old Swedes') Church, designated a national historic site pursuant to the Act of August 21, 1935 (49 Stat. 666), the Secretary of the Interior is authorized to acquire by purchase, donation, or with donated funds, lands, improvements thereon, and interests in lands within the city block of Philadelphia, Pennsylvania, bounded by Washington Avenue, Christian, Swanson, and Water Streets, exclusive of Gloria Dei (Old Swedes') Church national historic site located within said block; and the Secretary is further authorized to develop, as a part of the national historic site, federally owned lands within said block by landscaping in such manner as to provide a dignified open setting for Gloria Dei (Old Swedes') Church.

SEC. 2. Nothing herein shall affect the continuing ownership, administration, and maintenance of the church property by The Corporation of Gloria Dei (Old Swedes') Church.

Approved August 21, 1958.

Public Law 85-710

August 21, 1958
[H. R. 8476]

AN ACT

To amend the Hawaiian Homes Commission Act, 1920, to extend the period of tax exemption of original lessees from five to seven years.

42 Stat. 111.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subparagraph (7) of section 208 of the Hawaiian Homes Commission Act, 1920, as amended (48 U. S. C. 702 (7)) is amended by striking out "five" and inserting in lieu thereof "seven".

SEC. 2. The amendment made by this Act shall apply only with respect to taxes imposed for periods after the date of its enactment.

Approved August 21, 1958.

Public Law 85-711

August 21, 1958
[H. R. 9501]

AN ACT

To approve joint resolution 28 enacted by the Legislature of the Territory of Hawaii in the regular session of 1957, relating to the conditions and terms of right of purchase leases.

Hawaii.
Purchase leases.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That joint resolution 28, enacted by the Legislature of the Territory of Hawaii in the regular session of 1957 and entitled "Joint resolution relating to the conditions and terms of right of purchase leases, and amending section 99-92 (a) of the Revised Laws of Hawaii 1955, subject to approval of the Congress, and requesting such approval" is hereby approved.

Approved August 21, 1958.

Public Law 85-712

AN ACT

To authorize and direct the transfer and conveyance of certain property in the Virgin Islands to the government of the Virgin Islands.

August 21, 1958
[H. R. 9410]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Virgin Islands Corporation is authorized and directed to transfer and convey to the government of the Virgin Islands upon request of the Governor of the Virgin Islands, without cost, the following-described property:

Virgin Islands.
Conveyance.

(a) A tract comprising five acres, more or less, of parcel numbered 3, Estate Upper Bethlehem, Kingshill, Saint Croix, now in use by the government of the Virgin Islands for educational purposes; and

(b) A tract comprising twelve and forty-four one-hundredths acres, more or less, of Bluebeard's Castle Estate, Saint Thomas, Virgin Islands, now in use by the government of the Virgin Islands as a catchment area.

SEC. 2. Upon the transfer and conveyance of such property by the Virgin Islands Corporation to the government of the Virgin Islands, the interest-bearing investment of the United States in the Corporation shall be reduced by the appraised value of such tracts.

Approved August 21, 1958.

Public Law 85-713

AN ACT

To authorize the Commissioner of Public Lands of the Territory of Hawaii to exchange certain public lands for private lands of equal value required for public highway purposes.

August 21, 1958
[H. R. 8482]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any limitation imposed by section 73 (1) of the Hawaiian Organic Act (48 U. S. C. 673), or section 99-48, Revised Laws of Hawaii, 1955, the Commissioner of Public Lands of the Territory of Hawaii, in his discretion but with the approval of the Governor of the Territory of Hawaii and two-thirds of the members of the board of public lands, is authorized to exchange public lands, consisting of rights-of-way of existing public highways which are to be relocated or realigned, for the purpose of acquiring privately owned lands of equal value required for such relocation or realignment of public highways.

Hawaii.
Exchange of
public lands.
70 Stat. 104.

SEC. 2. The lands received in the exchanges authorized in the first section of this Act shall, except as otherwise provided, have the same status and be subject to the same laws as the lands given in exchange.

Land status.

Approved August 21, 1958.

Public Law 85-714

AN ACT

To amend section 69 of the Hawaiian Organic Act.

August 21, 1958
[H. R. 8673]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the fourth sentence of section 69 of the Hawaiian Organic Act (31 Stat. 141, 154; 48 U. S. C. 534) is amended to read as follows: "He shall perform such other duties as are prescribed in this Act or as may be required of him by the Legislature of Hawaii."

Secretary of
Hawaii.

Approved August 21, 1958.

Public Law 85-715

AN ACT

August 21, 1958
[S. 3259]

To further amend the Act of August 7, 1946 (60 Stat. 896), as amended by the Act of October 25, 1951 (65 Stat. 657), as the same are amended, to provide for an increase in the authorization for funds to be granted for the construction of hospital facilities in the District of Columbia.

D.C. Hospital
Center.
Ante, p. 15.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6 of the Act entitled "An Act to provide for the establishment of a modern, adequate, and efficient hospital center in the District of Columbia, to authorize the making of grants for hospital facilities to private agencies in the District of Columbia, to provide a basis for repayment to the Government by the Commissioners of the District of Columbia, and for other purposes", approved August 7, 1946 (60 Stat. 896), as amended, is amended by striking out "\$39,710,000" and inserting in lieu thereof "\$40,730,000".

SEC. 2. Section 4 of the Act entitled "An Act to amend the District of Columbia Hospital Center Act in order to extend the time and increase the authorization for appropriations for the purposes of such Act, and to provide that grants under such Act may be made to certain organizations organized to construct and operate hospital facilities in the District of Columbia", approved February 15, 1958 (72 Stat. 15), is amended to read as follows:

Applicability.

"SEC. 4. The amendment made by this Act to section 5 of such Act of August 7, 1946, shall apply only with respect to grants from funds authorized by amendments made by this Act and by Acts approved subsequent to the approval of this Act."

Approved August 21, 1958.

Public Law 85-716

AN ACT

August 21, 1958
[H. R. 9721]

To amend section 1482 of title 10 of the United States Code to provide for the payment of transportation expenses of certain survivors of deceased servicemen to attend group burials in national cemeteries.

Armed Forces.
70A Stat. 113.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1482 of title 10 of the United States Code is amended by adding at the end thereof the following new subsection:

Group burials.
Travel expenses
of survivors.
70A Stat. 112.

"(d) When, as a result of a disaster involving the multiple deaths of persons covered by section 1481 of this title, the Secretary concerned has possession of commingled remains that cannot be individually identified, and burial of those remains in a common grave in a national cemetery is considered necessary, he may, for the interment services of each known decedent, pay the expenses of round-trip transportation to the cemetery of (1) the person who would have been designated under subsection (c) to direct disposition of the remains if individual identification had been made, and (2) two additional persons selected by that person who are closely related to the decedent. The transportation expenses authorized to be paid under this subsection may not exceed the transportation allowances authorized for members of the armed forces for travel on official business, but no per diem allowance may be paid."

Approved August 21, 1958.

Public Law 85-717

AN ACT

To amend the Agricultural Adjustment Act of 1938, as amended, with respect to acreage allotments for peanuts.

August 21, 1958
[H. R. 12224]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 358 of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1358), is amended by adding at the end thereof the following new subsection:

Peanuts.
Acreage allotments.
55 Stat. 88.

“(i) The production of peanuts on a farm in 1959 or any subsequent year for which no farm acreage allotment was established shall not make the farm eligible for an allotment as an old farm under subsection (d) of this section: *Provided, however,* That by reason of such production the farm need not be considered as ineligible for a new farm allotment under subsection (f) of this section, but such production shall not be deemed past experience in the production of peanuts for any producer on the farm.”

SEC. 2. Section 359 (b) of the Agricultural Act of 1938, as amended, is amended, to read as follows:

55 Stat. 90.
7 USC 1359.

“The provisions of this part shall not apply, beginning with the 1959 crop, to peanuts produced on any farm on which the acreage harvested for nuts is one acre or less provided the producers who share in the peanuts produced on such farm do not share in the peanuts produced on any other farm. If the producers who share in the peanuts produced on a farm on which the acreage harvested for nuts is one acre or less also share in the peanuts produced on other farm(s) the peanuts produced on such farm on acreage in excess of the allotment, if any, determined for the farm shall be considered as excess acreage and the marketing penalties provided by section 359 (a) shall apply.”

Approved August 21, 1958.

Public Law 85-718

AN ACT

To amend section 73 (1) of the Hawaiian Organic Act, as amended.

August 21, 1958
[H. R. 9502]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 73 (1) of the Hawaiian Organic Act (31 Stat. 141, 154) as amended (48 U. S. C. 673), is hereby further amended by increasing the amount of “\$5,000” appearing therein to “\$15,000”.

Hawaii.
Public lands.

Approved August 21, 1958.

Public Law 85-719

AN ACT

To amend the Hawaiian Organic Act relating to the transfer of the title of ceded land by the President.

August 21, 1958
[H. R. 9543]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 91 of the Hawaiian Organic Act (31 Stat. 159), as amended (48 U. S. C. 511), is amended further by inserting after the words “other political subdivision thereof” a comma and the words “or the University of Hawaii.”

Hawaii.
Land titles.

SEC. 2. Joint Resolution 5 of the Session Laws of Hawaii, 1957, shall be construed as authorization by the legislature for the transfer of title by direction of the Governor to the University of Hawaii of any lands title to which may be transferred to the Territory by direction of the President for educational institutions under the provisions of said section 91 of the Hawaiian Organic Act, as amended.

Approved August 21, 1958.

Public Law 85-720

AN ACT

August 21, 1958
[H. R. 9461]

To amend the joint resolution of the Legislature of the Territory of Hawaii, as amended by the Act of August 23, 1954, to permit the granting of patents in fee simple to certain occupiers of public lands.

Hawaii.
Public land pat-
ents.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of Joint Resolution 12 enacted by the Legislature of the Territory of Hawaii in the regular session of 1949, as approved by the Act of September 1, 1950 (64 Stat. 572) and amended by the Act of August 23, 1954 (68 Stat. 764), is amended to read as follows:

"SECTION 1. A fee simple patent shall be issued to every occupier under a certificate of occupation, and to every lessee under a nine hundred and ninety-nine year homestead lease, of public lands, where such lands have been improved under such certificate or lease, or improved under such a certificate and such a lease, and have been used as a place of residence by such occupier or lessee for an aggregate continuous period of not less than ten years, upon payment to the commissioner of public land of a fair price, disregarding the value of the improvements made by the occupier or lessee, which price shall be determined by three disinterested citizens to be appointed by the Governor."

Approved August 21, 1958.

Public Law 85-721

AN ACT

August 21, 1958
[H. R. 13371]

To authorize the Secretary of Commerce to make certain payments out of the Vessel Operations Revolving Fund.

Vessels.

60 Stat. 43.

65 Stat. 59.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Commerce is authorized to pay to any person to whom he has chartered any vessel under authority of section 5 of the Merchant Ship Sales Act of 1946, as amended (50 U. S. C. App., sec. 1738), out of the Vessel Operations Revolving Fund established in chapter VIII of the Third Supplemental Appropriations Act, 1951 (46 U. S. C., sec. 1241a), an amount equal to the fair and reasonable expenses incurred by such person, as determined by the Maritime Administrator, during the calendar year beginning January 1, 1957, to activate such vessel. Such amount shall be reduced by the amount of the difference, as determined by the Maritime Administrator, between the charter hire which such person paid for such vessel, and the charter hire which was paid for similar vessels which the United States activated at its own expense during such calendar year.

Approved August 21, 1958.

Public Law 85-722

AN ACT

To provide for the retention of deferment or exemption upon change of membership in a reserve component, Army National Guard or Air National Guard.

August 21, 1958
[H. R. 13374]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6 (c) (2) of the Universal Military Training and Service Act (62 Stat. 610), as amended (50 U. S. C. App. 456 (c) (2)), is amended by adding the following new clause after clause (E) :

Armed Forces.
Reserves.
69 Stat. 603.

“(F) A person who, under any provision of law, is exempt or deferred from training and service under this Act by reason of membership in a reserve component, the Army National Guard, or the Air National Guard, as the case may be, shall, if he becomes a member of another reserve component, the Army National Guard, or the Air National Guard, as the case may be, continue to be exempt or deferred to the same extent as if he had not become a member of another reserve component, the Army National Guard, or the Air National Guard, as the case may be, so long as he continues to serve satisfactorily.”

Approved August 21, 1958.

Public Law 85-723

AN ACT

To amend title 10, United States Code, to provide for a permanent professor of physical education at the United States Military Academy.

August 21, 1958
[H. R. 13170]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4331 (a) (5), title 10, United States Code, is amended to read as follows:

70A Stat. 238.

“(5) one permanent professor of each of the following subjects—

“(A) Law;

“(B) Ordnance; and

“(C) Physical education;”.

Approved August 21, 1958.

Public Law 85-724

AN ACT

Making appropriations for the Department of Defense for the fiscal year ending June 30, 1959, and for other purposes.

August 22, 1958
[H. R. 12738]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1959, for military functions administered by the Department of Defense, and for other purposes, namely:

Department of
Defense Appropriation
Act, 1959.

TITLE I

OFFICE OF THE SECRETARY OF DEFENSE

SALARIES AND EXPENSES

For expenses necessary for the Office of the Secretary of Defense, including purchase (not to exceed five for replacement only at not

to exceed \$3,000 each) and hire of passenger motor vehicles; and not to exceed \$60,000 for emergency and extraordinary expenses, to be expended under the direction of the Secretary of Defense for such purposes as he deems proper, and his determination thereon shall be final and conclusive; \$15,600,000.

OFFICE OF PUBLIC AFFAIRS

SALARIES AND EXPENSES

For salaries and expenses necessary for the Office of Public Affairs, \$417,000.

ADVANCED RESEARCH PROJECTS AGENCY

SALARIES AND EXPENSES

For expenses necessary for such advanced research projects as may be designated and determined by the Secretary of Defense, \$520,000,000, to remain available until expended: *Provided*, That such amounts as may be determined by the Secretary of Defense to have been made available for related programs in other appropriations available to the Department of Defense during the current fiscal year may be transferred to and merged with this appropriation to be available for the same purposes and time period: *Provided further*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to carry out the purposes of advanced research to those appropriations for military functions under the Department of Defense which are being utilized for related programs, to be merged with and to be available for the same time period as the appropriation to which transferred.

TITLE II

INTERSERVICE ACTIVITIES

CLAIMS

Post, p. 853.

For payment of claims by the Office of the Secretary of Defense, the Army (except as provided in appropriations for civil functions administered by the Department of the Army), Navy, Marine Corps, and Air Force, as authorized by law; claims (not to exceed \$1,000 in any one case) for damages to or loss of private property incident to the operation of Army and Air National Guard camps of instruction, either during the stay of units of said organizations at such camps or while en route thereto or therefrom; claims for damages arising under training contracts with carriers; and repayment of amounts determined by the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force, or officers designated by them, to have been erroneously collected from military and civilian personnel of the Departments of the Army, Navy, and Air Force or from States, Territories, or the District of Columbia, or members of National Guard units thereof; \$16,520,000.

CONTINGENCIES

For emergencies and extraordinary expenses arising in the Department of Defense, to be expended on the approval or authority of the Secretary of Defense and such expenses may be accounted for solely on his certificate that the expenditures were necessary for confidential military purposes, \$30,000,000: *Provided*, That a report of disbursements under this item of appropriation shall be made quarterly to the Appropriations Committees of the Congress.

EMERGENCY FUND

For transfer by the Secretary of Defense, with the approval of the Bureau of the Budget, to any appropriation for military functions under the Department of Defense available for research, development, test, and evaluation, or procurement or production related thereto, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation to which transferred, \$150,000,000, and in addition not to exceed \$150,000,000 to be used upon determination by the Secretary of Defense that such funds can be wisely, profitably, and practically used in the interest of national defense and to be derived by transfer from such appropriations available to the Department of Defense for obligation during the current fiscal year as the Secretary of Defense may designate: *Provided*, That any appropriations transferred shall not exceed 7 per centum of the appropriation from which transferred.

RETIRED PAY

For retired pay and retirement pay, as authorized by law, of military personnel on the retired lists of the Army, Navy, Marine Corps, and the Air Force, including the reserve components thereof; retainer pay for personnel of the inactive Fleet Reserve, and payments under the Uniformed Services Contingency Option Act of 1953; \$640,000,000.

67 Stat. 501.
37 USC 371 note.

COURT OF MILITARY APPEALS

For salaries and expenses necessary for the Court of Military Appeals, \$380,000.

INTERSERVICE ACTIVITIES MISCELLANEOUS ACCOUNTS

Appropriations to the Department of Defense for "Access roads", and "Family housing", shall not be available for obligation after June 30, 1958.

TITLE III

DEPARTMENT OF THE ARMY

MILITARY PERSONNEL

For pay, allowances, individual clothing, interest on deposits, and permanent change of station travel, for members of the Army on active duty (except those undergoing reserve training); expenses incident to movement of troop detachments, including rental of campsites and procurement of utility and other services; expenses of apprehension and delivery of deserters, prisoners, and soldiers absent without leave, including payment of rewards (not to exceed \$25 in any one case), and costs of confinement of military prisoners in nonmilitary facilities; donations of not to exceed \$25 to each prisoner upon each release from confinement in an Army or contract prison (other than a disciplinary barracks) and to each person discharged for fraudulent enlistment; authorized issues of articles to prisoners, other than those in disciplinary barracks, subsistence of enlisted personnel, selective service registrants called for induction and applicants for enlistment while held under observation, and prisoners (except those at disciplinary barracks), or reimbursement therefor while such personnel are sick in hospitals; and subsistence of supernumeraries necessitated by

emergent military circumstances; \$3,175,961,000, and in addition, \$375,000,000, to be derived by transfer from the Army Stock Fund: *Provided*, That section 212 of the Act of June 30, 1932 (5 U. S. C. 59a), shall not apply to retired military personnel on duty at the United States Soldiers' Home: *Provided further*, That the duties of the librarian at the United States Military Academy may be performed by a retired officer detailed on active duty.

47 Stat. 406.

OPERATION AND MAINTENANCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, including administration; medical and dental care of personnel entitled thereto by law or regulation (including charges of private facilities for care of military personnel on duty or leave, except elective private treatment), and other measures necessary to protect the health of the Army; care of the dead; chaplains' activities; awards and medals; welfare and recreation; information and educational services for the Armed Forces; recruiting expenses; subsistence of prisoners at disciplinary barracks, and of civilian employees as authorized by law; expenses of apprehension and delivery of prisoners escaped from disciplinary barracks, including payment of rewards not exceeding \$25 in any one case, and expenses of confinement of such prisoners in nonmilitary facilities; donations of not to exceed \$25 to each prisoner upon each release from confinement in a disciplinary barracks; military courts, boards, and commissions; authorized issues of articles for use of applicants for enlistment and persons in military custody; civilian clothing, not to exceed \$30 in cost, to be issued each person upon each release from confinement in an Army or contract prison and to each soldier discharged for unsuitability, inaptitude, or otherwise than honorably, or sentenced by a civil court to confinement in a civil prison, or interned or discharged as an alien enemy; transportation services; communications services, including construction of communication systems; maps and similar data for military purposes; military surveys and engineering planning; contracts for maintenance of reserve tools and facilities for twelve months beginning at any time during the current fiscal year; repair of facilities; utility services for buildings erected at private cost, as authorized by law (10 U. S. C. 4778), and buildings on military reservations authorized by Army regulations to be used for a similar purpose; purchase of ambulances; hire of passenger motor vehicles; tuition and fees incident to training of military personnel at civilian institutions; field exercises and maneuvers, including payments in advance for rentals or options to rent land; expenses for the Reserve Officers' Training Corps and other units at educational institutions, as authorized by law; exchange fees, and losses in the accounts of disbursing officers or agents in accordance with law; expenses of inter-American cooperation, as authorized for the Navy by law (10 U. S. C. 7208) for Latin-American cooperation; not to exceed \$5,445,000 for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, and his determination shall be final and conclusive upon the accounting officers of the Government; \$3,078,208,000: *Provided*, That during the fiscal year 1959 the maintenance, operation, and availability of the Army-Navy Hospital at Hot Springs National Park, Arkansas, to meet requirements of the military and naval forces shall be continued.

70A Stat. 270.

70A Stat. 443.

RESERVE PERSONNEL

For pay, allowances, clothing, subsistence, transportation, travel and related expenses, as authorized by law, for personnel of the Army Reserve while on active duty under section 265 of title 10, United States Code, or undergoing Reserve training or while performing drills or equivalent duty, and for members of the Reserve Officers' Training Corps; subsistence for members of the Army Reserve for drills of eight or more hours' duration in any one calendar day; \$222,759,000: *Provided*, That the Army Reserve personnel paid from this appropriation shall be maintained at an end strength of not less than three hundred thousand for the fiscal year 1959.

70A Stat. 11.

ARMY NATIONAL GUARD

For pay, allowances, clothing, subsistence, transportation, and travel, as authorized by law, for personnel of the Army National Guard while on duty under section 265 of title 10, United States Code, or while undergoing training or while performing drills or equivalent duties; expenses of training, organizing and administering the Army National Guard, including maintenance, operation, and alterations to structures and facilities; hire of passenger motor vehicles; personal services in the National Guard Bureau and services of personnel of the National Guard employed as civilians without regard to their military rank, and the number of caretakers authorized to be employed under provisions of law (32 U. S. C. 709) may be such as is deemed necessary by the Secretary of the Army; subsistence for officers attending drills of eight or more hours' duration in any one calendar day; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard of the several States, Territories, and the District of Columbia, as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft); \$342,093,000: *Provided*, That obligations may be incurred under this appropriation for training of units designated for early deployment under mobilization plans and for installation, maintenance, and operation of facilities for antiaircraft defense without regard to section 107 of title 32, United States Code: *Provided further*, That the Army National Guard shall be maintained at an average strength of not less than four hundred thousand for the fiscal year 1959.

70A Stat. 11.

70A Stat. 514.

70A Stat. 599.

RESEARCH AND DEVELOPMENT

For expenses necessary for basic and applied scientific research and development, including maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law, \$498,700,000, to remain available until expended.

PROCUREMENT OF EQUIPMENT AND MISSILES

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, ammunition, equipment, vehicles, vessels, and aircraft for the Army and the Reserve Officers' Training Corps; purchase of not to exceed forty passenger motor vehicles for replacement only; expenses which in the discretion of the Secretary of the Army are necessary in providing facilities for production of

equipment and supplies for national defense purposes, including construction, and the furnishing of Government-owned facilities and equipment at privately owned plants; and ammunition for military salutes at institutions to which issue of weapons for salutes is authorized; \$1,669,338,000, to remain available until expended.

NATIONAL BOARD FOR THE PROMOTION OF RIFLE PRACTICE

For necessary expenses of construction, equipment and maintenance of rifle ranges, the instruction of citizens in marksmanship, and promotion of rifle practice, in accordance with law, including travel of rifle teams, military personnel, and individuals attending regional, national, and international competitions, and not to exceed \$18,000 for incidental expenses of the National Board, \$300,000: *Provided*, That travel expenses of civilian members of the National Board shall be paid in accordance with the Standardized Government Travel Regulations, as amended.

ALASKA COMMUNICATION SYSTEM

OPERATION AND MAINTENANCE

For expenses necessary for the operation, maintenance, and improvement of the Alaska Communication System, including purchase (not to exceed two for replacement only) and hire of passenger motor vehicles, \$5,500,000, to remain available until the close of the fiscal year 1960, and, in addition, not to exceed 15 per centum of the current fiscal year receipts of the Alaska Communication System may be merged with and used for the purposes of this appropriation and charges for station agent agreements may be paid from receipts of the Alaska Communication System.

TITLE IV

DEPARTMENT OF THE NAVY

MILITARY PERSONNEL, NAVY

For pay, allowances, subsistence, interest on deposits, gratuities, clothing, permanent change of station travel (including expenses of temporary duty between permanent duty stations), training duty travel of midshipmen paid hereunder, and transportation of dependents, household effects (including storage thereof), and privately owned automobiles, as authorized by law, for regular and reserve personnel on active duty (except those on active duty while undergoing reserve training), midshipmen at the Naval Academy, and aviation cadets, \$2,385,720,000, and in addition, \$15,000,000 to be derived by transfer from the Navy Industrial Fund, and \$120,000,000 to be derived by transfer from the Navy Stock Fund.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, and travel, as authorized by law, for personnel of the Naval Reserve on active duty while undergoing reserve training, or while performing drills or equivalent duty, regular and contract enrollees in the Naval Reserve Officers' Training Corps, and retainer pay authorized by section 6908 of title 10, United States Code, \$90,098,000.

NAVY PERSONNEL, GENERAL EXPENSES

For expenses necessary for general training, education and administration of regular and reserve personnel, including tuition, cash book allowances of not to exceed \$50 for each Naval Aviation College program student, and other costs incurred at civilian schools, general training aids and devices, procurement of military personnel, and retirement benefits for civilian members of teaching staffs; maintenance and operation of Navy training and personnel facilities, including the Naval Academy, Naval Postgraduate School, Naval War College, Naval Home, disciplinary barracks, and retraining commands; hire of motor vehicles; not to exceed \$30 per person for civilian clothing, including an overcoat when necessary, for enlisted personnel discharged for inaptitude or unsuitability or otherwise than honorably; welfare and recreation; medals and other awards; and departmental salaries; \$85,442,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, subsistence, interest on deposits, gratuities, clothing, permanent change of station travel (including expenses of temporary duty between permanent duty stations), and transportation of dependents, household effects (including storage thereof), and privately owned automobiles, as authorized by law, for regular and reserve personnel on active duty (except those on active duty while undergoing reserve training), \$635,692,000, and, in addition, \$25,000,000 to be derived by transfer from the Marine Corps Stock Fund.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, and travel, as authorized by law, for personnel of the Marine Corps Reserve and the Marine Corps platoon leaders class on active duty while undergoing reserve training, or while performing drills or equivalent duty, \$23,760,000.

MARINE CORPS PROCUREMENT

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, ammunition, military equipment, and vehicles for the Marine Corps, including purchase of not to exceed four hundred and seventeen passenger motor vehicles of which two hundred and thirty-five shall be for replacement only, \$25,000,000, to remain available until expended.

MARINE CORPS TROOPS AND FACILITIES

For necessary expenses of troops and facilities of the Marine Corps not otherwise provided for, including maintenance and operation of equipment and facilities, and procurement of military personnel; training and education of regular and reserve personnel, including tuition and other costs incurred at civilian schools; welfare and recreation; not to exceed \$30 per person for civilian clothing, including an overcoat when necessary, for enlisted personnel discharged for inaptitude or unsuitability or otherwise than honorably; procurement and manufacture of military supplies, equipment and clothing; hire of passenger motor vehicles; transportation of things; medals, awards, emblems and other insignia; and departmental salaries; \$173,117,000.

AIRCRAFT AND RELATED PROCUREMENT

For construction, procurement, and modernization of aircraft, missiles, and equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, without regard to section 3734, Revised Statutes, as amended, and such lands, and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title by the Attorney General as required by section 355, Revised Statutes, as amended; procurement and installation of equipment in public or private plants; and departmental salaries necessary for the purposes of this appropriation; \$2,033,795,000, to remain available until expended.

40 USC 259, 267.

33 USC 733 and note.

AIRCRAFT AND FACILITIES

For expenses necessary for maintenance, operation, and modification of aircraft; maintenance, operation, and lease of air stations and facilities, testing laboratories, fleet and other aviation activities; procurement of services, supplies, special clothing, tools, materials, and equipment, including rescue boats; industrial mobilization; aerological services, supplies, and equipment for the Navy and Marine Corps; and departmental salaries; \$837,868,000: *Provided*, That \$945,000 of the foregoing amount shall be transferred to the appropriation "Salaries and expenses, Weather Bureau, Department of Commerce", fiscal year 1959.

SHIPBUILDING AND CONVERSION

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament therefor, plant equipment, appliances, and machine tools, and installation thereof in public or private plants; procurement, production, and modernization of electronic equipment and material for ships; procurement of critical long lead time components and designs for vessels to be constructed or converted in the future; expansion of public and private plants, including land necessary therefor, without regard to section 3734, Revised Statutes, as amended, and such land, and interests therein, may be acquired and construction prosecuted thereon prior to approval of title by the Attorney General as required by section 355, Revised Statutes, as amended; and departmental salaries necessary for the purposes of this appropriation; \$2,069,400,000, to remain available until expended.

40 USC 259, 267.

33 USC 733 and note.

SHIPS AND FACILITIES

For expenses necessary for design, maintenance, operation, and alteration of vessels; maintenance and operation of facilities; procurement of plant equipment, appliances, and machine tools, and installation thereof in public or private plants; procurement of equipment, supplies, special clothing and services; installation, maintenance, and removal of ships' ordnance; lease of facilities and docks; charter and hire of vessels; relief of vessels in distress; maritime salvage services; military communications facilities on merchant vessels; industrial mobilization; and departmental salaries; \$780,408,000, of which \$16,885,000 shall be transferred to the appropriation "Operating Expenses", Coast Guard, 1959, for the operation of ocean stations: *Provided*, That notwithstanding the availability of the trust fund "Naval Reservation, Olongapo Civic Fund," this appropriation shall be available for such support of the town of Olongapo as may be authorized by law.

PROCUREMENT OF ORDNANCE AND AMMUNITION

For expenses necessary for the production and procurement of Navy ordnance and ammunition, including missiles (except ordnance for new aircraft, new ships, and ships authorized for conversion); expansion of public and private plants, including land necessary therefor, without regard to section 3734, Revised Statutes, as amended, and such land, and interests therein, may be acquired and construction prosecuted thereon prior to approval of title by the Attorney General as required by section 355, Revised Statutes, as amended; and procurement of plant equipment, appliances, and machine tools, and installation thereof in public or private plants; \$602,535,000, to remain available until expended.

40 USC 259, 267.

33 USC 733 and note.

ORDNANCE AND FACILITIES

For expenses necessary for inspection, testing, modification, alteration, preservation, and handling of ordnance and ammunition; maintenance of ordnance (except installation, maintenance, and removal of ships' ordnance, and line maintenance of ordnance installed in aircraft); maintenance and operation of ordnance facilities; procurement of equipment, supplies, special clothing and services; procurement of plant equipment, appliances, and machine tools, and installation thereof in naval plants; lease of facilities; industrial mobilization; and departmental salaries; \$149,850,000.

MEDICAL CARE

For expenses necessary for maintenance and operation of naval hospitals, medical centers, clinics, schools, and other medical activities; technical medical support of the supply system and other naval activities; procurement of ambulances, medical and dental supplies, equipment and services; instruction of medical personnel in naval hospitals, naval schools, and civilian schools; care of the dead; and departmental salaries; \$89,598,000.

CIVIL ENGINEERING

For expenses necessary for maintenance and operation of district public works offices, public works centers, construction battalion centers, other civil engineering facilities, and shore activities not otherwise provided for; procurement of services, supplies, and equipment for the foregoing activities; purchase of not to exceed eighteen hundred and eighty-seven passenger motor vehicles for replacement only and hire of passenger motor vehicles; engineering services; industrial mobilization; and departmental salaries; \$125,554,000.

RESEARCH AND DEVELOPMENT

For expenses necessary for basic and applied scientific research and development, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law, \$821,285,000, to remain available until expended.

SERVICEWIDE SUPPLY AND FINANCE

For expenses necessary for maintenance and operation of service-wide supply and finance activities, including supply depots and centers, purchasing offices, supply demand control points, fleet fueling facilities, overseas air cargo terminals, regional accounting and disbursing

offices, the material catalog office, and other servicewide supply and finance facilities, as designated by the Secretary; procurement of supplies, services, special clothing, and equipment; transportation of household effects of civilian employees; industrial mobilization; losses in exchange and in the accounts of disbursing officers, as authorized by law; and departmental salaries; \$309,637,000.

SERVICEWIDE OPERATIONS

For expenses necessary for maintenance and operation of the Naval Observatory, the Hydrographic Office, servicewide communications, naval records centers, naval district headquarters (except training officers), river commands, the cost inspection service, and other servicewide operations and functions not otherwise provided for; procurement of supplies, services and equipment for activities financed hereunder; cryptographic equipment; Latin-American cooperation; not to exceed \$11,961,000 for emergencies and extraordinary expenses as authorized by section 7202 of title 10, United States Code, to be expended on the approval and authority of the Secretary, and his determination shall be final and conclusive upon the accounting officers of the Government; and departmental salaries: \$118,985,000.

70A Stat. 442.

NAVAL PETROLEUM RESERVES

For expenses necessary for exploration, prospecting, conservation, development, use, and operation of the naval petroleum reserves, as authorized by law, \$1,683,000.

TITLE V

DEPARTMENT OF THE AIR FORCE

AIRCRAFT, MISSILES AND RELATED PROCUREMENT

For construction, procurement, and modification of aircraft, missiles, and equipment, including armor and armament, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land without regard to section 9774 of title 10, United States Code, for the foregoing and other purposes, and such land, and interests therein may be acquired and construction prosecuted thereon prior to the approval of title by the Attorney General as required by section 355, Revised Statutes, as amended; reserve plant and equipment layaway; and other expenses necessary for the foregoing purposes, including rents and transportation of things; \$6,643,475,000, to remain available until expended.

70A Stat. 590.

33 USC 733 and note.

PROCUREMENT OTHER THAN AIRCRAFT AND MISSILES

For procurement and modification of equipment (including ground handling equipment for aircraft and missiles, ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; and the purchase of not to exceed twenty-seven hundred and fifty passenger motor vehicles for replacement only; \$2,220,020,000, to remain available until expended, of which amount \$16,500,000 shall be transferred to "Establishment of Air Navigation Facilities", Civil Aeronautics Administration for the Department of Defense share of the cost of the 1959 program for the air navigation system known as Vortac.

RESEARCH AND DEVELOPMENT

For expenses necessary for basic and applied scientific research and development, including maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law, \$743,000,000, to remain available until expended: *Provided*, That no part of this appropriation shall be used for construction, maintenance, or rental of missile testing facilities until the fullest practical use is made of testing facilities and equipment at existing installations or those now under construction.

OPERATION AND MAINTENANCE

For expenses, not otherwise provided for, necessary for the operation, maintenance, and administration of the activities of the Air Force, including the Air Force Reserve and the Air Reserve Officers' Training Corps; maintenance, operation, and modification of aircraft; transportation of things; repair of facilities; field printing plants; hire of passenger motor vehicles; recruiting advertising expenses; training and instruction of military personnel of the Air Force, including tuition and related expenses; pay, allowances, and travel expenses of contract surgeons; utility services for buildings erected at private cost as authorized by law (10 U. S. C. 9778), and buildings on military reservations authorized by Air Force regulations to be used for welfare and recreational purposes; rental of land or purchase of options to rent land without reference to section 3648, Revised Statutes, as amended, use or repair of private property, and other necessary expenses of combat maneuvers; civilian clothing not to exceed \$30 in cost for each person upon each release from a military prison, each enlisted man discharged for unsuitability, inaptitude, or otherwise than honorably, each enlisted man sentenced by a civil court to confinement in a civil prison, and each enlisted man interned, or discharged without internment as an alien enemy; authorized issues of articles for use of applicants for enlistment and persons in military custody; payment of exchange fees and exchange losses incurred by Air Force disbursing officers or their agents; losses in the accounts of Air Force disbursing officers as authorized by law (31 U. S. C. 95a; 50 U. S. C. App. 1705-1707); care of the dead; chaplain and other welfare and morale supplies and equipment; conduct of school-rooms, service clubs, chapels, and other instructional, entertainment, and welfare expenses for enlisted men and patients not otherwise provided for; awards and decorations; expenses of courts, boards, and commissions; expenses for inter-American cooperation as authorized for the Navy by section 7208 of title 10, United States Code, for Latin-American cooperation; industrial mobilization, including maintenance of reserve plants and equipment and procurement planning; special services by contract or otherwise; rations (including commutation thereof) for applicants for enlistment; and not to exceed \$6,200,000 for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, and his determination shall be final and conclusive upon the accounting officers of the Government; \$4,053,975,000.

70A Stat. 591.

31 USC 529.

58 Stat. 800, 921.

70A Stat. 443.

MILITARY PERSONNEL

For pay, allowances, clothing, subsistence, transportation, interest on deposits of enlisted personnel, and travel in kind for cadets and permanent change of station travel for all other personnel of the Air Force of the United States on active duty including duty

70A Stat. 11, 491.

under sections 265 and 8033 of title 10, United States Code (other than personnel of the reserve components, including the Air National Guard, on active duty while undergoing Reserve training), including commutation of quarters, subsistence supplies for issue as rations to enlisted personnel, and clothing allowances, as authorized by law; and, in connection with personnel paid from this appropriation, for rental of camp sites and local procurement of utility services and other necessary expenses incident to individual or troop movements (including packing and unpacking and transportation of organizational equipment); ice, meals for recruiting parties, monetary allowances for liquid coffee for troops when supplied cooked or travel rations, and commutation of rations, as authorized by law, to enlisted personnel, including those sick in hospitals; transportation, as authorized by law, of dependents, baggage, and household effects (including storage thereof) of personnel paid from this appropriation; rations for prisoners of war and general prisoners; subsistence supplies for resale, as authorized by law; commutation of rations, as authorized by regulations, to general prisoners while sick in hospitals; subsistence of supernumeraries necessitated by emergent military circumstances; expenses of apprehension and delivery of deserters, prisoners, and members of the Air Force absent without leave, including payment of rewards (not to exceed \$25 in any one case); confinement of military prisoners in nonmilitary facilities; and donations of not to exceed \$25 to each civilian prisoner upon each release from a military prison, to each enlisted man discharged otherwise than honorably upon each release from confinement under court-martial sentence, and to each person discharged for fraudulent enlistment; \$3,923,073,000.

RESERVE PERSONNEL

For pay, allowances, clothing, subsistence, and travel for personnel of the Air Force Reserve and the Air Reserve Officers' Training Corps, while on active duty undergoing Reserve training or while performing drills or equivalent duty, as authorized by law; and the procurement and issue of uniforms to institutions necessary for the training of the Air Reserve Officers' Training Corps, as authorized by law; \$53,746,000.

AIR NATIONAL GUARD

70A Stat. 11, 491,
524.

For pay, allowances, clothing, subsistence, transportation (including mileage, actual and necessary expenses, or per diem in lieu thereof), medical and hospital treatment and related expenses for members of the Air National Guard while undergoing Reserve training or while performing drills or equivalent duty, including officers on duty under sections 265, 8033, and 8496 of title 10, United States Code, as authorized by law; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, of Air National Guard commanders while inspecting units in compliance with National Guard regulations when specifically authorized by the Chief, National Guard Bureau; establishment, maintenance, operation, repair, and other necessary expenses of facilities for the training and administration of the Air National Guard, including construction of facilities, and additions, extensions, alterations, improvements, and rehabilitation of existing facilities, initiated in prior fiscal years; maintenance, operation, and modification of aircraft; transportation of things; purchase (not to exceed fifty-four, of which six shall be for replacement only) and hire of passenger motor vehicles; procurement and issue to the Air National Guard of the several States, Territories, and the District of Columbia of supplies,

materials, and equipment, as authorized by law; and expenses incident to the maintenance and use of supplies, materials, and equipment, including such as may be furnished from stocks under the control of agencies of the Department of Defense; \$240,335,000: *Provided*, That the number of caretakers authorized to be employed under the provisions of law (32 U. S. C. 709) may be such as is deemed necessary by the Secretary of the Air Force.

70A Stat. 614.

TITLE VI

GENERAL PROVISIONS

SEC. 601. During the current fiscal year, the Secretary of Defense and the Secretaries of the Air Force, Army, and Navy, respectively, if they should deem it advantageous to the national defense, and if in their opinions, the existing facilities of the Department of Defense are inadequate, are authorized to procure services in accordance with section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), but at rates for individuals not in excess of \$50 per day under regulations prescribed by the Secretary of Defense, and to pay in connection therewith travel expenses of individuals, including actual transportation and per diem in lieu of subsistence while traveling from their homes or places of business to official duty station and return as may be authorized by law: *Provided*, That such contracts may be renewed annually.

Experts or consultants.

60 Stat. 810.

SEC. 602. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense.

Noncitizens.

SEC. 603. Appropriations contained in this Act shall be available for insurance of official motor vehicles in foreign countries, when required by laws of such countries; payments in advance of expenses determined by the investigating officer to be necessary and in accord with local custom for conducting investigations in foreign countries incident to matters relating to the activities of the department concerned; reimbursement of General Services Administration for security guard services for protection of confidential files; reimbursement of the Federal Bureau of Investigation for expenses in connection with investigation of defense contractor personnel; and all necessary expenses, at the seat of government of the United States of America or elsewhere, in connection with (1) instruction and training, including tuition, specifically approved by the Secretary of the department concerned and not otherwise provided for, of civilian employees, and (2) communication and other services and supplies as may be necessary to carry out the purposes of this Act: *Provided*, That no appropriation contained in this Act, and no funds available from prior appropriations to component departments and agencies of the Department of Defense, shall be used to pay tuition or to make other payments to educational institutions in connection with the instruction or training of file clerks, stenographers, and typists receiving, or prospective file clerks, stenographers, and typists who will receive compensation at a rate below the minimum rate of pay for positions allocated to grade GS-5 under the Classification Act of 1949, as amended.

Availability of appropriations.

63 Stat. 954.
5 USC 1071 note.

SEC. 604. Any appropriation available to the Air Force, Army, or the Navy may, under such regulations as the Secretary concerned may prescribe, be used for expenses incident to the maintenance, pay, and allowances of prisoners of war, other persons in Air Force,

Prisoners of war, etc.

Army, or Navy custody whose status is determined by the Secretary concerned to be similar to prisoners of war, and persons detained in such custody pursuant to Presidential proclamation.

Acquisition of land.

SEC. 605. Appropriations available to the Department of Defense for the current fiscal year for maintenance or construction shall be available for acquisition of land as authorized by section 406 of the Act of August 3, 1956 (70 Stat. 1015).

50 USC 171b.
Schooling for dependents.
64 Stat. 1100.

SEC. 606. Appropriations for the Department of Defense for the current fiscal year shall be available, (a) except as authorized by the Act of September 30, 1950 (20 U. S. C. 236-244), for primary and secondary schooling for minor dependents of military and civilian personnel of the Department of Defense residing on military or naval installations or stationed in foreign countries, as authorized for the Navy by section 7204 of title 10, United States Code, in amounts not exceeding an average of \$245 per student, when the Secretary of the Department concerned finds that schools, if any, available in the locality, are unable to provide adequately for the education of such dependents; (b) for expenses in connection with administration of occupied areas; (c) for payment of rewards as authorized for the Navy by section 7209 (a) of title 10, United States Code, for information leading to the discovery of missing naval property or the recovery thereof; (d) for payment of deficiency judgments and interest thereon arising out of condemnation proceedings; (e) for payment of rentals at the seat of government or elsewhere, and, in administering the provisions of 43 U. S. C. 315q, rentals may be paid in advance.

70A Stat. 442.

Occupied areas.
Naval rewards.

70A Stat. 444.

Payment of deficiency judgments.

62 Stat. 277.

Canal Zone.
Citizenship requirements.

SEC. 607. No part of any appropriation contained in this Act shall be used directly or indirectly except for temporary employment in case of emergency, for the payment of any civilian for services rendered by him on the Canal Zone while occupying a skilled, technical, clerical, administrative, executive, or supervisory position unless such person is a citizen of the United States of America or the Republic of Panama: *Provided, however*, (1) That, notwithstanding the provision in the Act approved August 11, 1939 (53 Stat. 1409), limiting employment in the above-mentioned positions to citizens of the United States from and after the date of approval of said Act, citizens of Panama may be employed in such positions; (2) that at no time shall the number of Panamanian citizens employed in the above-mentioned positions exceed the number of citizens of the United States so employed, if United States citizens are available in continental United States or on the Canal Zone; (3) that nothing in this Act shall prohibit the continued employment of any person who shall have rendered fifteen or more years of faithful and honorable service on the Canal Zone; (4) that in the selection of personnel for skilled, technical, administrative, clerical, supervisory, or executive positions the controlling factors in filling these positions shall be efficiency, experience, training, and education; (5) that all citizens of Panama and the United States rendering skilled, technical, clerical, administrative, executive, or supervisory service on the Canal Zone under the terms of this Act (a) shall normally be employed not more than forty hours per week, (b) may receive as compensation equal rates of pay based upon rates paid for similar employment in continental United States plus 25 per centum; (6) this entire section shall apply only to persons employed in skilled, technical, clerical, administrative, executive, or supervisory positions on the Canal Zone directly or indirectly by any branch of the United States Government or by any corporation or company whose stock is owned wholly or in part by the United States Government: *Provided further*, That the President may suspend from time to time in whole or in part compliance with this section if he should deem such course to be in the public interest.

Panamanian citizens.

Employees with 15 or more years of service.

Hours of employment; pay rate.

Suspension of compliance.

SEC. 608. Insofar as practicable, the Secretary of Defense shall assist American small business to participate equitably in the furnishing of commodities and services financed with funds appropriated under this Act by making available or causing to be made available to suppliers in the United States, and particularly to small independent enterprises, information, as far in advance as possible, with respect to purchases proposed to be financed with funds appropriated under this Act, and by making available or causing to be made available to purchasing and contracting agencies of the Department of Defense information as to commodities and services produced and furnished by small independent enterprises in the United States, and by otherwise helping to give small business an opportunity to participate in the furnishing of commodities and services financed with funds appropriated by this Act.

Assistance to
American small
business.

SEC. 609. No appropriation contained in this Act shall be available for expenses of operation of messes (other than organized messes the operating expenses of which are financed principally from non-appropriated funds) at which meals are sold to officers or civilians except under regulations approved by the Secretary of Defense, which shall (except under unusual or extraordinary circumstances) establish rates for such meals sufficient to provide reimbursement of operating expenses and food costs to the appropriations concerned: *Provided*, That officers and civilians in a travel status receiving a per diem allowance in lieu of subsistence shall be charged at the rate of not less than \$2.25 per day: *Provided further*, That for the purposes of this section payments for meals at the rates established hereunder may be made in cash or by deductions from the pay of civilian employees.

Mess operations.

SEC. 610. No part of any appropriation contained in this Act shall be available until expended unless expressly so provided elsewhere in this or some other appropriation Act.

Travel-status
rate.

Availability of
appropriations.

SEC. 611. Not more than \$49,000,000 of the amounts received during the current fiscal year by the Department of Defense as proceeds from the sale of scrap, salvage or surplus materials, shall be available during the current fiscal year for reimbursement to appropriations for operation and maintenance for expenses of disposal of military supplies, equipment, and materiel: *Provided*, That a report of receipts and disbursements under this limitation shall be made quarterly to the Committees on Appropriations of the Congress: *Provided further*, That no funds available to agencies of the Department of Defense shall be used for the operation, acquisition or construction of new facilities or equipment for new facilities in the continental limits of the United States for metal scrap baling or shearing or for melting or sweating aluminum scrap unless the Secretary of Defense or an Assistant Secretary of Defense designated by him determines, with respect to each facility involved, that the operation of such facility is in the national interest.

Proceeds from
sale of scrap.

SEC. 612. During the current fiscal year, the President may exempt appropriations, funds, and contract authorizations, available for military functions under the Department of Defense, from the provisions of subsection (c) of section 3679 of the Revised Statutes, as amended, whenever he deems such action to be necessary in the interest of national defense.

Exemption from
apportionment.

31 USC 665.

SEC. 613. No appropriation contained in this Act shall be available in connection with the operation of commissary stores of the agencies of the Department of Defense for the cost of purchase (including commercial transportation in the United States to the place of sale but excluding all transportation outside the United States) and maintenance of operating equipment and supplies, and for the actual or

Commissary
stores.

estimated cost of utilities as may be furnished by the Government and of shrinkage, spoilage, and pilferage of merchandise under the control of such commissary stores, except as authorized under regulations promulgated by the Secretaries of the military departments concerned, with the approval of the Secretary of Defense, which regulations shall provide for reimbursement therefor to the appropriations concerned and, notwithstanding any other provision of law, shall provide for the adjustment of the sales prices in such commissary stores to the extent necessary to furnish sufficient gross revenue from sales of commissary stores to make such reimbursement: *Provided*, That under such regulations as may be issued pursuant to this section all utilities may be furnished without cost to the commissary stores outside the continental United States and in Alaska: *Provided further*, That no appropriation contained in this Act shall be available in connection with the operation of commissary stores within the continental United States unless the Secretary of Defense has certified that items normally procured from commissary stores are not otherwise available at a reasonable distance and a reasonable price in satisfactory quality and quantity to the military and civilian employees of the Department of Defense.

Restriction.

Civilian employee ceiling.

SEC. 614. No funds appropriated in titles I, III, IV, and V of this Act shall be used for the payment in excess of 470,000 full-time graded civilian employees (including (a) the full-time equivalent of part-time employment, (b) persons who are described as "consultants" or who are compensated on a "when actually employed" basis if such persons are employed on a contract basis or are paid on a per diem basis, and (c) persons employed without compensation if they are reimbursed for expenses) at any one time during the current fiscal year: *Provided*, That whenever, in the opinion of the Secretary of the Military Department concerned, the direct substitution of civilian personnel for an equivalent or greater number of military personnel will result in economy without adverse effect upon national defense, such substitution may be accomplished without regard to the foregoing limitation, and such funds as may be required to accomplish the substitution may be transferred from the appropriate military personnel appropriation to, and merged with, the appropriation charged with compensation of such civilian personnel.

Exception.

Proficiency flying.

SEC. 615. Notwithstanding any other provision of law, executive order, or regulation, no part of the appropriations in this Act shall be available for any expenses of operating aircraft under the jurisdiction of the Armed Forces for the purpose of proficiency flying except in accordance with the regulations issued by the Secretaries of the Departments concerned and approved by the Secretary of Defense which shall establish proficiency standards and maximum and minimum flying hours for this purpose: *Provided*, That without regard to any provision of law or executive order prescribing minimum flight requirements, such regulations may provide for the payment of flight pay at the rates prescribed in section 204 (b) of the Career Compensation Act of 1949 (63 Stat. 802) to certain members of the Armed Forces otherwise entitled to receive flight pay during the fiscal year 1959 (1) who have held aeronautical ratings or designations for not less than twenty years, or (2) whose particular assignment outside the United States makes it impractical to participate in regular aerial flights.

Flight pay for certain officers.

63 Stat. 810.
37 USC 235.

Household goods.

SEC. 616. No part of any appropriation contained in this Act shall be available for expense of transportation, packing, crating, temporary storage, drayage, and unpacking of household goods and personal effects in excess of eleven thousand pounds net in any one shipment: *Provided*, That the limitations imposed herein shall not

Nonapplicability.

be applicable in the case of members transferred to or serving in stations outside the continental United States or in Alaska under orders relieving them from a duty station within the United States prior to July 10, 1952, and who are returned to the United States under orders relieving them from a duty station beyond the United States or in Alaska on or after July 1, 1953.

SEC. 617. Vessels under the jurisdiction of the Department of Commerce, the Department of the Army, the Department of the Air Force, or the Department of the Navy may be transferred or otherwise made available without reimbursement to any such agencies upon the request of the head of one agency and the approval of the agency having jurisdiction of the vessels concerned.

Transfer of ves-
sels.

SEC. 618. None of the funds provided in this Act shall be available for training in any legal profession nor for the payment of tuition for training in such profession: *Provided*, That this limitation shall not apply to the off-duty training of military personnel as prescribed by section 623 of this Act.

Legal training.

SEC. 619. Funds provided in this Act for public information and public relations shall not exceed \$2,755,000.

Public informa-
tion, etc.

SEC. 620. Not more than 20 per centum of the appropriations in this Act which are limited for obligation during fiscal year 1959 shall be obligated during the last two months of the fiscal year: *Provided*, That this section shall not apply to obligations for support of active duty training of civilian components or summer camp training of the Reserve Officers' Training Corps.

Obligated funds,
1959.

SEC. 621. During the fiscal year 1959, the agencies of the Department of Defense may accept the use of real property from foreign countries for the United States in accordance with mutual defense agreements or occupational arrangements and may accept services furnished by foreign countries as reciprocal international courtesies or as services customarily made available without charge; and such agencies may use the same for the support of the United States forces in such areas without specific appropriation therefor.

Acceptance of
property from for-
eign countries.

In addition to the foregoing, agencies of the Department of Defense may accept real property, services, and commodities from foreign countries for the use of the United States in accordance with mutual defense agreements or occupational arrangements and such agencies may use the same for the support of the United States forces in such areas without specific appropriation therefor: *Provided*, That within thirty days after the end of each quarter the Secretary of Defense shall render to the Committees on Appropriations of the Senate and the House of Representatives and to the Bureau of the Budget a full report of such property, supplies, and commodities received during such quarter.

Reports to Con-
gress and Budget
Bureau.

SEC. 622. During the current fiscal year, appropriations available to the Department of Defense for research and development may be used for the purposes of section 2353 of title 10, United States Code, and for purposes related to research and development for which expenditures are specifically authorized in other appropriations of the service concerned.

Research and
development.
70A Stat. 134.

SEC. 623. No appropriation contained in this Act shall be available for the payment of more than 75 per centum of charges of educational institutions for tuition or expenses for off-duty training of military personnel, nor for the payment of any part of tuition or expenses for such training for commissioned personnel who do not agree to remain on active duty for two years after completion of such training.

Tuition pay-
ments, etc.

ROTC.
Loyalty require-
ment.

SEC. 624. No part of the funds appropriated herein shall be expended for the support of any formally enrolled student in basic courses of the senior division, Reserve Officers' Training Corps, who has not executed a certificate of loyalty or loyalty oath in such form as shall be prescribed by the Secretary of Defense.

Procurement of
U.S. products.

SEC. 625. No part of any appropriation contained in this Act shall be available for the procurement of any article of food, clothing, cotton, spun silk yarn for cartridge cloth, or wool (whether in the form of fiber or yarn or contained in fabrics, materials, or manufactured articles) not grown, reprocessed, reused, or produced in the United States or its possessions, except to the extent that the Secretary of the Department concerned shall determine that a satisfactory quality and sufficient quantity of any articles of food or clothing or any form of cotton, spun silk yarn for cartridge cloth, or wool grown, reprocessed, reused, or produced in the United States or its possessions cannot be procured as and when needed at United States market prices and except procurements outside the United States in support of combat operations, procurements by vessels in foreign waters and emergency procurements or procurements of perishable foods by establishments located outside the continental United States, except the Territories of Hawaii and Alaska, for the personnel attached thereto: *Provided*, That nothing herein shall preclude the procurement of foods manufactured or processed in the United States or its possessions: *Provided further*, That no funds herein appropriated shall be used for the payment of a price differential on contracts hereafter made for the purpose of relieving economic dislocations.

Bakeries, laun-
dries, etc.

SEC. 626. None of the funds appropriated in this Act shall be used for the construction, replacement, or reactivation of any bakery, laundry, or dry-cleaning facility in the United States, its Territories or possessions, as to which the Secretary of Defense does not certify in writing, giving his reasons therefor, that the services to be furnished by such facilities are not obtainable from commercial sources at reasonable rates.

Air mail.

SEC. 627. During the current fiscal year, appropriations of the Department of Defense shall be available for reimbursement to the Post Office Department for payment of costs of commercial air transportation of military mail between the United States and foreign countries.

Foreign quar-
ters.

SEC. 628. Appropriations of the Department of Defense available for the payment of rental allowances shall be available for the leasing of quarters in foreign countries constructed under the authority of section 302 of Public Law 534, approved July 14, 1952, for assignment as public quarters to military personnel of the Department of Defense.

66 Stat. 622.

Furnishings.

SEC. 629. Appropriations contained in this Act shall be available for providing furnishings, without charge, in other than public quarters occupied by military or civilian personnel of the Department of Defense on duty outside the continental United States or in Alaska, upon a determination, under regulations approved by the Secretary of Defense, that such action is advantageous to the Government.

Uniforms.

SEC. 630. During the current fiscal year appropriations available to the Department of Defense for pay of civilian employees shall be available for uniforms, or allowances therefor, as authorized by the Act of September 1, 1954, as amended (5 U. S. C. 2131).

68 Stat. 1114.
Promotion of
rifle practice.

SEC. 631. During the current fiscal year, the Secretary of Defense shall, upon requisition of the National Board for the Promotion of Rifle Practice, and without reimbursement, transfer from agencies of the Department of Defense to the Board ammunition from stock or which has been procured for the purpose in such amounts as he may determine.

Such appropriations of the Department of Defense available for obligation during the current fiscal year as may be designated by the Secretary of Defense shall be available for the travel expenses of military and naval personnel, including the reserve components, and members of the Reserve Officers' Training Corps attending regional, national or international rifle matches.

SEC. 632. Funds provided in this Act for legislative liaison activities of the Department of the Army, the Department of the Navy, the Department of the Air Force, and the Office of the Secretary of Defense shall not exceed \$2,110,000.

Legislative liaison activities.

SEC. 633. Hereafter, any appropriation available to the agencies concerned for the pay and allowances of members of the uniformed services may be utilized for the payment of claims as authorized by Public Law 85-255, approved September 2, 1957.

Payment of claims.

SEC. 634. Of the funds made available by this Act for the services of the Military Air Transport Service, \$80,000,000 shall be available only for procurement of commercial air transportation service; and the Secretary of Defense shall utilize the services of civil air carriers which qualify as small businesses to the fullest extent found practicable.

71 Stat. 575.

Civil air carriers.

SEC. 635. This Act may be cited as the "Department of Defense Appropriation Act, 1959".

Short title.

Approved August 22, 1958.

Public Law 85-725

AN ACT

August 23, 1958
[H. R. 4635]

To provide for settlement and entry of public lands in Alaska containing coal, oil, or gas under section 10 of the Act of May 14, 1898, as amended.

Alaska.
Public lands
settlement and
entry.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Act of March 8, 1922 (42 Stat. 415; 48 U. S. C. 376), is hereby amended:

(a) By striking out the words "from and after the passage of this Act" and by inserting in lieu thereof the following: "Claims under section 10 of the Act of May 14, 1898 (30 Stat. 413), as amended (48 U. S. C. 461), and"

(b) By striking out the phrase "settler who has initiated a homestead claim" and by inserting in lieu thereof "claimant who has initiated such a claim".

SEC. 2. Section 2 of the Act of March 8, 1922 (42 Stat. 416; 48 U. S. C. 377), is hereby amended by striking out the last proviso of that section.

SEC. 3. The Act of May 14, 1898, as amended, *supra*, is further amended by inserting immediately after the words "coal lands" and "gas lands" where they appear, the following: "except as provided under the Act of March 8, 1922 (42 Stat. 415; 48 U. S. C. 376)".

48 Stat. 376, 377. SEC. 4. Any person who heretofore settled or entered on lands made subject to the provision of the Act of March 8, 1922, under the terms of this Act shall be entitled to credit toward the requirements of the Act under which settlement or entry was made to the full extent that he complied with such requirements prior to the enactment of this Act: *Provided, however,* that this section shall not be construed to divest or impair any right which has heretofore vested in any person, firm, or corporation pursuant to lease, contract or any other provision of law.

Approved August 23, 1958.

Public Law 85-726

AN ACT

August 23, 1958
[S. 3880]

To continue the Civil Aeronautics Board as an agency of the United States, to create a Federal Aviation Agency, to provide for the regulation and promotion of civil aviation in such manner as to best foster its development and safety, and to provide for the safe and efficient use of the airspace by both civil and military aircraft, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act, divided into titles and sections according to the following table of contents, may be cited as the "Federal Aviation Act of 1958":

Federal Aviation
Act of 1958.

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TITLE I—GENERAL PROVISIONS

DEFINITIONS

SEC. 101. As used in this Act, unless the context otherwise requires—

(1) "Administrator" means the Administrator of the Federal Aviation Agency.

(2) "Aeronautics" means the science and art of flight.

(3) "Air carrier" means any citizen of the United States who undertakes, whether directly or indirectly or by a lease or any other arrangement, to engage in air transportation: *Provided*, That the Board may by order relieve air carriers who are not directly engaged in the operation of aircraft in air transportation from the provisions of this Act to the extent and for such periods as may be in the public interest.

(4) "Air commerce" means interstate, overseas, or foreign air commerce or the transportation of mail by aircraft or any operation or navigation or aircraft within the limits of any Federal airway or any operation or navigation of aircraft which directly affects, or which may endanger safety in, interstate, overseas, or foreign air commerce.

(5) "Aircraft" means any contrivance now known or hereafter invented, used, or designed for navigation of or flight in the air.

(6) "Aircraft engine" means an engine used, or intended to be used, for propulsion of aircraft and includes all parts, appurtenances, and accessories thereof other than propellers.

(7) "Airman" means any individual who engages, as the person in command or as pilot, mechanic, or member of the crew, in the navigation of aircraft while under way; and (except to the extent the Administrator may otherwise provide with respect to individuals employed outside the United States) any individual who is directly in charge of the inspection, maintenance, overhauling, or repair of aircraft, aircraft engines, propellers, or appliances; and any individual who serves in the capacity of aircraft dispatcher or air-traffic control-tower operator.

(8) "Air navigation facility" means any facility used in, available for use in, or designed for use in, aid of air navigation, including landing areas, lights, any apparatus or equipment for disseminating weather information, for signaling, for radio-directional finding, or for radio or other electrical communication, and any other structure or mechanism having a similar purpose for guiding or controlling flight in the air or the landing and take-off of aircraft.

(9) "Airport" means a landing area used regularly by aircraft for receiving or discharging passengers or cargo.

(10) "Air transportation" means interstate, overseas, or foreign air transportation or the transportation of mail by aircraft.

(11) "Appliances" means instruments, equipment, apparatus, parts, appurtenances, or accessories, of whatever description, which are used, or are capable of being or intended to be used, in the navigation, operation, or control of aircraft in flight (including parachutes and including communication equipment and any other mechanism or mechanisms installed in or attached to aircraft during flight), and which are not a part or parts of aircraft, aircraft engines, or propellers.

(12) "Board" means the Civil Aeronautics Board.

(13) "Citizen of the United States" means (a) an individual who is a citizen of the United States or of one of its possessions, or (b) a partnership of which each member is such an individual, or (c) a corporation or association created or organized under the laws of the United States or of any State, Territory, or possession of the United

States, of which the president and two-thirds or more of the board of directors and other managing officers thereof are such individuals and in which at least 75 per centum of the voting interest is owned or controlled by persons who are citizens of the United States or of one of its possessions.

(14) "Civil aircraft" means any aircraft other than a public aircraft.

(15) "Civil aircraft of the United States" means any aircraft registered as provided in this Act.

(16) "Conditional sale" means (a) any contract for the sale of an aircraft, aircraft engine, propeller, appliance, or spare part under which possession is delivered to the buyer and the property is to vest in the buyer at a subsequent time, upon the payment of part or all of the price, or upon the performance of any other condition or the happening of any contingency; or (b) any contract for the bailment or leasing of an aircraft, aircraft engine, propeller, appliance, or spare part, by which the bailee or lessee contracts to pay as compensation a sum substantially equivalent to the value thereof, and by which it is agreed that the bailee or lessee is bound to become, or has the option of becoming, the owner thereof upon full compliance with the terms of the contract. The buyer, bailee, or lessee shall be deemed to be the person by whom any such contract is made or given.

(17) "Conveyance" means a bill of sale, contract of conditional sale, mortgage, assignment of mortgage, or other instrument affecting title to, or interest in, property.

(18) "Federal airway" means a portion of the navigable airspace of the United States designated by the Administrator as a Federal airway.

(19) "Foreign air carrier" means any person, not a citizen of the United States, who undertakes, whether directly or indirectly or by lease or any other arrangement, to engage in foreign air transportation.

(20) "Interstate air commerce", "overseas air commerce", and "foreign air commerce", respectively, mean the carriage by aircraft of persons or property for compensation or hire, or the carriage of mail by aircraft, or the operation or navigation of aircraft in the conduct or furtherance of a business or vocation, in commerce between, respectively—

(a) a place in any State of the United States, or the District of Columbia, and a place in any other State of the United States, or the District of Columbia; or between places in the same State of the United States through the airspace over any place outside thereof; or between places in the same Territory or possession of the United States, or the District of Columbia;

(b) a place in any State of the United States, or the District of Columbia, and any place in a Territory or possession of the United States; or between a place in a Territory or possession of the United States, and a place in any other Territory or possession of the United States; and

(c) a place in the United States and any place outside thereof; whether such commerce moves wholly by aircraft or partly by aircraft and partly by other forms of transportation.

(21) "Interstate air transportation", "overseas air transportation", and "foreign air transportation", respectively, mean the carriage by aircraft of persons or property as a common carrier for compensation or hire or the carriage of mail by aircraft, in commerce between, respectively—

(a) a place in any State of the United States, or the District of Columbia, and a place in any other State of the United States, or

the District of Columbia; or between places in the same State of the United States through the airspace over any place outside thereof; or between places in the same Territory or possession of the United States, or the District of Columbia;

(b) a place in any State of the United States, or the District of Columbia, and any place in a Territory or possession of the United States; or between a place in a Territory or possession of the United States, and a place in any other Territory or possession of the United States; and

(c) a place in the United States and any place outside thereof; whether such commerce moves wholly by aircraft or partly by aircraft and partly by other forms of transportation.

(22) "Landing area" means any locality, either of land or water, including airports and intermediate landing fields, which is used, or intended to be used, for the landing and take-off of aircraft, whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo.

(23) "Mail" means United States mail and foreign-transit mail.

(24) "Navigable airspace" means airspace above the minimum altitudes of flight prescribed by regulations issued under this Act, and shall include airspace needed to insure safety in take-off and landing of aircraft.

(25) "Navigation of aircraft" or "navigate aircraft" includes the piloting of aircraft.

(26) "Operation of aircraft" or "operate aircraft" means the use of aircraft, for the purpose of air navigation and includes the navigation of aircraft. Any person who causes or authorizes the operation of aircraft, whether with or without the right of legal control (in the capacity of owner, lessee, or otherwise) of the aircraft, shall be deemed to be engaged in the operation of aircraft within the meaning of this Act.

(27) "Person" means any individual, firm, copartnership, corporation, company, association, joint-stock association, or body politic; and includes any trustee, receiver, assignee, or other similar representative thereof.

(28) "Propeller" includes all parts, appurtenances, and accessories thereof.

(29) "Possessions of the United States" means (a) the Canal Zone, but nothing herein shall impair or affect the jurisdiction which has heretofore been, or may hereafter be, granted to the President in respect of air navigation in the Canal Zone; and (b) all other possessions of the United States. Where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, references in this Act to possessions of the United States shall be treated as also referring to the Commonwealth of Puerto Rico.

(30) "Public aircraft" means an aircraft used exclusively in the service of any government or of any political subdivision thereof, including the government of any State, Territory, or possession of the United States, or the District of Columbia, but not including any government-owned aircraft engaged in carrying persons or property for commercial purposes.

(31) "Spare parts" means parts, appurtenances, and accessories of aircraft (other than aircraft engines and propellers), of aircraft engines (other than propellers), of propellers and of appliances, maintained for installation or use in an aircraft, aircraft engine, propeller, or appliance, but which at the time are not installed therein or attached thereto.

(32) "Ticket agent" means any person, not an air carrier or a foreign air carrier and not a bona fide employee of an air carrier or

foreign air carrier, who, as principal or agent, sells or offers for sale any air transportation, or negotiates for, or holds himself out by solicitation, advertisement, or otherwise as one who sells, provides, furnishes, contracts or arranges for, such transportation.

(33) "United States" means the several States, the District of Columbia, and the several Territories and possessions of the United States, including the territorial waters and the overlying airspace thereof.

DECLARATION OF POLICY: THE BOARD

SEC. 102. In the exercise and performance of its powers and duties under this Act, the Board shall consider the following, among other things, as being in the public interest, and in accordance with the public convenience and necessity:

(a) The encouragement and development of an air-transportation system properly adapted to the present and future needs of the foreign and domestic commerce of the United States, of the Postal Service, and of the national defense;

(b) The regulation of air transportation in such manner as to recognize and preserve the inherent advantages of, assure the highest degree of safety in, and foster sound economic conditions in, such transportation, and to improve the relations between, and coordinate transportation by, air carriers;

(c) The promotion of adequate, economical, and efficient service by air carriers at reasonable charges, without unjust discriminations, undue preferences or advantages, or unfair or destructive competitive practices;

(d) Competition to the extent necessary to assure the sound development of an air-transportation system properly adapted to the needs of the foreign and domestic commerce of the United States, of the Postal Service, and of the national defense;

(e) The promotion of safety in air commerce; and

(f) The promotion, encouragement, and development of civil aeronautics.

DECLARATION OF POLICY: THE ADMINISTRATOR

SEC. 103. In the exercise and performance of his powers and duties under this Act the Administrator shall consider the following, among other things, as being in the public interest:

(a) The regulation of air commerce in such manner as to best promote its development and safety and fulfill the requirements of national defense;

(b) The promotion, encouragement, and development of civil aeronautics;

(c) The control of the use of the navigable airspace of the United States and the regulation of both civil and military operations in such airspace in the interest of the safety and efficiency of both;

(d) The consolidation of research and development with respect to air navigation facilities, as well as the installation and operation thereof;

(e) The development and operation of a common system of air traffic control and navigation for both military and civil aircraft.

PUBLIC RIGHT OF TRANSIT

SEC. 104. There is hereby recognized and declared to exist in behalf of any citizen of the United States a public right of freedom of transit through the navigable airspace of the United States.

TITLE II—CIVIL AERONAUTICS BOARD; GENERAL
POWERS OF BOARD

CONTINUATION OF EXISTING BOARD

GENERAL

SEC. 201. (a) (1) The Civil Aeronautics Board, created and established under the name "Civil Aeronautics Authority" by section 201 of the Civil Aeronautics Act of 1938 and redesignated as the "Civil Aeronautics Board" by Reorganization Plan No. IV of 1940, is hereby continued as an agency of the United States, and shall continue to be composed of five members appointed by the President, by and with the advice and consent of the Senate, for terms of six years, beginning upon the expiration of the terms for which their predecessors were appointed, except that any person appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term; but upon the expiration of his term of office a member shall continue to serve until his successor is appointed and shall have qualified.

52 Stat. 980.
49 USC 421.

54 Stat. 1234.
5 U S C 133z-15
note.

(2) The members of the Board may be removed by the President for inefficiency, neglect of duty, or malfeasance in office. No more than three of the members shall be appointed from the same political party. The President shall designate annually one of the members of the Board to serve as chairman and one of the members to serve as vice chairman, who shall act as chairman in the absence or incapacity of the chairman. Each member of the Board shall receive a salary at the rate of \$20,000 per annum, except that the member serving as chairman shall receive a salary at the rate of \$20,500 per annum.

QUALIFICATIONS OF MEMBERS

(b) The members of the Board shall be appointed with due regard to their fitness for the efficient dispatch of the powers and duties vested in and imposed upon the Board by this Act. Each member of the Board shall be a citizen of the United States and no member of the Board shall have any pecuniary interest in or own any stock in or bonds of any civil aeronautics enterprise. No member of the Board shall engage in any other business, vocation, or employment.

QUORUM, PRINCIPAL OFFICE, AND SEAL

(c) Three of the members shall constitute a quorum of the Board. The principal office of the Board shall be in the District of Columbia where its general sessions shall be held, but whenever the convenience of the public or of the parties may be promoted, or delay or expense may be prevented, the Board may hold hearings or other proceedings at any other place. The Board shall have an official seal which shall be judicially noticed and which shall be preserved in the custody of the secretary of the Board.

MISCELLANEOUS

OFFICERS AND EMPLOYEES

SEC. 202. (a) The Board is authorized, without regard to the civil-service and classification laws, to appoint and prescribe the duties and fix the compensation of a secretary of the Board, and to fix the compensation of a secretary and an administrative assistant for each

member, and subject to the civil-service and classification laws, to select, employ, appoint, and fix the compensation of such officers, employees, attorneys, and agents as shall be necessary to carry out the provisions of this Act, and to define their authority and duties.

SUPERGRADES

(b) Subject to the standards and procedures of section 505 of the Classification Act of 1949, as amended, the Board is authorized to place not to exceed eight positions in grades 16, 17, and 18 of the General Schedule established by such Act. Such positions shall be in addition to the number of positions authorized to be placed in such grades by such section 505, the number of positions allocated to the Board under such section, and the number of positions authorized for the Board by Public Law 85-469 (72 Stat. 237). The number of positions authorized for the Board by Public Law 85-469 shall not cause a reduction in total number of positions under section 505 (h) of the Classification Act of 1949, as amended.

63 Stat. 959.
5 USC 1105.

TEMPORARY PERSONNEL

(c) The Board may, from time to time, without regard to the provisions of the civil-service laws, engage for temporary service such duly qualified consulting engineers or agencies, or other qualified persons as are necessary in the exercise and performance of the powers and duties of each, and fix the compensation of such engineers, agencies, or persons without regard to the Classification Act of 1949, as amended, and the expenses of such employment shall be paid out of sums appropriated for the expenses of the Board.

63 Stat. 954.
5 USC 1071 note.

COOPERATION WITH OTHER FEDERAL AGENCIES

(d) The Board is authorized to use, with their consent, the available services, equipment, personnel, and facilities of other civilian or military agencies and instrumentalities of the Federal Government, on a reimbursable basis when appropriate, and on a similar basis to cooperate with such other agencies and instrumentalities in the establishment and use of services, equipment, and facilities of the Board.

AUTHORIZATION OF EXPENDITURES AND TRAVEL

GENERAL AUTHORITY

SEC. 203. (a) The Board is empowered to make such expenditures at the seat of government and elsewhere as may be necessary for the exercise and performance of the powers and duties vested in and imposed upon the Board by law, and as from time to time may be appropriated for by Congress, including expenditures for (1) rent and personal services at the seat of government and elsewhere; (2) travel expenses; (3) office furniture, equipment and supplies, lawbooks, newspapers, periodicals, and books of reference (including the exchange thereof); (4) printing and binding; (5) membership in and cooperation with such organizations as are related to, or are part of, the civil-aeronautics industry or the art of aeronautics in the United States or in any foreign country; (6) making investigations and conducting studies in matters pertaining to aeronautics; and (7) acquisition (including exchange), operation, and maintenance of passenger-carrying automobiles and aircraft, and such other property as is necessary in the exercise and performance of the powers and duties of

the Board: *Provided*, That no aircraft or motor vehicle purchased under the provisions of this section, shall be used otherwise than for official business.

TRAVEL

(b) Travel by personnel of the United States Government on commercial aircraft, domestic or foreign, including travel between airports and centers of population or posts of duty when incidental to travel on commercial aircraft, shall be allowed at public expense when authorized or approved by competent authority, and transportation requests for such travel may be issued upon such authorizations. Such expense shall be allowed without regard to comparative costs of transportation by aircraft with other modes of transportation.

GENERAL POWERS AND DUTIES OF THE BOARD

GENERAL POWERS

SEC. 204. (a) The Board is empowered to perform such acts, to conduct such investigations, to issue and amend such orders, and to make and amend such general or special rules, regulations, and procedure, pursuant to and consistent with the provisions of this Act, as it shall deem necessary to carry out the provisions of, and to exercise and perform its powers and duties under, this Act.

COOPERATION WITH STATE AERONAUTICAL AGENCIES

(b) The Board is empowered to confer with or to hold joint hearings with any State aeronautical agency, or other State agency, in connection with any matter arising under this Act within its jurisdiction, and to avail itself of the cooperation, services, records, and facilities of such State agencies as fully as may be practicable in the administration and enforcement of this Act.

EXCHANGE OF INFORMATION

(c) The Board is empowered to exchange with foreign governments, through appropriate agencies of the United States, information pertaining to aeronautics.

PUBLICATIONS

(d) Except as may be otherwise provided in this Act, the Board shall make a report in writing in all proceedings and investigations under this Act in which formal hearings have been held, and shall state in such report its conclusions together with its decision, order, or requirement in the premises. All such reports shall be entered of record and a copy thereof shall be furnished to all parties to the proceeding or investigation. The Board shall provide for the publication of such reports, and all other reports, orders, decisions, rules, and regulations issued by it under this Act in such form and manner as may be best adapted for public information and use. Publications purporting to be published by the Board shall be competent evidence of the orders, decisions, rules, regulations, and reports of the Board therein contained in all courts of the United States, and of the several States, Territories, and possessions thereof, and the District of Columbia, without further proof or authentication thereof.

ANNUAL REPORT

Report to Congress.

SEC. 205. The Board shall make an annual report to the Congress, copies of which shall be distributed as are other reports transmitted to Congress. Such report shall contain in addition to a report of the work performed under this Act, such information and data collected by the Board as may be considered of value in the determination of questions connected with the development and regulation of civil aeronautics, together with such recommendations as to additional legislation relating thereto as the Board may deem necessary, and the Board may also transmit recommendations as to legislation at any other time.

TITLE III—ORGANIZATION OF AGENCY AND POWERS AND DUTIES OF ADMINISTRATOR

CREATION OF AGENCY

GENERAL

SEC. 301. (a) There is hereby established the Federal Aviation Agency, referred to in this Act as the "Agency". The Agency shall be headed by an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall receive compensation at the rate of \$22,500 per annum. The Administrator shall be responsible for the exercise of all powers and the discharge of all duties of the Agency, and shall have authority and control over all personnel and activities thereof. In the exercise of his duties and the discharge of his responsibilities under this Act, the Administrator shall not submit his decisions for the approval of, nor be bound by the decisions or recommendations of, any committee, board, or other organization created by Executive order.

QUALIFICATIONS OF ADMINISTRATOR

(b) The Administrator shall be a citizen of the United States, and shall be appointed with due regard for his fitness for the efficient discharge of the powers and duties vested in and imposed upon him by this Act. At the time of his nomination he shall be a civilian and shall have had experience in a field directly related to aviation. The Administrator shall have no pecuniary interest in or own any stock in or bonds of any aeronautical enterprise nor shall he engage in any other business, vocation, or employment.

PRINCIPAL OFFICE AND SEAL

(c) The principal office of the Agency shall be in or near the District of Columbia, but it may act and exercise all its powers at any other place. The Agency shall have an official seal which shall be judicially noticed.

ORGANIZATION OF AGENCY

DEPUTY ADMINISTRATOR

SEC. 302. (a) There shall be a Deputy Administrator of the Agency who shall be appointed by the President by and with the advice and consent of the Senate. The Deputy Administrator shall receive compensation at the rate of \$20,500 per annum, and shall perform such duties and exercise such powers as the Administrator shall prescribe. The Deputy Administrator shall act for, and exercise the powers of, the Administrator during his absence or disability.

QUALIFICATIONS AND STATUS OF DEPUTY ADMINISTRATOR

(b) The Deputy Administrator shall be a citizen of the United States, and shall be appointed with due regard for his fitness for the efficient discharge of the powers and duties vested in and imposed upon him by this Act. At the time of his nomination he shall have had experience in a field directly related to aviation. He shall have no pecuniary interest in nor own any stocks in or bonds of any aeronautical enterprise, nor shall he engage in any other business, vocation, or employment. Nothing in this Act or other law shall preclude appointment to the position of Deputy Administrator of an officer on active duty with the armed services; except that if the Administrator is a former regular officer of any one of the armed services, the Deputy Administrator shall not be an officer on active duty with one of the armed services or a retired regular officer or a former regular officer of one of the armed services. Any officer on active duty or any retired officer, while serving as Deputy Administrator, shall continue to hold rank and grade not lower than that in which serving at the time of his appointment as Deputy Administrator, and shall be entitled to receive (1) the compensation provided for the Deputy Administrator by subsection (a) of this section, or (2) the military pay and allowances (including personal money allowance) or the retired pay, as the case may be, payable to a commissioned officer of his grade and length of service, whichever he may elect. Whenever any officer serving as Deputy Administrator elects to receive his military pay and allowances (including personal money allowance), or his retired pay, as the case may be, the appropriate department shall be reimbursed from any funds available to defray the expenses of the Agency.

MILITARY PARTICIPATION

(c) (1) In order to insure that the interests of national defense are properly safeguarded and that the Administrator is properly advised as to the needs and special problems of the armed services, the Administrator shall provide for participation of military personnel in carrying out his functions relating to regulation and protection of air traffic, including provision of air navigation facilities, and research and development with respect thereto, and the allocation of airspace. Members of the Army, the Navy, the Air Force, the Marine Corps, or the Coast Guard may be detailed by the appropriate Secretary, pursuant to cooperative agreements with the Administrator, including such agreement on reimbursement as may be deemed advisable by the Administrator and the Secretary concerned, for service in the Agency to effect such participation.

(2) Appointment to, acceptance of, and service as Deputy Administrator or under such cooperative agreements shall in no way affect status, office, rank, or grade which commissioned officers or enlisted men may occupy or hold, or any emolument, perquisite, right, privilege, or benefit incident to or arising out of any such status, office, rank, or grade. No person so detailed or appointed shall be subject to direction by or control by the department from which detailed or appointed or by any agency or officer thereof directly or indirectly with respect to his responsibilities under this Act or within the Agency.

(3) The Administrator, within six months of the effective date of this paragraph and semiannually thereafter, shall report in writing to the appropriate committees of the Congress on agreements entered into under this subsection, including the number, rank, and positions

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of members of the armed services detailed pursuant thereto, together with his evaluation of the effectiveness of such agreements and assignments of personnel thereunder in accomplishing the purposes of such subsection.

EXCHANGE OF INFORMATION

(d) In order to assist the Administrator further in the discharge of responsibilities under this Act, the Administrator and the Secretary of Defense, and the Administrator and the Administrator of the National Aeronautics and Space Administration, are directed to establish by cooperative agreement suitable arrangements for the timely exchange of information pertaining to their programs, policies, and requirements directly relating to such responsibilities.

EMERGENCY STATUS

(e) The Administrator shall develop, in consultation with the Department of Defense and other affected Government agencies, plans for the effective discharge of the responsibilities of the Agency in the event of war, and shall propose to Congress on or before January 1, 1960, legislation for such purpose: *Provided*, That in the event of war the President by Executive order may transfer to the Department of Defense any functions (including powers, duties, activities, facilities, and parts of functions) of the Agency prior to enactment of such proposed legislation. In connection with any such transfer, the President may provide for appropriate transfers of records, property, and personnel.

OFFICERS AND EMPLOYEES

(f) The Administrator is authorized, subject to the civil-service and classification laws, to select, employ, appoint, and fix the compensation of such officers, employees, attorneys, and agents as shall be necessary to carry out the provisions of this Act, and to define their authority and duties, except that the Administrator may fix the compensation for not more than ten positions at rates not to exceed \$19,500 per annum.

STUDY OF SPECIAL PERSONNEL PROBLEMS

(g) The Administrator shall make a study, in consultation with other affected Government agencies, of personnel problems inherent in the functions of the Agency, giving due consideration to the need for (1) special qualifications and training, (2) special provisions as to pay, retirement, and hours of service, and (3) special provisions to assure availability, responsiveness, and security status of essential personnel in fulfilling national defense requirements, and shall report the results thereof, and make recommendations for legislation thereon, to Congress on or before January 1, 1960.

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SCIENTIFIC EMPLOYEES

(h) The Administrator is authorized to establish and fix the compensation for not to exceed fifteen positions of officers and employees of the Agency of a scientific or professional nature without regard to the Classification Act of 1949, as amended, each such position being established to effectuate those research, development, and related activities of the Agency which require the services of specially qualified scientific or professional personnel. The rates of basic compensation for positions established pursuant to this subsection shall not exceed the maximum rate payable under the Act of August 1, 1947 (Public Law 313, Eightieth Congress), as amended, and Title V

63 Stat. 954.
5 USC 1071 note.

of the Act of July 31, 1956 (Public Law 854, Eighty-fourth Congress), and shall be subject to the approval of the Civil Service Commission. Positions created pursuant to this subsection shall be included in the classified civil service of the United States, but appointment to such positions shall be made without competitive examination upon approval of the proposed appointee's qualifications by the Civil Service Commission or such officers or agents as it may designate for this purpose.

70 Stat. 761.
5 USC 171 p and
note.
Ante, p. 213.

ADVISORY COMMITTEES AND CONSULTANTS

(i) The Administrator is authorized to appoint such advisory committees as shall be appropriate for the purpose of consultation with and advice to the Agency in performance of its functions hereunder and to obtain services authorized by section 15 of the Administrative Expenses Act of 1946 (5 U. S. C. 55a), at rates not to exceed \$100 per diem for individuals, and for not to exceed one hundred days in any calendar year in the case of any individual. Members of such committees shall be entitled to travel expenses and per diem as authorized by the Administrative Expenses Act of 1946 (5 U. S. C. 73b-2), for all persons employed intermittently as consultants or experts receiving compensation on a per diem basis.

60 Stat. 810.

69 Stat. 394.

SUPERGRADES

(j) Subject to the standards and procedures of section 505 of the Classification Act of 1949, as amended, the Administrator is authorized to place not to exceed fifty positions in grades 16, 17, and 18 of the General Schedule established by such Act. Such positions shall be in addition to (1) the number of positions authorized to be placed in such grades by such section 505 and (2) the number of positions transferred to the Agency under section 1502 of this Act which were (A) allocated under such section 505 to the Civil Aeronautics Administration of the Department of Commerce, (B) authorized for the Airways Modernization Board by Public Law 85-133 (71 Stat. 350), or (C) authorized for the Civil Aeronautics Administration by Public Law 85-469 (72 Stat. 228). The number of positions authorized for the Civil Aeronautics Administration by Public Law 85-469 shall not cause a reduction in total number of positions under section 505 (h) of the Classification Act of 1949, as amended.

63 Stat. 959.
5 USC 1105.

COOPERATION WITH OTHER AGENCIES

(k) The Administrator is authorized to use with their consent the available services, equipment, personnel, and facilities of other civilian or military agencies and instrumentalities of the Federal Government, on a reimbursable basis when appropriate, and on a similar basis to cooperate with such other agencies and instrumentalities in the establishment and use of services, equipment, and facilities of the Agency. The Administrator is further authorized to confer with and avail himself of the cooperation, services, records, and facilities of State, Territorial, municipal or other local agencies.

ADMINISTRATION OF THE AGENCY

AUTHORIZATION OF EXPENDITURES AND TRAVEL

SEC. 303. (a) The Administrator is empowered to make such expenditures at the seat of government and elsewhere as may be necessary for the exercise and performance of the powers and duties vested in and imposed upon him by law, and as from time to time may be appropriated for by Congress, including expenditures for (1) rent and per-

sonal services at the seat of government and elsewhere; (2) travel expenses; (3) office furniture, equipment and supplies, lawbooks, newspapers, periodicals, and books of reference (including the exchange thereof); (4) printing and binding; (5) membership in and cooperation with such organizations as are related to, or are part of, the civil aeronautics industry or the art of aeronautics in the United States or in any foreign country; (6) payment of allowances and other benefits to employees stationed in foreign countries to the same extent as authorized from time to time for members of the Foreign Service of the United States of comparable grade; (7) making investigations and conducting studies in matters pertaining to aeronautics; and (8) acquisition (including exchange), operation and maintenance of passenger-carrying automobiles and aircraft, and such other property as is necessary in the exercise and performance of the powers and duties of the Administrator: *Provided*, That no aircraft or motor vehicles, purchased under the provisions of this section, shall be used otherwise than for official business.

SUPPLIES AND MATERIALS FOR OVERSEAS INSTALLATIONS

(b) When appropriations for any fiscal year for the Agency have not been made prior to the first day of March preceding the beginning of such fiscal year, the Administrator may authorize such officer or officers as may be designated by him to incur obligations for the purchase and transportation of supplies and materials necessary to the proper execution of the Administrator's functions at installations outside the continental United States, including those in Alaska, in amounts not to exceed 75 per centum of the amount that had been made available for such purposes for the fiscal year then current, payments of these obligations to be made from the appropriations for the next succeeding fiscal year when they become available.

ACQUISITION AND DISPOSAL OF PROPERTY

(c) The Administrator, on behalf of the United States, is authorized, where appropriate: (1) to accept any conditional or unconditional gift or donation of money or other property, real or personal, or of services; (2) within the limits of available appropriations made by the Congress therefor, to acquire by purchase, condemnation, lease, or otherwise, real property or interests therein, including, in the case of air navigation facilities (including airports) owned by the United States and operated under the direction of the Administrator, easements through or other interests in airspace immediately adjacent thereto and needed in connection therewith: *Provided*, That the authority herein granted shall not include authority for the acquisition of space in buildings for use by the Federal Aviation Agency, suitable accommodations for which shall be provided by the Administrator of General Services, unless the Administrator of General Services determines, pursuant to section 1 (d) of Reorganization Plan Numbered 18, 1950 (64 Stat. 1270; 5 U. S. C. 133z-15 note), that the space to be acquired is to be utilized for the special purposes of the Federal Aviation Agency and is not generally suitable for the use of other agencies; (3) for adequate compensation, by sale, lease, or otherwise, to dispose of any real or personal property or interest therein: *Provided*, That, except for airport and airway property and technical equipment used for the special purposes of the Agency, such disposition shall be made in accordance with the Federal Property and Administrative Services Act of 1949, as amended; and (4) to construct, improve, or renovate laboratories and other test facilities and to purchase or otherwise acquire real property required therefor. Any

such acquisition by condemnation may be made in accordance with the provisions of the Act of August 1, 1888 (40 U. S. C. 257; 25 Stat. 357), the Act of February 26, 1931 (40 U. S. C. 258a-258e; 46 Stat. 1421), or any other applicable Act: *Provided*, That in the case of condemnations of easements through or other interests in airspace, in fixing condemnation awards, consideration may be given to the reasonable probable future use of the underlying land.

DELEGATION OF FUNCTIONS

(d) The Administrator may, subject to such regulations, supervision, and review as he may prescribe, from time to time make such provision as he shall deem appropriate authorizing the performance by any officer, employee, or administrative unit under his jurisdiction of any function under this Act; or, with its consent, authorizing the performance by any other Federal department or agency of any function under section 307 (b) of this Act.

AUTHORITY OF PRESIDENT TO TRANSFER CERTAIN FUNCTIONS

SEC. 304. The President may transfer to the Administrator any functions (including powers, duties, activities, facilities, and parts of functions) of the executive departments or agencies of the Government or of any officer or organizational entity thereof which relate primarily to selecting, developing, testing, evaluating, establishing, operating and maintaining systems, procedures, facilities, or devices for safe and efficient air navigation and air traffic control. In connection with any such transfer, the President may provide for appropriate transfers of records, property, and for necessary civilian and military personnel to be made available from the other office, department, or other agency from which the transfer is made.

FOSTERING OF AIR COMMERCE

SEC. 305. The Administrator is empowered and directed to encourage and foster the development of civil aeronautics and air commerce in the United States and abroad.

NATIONAL DEFENSE AND CIVIL NEEDS

SEC. 306. In exercising the authority granted in, and discharging the duties imposed by, this Act, the Administrator shall give full consideration to the requirements of national defense, and of commercial and general aviation, and to the public right of freedom of transit through the navigable airspace.

AIRSPACE CONTROL AND FACILITIES

USE OF AIRSPACE

SEC. 307. (a) The Administrator is authorized and directed to develop plans for and formulate policy with respect to the use of the navigable airspace; and assign by rule, regulation, or order the use of the navigable airspace under such terms, conditions, and limitations as he may deem necessary in order to insure the safety of aircraft and the efficient utilization of such airspace. He may modify or revoke such assignment when required in the public interest.

AIR NAVIGATION FACILITIES

(b) The Administrator is authorized, within the limits of available appropriations made by the Congress, (1) to acquire, establish, and improve air-navigation facilities wherever necessary; (2) to operate and maintain such air-navigation facilities; (3) to arrange for publication of aeronautical maps and charts necessary for the safe and efficient movement of aircraft in air navigation utilizing the facilities and assistance of existing agencies of the Government so far as practicable; and (4) to provide necessary facilities and personnel for the regulation and protection of air traffic.

AIR TRAFFIC RULES

(c) The Administrator is further authorized and directed to prescribe air traffic rules and regulations governing the flight of aircraft, for the navigation, protection, and identification of aircraft, for the protection of persons and property on the ground, and for the efficient utilization of the navigable airspace, including rules as to safe altitudes of flight and rules for the prevention of collision between aircraft, between aircraft and land or water vehicles, and between aircraft and airborne objects.

APPLICABILITY OF ADMINISTRATIVE PROCEDURE ACT

(d) In the exercise of the rulemaking authority under subsections (a) and (c) of this section, the Administrator shall be subject to the provisions of the Administrative Procedure Act, notwithstanding any exception relating to military or naval functions in section 4 thereof.

60 Stat. 237.
5 USC 1001 note.

EXEMPTIONS

(e) The Administrator from time to time may grant exemptions from the requirements of any rule or regulation prescribed under this title if he finds that such action would be in the public interest.

EXCEPTION FOR MILITARY EMERGENCIES

(f) When it is essential to the defense of the United States because of a military emergency or urgent military necessity, and when appropriate military authority so determines, and when prior notice thereof is given to the Administrator, such military authority may authorize deviation by military aircraft of the national defense forces of the United States from air traffic rules issued pursuant to this title. Such prior notice shall be given to the Administrator at the earliest time practicable and, to the extent time and circumstances permit, every reasonable effort shall be made to consult fully with the Administrator and to arrange in advance for the required deviation from the rules on a mutually acceptable basis.

EXPENDITURE OF FEDERAL FUNDS FOR CERTAIN AIRPORTS, ETC.

AIRPORTS FOR OTHER THAN MILITARY PURPOSES

SEC. 308. (a) No Federal funds, other than those expended under this Act, shall be expended, other than for military purposes (whether or not in cooperation with State or other local governmental agencies), for the acquisition, establishment, construction, alteration, repair, maintenance, or operation of any landing area, or for the acquisition, establishment, construction, maintenance, or operation of air navigation facilities thereon, except upon written recommendation and certi-

fication by the Administrator that such landing area or facility is reasonably necessary for use in air commerce or in the interests of national defense. Any interested person may apply to the Administrator, under regulations prescribed by him, for such recommendation and certification with respect to any landing area or air navigation facility proposed to be established, constructed, altered, repaired, maintained, or operated by, or in the interests of, such person. There shall be no exclusive right for the use of any landing area or air navigation facility upon which Federal funds have been expended.

LOCATION OF AIRPORTS, LANDING AREAS, AND MISSILE AND ROCKET SITES

(b) In order to assure conformity to plans and policies for allocations of airspace by the Administrator under section 307 of this Act, no military airport or landing area, or missile or rocket site shall be acquired, established, or constructed, or any runway layout substantially altered, unless reasonable prior notice thereof is given the Administrator so that he may advise with the appropriate committees of the Congress and other interested agencies as to the effects of such acquisition, establishment, construction, or alteration on the use of airspace by aircraft. In case of a disagreement between the Administrator and the Department of Defense or the National Aeronautics and Space Administration the matter may be appealed to the President for final determination.

OTHER AIRPORTS

SEC. 309. In order to assure conformity to plans and policies for, and allocations of, airspace by the Administrator under section 307 of this Act, no airport or landing area not involving expenditure of Federal funds shall be established, or constructed, or any runway layout substantially altered unless reasonable prior notice thereof is given the Administrator, pursuant to regulations prescribed by him, so that he may advise as to the effects of such construction on the use of airspace by aircraft.

METEOROLOGICAL SERVICE

SEC. 310. The Administrator is empowered and directed to make recommendations to the Secretary of Commerce for providing meteorological service necessary for the safe and efficient movement of aircraft in air commerce. In providing meteorological services, the Secretary of Commerce shall cooperate with the Administrator and give full consideration to such recommendations.

COLLECTION AND DISSEMINATION OF INFORMATION

SEC. 311. The Administrator is empowered and directed to collect and disseminate information relative to civil aeronautics (other than information collected and disseminated by the Board under titles IV and VII of this Act); to study the possibilities of the development of air commerce and the aeronautical industry; and to exchange with foreign governments, through appropriate governmental channels, information pertaining to civil aeronautics.

DEVELOPMENT PLANNING

GENERAL

SEC. 312. (a) The Administrator is directed to make long range plans for and formulate policy with respect to the orderly development and use of the navigable airspace, and the orderly development and location of landing areas, Federal airways, radar installations and all other aids and facilities for air navigation, as will best meet the needs of, and serve the interest of civil aeronautics and national defense, except for those needs of military agencies which are peculiar to air warfare and primarily of military concern.

AIRCRAFT

(b) The Administrator is empowered to undertake or supervise such developmental work and service testing as tends to the creation of improved aircraft, aircraft engines, propellers, and appliances. For such purpose, the Administrator is empowered to make purchases (including exchange) by negotiation, or otherwise, of experimental aircraft, aircraft engines, propellers, and appliances, which seem to offer special advantages to aeronautics.

RESEARCH AND DEVELOPMENT

(c) The Administrator shall develop, modify, test, and evaluate systems, procedures, facilities, and devices, as well as define the performance characteristics thereof, to meet the needs for safe and efficient navigation and traffic control of all civil and military aviation except for those needs of military agencies which are peculiar to air warfare and primarily of military concern, and select such systems, procedures, facilities, and devices as will best serve such needs and will promote maximum coordination of air traffic control and air defense systems. Contracts may be entered into for this purpose without regard to section 3643 of the Revised Statutes, as amended (31 U. S. C. 529). When there is any substantial question as to whether a matter is of primary concern to the military, the Administrator is authorized and directed to determine whether he or the appropriate military agency shall have responsibility. Technical information concerning any research and development projects of the military agencies which have potential application to the needs of, or possible conflict with, the common system shall be furnished to the Administrator to the maximum extent necessary to insure that common system application potential is properly considered and potential future conflicts with the common system are eliminated.

5 USC 525.

OTHER POWERS AND DUTIES OF ADMINISTRATOR

GENERAL

SEC. 313. (a) The Administrator is empowered to perform such acts, to conduct such investigations, to issue and amend such orders, and to make and amend such general or special rules, regulations, and procedures, pursuant to and consistent with the provisions of this Act, as he shall deem necessary to carry out the provisions of, and to exercise and perform his powers and duties under, this Act.

PUBLICATIONS

(b) Except as may be otherwise provided in this Act, the Administrator shall make a report in writing on all proceedings and investigations under this Act in which formal hearings have been held, and shall state in such report his conclusions together with his decisions, order, or requirement in the premises. All such reports shall be entered of record and a copy thereof shall be furnished to all parties to the proceeding or investigation. The Administrator shall provide for the publication of such reports, and all other reports, orders, decisions, rules, and regulations issued by him under this Act in such form and manner as may be best adapted for public information and use. Publications purporting to be published by the Administrator shall be competent evidence of the orders, decisions, rules, regulations, and reports of the Administrator therein contained in all courts of the United States, and of the several States, Territories, and possessions thereof, and the District of Columbia, without further proof or authentication thereof.

POWER TO CONDUCT HEARINGS AND INVESTIGATIONS

(c) In the conduct of any public hearings or investigations authorized by this Act or by the Federal Airport Act, the Administrator shall have the same powers to take evidence, issue subpoenas, take depositions, and compel testimony as are vested in members of the Board and its duly designated examiners by section 1004 of this Act. Actions of the Administrator in such cases shall be governed by the procedures specified in section 1004 and be enforced in the manner provided therein.

60 Stat. 170,
49 U.S.C. 1101
note.

TRAINING SCHOOLS

(d) The Administrator is empowered to conduct a school or schools for the purpose of training employees of the Agency in those subjects necessary for the proper performance of all authorized functions of the Agency. He may also authorize attendance at courses given in such school or schools of other governmental personnel, and personnel of foreign governments, or personnel of the aeronautics industry: *Provided*, That in the event the attendance of such persons shall increase the cost of operation of such school or schools, the Administrator may require the payment or transfer of sufficient funds or other appropriate consideration to offset the additional costs. In providing any training to employees of the Agency or of other agencies of the Federal Government, the Administrator shall be subject to the provisions of the Government Employees Training Act (72 Stat. 327). Funds received by the Administrator hereunder may be credited (1) to appropriations current at the time the expenditures are to be or have been paid, (2) to appropriations current at the time such funds are received, or (3) in part as provided under clause (1) and in part as provided under clause (2).

ANNUAL REPORT

(e) The Administrator shall submit to the President and to the Congress an annual report. Such report shall contain, in addition to a report of the work performed under this Act, such information and data collected by the Administrator as may be considered of value in the determination of questions connected with the development and regulation of civil aeronautics, the utilization of national airspace, and the improvement of the air navigation and traffic control

Reports.

system, together with such recommendations as to additional legislation related thereto as the Administrator may deem necessary, and the Administrator may also transmit recommendations as to legislation at any other time.

DELEGATION OF POWERS AND DUTIES TO PRIVATE PERSONS

DELEGATION BY ADMINISTRATOR

SEC. 314. (a) In exercising the powers and duties vested in him by this Act, the Administrator may, subject to such regulations, supervision, and review as he may prescribe, delegate to any properly qualified private person, or to any employee or employees under the supervision of such person, any work, business, or function respecting (1) the examination, inspection, and testing necessary to the issuance of certificates under title VI of this Act, and (2) the issuance of such certificates in accordance with standards established by him. The Administrator may establish the maximum fees which such private persons may charge for their services and may rescind any delegation made by him pursuant to this subsection at any time and for any reason which he deems appropriate.

APPLICATION FOR RECONSIDERATION

(b) Any person affected by any action taken by any private person exercising delegated authority under this section may apply for reconsideration of such action by the Administrator. The Administrator upon his own initiative, with respect to the authority granted under subsection (a), may reconsider the action of any private person either before or after it has become effective. If, upon reconsideration by the Administrator, it shall appear that the action in question is in any respect unjust or unwarranted, the Administrator shall reverse, change, or modify the same accordingly; otherwise such action shall be affirmed: *Provided*, That nothing in this subsection shall be construed as modifying, amending, or repealing any provisions of the Administrative Procedure Act.

60 Stat. 237.
5 USC 1001 note.

TITLE IV—AIR CARRIER ECONOMIC REGULATION

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

CERTIFICATE REQUIRED

SEC. 401. (a) No air carrier shall engage in any air transportation unless there is in force a certificate issued by the Board authorizing such air carrier to engage in such transportation.

APPLICATION FOR CERTIFICATE

(b) Application for a certificate shall be made in writing to the Board and shall be so verified, shall be in such form and contain such information, and shall be accompanied by such proof of service upon such interested persons, as the Board shall by regulation require.

NOTICE OF APPLICATION

(c) Upon the filing of any such application, the Board shall give due notice thereof to the public by posting a notice of such application in the office of the secretary of the Board and to such other persons as the Board may by regulation determine. Any interested person may file with the Board a protest or memorandum of opposi-

tion to or in support of the issuance of a certificate. Such application shall be set for public hearing, and the Board shall dispose of such application as speedily as possible.

ISSUANCE OF CERTIFICATE

(d) (1) The Board shall issue a certificate authorizing the whole or any part of the transportation covered by the application, if it finds that the applicant is fit, willing, and able to perform such transportation properly, and to conform to the provisions of this Act and the rules, regulations, and requirements of the Board hereunder, and that such transportation is required by the public convenience and necessity; otherwise such application shall be denied.

(2) In the case of an application for a certificate to engage in temporary air transportation, the Board may issue a certificate authorizing the whole or any part thereof for such limited periods as may be required by the public convenience and necessity, if it finds that the applicant is fit, willing, and able properly to perform such transportation and to conform to the provisions of this Act and the rules, regulations, and requirements of the Board hereunder.

TERMS AND CONDITIONS OF CERTIFICATE

(e) Each certificate issued under this section shall specify the terminal points and intermediate points, if any, between which the air carrier is authorized to engage in air transportation and the service to be rendered; and there shall be attached to the exercise of the privileges granted by the certificate, or amendment thereto, such reasonable terms, conditions, and limitations as the public interest may require. A certificate issued under this section to engage in foreign air transportation shall, insofar as the operation is to take place without the United States, designate the terminal and intermediate points only insofar as the Board shall deem practicable, and otherwise shall designate only the general route or routes to be followed. Any air carrier holding a certificate for foreign air transportation shall be authorized to handle and transport mail of countries other than the United States. No term, condition, or limitation of a certificate shall restrict the right of an air carrier to add to or change schedules, equipment, accommodations, and facilities for performing the authorized transportation and service as the development of the business and the demands of the public shall require. No air carrier shall be deemed to have violated any term, condition, or limitation of its certificate by landing or taking off during an emergency at a point not named in its certificate or by operating in an emergency under regulations which may be prescribed by the Board, between terminal and intermediate points other than those specified in its certificate. Any air carrier may make charter trips or perform any other special service, without regard to the points named in its certificate, under regulations prescribed by the Board.

EFFECTIVE DATE AND DURATION OF CERTIFICATE

(f) Each certificate shall be effective from the date specified therein, and shall continue in effect until suspended or revoked as hereinafter provided, or until the Board shall certify that operation thereunder has ceased, or, if issued for a limited period of time under subsection (d) (2) of this section, shall continue in effect until the expiration thereof, unless, prior to the date of expiration, such certificate shall be suspended or revoked as provided herein, or the Board shall certify that operations thereunder have ceased: *Provided*, That

if any service authorized by a certificate is not inaugurated within such period, not less than ninety days, after the date of the authorization as shall be fixed by the Board, or if, for a period of ninety days or such other period as may be designated by the Board any such service is not operated, the Board may by order, entered after notice and hearing, direct that such certificate shall thereupon cease to be effective to the extent of such service.

AUTHORITY TO MODIFY, SUSPEND, OR REVOKE

(g) The Board upon petition or complaint or upon its own initiative, after notice and hearings, may alter, amend, modify, or suspend any such certificate, in whole or in part, if the public convenience and necessity so require, or may revoke any such certificate, in whole or in part, for intentional failure to comply with any provision of this title or any order, rule, or regulation issued hereunder or any term, condition, or limitation of such certificate: *Provided*, That no such certificate shall be revoked unless the holder thereof fails to comply, within a reasonable time to be fixed by the Board, with an order of the Board commanding obedience to the provision, or to the order (other than an order issued in accordance with this proviso), rule, regulation, term, condition, or limitation found by the Board to have been violated. Any interested person may file with the Board a protest or memorandum in support of or in opposition to the alteration, amendment, modification, suspension, or revocation of the certificate.

TRANSFER OF CERTIFICATE

(h) No certificate may be transferred unless such transfer is approved by the Board as being consistent with the public interest.

CERTAIN RIGHTS NOT CONFERRED BY CERTIFICATE

(i) No certificate shall confer any proprietary, property, or exclusive right in the use of any airspace, Federal airway, landing area, or air-navigation facility.

APPLICATION FOR ABANDONMENT

(j) No air carrier shall abandon any route, or part thereof, for which a certificate has been issued by the Board, unless, upon the application of such air carrier, after notice and hearing, the Board shall find such abandonment to be in the public interest. Any interested person may file with the Board a protest or memorandum of opposition to or in support of any such abandonment. The Board may, by regulations or otherwise, authorize such temporary suspension of service as may be in the public interest.

COMPLIANCE WITH LABOR LEGISLATION

(k) (1) Every air carrier shall maintain rates of compensation, maximum hours, and other working conditions and relations of all of its pilots and copilots who are engaged in interstate air transportation within the continental United States (not including Alaska) so as to conform with decision numbered 83 made by the National Labor Board on May 10, 1934, notwithstanding any limitation therein as to the period of its effectiveness.

(2) Every air carrier shall maintain rates of compensation for all of its pilots and copilots who are engaged in overseas or foreign air transportation or air transportation wholly within a Territory or

possession of the United States, the minimum of which shall be not less, upon an annual basis, than the compensation required to be paid under said decision 83 for comparable service to pilots and copilots engaged in interstate air transportation within the continental United States (not including Alaska).

(3) Nothing herein contained shall be construed as restricting the right of any such pilots or copilots, or other employees, of any such air carrier to obtain by collective bargaining higher rates of compensation or more favorable working conditions or relations.

(4) It shall be a condition upon the holding of a certificate by any air carrier that such carrier shall comply with title II of the Railway Labor Act, as amended.

(5) The term "pilot" as used in this subsection shall mean an employee who is responsible for the manipulation of or who manipulates the flight controls of an aircraft while under way including take-off and landing of such aircraft, and the term "copilot" as used in this subsection shall mean an employee any part of whose duty is to assist or relieve the pilot in such manipulation, and who is properly qualified to serve as, and holds a currently effective airman certificate authorizing him to serve as, such pilot or copilot.

REQUIREMENT AS TO CARRIAGE OF MAIL

(1) Whenever so authorized by its certificate, any air carrier shall provide necessary and adequate facilities and service for the transportation of mail, and shall transport mail whenever required by the Postmaster General. Such air carrier shall be entitled to receive reasonable compensation therefor as hereinafter provided.

APPLICATION FOR NEW MAIL SERVICE

(m) Whenever, from time to time, the Postmaster General shall find that the needs of the Postal Service require the transportation of mail by aircraft between any points within the United States or between the United States and foreign countries, in addition to the transportation of mail authorized in certificates then currently effective, the Postmaster General shall certify such finding to the Board and file therewith a statement showing such additional service and the facilities necessary in connection therewith, and a copy of such certification and statement shall be posted for at least twenty days in the office of the secretary of the Board. The Board shall, after notice and hearing, and if found by it to be required by the public convenience and necessity, make provision for such additional service, and the facilities necessary in connection therewith, by issuing a new certificate or certificates or by amending an existing certificate or certificates in accordance with the provisions of this section.

PERMITS TO FOREIGN AIR CARRIERS

PERMIT REQUIRED

SEC. 402. (a) No foreign air carrier shall engage in foreign air transportation unless there is in force a permit issued by the Board authorizing such carrier so to engage.

ISSUANCE OF PERMIT

(b) The Board is empowered to issue such a permit if it finds that such carrier is fit, willing, and able properly to perform such air transportation and to conform to the provisions of this Act and the rules, regulations, and requirements of the Board hereunder, and that such transportation will be in the public interest.

APPLICATION FOR PERMIT

(c) Application for a permit shall be made in writing to the Board, shall be so verified, shall be in such form and contain such information, and shall be accompanied by such proof of service upon such interested persons, as the Board shall by regulation require.

NOTICE OF APPLICATION

(d) Upon the filing of an application for a permit the Board shall give due notice thereof to the public by posting a notice of such application in the office of the secretary of the Board and to such other persons as the Board may by regulation determine. Any interested person may file with the Board a protest or memorandum of opposition to or in support of the issuance of a permit. Such application shall be set for public hearing and the Board shall dispose of such application as speedily as possible.

TERMS AND CONDITIONS OF PERMIT

(e) The Board may prescribe the duration of any permit and may attach to such permit such reasonable terms, conditions, or limitations as, in its judgment, the public interest may require.

AUTHORITY TO MODIFY, SUSPEND, OR REVOKE

(f) Any permit issued under the provisions of this section may, after notice and hearing, be altered, modified, amended, suspended, canceled, or revoked by the Board whenever it finds such action to be in the public interest. Any interested person may file with the Board a protest or memorandum in support of or in opposition to the alteration, modification, amendment, suspension, cancellation, or revocation of a permit.

TRANSFER OF PERMIT

(g) No permit may be transferred unless such transfer is approved by the Board as being in the public interest.

TARIFFS OF AIR CARRIERS

FILING OF TARIFFS REQUIRED

SEC. 403. (a) Every air carrier and every foreign air carrier shall file with the Board, and print, and keep open to public inspection, tariffs showing all rates, fares, and charges for air transportation between points served by it, and between points served by it and points served by any other air carrier or foreign air carrier when through service and through rates shall have been established, and showing to the extent required by regulations of the Board, all classifications, rules, regulations, practices, and services in connection with such air transportation. Tariffs shall be filed, posted, and published in such form and manner, and shall contain such information, as the Board shall by regulation prescribe; and the Board is empowered to reject

any tariff so filed which is not consistent with this section and such regulations. Any tariff so rejected shall be void. The rates, fares, and charges shown in any tariff shall be stated in terms of lawful money of the United States, but such tariffs may also state rates, fares, and charges in terms of currencies other than lawful money of the United States, and may, in the case of foreign air transportation, contain such information as may be required under the laws of any country in or to which an air carrier or foreign air carrier is authorized to operate.

OBSERVANCE OF TARIFFS; REBATING PROHIBITED

(b) No air carrier or foreign air carrier shall charge or demand or collect or receive a greater or less or different compensation for air transportation, or for any service in connection therewith, than the rates, fares, and charges specified in its currently effective tariffs; and no air carrier or foreign air carrier shall, in any manner or by any device, directly or indirectly, or through any agent or broker, or otherwise, refund or remit any portion of the rates, fares, or charges so specified, or extend to any person any privileges or facilities, with respect to matters required by the Board to be specified in such tariffs, except those specified therein. Nothing in this Act shall prohibit such air carriers or foreign air carriers, under such terms and conditions as the Board may prescribe, from issuing or interchanging tickets or passes for free or reduced-rate transportation to their directors, officers, and employees and their immediate families; witnesses and attorneys attending any legal investigation in which any such air carrier is interested; persons injured in aircraft accidents and physicians and nurses attending such persons; and any person or property with the object of providing relief in cases of general epidemic, pestilence, or other calamitous visitation; and, in the case of overseas or foreign air transportation, to such other persons and under such other circumstances as the Board may by regulations prescribe. Any air carrier or foreign air carrier, under such terms and conditions as the Board may prescribe, may grant reduced-rate transportation to ministers of religion on a space-available basis.

NOTICE OF TARIFF CHANGE

(c) No change shall be made in any rate, fare, or charge, or any classification, rule, regulation, or practice affecting such rate, fare, or charge, or the value of the service thereunder, specified in any effective tariff of any air carrier or foreign air carrier, except after thirty days' notice of the proposed change filed, posted, and published in accordance with subsection (a) of this section. Such notice shall plainly state the change proposed to be made and the time such change will take effect. The Board may in the public interest, by regulation or otherwise, allow such change upon notice less than that herein specified, or modify the requirements of this section with respect to filing and posting of tariffs, either in particular instances or by general order applicable to special or peculiar circumstances or conditions.

FILING OF DIVISIONS OF RATES AND CHARGES REQUIRED

(d) Every air carrier or foreign air carrier shall keep currently on file with the Board, if the Board so requires, the established divisions of all joint rates, fares, and charges for air transportation in which such air carrier or foreign air carrier participates.

RATES FOR CARRIAGE OF PERSONS AND PROPERTY

* CARRIER'S DUTY TO PROVIDE SERVICE, RATES, AND DIVISIONS

SEC. 404. (a) It shall be the duty of every air carrier to provide and furnish interstate and overseas air transportation, as authorized by its certificate, upon reasonable request therefor and to provide reasonable through service in such air transportation in connection with other air carriers; to provide safe and adequate service, equipment, and facilities in connection with such transportation; to establish, observe, and enforce just and reasonable individual and joint rates, fares, and charges, and just and reasonable classifications, rules, regulations, and practices relating to such air transportation; and, in case of such joint rates, fares, and charges, to establish just, reasonable, and equitable divisions thereof as between air carriers participating therein which shall not unduly prefer or prejudice any of such participating air carriers.

DISCRIMINATION

(b) No air carrier or foreign air carrier shall make, give, or cause any undue or unreasonable preference or advantage to any particular person, port, locality, or description of traffic in air transportation in any respect whatsoever or subject any particular person, port, locality, or description of traffic in air transportation to any unjust discrimination or any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

TRANSPORTATION OF MAIL

POSTAL RULES AND REGULATIONS

SEC. 405. (a) The Postmaster General is authorized to make such rules and regulations, not inconsistent with the provisions of this Act, or any order, rule, or regulation made by the Board thereunder, as may be necessary for the safe and expeditious carriage of mail by aircraft.

MAIL SCHEDULES

(b) Each air carrier shall, from time to time, file with the Board and the Postmaster General a statement showing the points between which such air carrier is authorized to engage in air transportation, and all schedules, and all changes therein, of aircraft regularly operated by the carrier between such points, setting forth in respect of each such schedule the points served thereby and the time of arrival and departure at each such point. The Postmaster General may designate any such schedule for the transportation of mail between the points between which the air carrier is authorized by its certificate to transport mail, and may, by order, require the air carrier to establish additional schedules for the transportation of mail between such points. No change shall be made in any schedules designated or ordered to be established by the Postmaster General except upon ten days' notice thereof filed as herein provided. The Postmaster General may by order disapprove any such change or alter, amend, or modify any such schedule or change. No order of the Postmaster General under this subsection shall become effective until ten days after its issuance. Any person who would be aggrieved by any such order of the Postmaster General under this subsection may, before the expiration of such ten-day period, apply to the Board, under such regulations as it may prescribe, for a review of such order. The Board may review, and, if the public convenience and necessity so require, amend,

revise, suspend, or cancel such order; and, pending such review and the determination thereof, may postpone the effective date of such order. The Board shall give preference to proceedings under this subsection over all proceedings pending before it. No air carrier shall transport mail in accordance with any schedule other than a schedule designated or ordered to be established under this subsection for the transportation of mail.

MAXIMUM MAIL LOAD

(c) The Board may fix the maximum mail load for any schedule or for any aircraft or any type of aircraft; but, in the event that mail in excess of the maximum load is tendered by the Postmaster General for transportation by any air carrier in accordance with any schedule designated or ordered to be established by the Postmaster General under subsection (b) of this section for the transportation of mail, such air carrier shall, to the extent such air carrier is reasonably able as determined by the Board, furnish facilities sufficient to transport, and shall transport, such mail as nearly in accordance with such schedule as the Board shall determine to be possible.

TENDER OF MAIL

(d) From and after the issuance of any certificate authorizing the transportation of mail by aircraft, the Postmaster General shall tender mail to the holder thereof, to the extent required by the Postal Service, for transportation between the points named in such certificate for the transportation of mail, and such mail shall be transported by the air carrier holding such certificate in accordance with such rules, regulations, and requirements as may be promulgated by the Postmaster General under this section.

FOREIGN POSTAL ARRANGEMENT

(e) (1) Nothing in this Act shall be deemed to abrogate or affect any arrangement made by the United States with the postal administration of any foreign country with respect to transportation of mail by aircraft, or to impair the authority of the Postmaster General to enter into any such arrangement with the postal administration of any foreign country.

(2) The Postmaster General may, in any case where service may be necessary by a person not a citizen of the United States who may not be obligated to transport the mail for a foreign country, make arrangements, without advertising, with such person for transporting mail by aircraft to or within any foreign country.

TRANSPORTATION OF FOREIGN MAIL

(f) (1) Any air carrier holding a certificate to engage in foreign air transportation and transporting mails of foreign countries shall transport such mails subject to control and regulation by the United States. The Postmaster General shall from time to time fix the rates of compensation that shall be charged the respective foreign countries for the transportation of their mails by such air carriers, and such rates shall be put into effect by the Postmaster General in accordance with the provisions of the postal convention regulating the postal relations between the United States and the respective foreign countries, or as provided hereinafter in this subsection. In any case where the Postmaster General deems such action to be in the public interest, he may approve rates provided in arrangements

between any such air carrier and any foreign country covering the transportation of mails of such country, under which mails of such country have been carried on scheduled operations prior to January 1, 1938, or in extensions or modifications of such arrangements, and may permit any such air carrier to enter into arrangements with any foreign country for the transportation of its mails at rates fixed by the Postmaster General in advance of the making of any such arrangement. The Postmaster General may authorize any such air carrier, under such limitations as the Postmaster General may prescribe, to change the rates to be charged any foreign country for the transportation of its mails by such air carrier within that country or between that country and another foreign country.

(2) In any case where such air carrier has an arrangement with any foreign country for transporting its mails, made or approved in accordance with the provisions of paragraph (1) of this subsection, it shall collect its compensation from the foreign country under its arrangement, and in case of the absence of any arrangement between the air carrier and the foreign country consistent with this subsection, the collections made from the foreign country by the United States shall be for the account of such air carrier: *Provided*, That no such air carrier shall be entitled to receive compensation both from such foreign country and from the United States in respect of the transportation of the same mail or the same mails of foreign countries.

EVIDENCE OF PERFORMANCE OF MAIL SERVICE

(g) Air carriers transporting or handling United States mail shall submit, under signature of a duly authorized official, when and in such form as may be required by the Postmaster General, evidence of the performance of mail service; and air carriers transporting or handling mails of foreign countries shall submit, under signature of a duly authorized official, when and in such form as may be required by the Postmaster General, evidence of the amount of such mails transported or handled, and the compensation payable and received therefor.

EMERGENCY MAIL SERVICE

(h) In the event of emergency caused by flood, fire, or other calamitous visitation, the Postmaster General is authorized to contract, without advertising, for the transportation by aircraft of any or all classes of mail to or from localities affected by such calamity, where available facilities of persons authorized to transport mail to or from such localities are inadequate to meet the requirements of the Postal Service during such emergency. Such contracts may be only for such periods as may be necessitated, for the maintenance of mail service, by the inadequacy of such other facilities. No operation pursuant to any such contract, for such period, shall be air transportation within the purview of this Act. Payment of compensation for service performed under such contracts shall be made, at rates provided in such contracts, from appropriations for the transportation of mail by the means normally used for transporting the mail transported under such contracts.

EXPERIMENTAL AIRMAIL SERVICE

(i) Nothing contained in this Act shall be construed to repeal in whole or in part the provisions of section 6 of the Act entitled "An Act to provide for experimental airmail service, to further develop safety, efficiency, economy, and for other purposes", approved April 15, 1938, as amended. The transportation of mail under contracts entered into under such section shall not, except for sections 401 (k) and

416 (b), be deemed to be "air transportation" as used in this Act, and the rates of compensation for such transportation of mail shall not be fixed under this Act.

FREE TRAVEL FOR POSTAL EMPLOYEES

(j) Every air carrier carrying the mails shall carry on any plane that it operates and without charge therefor, the persons in charge of the mails when on duty, and such duly accredited agents and officers of the Post Office Department, and post office inspectors, while traveling on official business relating to the transportation of mail by aircraft, as the Board may by regulation prescribe, upon the exhibition of their credentials.

RATES FOR TRANSPORTATION OF MAIL

AUTHORITY TO FIX RATES

SEC. 406. (a) The Board is empowered and directed, upon its own initiative or upon petition of the Postmaster General or an air carrier, (1) to fix and determine from time to time, after notice and hearing, the fair and reasonable rates of compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith (including the transportation of mail by an air carrier by other means than aircraft whenever such transportation is incidental to the transportation of mail by aircraft or is made necessary by conditions of emergency arising from aircraft operation), by each holder of a certificate authorizing the transportation of mail by aircraft, and to make such rates effective from such date as it shall determine to be proper; (2) to prescribe the method or methods, by aircraft-mile, pound-mile, weight, space, or any combination thereof, or otherwise, for ascertaining such rates of compensation for each air carrier or class of air carriers; and (3) to publish the same.

RATE-MAKING ELEMENTS

(b) In fixing and determining fair and reasonable rates of compensation under this section, the Board, considering the conditions peculiar to transportation by aircraft and to the particular air carrier or class of air carriers, may fix different rates for different air carriers or classes of air carriers, and different classes of service. In determining the rate in each case, the Board shall take into consideration, among other factors, (1) the condition that such air carriers may hold and operate under certificates authorizing the carriage of mail only by providing necessary and adequate facilities and service for the transportation of mail; (2) such standards respecting the character and quality of service to be rendered by air carriers as may be prescribed by or pursuant to law; and (3) the need of each such air carrier for compensation for the transportation of mail sufficient to insure the performance of such service, and, together with all other revenue of the air carrier, to enable such air carrier under honest, economical, and efficient management, to maintain and continue the development of air transportation to the extent and of the character and quality required for the commerce of the United States, the Postal Service, and the national defense.

PAYMENT

(c) The Postmaster General shall make payments out of appropriations for the transportation of mail by aircraft of so much of the total compensation as is fixed and determined by the Board under this section without regard to clause (3) of subsection (b) of this section. The Board shall make payments of the remainder of the total compensation payable under this section out of appropriations made to the Board for that purpose.

TREATMENT OF PROCEEDS OF DISPOSITION OF CERTAIN PROPERTY

(d) In determining the need of an air carrier for compensation for the transportation of mail, and such carrier's "other revenue" for the purpose of this section, the Board shall not take into account—

(1) gains derived from the sale or other disposition of flight equipment if (A) the carrier notifies the Board in writing that it has invested or intends to reinvest the gains (less applicable expenses and taxes) derived from such sale or other disposition in flight equipment, and (B) submits evidence in the manner prescribed by the Board that an amount equal to such gains (less applicable expenses and taxes) has been expended for purchase of flight equipment or has been deposited in a special reequipment fund, or

(2) losses sustained from the sale or other disposition of flight equipment.

Any amounts so deposited in a reequipment fund as above provided shall be used solely for investment in flight equipment either through payments on account of the purchase price or construction of flight equipment or in retirement of debt contracted for the purchase or construction of flight equipment, and unless so reinvested within such reasonable time as the Board may prescribe, the carrier shall not have the benefit of this paragraph. Amounts so deposited in the reequipment fund shall not be included as part of the carrier's used and useful investment for purposes of section 406 until expended as provided above: *Provided*, That the flight equipment in which said gains may be invested shall not include equipment delivered to the carrier prior to April 6, 1956: *Provided further*, That the provisions of this subsection shall be effective as to all capital gains or losses realized on and after April 6, 1956, with respect to the sale or other disposition of flight equipment whether or not the Board shall have entered a final order taking account thereof in determining all other revenue of the air carrier.

STATEMENT OF POSTMASTER GENERAL AND CARRIER

(e) Any petition for the fixing of fair and reasonable rates of compensation under this section shall include a statement of the rate the petitioner believes to be fair and reasonable. The Postmaster General shall introduce as part of the record in all proceedings under this section a comprehensive statement of all service to be required of the air carrier and such other information in his possession as may be deemed by the Board to be material to the inquiry.

WEIGHING OF MAIL

(f) The Postmaster General may weigh the mail transported by aircraft and make such computations for statistical and administrative purposes as may be required in the interest of the mail service. The Postmaster General is authorized to employ such clerical and

other assistance as may be required in connection with proceedings under this Act. If the Board shall determine that it is necessary or advisable, in order to carry out the provisions of this Act, to have additional and more frequent weighing of the mails, the Postmaster General, upon request of the Board shall provide therefor in like manner, but such weighing need not be for continuous periods of more than thirty days.

AVAILABILITY OF APPROPRIATIONS

(g) Except as otherwise provided in section 405 (h), the unexpended balances of all appropriations for the transportation of mail by aircraft pursuant to contracts entered into under the Air Mail Act of 1934, as amended, and the unexpended balances of all appropriations available for the transportation of mail by aircraft in Alaska, shall be available, in addition to the purposes stated in such appropriations, for the payment of compensation by the Postmaster General, as provided in this Act, for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between points in the continental United States or between points in Hawaii or in Alaska or between points in the continental United States and points in Canada within one hundred and fifty miles of the international boundary line. Except as otherwise provided in section 405 (h), the unexpended balances of all appropriations for the transportation of mail by aircraft pursuant to contracts entered into under the Act of March 8, 1928, as amended, shall be available, in addition to the purposes stated in such appropriations, for payment to be made by the Postmaster General, as provided by this Act, in respect of the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between points in the United States and points outside thereof, or between points in the continental United States and Territories or possessions of the United States, or between Territories or possessions of the United States.

48 Stat. 508.

45 Stat. 248.

PAYMENTS TO FOREIGN AIR CARRIERS

(h) In any case where air transportation is performed between the United States and any foreign country, both by aircraft owned or operated by one or more air carriers holding a certificate under this title and by aircraft owned or operated by one or more foreign air carriers, the Postmaster General shall not pay to or for the account of any such foreign air carrier a rate of compensation for transporting mail by aircraft between the United States and such foreign country, which, in his opinion, will result (over such reasonable period as the Postmaster General may determine, taking account of exchange fluctuations and other factors) in such foreign air carrier receiving a higher rate of compensation for transporting such mail than such foreign country pays to air carriers for transporting its mail by aircraft between such foreign country and the United States, or receiving a higher rate of compensation for transporting such mail than a rate determined by the Postmaster General to be comparable to the rate such foreign country pays to air carriers for transporting its mail by aircraft between such foreign country and intermediate country on the route of such air carrier between such foreign country and the United States.

ACCOUNTS, RECORDS, AND REPORTS

FILING OF REPORTS

SEC. 407. (a) The Board is empowered to require annual, monthly, periodical, and special reports from any air carrier; to prescribe the manner and form in which such reports shall be made; and to require from any air carrier specific answers to all questions upon which the Board may deem information to be necessary. Such reports shall be under oath whenever the Board so requires. The Board may also require any air carrier to file with it a true copy of each or any contract, agreement, understanding, or arrangement, between such air carrier and any other carrier or person, in relation to any traffic affected by the provisions of this Act.

DISCLOSURE OF STOCK OWNERSHIP

(b) Each air carrier shall submit annually, and at such other times as the Board shall require, a list showing the names of each of its stockholders or members holding more than 5 per centum of the entire capital stock or capital, as the case may be, of such air carrier, together with the name of any person for whose account, if other than the holder, such stock is held; and a report setting forth a description of the shares of stock, or other interest, held by such air carrier, or for its account, in persons other than itself.

DISCLOSURE OF STOCK OWNERSHIP BY OFFICER OR DIRECTOR

(c) Each officer and director of an air carrier shall annually and at such other times as the Board shall require transmit to the Board a report describing the shares of stock or other interests held by him in any air carrier, any person engaged in any phase of aeronautics, or any common carrier, and in any person whose principal business, in purpose or in fact, is the holding of stock in, or control of, air carriers, other persons engaged in any phase of aeronautics, or common carriers.

FORM OF ACCOUNTS

(d) The Board shall prescribe the forms of any and all accounts, records, and memoranda to be kept by air carriers, including the accounts, records, and memoranda of the movement of traffic, as well as of the receipts and expenditures of money, and the length of time such accounts, records, and memoranda shall be preserved; and it shall be unlawful for air carriers to keep any accounts, records, or memoranda other than those prescribed or approved by the Board: *Provided*, That any air carrier may keep additional accounts, records, or memoranda if they do not impair the integrity of the accounts, records, or memoranda prescribed or approved by the Board and do not constitute an undue financial burden on such air carrier.

INSPECTION OF ACCOUNTS AND PROPERTY

(e) The Board shall at all times have access to all lands, buildings, and equipment of any carrier and to all accounts, records, and memoranda, including all documents, papers, and correspondence, now or hereafter existing, and kept or required to be kept by air carriers; and it may employ special agents or auditors, who shall have authority under the orders of the Board to inspect and examine any and all such lands, buildings, equipment, accounts, records, and memoranda. The provisions of this section shall apply, to the extent found by the Board to be reasonably necessary for the administration of this Act, to per-

sons having control over any air carrier, or affiliated with any air carrier within the meaning of section 5 (8) of the Interstate Commerce Act, as amended.

54 Stat. 908.
49 USC 5.

CONSOLIDATION, MERGER, AND ACQUISITION OF CONTROL

ACTS PROHIBITED

SEC. 408. (a) It shall be unlawful unless approved by order of the Board as provided in this section—

(1) For two or more air carriers, or for any air carrier and any other common carrier or any person engaged in any other phase of aeronautics, to consolidate or merge their properties, or any part thereof, into one person for the ownership, management, or operation of the properties theretofore in separate ownerships;

(2) For any air carrier, any person controlling an air carrier, any other common carrier, or any person engaged in any other phase of aeronautics, to purchase, lease, or contract to operate the properties, or any substantial part thereof, of any air carrier;

(3) For any air carrier or person controlling an air carrier to purchase, lease, or contract to operate the properties, or any substantial part thereof, of any person engaged in any phase of aeronautics otherwise than as an air carrier;

(4) For any foreign air carrier or person controlling a foreign air carrier to acquire control, in any manner whatsoever, of any citizen of the United States engaged in any phase of aeronautics;

(5) For any air carrier or person controlling an air carrier, any other common carrier, or any person engaged in any other phase of aeronautics, to acquire control of any air carrier in any manner whatsoever;

(6) For any air carrier or person controlling an air carrier to acquire control, in any manner whatsoever, of any person engaged in any phase of aeronautics otherwise than as an air carrier; or

(7) For any person to continue to maintain any relationship established in violation of any of the foregoing subdivisions of this subsection.

POWER OF BOARD

(b) Any person seeking approval of a consolidation, merger, purchase, lease, operating contract, or acquisition of control, specified in subsection (a) of this section, shall present an application to the Board, and thereupon the Board shall notify the persons involved in the consolidation, merger, purchase, lease, operating contract, or acquisition of control, and other persons known to have a substantial interest in the proceeding, of the time and place of a public hearing. Unless, after such hearing, the Board finds that the consolidation, merger, purchase, lease, operating contract, or acquisition of control will not be consistent with the public interest or that the conditions of this section will not be fulfilled, it shall by order approve such consolidation, merger, purchase, lease, operating contract, or acquisition of control, upon such terms and conditions as it shall find to be just and reasonable and with such modifications as it may prescribe: *Provided*, That the Board shall not approve any consolidation, merger, purchase, lease, operating contract, or acquisition of control which would result in creating a monopoly or monopolies and thereby restrain competition or jeopardize another air carrier not a party to the consolidation, merger, purchase, lease, operating contract, or acquisition of control: *Provided further*, That if the applicant is a carrier other than an air carrier, or a person controlled by a carrier other than an air carrier or affiliated therewith within the meaning of section

54 Stat. 908.
49 USC 5.

5 (8) of the Interstate Commerce Act, as amended, such applicant shall for the purposes of this section be considered an air carrier and the Board shall not enter such an order of approval unless it finds that the transaction proposed will promote the public interest by enabling such carrier other than an air carrier to use aircraft to public advantage in its operation and will not restrain competition.

INTERESTS IN GROUND FACILITIES

(c) The provisions of this section and section 409 shall not apply with respect to the acquisition or holding by any air carrier, or any officer or director thereof, of (1) any interest in any ticket office, landing area, hangar, or other ground facility reasonably incidental to the performance by such air carrier of any of its services, or (2) any stock or other interest or any office or directorship in any person whose principal business is the maintenance or operation of any such ticket office, landing area, hangar, or other ground facility.

JURISDICTION OF ACCOUNTS OF NONCARRIERS

(d) Whenever, after the effective date of this section, a person, not an air carrier, is authorized, pursuant to this section, to acquire control of an air carrier, such person thereafter shall, to the extent found by the Board to be reasonably necessary for the administration of this Act, be subject, in the same manner as if such person were an air carrier, to the provisions of this Act relating to accounts, records, and reports, and the inspection of facilities and records, including the penalties applicable in the case of violations thereof.

INVESTIGATION OF VIOLATIONS

(e) The Board is empowered, upon complaint or upon its own initiative, to investigate and, after notice and hearing, to determine whether any person is violating any provision of subsection (a) of this section. If the Board finds after such hearing that such person is violating any provision of such subsection, it shall by order require such person to take such action, consistent with the provisions of this Act, as may be necessary, in the opinion of the Board, to prevent further violation of such provision.

PROHIBITED INTERESTS

INTERLOCKING RELATIONSHIPS

SEC. 409. (a) It shall be unlawful, unless such relationship shall have been approved by order of the Board upon due showing, in the form and manner prescribed by the Board, that the public interest will not be adversely affected thereby—

(1) For any air carrier to have and retain an officer or director who is an officer, director, or member, or who as a stockholder holds a controlling interest, in any other person who is a common carrier or is engaged in any phase of aeronautics.

(2) For any air carrier, knowingly and willfully, to have and retain an officer or director who has a representative or nominee who represents such officer or director as an officer, director, or member, or as a stockholder holding a controlling interest, in any other person who is a common carrier or is engaged in any phase of aeronautics.

(3) For any person who is an officer or director of an air carrier to hold the position of officer, director, or member, or to

be a stockholder holding a controlling interest, or to have a representative or nominee who represents such person as an officer, director, or member, or as a stockholder holding a controlling interest, in any other person who is a common carrier or is engaged in any phase of aeronautics.

(4) For any air carrier to have and retain an officer or director who is an officer, director, or member, or who as a stockholder holds a controlling interest, in any person whose principal business, in purpose or in fact, is the holding of stock in, or control of, any other person engaged in any phase of aeronautics.

(5) For any air carrier, knowingly and willfully, to have and retain an officer or director who has a representative or nominee who represents such officer or director as an officer, director, or member, or as a stockholder holding a controlling interest, in any person whose principal business, in purpose or in fact, is the holding of stock in, or control of, any other person engaged in any phase of aeronautics.

(6) For any person who is an officer or director of an air carrier to hold the position of officer, director, or member, or to be a stockholder holding a controlling interest, or to have a representative or nominee who represents such person as an officer, director, or member, or as a stockholder holding a controlling interest, in any person whose principal business, in purpose or in fact, is the holding of stock in, or control of, any other person engaged in any phase of aeronautics.

PROFIT FROM TRANSFER OF SECURITIES

(b) It shall be unlawful for any officer or director of any air carrier to receive for his own benefit, directly or indirectly, any money or thing of value in respect of negotiation, hypothecation, or sale of any securities issued or to be issued by such carrier, or to share in any of the proceeds thereof.

LOANS AND FINANCIAL AID

SEC. 410. The Board is empowered to approve or disapprove, in whole or in part, any and all applications made after the effective date of this section for or in connection with any loan or other financial aid from the United States or any agency thereof to, or for the benefit of, any air carrier. No such loan or financial aid shall be made or given without such approval, and the terms and conditions upon which such loan or financial aid is provided shall be prescribed by the Board.

METHODS OF COMPETITION

SEC. 411. The Board may, upon its own initiative or upon complaint by any air carrier, foreign air carrier, or ticket agent, if it considers that such action by it would be in the interest of the public, investigate and determine whether any air carrier, foreign air carrier, or ticket agent has been or is engaged in unfair or deceptive practices or unfair methods of competition in air transportation or the sale thereof. If the Board shall find, after notice and hearing, that such air carrier, foreign air carrier, or ticket agent is engaged in such unfair or deceptive practices or unfair methods of competition, it shall order such air carrier, foreign air carrier, or ticket agent to cease and desist from such practices or methods of competition.

POOLING AND OTHER AGREEMENTS

FILING OF AGREEMENTS REQUIRED

SEC. 412. (a) Every air carrier shall file with the Board a true copy, or, if oral, a true and complete memorandum, of every contract or agreement (whether enforceable by provisions for liquidated damages, penalties, bonds, or otherwise) affecting air transportation and in force on the effective date of this section or hereafter entered into, or any modification or cancellation thereof, between such air carrier and any other air carrier, foreign air carrier, or other carrier for pooling or apportioning earnings, losses, traffic, service, or equipment, or relating to the establishment of transportation rates, fares, charges, or classifications, or for preserving and improving safety, economy, and efficiency of operation, or for controlling, regulating, preventing, or otherwise eliminating destructive, oppressive, or wasteful competition, or for regulating stops, schedules, and character of service, or for other cooperative working arrangements.

APPROVAL BY BOARD

(b) The Board shall by order disapprove any such contract or agreement, whether or not previously approved by it, that it finds to be adverse to the public interest, or in violation of this Act, and shall by order approve any such contract or agreement, or any modification or cancellation thereof, that it does not find to be adverse to the public interest, or in violation of this Act; except that the Board may not approve any contract or agreement between an air carrier not directly engaged in the operation of aircraft in air transportation and a common carrier subject to the Interstate Commerce Act, as amended, governing the compensation to be received by such common carrier for transportation services performed by it.

54 Stat. 899.
49 U.S.C. 1001
note.

FORM OF CONTROL

SEC. 413. For the purposes of this title, whenever reference is made to control, it is immaterial whether such control is direct or indirect.

LEGAL RESTRAINTS

SEC. 414. Any person affected by any order made under sections 408, 409, or 412 of this Act shall be, and is hereby, relieved from the operations of the "antitrust laws", as designated in section 1 of the Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914, and of all other restraints or prohibitions made by, or imposed under, authority of law, insofar as may be necessary to enable such person to do anything authorized, approved, or required by such order.

38 Stat. 730.
15 USC 12, 44.

INQUIRY INTO AIR CARRIER MANAGEMENT

SEC. 415. For the purpose of exercising and performing its powers and duties under this Act, the Board is empowered to inquire into the management of the business of any air carrier and, to the extent reasonably necessary for any such inquiry, to obtain from such carrier, and from any person controlling or controlled by, or under common control with, such air carrier, full and complete reports and other information.

CLASSIFICATION AND EXEMPTION OF CARRIERS

CLASSIFICATION

SEC. 416. (a) The Board may from time to time establish such just and reasonable classifications or groups of air carriers for the purposes of this title as the nature of the services performed by such air carriers shall require; and such just and reasonable rules and regulations, pursuant to and consistent with the provisions of this title, to be observed by each such class or group, as the Board finds necessary in the public interest.

EXEMPTIONS

(b) (1) The Board, from time to time and to the extent necessary, may (except as provided in paragraph (2) of this subsection) exempt from the requirements of this title or any provision thereof, or any rule, regulation, term, condition, or limitation prescribed thereunder, any air carrier or class of air carriers, if it finds that the enforcement of this title or such provision, or such rule, regulation, term, condition, or limitation is or would be an undue burden on such air carrier or class of air carriers by reason of the limited extent of, or unusual circumstances affecting, the operations of such air carrier or class of air carriers and is not in the public interest.

(2) The Board shall not exempt any air carrier from any provision of subsection (k) of section 401 of this title, except that (A) any air carrier not engaged in scheduled air transportation, and (B), to the extent that the operations of such air carrier are conducted during daylight hours, any air carrier engaged in scheduled air transportation, may be exempted from the provisions of paragraphs (1) and (2) of such subsection if the Board finds, after notice and hearing, that, by reason of the limited extent of, or unusual circumstances affecting, the operations of any such air carrier, the enforcement of such paragraphs is or would be such an undue burden on such air carrier as to obstruct its development and prevent it from beginning or continuing operations, and that the exemption of such air carrier from such paragraphs would not adversely affect the public interest: *Provided*, That nothing in this subsection shall be deemed to authorize the Board to exempt any air carrier from any requirement of this title, or any provision thereof, or any rule, regulation, term, condition, or limitation prescribed thereunder which provides for maximum flying hours for pilots or copilots.

TITLE V—NATIONALITY AND OWNERSHIP OF AIRCRAFT

REGISTRATION OF AIRCRAFT NATIONALITY

REGISTRATION REQUIRED

SEC. 501. (a) It shall be unlawful for any person to operate or navigate any aircraft eligible for registration if such aircraft is not registered by its owner as provided in this section, or (except as provided in section 1108 of this Act) to operate or navigate within the United States any aircraft not eligible for registration: *Provided*, That aircraft of the national-defense forces of the United States may be operated and navigated without being so registered if such aircraft are identified, by the agency having jurisdiction over them, in a manner satisfactory to the Administrator. The Administrator may, by regulation, permit the operation and navigation of aircraft without registration by the owner for such reasonable periods after transfer of ownership thereof as the Administrator may prescribe.

ELIGIBILITY FOR REGISTRATION

- (b) An aircraft shall be eligible for registration if, but only if—
- (1) It is owned by a citizen of the United States and it is not registered under the laws of any foreign country; or
 - (2) It is an aircraft of the Federal Government, or of a State, Territory, or possession of the United States, or the District of Columbia, or of a political subdivision thereof.

ISSUANCE OF CERTIFICATE

(c) Upon request of the owner of any aircraft eligible for registration, such aircraft shall be registered by the Administrator and the Administrator shall issue to the owner thereof a certificate of registration.

APPLICATIONS

(d) Applications for such certificates shall be in such form, be filed in such manner, and contain such information as the Administrator may require.

SUSPENSION OR REVOCATION

(e) Any such certificate may be suspended or revoked by the Administrator for any cause which renders the aircraft ineligible for registration.

EFFECT OF REGISTRATION

(f) Such certificate shall be conclusive evidence of nationality for international purposes, but not in any proceeding under the laws of the United States. Registration shall not be evidence of ownership of aircraft in any proceeding in which such ownership by a particular person is, or may be, in issue.

REGISTRATION OF ENGINES, PROPELLERS, AND APPLIANCES

SEC. 502. The Administrator may establish reasonable rules and regulations for registration and identification of aircraft engines, propellers, and appliances, in the interest of safety, and no aircraft engine, propeller, or appliance shall be used in violation of any such rule or regulation.

RECORDATION OF AIRCRAFT OWNERSHIP

ESTABLISHMENT OF RECORDING SYSTEM

SEC. 503. (a) The Administrator shall establish and maintain a system for the recording of each and all of the following:

- (1) Any conveyance which affects the title to, or any interest in, any civil aircraft of the United States;
- (2) Any lease, and any mortgage, equipment trust, contract of conditional sale, or other instrument executed for security purposes, which lease or other instrument affects the title to, or any interest in, any specifically identified aircraft engine or engines of seven hundred and fifty or more rated take-off horsepower for each such engine or the equivalent of such horsepower, and also any assignment or amendment thereof or supplement thereto;
- (3) Any lease, and any mortgage, equipment trust, contract of conditional sale, or other instrument executed for security purposes, which lease or other instrument affects the title to, or any interest in, any aircraft engines, propellers, or appliances maintained by or on behalf of an air carrier certificated under section 604 (b) of this Act for installation or use in aircraft, aircraft

engines, or propellers, or any spare parts maintained by or on behalf of such an air carrier, which instrument need only describe generally by types the engines, propellers, appliances, and spare parts covered thereby and designate the location or locations thereof; and also any assignment or amendment thereof or supplement thereto.

RECORDING OF RELEASES

(b) The Administrator shall also record under the system provided for in subsection (a) of this section any release, cancellation, discharge, or satisfaction relating to any conveyance or other instrument recorded under said system.

CONVEYANCES TO BE RECORDED

(c) No conveyance or instrument the recording of which is provided for by section 503 (a) shall be valid in respect of such aircraft, aircraft engine or engines, propellers, appliances, or spare parts against any person other than the person by whom the conveyance or other instrument is made or given, his heir or devisee, or any person having actual notice thereof, until such conveyance or other instrument is filed for recordation in the office of the Administrator: *Provided*, That previous recording of any conveyance or instrument with the Administrator of the Civil Aeronautics Administration under the provisions of the Civil Aeronautics Act of 1938 shall have the same force and effect as though recorded as provided herein; and conveyances, the recording of which is provided for by section 503 (a) (1) made on or before August 21, 1938, and instruments, the recording of which is provided for by sections 503 (a) (2) and 503 (a) (3) made on or before June 19, 1948, shall not be subject to the provisions of this subsection.

52 Stat. 973.
49 USC 681.

EFFECT OF RECORDING

(d) Each conveyance or other instrument recorded by means of or under the system provided for in subsection (a) or (b) of this section shall from the time of its filing for recordation be valid as to all persons without further or other recordation, except that an instrument recorded pursuant to section 503 (a) (3) shall be effective only with respect to those of such items which may from time to time be situated at the designated location or locations and only while so situated: *Provided*, That an instrument recorded under section 503 (a) (2) shall not be affected as to the engine or engines specifically identified therein, by any instrument theretofore or thereafter recorded pursuant to section 503 (a) (3).

FORM OF CONVEYANCES

(e) No conveyance or other instrument shall be recorded unless it shall have been acknowledged before a notary public or other officer authorized by the law of the United States, or of a State, Territory, or possession thereof, or the District of Columbia, to take acknowledgment of deeds.

INDEX OF CONVEYANCES

(f) The Administrator shall keep a record of the time and date of the filing of conveyances and other instruments with him and of the time and date of recordation thereof. He shall record conveyances

and other instruments filed with him in the order of their reception, in files to be kept for that purpose, and indexed according to—

(1) the identifying description of the aircraft or aircraft engine, or in the case of an instrument referred to in section 503 (a) (3), the location or locations specified therein; and

(2) the names of the parties to the conveyance or other instrument.

REGULATIONS

(g) The Administrator is authorized to provide by regulation for the endorsement upon certificates of registration, or aircraft certificates, of information with respect to the ownership of the aircraft for which each certificate is issued, the recording of discharges and satisfactions of recorded instruments, and other transactions affecting title to or interest in aircraft, aircraft engines, propellers, appliances, or parts, and for such other records, proceedings, and details as may be necessary to facilitate the determination of the rights of parties dealing with civil aircraft of the United States, aircraft engines, propellers, appliances, or parts.

PREVIOUSLY UNRECORDED OWNERSHIP

(h) The person applying for the issuance or renewal of an airworthiness certificate for an aircraft with respect to which there has been no recordation of ownership as provided in this section shall present with his application such information with respect to the ownership of the aircraft as the Administrator shall deem necessary to show the persons who are holders of property interests in such aircraft and the nature and extent of such interests.

LIMITATION OF SECURITY OWNERS LIABILITY

SEC. 504. No person having a security interest in, or security title to, any civil aircraft under a contract of conditional sale, equipment trust, chattel or corporate mortgage, or other instrument of similar nature, and no lessor of any such aircraft under a bona fide lease of thirty days or more, shall be liable by reason of such interest or title, or by reason of his interest as lessor or owner of the aircraft so leased, for any injury to or death of persons, or damage to or loss of property, on the surface of the earth (whether on land or water) caused by such aircraft, or by the ascent, descent, or flight of such aircraft or by the dropping or falling of an object therefrom, unless such aircraft is in the actual possession or control of such person at the time of such injury, death, damage, or loss.

DEALERS' AIRCRAFT REGISTRATION CERTIFICATES

SEC. 505. The Administrator may, by such reasonable regulations as he may find to be in the public interest, provide for the issuance, and for the suspension or revocation, of dealers' aircraft registration certificates, and for their use in connection with aircraft eligible for registration under this Act by persons engaged in the business of manufacturing, distributing, or selling aircraft. Aircraft owned by holders of dealers' aircraft registration certificates shall be deemed registered under this Act to the extent that the Administrator may, by regulation, provide. It shall be unlawful for any person to violate any regulation, or any term, condition, or limitation contained in any certificate, issued under this section.

TITLE VI—SAFETY REGULATION OF CIVIL
AERONAUTICS

GENERAL SAFETY POWERS AND DUTIES

MINIMUM STANDARDS; RULES AND REGULATIONS

SEC. 601. (a) The Administrator is empowered and it shall be his duty to promote safety of flight of civil aircraft in air commerce by prescribing and revising from time to time:

(1) Such minimum standards governing the design, materials, workmanship, construction, and performance of aircraft, aircraft engines, and propellers as may be required in the interest of safety;

(2) Such minimum standards governing appliances as may be required in the interest of safety;

(3) Reasonable rules and regulations and minimum standards governing, in the interest of safety, (A) the inspection, servicing, and overhaul of aircraft, aircraft engines, propellers, and appliances; (B) the equipment and facilities for such inspection, servicing, and overhaul; and (C) in the discretion of the Administrator, the periods for, and the manner in, which such inspection, servicing, and overhaul shall be made, including provision for examinations and reports by properly qualified private persons whose examinations or reports the Administrator may accept in lieu of those made by its officers and employees;

(4) Reasonable rules and regulations governing the reserve supply of aircraft, aircraft engines, propellers, appliances, and aircraft fuel and oil, required in the interest of safety, including the reserve supply of aircraft fuel and oil which shall be carried in flight;

(5) Reasonable rules and regulations governing, in the interest of safety, the maximum hours or periods of service of airmen, and other employees, of air carriers; and

(6) Such reasonable rules and regulations, or minimum standards, governing other practices, methods, and procedure, as the Administrator may find necessary to provide adequately for national security and safety in air commerce.

NEEDS OF SERVICE TO BE CONSIDERED; CLASSIFICATION OF STANDARDS, ETC.

(b) In prescribing standards, rules, and regulations, and in issuing certificates under this title, the Administrator shall give full consideration to the duty resting upon air carriers to perform their services with the highest possible degree of safety in the public interest and to any differences between air transportation and other air commerce; and he shall make classifications of such standards, rules, regulations, and certificates appropriate to the differences between air transportation and other air commerce. The Administrator may authorize any aircraft, aircraft engine, propeller, or appliance, for which an aircraft certificate authorizing use thereof in air transportation has been issued, to be used in other air commerce without the issuance of a further certificate. The Administrator shall exercise and perform his powers and duties under this Act in such manner as will best tend to reduce or eliminate the possibility of, or recurrence of, accidents in air transportation, but shall not deem himself required to give preference to either air transportation or other air commerce in the administration and enforcement of this title.

EXEMPTIONS

(c) The Administrator from time to time may grant exemptions from the requirements of any rule or regulation prescribed under this title if he finds that such action would be in the public interest.

AIRMAN CERTIFICATES

POWER TO ISSUE CERTIFICATE

SEC. 602. (a) The Administrator is empowered to issue airman certificates specifying the capacity in which the holders thereof are authorized to serve as airmen in connection with aircraft.

ISSUANCE OF CERTIFICATE

(b) Any person may file with the Administrator an application for an airman certificate. If the Administrator finds, after investigation, that such person possesses proper qualifications for, and is physically able to perform the duties pertaining to, the position for which the airman certificate is sought, he shall issue such certificate, containing such terms, conditions, and limitations as to duration thereof, periodic or special examinations, tests of physical fitness, and other matters as the Administrator may determine to be necessary to assure safety in air commerce. Except in the case of persons whose certificates are, at the time of denial, under order of suspension or whose certificates have been revoked within one year of the date of such denial, any person whose application for the issuance or renewal of an airman certificate is denied may file with the Board a petition for review of the Administrator's action. The Board shall thereupon assign such petition for hearing at a place convenient to the applicant's place of residence or employment. In the conduct of such hearing and in determining whether the airman meets the pertinent rules, regulations, or standards, the Board shall not be bound by findings of fact of the Administrator. At the conclusion of such hearing, the Board shall issue its decision as to whether the airman meets the pertinent rules, regulations, and standards and the Administrator shall be bound by such decision: *Provided*, That the Administrator may, in his discretion, prohibit or restrict the issuance of airman certificates to aliens, or may make such issuance dependent on the terms of reciprocal agreements entered into with foreign governments.

FORM AND RECORDING OF CERTIFICATE

(c) Each certificate shall be numbered and recorded by the Administrator; shall state the name and address of, and contain a description of, the person to whom the certificate is issued; and shall be entitled with the designation of the class covered thereby. Certificates issued to all pilots serving in scheduled air transportation shall be designated "airline transport pilot" of the proper class.

AIRCRAFT CERTIFICATES

TYPE CERTIFICATES

SEC. 603. (a) (1) The Administrator is empowered to issue type certificates for aircraft, aircraft engines, and propellers; to specify in regulations the appliances for which the issuance of type certificates is reasonably required in the interest of safety; and to issue such certificates for appliances so specified.

(2) Any interested person may file with the Administrator an application for a type certificate for an aircraft, aircraft engine, propeller, or appliance specified in regulations under paragraph (1) of this subsection. Upon receipt of an application, the Administrator shall make an investigation thereof and may hold hearings thereon. The Administrator shall make, or require the applicant to make, such tests during manufacture and upon completion as the Administrator deems reasonably necessary in the interest of safety, including flight tests and tests of raw materials or any part or appurtenance of such aircraft, aircraft engine, propeller, or appliance. If the Administrator finds that such aircraft, aircraft engine, propeller, or appliance is of proper design, material, specification, construction, and performance for safe operation, and meets the minimum standards, rules, and regulations prescribed by the Administrator, he shall issue a type certificate therefor. The Administrator may prescribe in any such certificate the duration thereof and such other terms, conditions, and limitations as are required in the interest of safety. The Administrator may record upon any certificate issued for aircraft, aircraft engines, or propellers, a numerical determination of all of the essential factors relative to the performance of the aircraft, aircraft engine, or propeller for which the certificate is issued.

PRODUCTION CERTIFICATE

(b) Upon application, and if it satisfactorily appears to the Administrator that duplicates of any aircraft, aircraft engine, propeller, or appliance for which a type certificate has been issued will conform to such certificate, the Administrator shall issue a production certificate authorizing the production of duplicates of such aircraft, aircraft engines, propellers, or appliances. The Administrator shall make such inspection and may require such tests of any aircraft, aircraft engine, propeller, or appliance manufactured under a production certificate as may be necessary to assure manufacture of each unit in conformity with the type certificate or any amendment or modification thereof. The Administrator may prescribe in any such production certificate the duration thereof and such other terms, conditions, and limitations as are required in the interest of safety.

AIRWORTHINESS CERTIFICATE

(c) The registered owner of any aircraft may file with the Administrator an application for an airworthiness certificate for such aircraft. If the Administrator finds that the aircraft conforms to the type certificate therefor, and, after inspection, that the aircraft is in condition for safe operation, he shall issue an airworthiness certificate. The Administrator may prescribe in such certificate the duration of such certificate, the type of service for which the aircraft may be used, and such other terms, conditions, and limitations as are required in the interest of safety. Each such certificate shall be registered by the Administrator and shall set forth such information as the Administrator may deem advisable. The certificate number, or such other individual designation as may be required by the Administrator, shall be displayed upon each aircraft in accordance with regulations prescribed by the Administrator.

AIR CARRIER OPERATING CERTIFICATES

POWER TO ISSUE

SEC. 604. (a) The Administrator is empowered to issue air carrier operating certificates and to establish minimum safety standards for the operation of the air carrier to whom any such certificate is issued.

ISSUANCE

(b) Any person desiring to operate as an air carrier may file with the Administrator an application for an air carrier operating certificate. If the Administrator finds, after investigation, that such person is properly and adequately equipped and able to conduct a safe operation in accordance with the requirements of this Act and the rules, regulations, and standards prescribed thereunder, he shall issue an air carrier operating certificate to such person. Each air carrier operating certificate shall prescribe such terms, conditions, and limitations as are reasonably necessary to assure safety in air transportation, and shall specify the points to and from which, and the Federal airways over which, such person is authorized to operate as an air carrier under an air carrier operating certificate.

MAINTENANCE OF EQUIPMENT IN AIR TRANSPORTATION

DUTY OF CARRIERS AND AIRMEN

SEC. 605. (a) It shall be the duty of each air carrier to make, or cause to be made, such inspection, maintenance, overhaul, and repair of all equipment used in air transportation as may be required by this Act, or the orders, rules, and regulations of the Administrator issued thereunder. And it shall be the duty of every person engaged in operating, inspecting, maintaining, or overhauling equipment to observe and comply with the requirements of this Act relating thereto, and the orders, rules, and regulations issued thereunder.

INSPECTION

(b) The Administrator shall employ inspectors who shall be charged with the duty (1) of making such inspections of aircraft, aircraft engines, propellers, and appliances designed for use in air transportation, during manufacture, and while used by an air carrier in air transportation, as may be necessary to enable the Administrator to determine that such aircraft, aircraft engines, propellers, and appliances are in safe condition and are properly maintained for operation in air transportation; and (2) of advising and cooperating with each air carrier in the inspection and maintenance thereof by the air carrier. Whenever any inspector shall, in the performance of his duty, find that any aircraft, aircraft engine, propeller, or appliance, used or intended to be used by any air carrier in air transportation, is not in condition for safe operation, he shall so notify the carrier, in such form and manner as the Administrator may prescribe; and, for a period of five days thereafter, such aircraft, aircraft engine, propeller, or appliance shall not be used in air transportation, or in such manner as to endanger air transportation, unless found by the Administrator or his inspector to be in condition for safe operation.

AIR NAVIGATION FACILITY RATING

SEC. 606. The Administrator is empowered to inspect, classify, and rate any air navigation facility available for the use of civil aircraft, as to its suitability for such use. The Administrator is empowered to issue a certificate for any such air navigation facility.

AIR AGENCY RATING

SEC. 607. The Administrator is empowered to provide for the examination and rating of (1) civilian schools giving instruction in flying or in the repair, alteration, maintenance, and overhaul of aircraft, aircraft engines, propellers, and appliances, as to the adequacy of the course of instruction, the suitability and airworthiness of the equipment, and the competency of the instructors; (2) repair stations or shops for the repair, alteration, maintenance, and overhaul of aircraft, aircraft engines, propellers, or appliances, as to the adequacy and suitability of the equipment, facilities, and materials for, and methods of, repair, alteration, maintenance, and overhaul of aircraft, aircraft engines, propellers, and appliances, and the competency of those engaged in the work or giving any instruction therein; and (3) such other air agencies as may, in his opinion, be necessary in the interest of the public. The Administrator is empowered to issue certificates for such schools, repair stations, and other agencies.

FORM OF APPLICATIONS

SEC. 608. Applications for certificates under this title shall be in such form, contain such information, and be filed and served in such manner as the Administrator may prescribe, and shall be under oath whenever the Administrator so requires.

AMENDMENT, SUSPENSION, AND REVOCATION OF CERTIFICATES

SEC. 609. The Administrator may, from time to time, reinspect any civil aircraft, aircraft, engine, propeller, appliance, air navigation facility, or air agency, or may reexamine any civil airman. If, as a result of any such reinspection or reexamination, or if, as a result of any other investigation made by the Administrator, he determines that safety in air commerce or air transportation and the public interest requires, the Administrator may issue an order amending, modifying, suspending, or revoking, in whole or in part, any type certificate, production certificate, airworthiness certificate, airman certificate, air carrier operating certificate, air navigation facility certificate, or air agency certificate. Prior to amending, modifying, suspending, or revoking any of the foregoing certificates, the Administrator shall advise the holder thereof as to any charges or other reasons relied upon by the Administrator for his proposed action and, except in cases of emergency, shall provide the holder of such a certificate an opportunity to answer any charges and be heard as to why such certificate should not be amended, modified, suspended, or revoked. Any person whose certificate is affected by such an order of the Administrator under this section may appeal the Administrator's order to the Board and the Board may, after notice and hearing, amend, modify, or reverse the Administrator's order if it finds that safety in air commerce or air transportation and the public interest do not require affirmation of the Administrator's order. In the conduct of its hearings the Board shall not be bound by findings of fact of the Administrator. The filing of an appeal with the Board shall stay the effectiveness of the Administrator's order unless the Administrator advises

the Board that an emergency exists and safety in air commerce or air transportation requires the immediate effectiveness of his order, in which event the order shall remain effective and the Board shall finally dispose of the appeal within sixty days after being so advised by the Administrator. The person substantially affected by the Board's order may obtain judicial review of said order under the provisions of section 1006, and the Administrator shall be made a party to such proceedings.

PROHIBITIONS

VIOLATIONS OF TITLE

SEC. 610. (a) It shall be unlawful—

(1) For any person to operate in air commerce any civil aircraft for which there is not currently in effect an airworthiness certificate, or in violation of the terms of any such certificate;

(2) For any person to serve in any capacity as an airman in connection with any civil aircraft, aircraft engine, propeller or appliance used or intended for use, in air commerce without an airman certificate authorizing him to serve in such capacity, or in violation of any term, condition, or limitation thereof, or in violation of any order, rule, or regulation issued under this title;

(3) For any person to employ for service in connection with any civil aircraft used in air commerce an airman who does not have an airman certificate authorizing him to serve in the capacity for which he is employed;

(4) For any person to operate as an air carrier without an air carrier operating certificate, or in violation of the terms of any such certificate;

(5) For any person to operate aircraft in air commerce in violation of any other rule, regulation, or certificate of the Administrator under this title; and

(6) For any person to operate a seaplane or other aircraft of United States registry upon the high seas in contravention of the regulations proclaimed by the President pursuant to section 1 of the Act entitled "An Act to authorize the President to proclaim regulations for preventing collisions at sea", approved October 11, 1951 (Public Law 172, Eighty-second Congress; 65 Stat. 406); and

(7) For any person holding an air agency or production certificate, to violate any term, condition, or limitation thereof, or to violate any order, rule, or regulation under this title relating to the holder of such certificate.

33 USC 143.

EXEMPTION OF FOREIGN AIRCRAFT AND AIRMEN

(b) Foreign aircraft and airmen serving in connection therewith may, except with respect to the observance by such airmen of the air traffic rules, be exempted from the provisions of subsection (a) of this section, to the extent, and upon such terms and conditions, as may be prescribed by the Administrator as being in the interest of the public.

TITLE VII—AIRCRAFT ACCIDENT INVESTIGATION

ACCIDENTS INVOLVING CIVIL AIRCRAFT

GENERAL DUTIES

SEC. 701. (a) It shall be the duty of the Board to—

- (1) Make rules and regulations governing notification and report of accidents involving civil aircraft;
- (2) Investigate such accidents and report the facts, conditions, and circumstances relating to each accident and the probable cause thereof;
- (3) Make such recommendations to the Administrator as, in its opinion, will tend to prevent similar accidents in the future;
- (4) Make such reports public in such form and manner as may be deemed by it to be in the public interest; and
- (5) Ascertain what will best tend to reduce or eliminate the possibility of, or recurrence of, accidents by conducting special studies and investigations on matters pertaining to safety in air navigation and the prevention of accidents.

TEMPORARY PERSONNEL

(b) The Board may, without regard to the civil-service laws, engage, for temporary service in the investigation of any accident involving aircraft, persons other than officers or employees of the United States and may fix their compensation without regard to the Classification Act of 1949, as amended; and may, with consent of the head of the executive department or independent establishment under whose jurisdiction the officer or employee is serving, secure for such service any officer or employee of the United States.

63 Stat. 954.
5 USC 1071 note.

CONDUCT OF INVESTIGATIONS

(c) In conducting any hearing or investigation, any member of the Board or any officer or employee of the Board or any person engaged or secured under subsection (b) shall have the same powers as the Board has with respect to hearings or investigations conducted by it.

AIRCRAFT

(d) Any civil aircraft, aircraft engine, propeller, or appliance affected by, or involved in, an accident in air commerce, shall be preserved in accordance with, and shall not be moved except in accordance with, regulations prescribed by the Board.

USE OF RECORDS AND REPORTS AS EVIDENCE

(e) No part of any report or reports of the Board relating to any accident or the investigation thereof, shall be admitted as evidence or used in any suit or action for damages growing out of any matter mentioned in such report or reports.

USE OF AGENCY IN ACCIDENT INVESTIGATIONS

(f) Upon the request of the Board, the Administrator is authorized to make investigations with regard to aircraft accidents and to report to the Board the facts, conditions, and circumstances thereof, and the Board is authorized to utilize such reports in making its determinations of probable cause under this title.

PARTICIPATION BY AGENCY

(g) In order to assure the proper discharge by the Administrator of his duties and responsibilities, the Board shall provide for the appropriate participation of the Administrator and his representatives in any investigations conducted by the Board under this title: *Provided*, That the Administrator or his representatives shall not participate in the determination of probable cause by the Board under this title.

ACCIDENTS INVOLVING MILITARY AIRCRAFT

SEC. 702. (a) In the case of accidents involving both civil and military aircraft, the Board shall provide for participation in the investigation by appropriate military authorities.

(b) In the case of accidents involving solely military aircraft and in which a function of the Administrator is or may be involved, the military authorities shall provide for participation in the investigation by the Administrator.

(c) With respect to other accidents involving solely military aircraft, the military authorities shall provide the Administrator and the Board with any information with respect thereto which, in the judgment of the military authorities, would contribute to the promotion of air safety.

SPECIAL BOARDS OF INQUIRY

SEC. 703. (a) In any accident which involves substantial questions of public safety in air transportation the Board may establish a Special Board of Inquiry consisting of three members; one member of the Civil Aeronautics Board who shall act as Chairman of the Special Board of Inquiry; and two members representing the public who shall be appointed by the President upon notification of the creation of such Special Board of Inquiry by the Civil Aeronautics Board.

(b) Such public members of the Special Board of Inquiry shall be duly qualified by training and experience to participate in such inquiry and shall have no pecuniary interest in any aviation enterprise involved in the accident to be investigated.

(c) The Special Board of Inquiry when convened to investigate an accident certified to it by the Civil Aeronautics Board shall have all authority of the Civil Aeronautics Board as described in this title.

TITLE VIII—OTHER ADMINISTRATIVE AGENCIES

THE PRESIDENT OF THE UNITED STATES

SEC. 801. The issuance, denial, transfer, amendment, cancellation, suspension, or revocation of, and the terms, conditions, and limitations contained in, any certificate authorizing an air carrier to engage in overseas or foreign air transportation, or air transportation between places in the same Territory or possession, or any permit issuable to any foreign air carrier under section 402, shall be subject to the approval of the President. Copies of all applications in respect of such certificates and permits shall be transmitted to the President by the Board before hearing thereon, and all decisions thereon by the Board shall be submitted to the President before publication thereof.

THE DEPARTMENT OF STATE

SEC. 802. The Secretary of State shall advise the Administrator, the Board, and the Secretary of Commerce, and consult with the Administrator, Board, or Secretary, as appropriate, concerning the negotiations of any agreement with foreign governments for the establishment or development of air navigation, including air routes and services.

WEATHER BUREAU

SEC. 803. In order to promote safety and efficiency in air navigation to the highest possible degree, the Chief of the Weather Bureau, under the direction of the Secretary of Commerce, shall, in addition to any other functions or duties pertaining to weather information for other purposes, (1) make such observations, measurements, investigations, and studies of atmospheric phenomena, and establish such meteorological offices and stations, as are necessary or best suited for ascertaining, in advance, information concerning probable weather conditions; (2) furnish such reports, forecasts, warnings, and advices to the Administrator, and to such persons engaged in civil aeronautics as may be designated by the Administrator, and to such other persons as the Chief of the Weather Bureau may determine, and such reports shall be made in such manner and with such frequency as will best result in safety in and in facilitating air navigation; (3) cooperate with persons engaged in air commerce, or employees thereof, in meteorological service, establish and maintain reciprocal arrangements under which this provision is to be carried out and collect and disseminate weather reports available from aircraft in flight; (4) establish and coordinate the international exchanges of meteorological information required for the safety and efficiency of air navigation; (5) participate in the development of an international basic meteorological reporting network, including the establishment, operation, and maintenance of reporting stations on the high seas, in polar regions, and in foreign countries in cooperation with other governmental agencies of the United States and the meteorological services of foreign countries and with persons engaged in air commerce; (6) coordinate meteorological requirements in the United States in order to maintain standard observations, promote efficient use of facilities and avoid duplication of services unless such duplication tends to promote the safety and efficiency of air navigation; and (7) promote and develop meteorological science and foster and support research projects in meteorology through the utilization of private and governmental research facilities and provide for the publication of the results of such research projects unless such publication would be contrary to the public interest.

TITLE IX—PENALTIES

CIVIL PENALTIES

SAFETY AND POSTAL OFFENSES

SEC. 901. (a) (1) Any person who violates (A) any provision of titles III, V, VI, VII, or XII of this Act, or any rule, regulation, or order issued thereunder, or (B) any rule or regulation issued by the Postmaster General under this Act, shall be subject to a civil penalty of not to exceed \$1,000 for each such violation: *Provided*, That this subsection shall not apply to members of the Armed Forces of the United States, or those civilian employees of the Department of Defense who are subject to the provisions of the Uniform Code of Military Justice, while engaged in the performance of their official

duties; and the appropriate military authorities shall be responsible for taking any necessary disciplinary action with respect thereto and for making to the Administrator or Board, as appropriate, a timely report of any such action taken.

(2) Any such civil penalty may be compromised by the Administrator in the case of violations of titles III, V, VI, or XII, or any rule, regulation, or order issued thereunder, and by the Board in the case of violations of title VII, or any rule, regulation, or order issued thereunder, or the Postmaster General in the case of regulations issued by him. The amount of such penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the United States to the person charged.

LIENS

(b) In case an aircraft is involved in such violation and the violation is by the owner or person in command of the aircraft, such aircraft shall be subject to lien for the penalty: *Provided*, That this subsection shall not apply to a violation of a rule or regulation of the Postmaster General.

CRIMINAL PENALTIES

GENERAL

SEC. 902. (a) Any person who knowingly and willfully violates any provisions of this Act (except titles III, V, VI, VII, and XII), or any order, rule, or regulation issued under any such provision or any term, condition, or limitation of any certificate or permit issued under title IV, for which no penalty is otherwise herein provided, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject for the first offense to a fine of not more than \$500, and for any subsequent offense to a fine of not more than \$2,000. If such violation is a continuing one, each day of such violation shall constitute a separate offense.

FORGERY OF CERTIFICATES AND FALSE MARKING OF AIRCRAFT

(b) Any person who knowingly and willfully forges, counterfeits, alters, or falsely makes any certificate authorized to be issued under this Act, or knowingly uses or attempts to use any such fraudulent certificate, and any person who knowingly and willfully displays or causes to be displayed on any aircraft, any marks that are false or misleading as to the nationality or registration of the aircraft, shall be subject to a fine of not exceeding \$1,000 or to imprisonment not exceeding three years, or to both such fine and imprisonment.

INTERFERENCE WITH AIR NAVIGATION

(c) A person shall be subject to a fine of not exceeding \$5,000 or to imprisonment not exceeding five years, or to both such fine and imprisonment, who—

(1) with intent to interfere with air navigation within the United States, exhibits within the United States any light or signal at such place or in such manner that it is likely to be mistaken for a true light or signal established pursuant to this Act, or for a true light or signal in connection with an airport or other air navigation facility; or

(2) after due warning by the Administrator, continues to maintain any misleading light or signal; or

(3) knowingly removes, extinguishes, or interferes with the operation of any such true light or signal.

GRANTING REBATES

(d) Any air carrier, foreign air carrier, or ticket agent, or any officer, agent, employee, or representative thereof, who shall, knowingly and willfully, offer, grant, or give, or cause to be offered, granted, or given, any rebate or other concession in violation of the provisions of this Act, or who, by any device or means, shall, knowingly and willfully, assist, or shall willingly suffer or permit, any person to obtain transportation or services subject to this Act at less than the rates, fares, or charges lawfully in effect, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be subject for each offense to a fine of not less than \$100 and not more than \$5,000.

FAILURE TO FILE REPORTS; FALSIFICATION OF RECORDS

(e) Any air carrier, or any officer, agent, employee, or representative thereof, who shall, knowingly and willfully, fail or refuse to make a report to the Board or Administrator as required by this Act, or to keep or preserve accounts, records, and memoranda in the form and manner prescribed or approved by the Board or Administrator, or shall, knowingly and willfully, falsify, mutilate, or alter any such report, account, record, or memorandum, or shall knowingly and willfully file any false report, account, record, or memorandum, shall be deemed guilty of a misdemeanor and, upon conviction thereof, be subject for each offense to a fine of not less than \$100 and not more than \$5,000.

DIVULGING INFORMATION

(f) If the Administrator or any member of the Board, or any officer or employee of either, shall knowingly and willfully divulge any fact or information which may come to his knowledge during the course of an examination of the accounts, records, and memoranda of any air carrier, or which is withheld from public disclosure under section 1104, except as he may be directed by the Administrator or the Board in the case of information ordered to be withheld by either, or by a court of competent jurisdiction or a judge thereof, he shall upon conviction thereof be subject for each offense to a fine of not more than \$5,000 or imprisonment for not more than two years, or both: *Provided*, That nothing in this section shall authorize the withholding of information by the Administrator or Board from the duly authorized committees of the Congress.

REFUSAL TO TESTIFY

(g) Any person who shall neglect or refuse to attend and testify, or to answer any lawful inquiry, or to produce books, papers, or documents, if in his power to do so, in obedience to the subpoena or lawful requirement of the Board or Administrator, shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not less than \$100 nor more than \$5,000, or imprisonment for not more than one year, or both.

TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

(h) (1) Any person who knowingly delivers or causes to be delivered to an air carrier or to the operator of any civil aircraft for transportation in air commerce, or who causes the transportation in air commerce of, any shipment, baggage, or property, the transportation of which would be prohibited by any rule, regulation, or requirement prescribed by the Administrator under title VI of this

Act, relating to the transportation, packing, marking, or description of explosives or other dangerous articles shall, upon conviction thereof for each such offense, be subject to a fine of not more than \$1,000, or to imprisonment not exceeding one year, or to both such fine and imprisonment: *Provided*, That when death or bodily injury of any person results from an offense punishable under this subsection, the person or persons convicted thereof shall, in lieu of the foregoing penalty, be subject to a fine of not more than \$10,000 or to imprisonment not exceeding ten years, or to both such fine and imprisonment.

(2) In the exercise of his authority under title VI of this Act, the Administrator may provide by regulation for the application in whole or in part of the rules or regulations of the Interstate Commerce Commission (including future amendments and additions thereto) relating to the transportation, packing, marking, or description of explosives or other dangerous articles for surface transportation, to the shipment and carriage by air of such articles. Such applicability may be terminated by the Administrator at any time. While so made applicable, any such rule or regulation, or part thereof, of the Interstate Commerce Commission shall for the purposes of this Act be deemed to be a regulation of the Administrator prescribed under title VI.

VENUE AND PROSECUTION OF OFFENSES

VENUE

SEC. 903. (a) The trial of any offense under this Act shall be in the district in which such offense is committed; or if the offense is committed upon the high seas, or out of the jurisdiction of any particular State or district, the trial shall be in the district where the offender may be found or into which he shall be first brought. Whenever the offense is begun in one jurisdiction and completed in another it may be dealt with, inquired of, tried, determined, and punished in either jurisdiction in the same manner as if the offense had been actually and wholly committed therein.

PROCEDURE IN RESPECT OF CIVIL PENALTIES

(b) (1) Any civil penalty imposed under this Act may be collected by proceedings in personam against the person subject to the penalty and, in case the penalty is a lien, by proceedings in rem against the aircraft, or by either method alone. Such proceedings shall conform as nearly as may be to civil suits in admiralty, except that either party may demand trial by jury of any issue of fact, if the value in controversy exceeds \$20, and the facts so tried shall not be reexamined other than in accordance with the rules of the common law. The fact that in a libel in rem the seizure is made at a place not upon the high seas or navigable waters of the United States shall not be held in any way to limit the requirement of the conformity of the proceedings to civil suits in rem in admiralty.

(2) Any aircraft subject to such lien may be summarily seized by and placed in the custody of such persons as the Board or Administrator may by regulation prescribe, and a report of the cause shall thereupon be transmitted to the United States attorney for the judicial district in which the seizure is made. The United States attorney shall promptly institute proceedings for the enforcement of the lien or notify the Board or Administrator of his failure to so act.

(3) The aircraft shall be released from such custody upon payment of the penalty or the amount agreed upon in compromise; or seizure in pursuance of process of any court in proceedings in rem for enforcement of the lien, or notification by the United States attorney of

failure to institute such proceedings; or deposit of a bond in such amount and with such sureties as the Board or Administrator may prescribe, conditioned upon the payment of the penalty or the amount agreed upon in compromise.

(4) The Supreme Court of the United States, and under its direction other courts of the United States, may prescribe rules regulating such proceedings in any particular not provided by law.

VIOLATIONS OF SECTION 1109

SEC. 904. (a) Any person who (1) violates any entry or clearance regulation made under section 1109 (c) of this Act, or (2) any immigration regulations made under such section, shall be subject to a civil penalty of \$500 which may be remitted or mitigated by the Secretary of the Treasury, or the Attorney General, respectively, in accordance with such proceedings as the Secretary or Attorney General shall by regulation prescribe. Any person violating any customs regulation made under section 1109 (b) of this Act, or any provision of the customs or public-health laws or regulations thereunder made applicable to aircraft by regulation under such section shall be subject to a civil penalty of \$500, and any aircraft used in connection with any such violation shall be subject to seizure and forfeiture as provided for in such customs laws, which penalty and forfeiture may be remitted or mitigated by the Secretary of the Treasury. In case the violation is by the owner or person in command of the aircraft, the penalty shall be a lien against the aircraft. Any person violating any provision of the laws and regulations relating to animal and plant quarantine made applicable to civil air navigation by regulation in accordance with section 1109 (d) of this Act shall be subject to the same penalties as those provided by the said laws for violations thereof. Any civil penalty imposed under this section may be collected by proceedings in personam against the person subject to the penalty and/or in case the penalty is a lien, by proceedings in rem against the aircraft. Such proceedings shall conform as nearly as may be to civil suits in admiralty; except that either party may demand trial by jury of any issue of fact, if the value in controversy exceeds \$20, and facts so tried shall not be reexamined other than in accordance with the rules of the common law. The fact that in a libel in rem the seizure is made at a place not upon the high seas or navigable waters of the United States, shall not be held in any way to limit the requirement of the conformity of the proceedings to civil suits in rem in admiralty. The Supreme Court of the United States, and under its direction other courts of the United States, are authorized to prescribe rules regulating such proceedings in any particular not provided by law. The determination under this section as to the remission or mitigation of a civil penalty imposed under this section shall be final. In case libel proceedings are pending at any time during the pendency of remission or mitigation proceedings, the Secretary or Attorney General shall give notice thereof to the United States attorney prosecuting the libel proceedings.

(b) Any aircraft subject to a lien for any civil penalty imposed under this section may be summarily seized by and placed in the custody of such persons as the appropriate Secretary or Attorney General may by regulation prescribe and a report of the case thereupon transmitted to the United States attorney for the judicial district in which the seizure is made. The United States attorney shall promptly institute proceedings for the enforcement of the lien or notify the Secretary of his failure so to act. The aircraft shall be released from such custody upon (1) payment of the penalty or so much thereof as is not remitted or mitigated, (2) seizure in pursuance of process of any court in proceedings in rem for enforcement of the lien, or no-

tification by the United States attorney of failure to institute such proceedings, or (3) deposit of a bond in such amount and with such sureties as the Secretary or Attorney General may prescribe, conditioned upon the payment of the penalty or so much thereof as is not remitted or mitigated.

TITLE X—PROCEDURE

CONDUCT OF PROCEEDINGS

SEC. 1001. The Board and the Administrator, subject to the provisions of this Act and the Administrative Procedure Act, may conduct their proceedings in such manner as will be conducive to the proper dispatch of business and to the ends of justice. No member of the Board or Agency shall participate in any hearing or proceeding in which he has a pecuniary interest. Any person may appear before the Board or Agency and be heard in person or by attorney. The Board, in its discretion, may enter its appearance and participate as an interested party in any proceeding conducted by the Administrator under title III of this Act, and in any proceeding conducted by the Administrator under title VI of this Act from which no appeal is provided to the Board. Every vote and official act of the Board and the Agency shall be entered of record, and the proceedings thereof shall be open to the public upon request of any interested party, unless the Board or the Administrator determines that secrecy is requisite on grounds of national defense.

COMPLAINTS TO AND INVESTIGATIONS BY THE ADMINISTRATOR AND THE BOARD

FILING OF COMPLAINTS AUTHORIZED

SEC. 1002. (a) Any person may file with the Administrator or the Board, as to matters within their respective jurisdictions, a complaint in writing with respect to anything done or omitted to be done by any person in contravention of any provisions of this Act, or of any requirement established pursuant thereto. If the person complained against shall not satisfy the complaint and there shall appear to be any reasonable ground for investigating the complaint, it shall be the duty of the Administrator or the Board to investigate the matters complained of. Whenever the Administrator or the Board is of the opinion that any complaint does not state facts which warrant an investigation or action, such complaint may be dismissed without hearing. In the case of complaints against a member of the Armed Forces of the United States acting in the performance of his official duties, the Administrator or the Board, as the case may be, shall refer the complaint to the Secretary of the department concerned for action. The Secretary shall, within ninety days after receiving such a complaint, inform the Administrator or the Board of his disposition of the complaint, including a report as to any corrective or disciplinary actions taken.

INVESTIGATIONS ON INITIATIVE OF ADMINISTRATOR OR BOARD

(b) The Administrator or Board, with respect to matters within their respective jurisdictions, is empowered at any time to institute an investigation, on their own initiative, in any case and as to any matter or thing within their respective jurisdictions, concerning which complaint is authorized to be made to or before the Administrator or Board by any provision of this Act, or concerning which any question may arise under any of the provisions of this Act, or relating to

the enforcement of any of the provisions of this Act. The Administrator or the Board shall have the same power to proceed with any investigation instituted on their own motion as though it had been appealed to by complaint.

ENTRY OF ORDERS FOR COMPLIANCE WITH ACT

(c) If the Administrator or the Board finds, after notice and hearing, in any investigation instituted upon complaint or upon their own initiative, with respect to matters within their jurisdiction, that any person has failed to comply with any provision of this Act or any requirement established pursuant thereto, the Administrator or the Board shall issue an appropriate order to compel such person to comply therewith.

POWER TO PRESCRIBE RATES AND PRACTICES OF AIR CARRIERS

(d) Whenever, after notice and hearing, upon complaint, or upon its own initiative, the Board shall be of the opinion that any individual or joint rate, fare, or charge demanded, charged, collected or received by any air carrier for interstate or overseas air transportation, or any classification, rule, regulation, or practice affecting such rate, fare, or charge, or the value of the service thereunder, is or will be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, the Board shall determine and prescribe the lawful rate, fare, or charge (or the maximum or minimum, or the maximum and minimum thereof) thereafter to be demanded, charged, collected, or received, or the lawful classification, rule, regulation, or practice thereafter to be made effective: *Provided*, That as to rates, fares, and charges for overseas air transportation, the Board shall determine and prescribe only a just and reasonable maximum or minimum, or maximum and minimum rate, fare, or charge.

RULE OF RATE MAKING

(e) In exercising and performing its powers and duties with respect to the determination of rates for the carriage of persons or property, the Board shall take into consideration, among other factors—

- (1) The effect of such rates upon the movement of traffic;
- (2) The need in the public interest of adequate and efficient transportation of persons and property by air carriers at the lowest cost consistent with the furnishing of such service;
- (3) Such standards respecting the character and quality of service to be rendered by air carriers as may be prescribed by or pursuant to law;
- (4) The inherent advantages of transportation by aircraft; and
- (5) The need of each air carrier for revenue sufficient to enable such air carrier, under honest, economical, and efficient management, to provide adequate and efficient air carrier service.

REMOVAL OF DISCRIMINATION IN FOREIGN AIR TRANSPORTATION

(f) Whenever, after notice and hearing, upon complaint, or upon its own initiative, the Board shall be of the opinion that any individual or joint rate, fare, or charge demanded, charged, collected, or received by any air carrier or foreign air carrier for foreign air transportation, or any classification, rule, regulation, or practice affecting such rate, fare, or charge, or the value of the service thereunder, is or will be unjustly discriminatory, or unduly preferential, or unduly

prejudicial, the Board may alter the same to the extent necessary to correct such discrimination, preference, or prejudice and make an order that the air carrier or foreign air carrier shall discontinue demanding, charging, collecting, or receiving any such discriminatory, preferential, or prejudicial rate, fare, or charge or enforcing any such discriminatory, preferential, or prejudicial classification, rule, regulation, or practice.

SUSPENSION OF RATES

(g) Whenever any air carrier shall file with the Board a tariff stating a new individual or joint (between air carriers) rate, fare, or charge for interstate or overseas air transportation or any classification, rule, regulation, or practice affecting such rate, fare, or charge, or the value of the service thereunder, the Board is empowered, upon complaint or upon its own initiative, at once, and, if it so orders, without answer or other formal pleading by the air carrier, but upon reasonable notice, to enter upon a hearing concerning the lawfulness of such rate, fare, or charge, or such classification, rule, regulation, or practice; and pending such hearing and the decision thereon, the Board, by filing with such tariff, and delivering to the air carrier affected thereby, a statement in writing of its reasons for such suspension, may suspend the operation of such tariff and defer the use of such rate, fare, or charge, or such classification, rule, regulation, or practice, for a period of ninety days, and, if the proceeding has not been concluded and a final order made within such period, the Board may, from time to time, extend the period of suspension, but not for a longer period in the aggregate than one hundred and eighty days beyond the time when such tariff would otherwise go into effect; and, after hearing, whether completed before or after the rate, fare, charge, classification, rule, regulation, or practice goes into effect, the Board may make such order with reference thereto as would be proper in a proceeding instituted after such rate, fare, charge, classification, rule, regulation, or practice had become effective. If the proceeding has not been concluded and an order made within the period of suspension, the proposed rate, fare, charge, classification, rule, regulation, or practice shall go into effect at the end of such period: *Provided*, That this subsection shall not apply to any initial tariff filed by any air carrier.

POWER TO PRESCRIBE DIVISIONS OF RATES

(h) Whenever, after notice and hearing, upon complaint or upon its own initiative, the Board is of the opinion that the divisions of joint rates, fares, or charges for air transportation are or will be unjust, unreasonable, inequitable, or unduly preferential or prejudicial as between the air carriers or foreign air carriers parties thereto, the Board shall prescribe the just, reasonable, and equitable divisions thereof to be received by the several air carriers. The Board may require the adjustment of divisions between such air carriers from the date of filing the complaint or entry of order of investigation, or such other date subsequent thereto as the Board finds to be just, reasonable, and equitable.

POWER TO ESTABLISH THROUGH AIR TRANSPORTATION SERVICE

(i) The Board shall, whenever required by the public convenience and necessity, after notice and hearing, upon complaint or upon its own initiative, establish through service and joint rates, fares, or charges (or the maxima or minima, or the maxima and minima thereof) for interstate or overseas air transportation, or the classifi-

cations, rules, regulations, or practices affecting such rates, fares, or charges, or the value of the service thereunder, and the terms and conditions under which such through service shall be operated: *Provided*, That as to joint rates, fares, and charges for overseas air transportation the Board shall determine and prescribe only just and reasonable maximum or minimum or maximum and minimum joint rates, fares, or charges.

JOINT BOARDS

DESIGNATION OF BOARDS

SEC. 1003. (a) The Board and the Interstate Commerce Commission shall direct their respective chairmen to designate, from time to time, a like number of members of each to act as a joint board to consider and pass upon matters referred to such board as provided in subsection (c) of this section.

THROUGH SERVICE AND JOINT RATES

(b) Air carriers may establish reasonable through service and joint rates, fares, and charges with other common carriers; except that with respect to transportation of property, air carriers not directly engaged in the operation of aircraft in air transportation (other than companies engaged in the air express business) may not establish joint rates or charges, under the provisions of this subsection, with common carriers subject to the Interstate Commerce Act. In case of through service by air carriers and common carriers subject to the Interstate Commerce Act, it shall be the duty of the carriers parties thereto to establish just and reasonable rates, fares, or charges and just and reasonable classifications, rules, regulations, and practices affecting such rates, fares, or charges, or the value of the service thereunder, and if joint rates, fares, or charges shall have been established with respect to such through service, just, reasonable, and equitable divisions of such joint rates, fares, or charges as between the carriers participating therein. Any air carrier, and any common carrier subject to the Interstate Commerce Act, which is participating in such through service and joint rates, fares, or charges, shall include in its tariffs, filed with the Civil Aeronautics Board or the Interstate Commerce Commission, as the case may be, a statement showing such through service and joint rates, fares, or charges.

24 Stat. 379.
49 USC 27 and
note.

JURISDICTION OF BOARDS

(c) Matters relating to such through service and joint rates, fares, or charges may be referred by the Board or the Interstate Commerce Commission, upon complaint or upon its own initiative, to a joint board created as provided in subsection (a). Complaints may be made to the Interstate Commerce Commission or the Board with respect to any matter which may be referred to a joint board under this subsection.

POWER OF BOARDS

(d) With respect to matters referred to any joint board as provided in subsection (c), if such board finds, after notice and hearing, that any such joint rate, fare, or charge, or classification, rule, regulation, or practice, affecting such joint rate, fare, or charge or the value of the service thereunder is or will be unjust, unreasonable, unjustly discriminatory, or unduly preferential or prejudicial, or that any division of any such joint rate, fare, or charge, is or will be unjust, unreasonable, inequitable, or unduly preferential or prejudicial as

between the carriers parties thereto, it is authorized and directed to take the same action with respect thereto as the Board is empowered to take with respect to any joint rate, fare, or charge, between air carriers, or any divisions thereof, or any classification, rule, regulation, or practice affecting such joint rate, fare, or charge or the value of the service thereunder.

JUDICIAL ENFORCEMENT AND REVIEW

(e) Orders of the joint boards shall be enforceable and reviewable as provided in this Act with respect to orders of the Board.

EVIDENCE

POWER TO TAKE EVIDENCE

SEC. 1004. (a) Any member or examiner of the Board, when duly designated by the Board for such purpose, may hold hearings, sign and issue subpoenas, administer oaths, examine witnesses, and receive evidence at any place in the United States designated by the Board. In all cases heard by an examiner or a single member the Board shall hear or receive argument on request of either party.

POWER TO ISSUE SUBPENA

(b) For the purposes of this Act the Board shall have the power to require by subpoena the attendance and testimony of witnesses and the production of all books, papers, and documents relating to any matter under investigation. Witnesses summoned before the Board shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

ENFORCEMENT OF SUBPENA

(c) The attendance of witnesses, and the production of books, papers, and documents, may be required from any place in the United States, at any designated place of hearing. In case of disobedience to a subpoena, the Board, or any party to a proceeding before the Board, may invoke the aid of any court of the United States in requiring attendance and testimony of witnesses and the production of such books, papers, and documents under the provisions of this section.

CONTEMPT

(d) Any court of the United States within the jurisdiction of which an inquiry is carried on may, in case of contumacy or refusal to obey a subpoena issued to any person, issue an order requiring such person to appear before the Board (and produce books, papers, or documents if so ordered) and give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

DEPOSITION

(e) The Board may order testimony to be taken by deposition in any proceeding or investigation pending before it, at any stage of such proceeding or investigation. Such depositions may be taken before any person designated by the Board and having power to administer oaths. Reasonable notice must first be given in writing by the party or his attorney proposing to take such deposition to the opposite party or his attorney of record, which notice shall state

the name of the witness and the time and place of the taking of his deposition. Any person may be compelled to appear and depose, and to produce books, papers, or documents, in the same manner as witnesses may be compelled to appear and testify and produce like documentary evidence before the Board, as hereinbefore provided.

METHOD OF TAKING DEPOSITIONS

(f) Every person deposing as herein provided shall be cautioned and shall be required to swear (or affirm, if he so requests) to testify the whole truth, and shall be carefully examined. His testimony shall be reduced to writing by the person taking the deposition, or under his direction, and shall, after it has been reduced to writing, be subscribed by the deponent. All depositions shall be promptly filed with the Board.

FOREIGN DEPOSITIONS

(g) If a witness whose testimony may be desired to be taken by deposition be in a foreign country, the deposition may be taken, provided the laws of the foreign country so permit, by a consular officer or other person commissioned by the Board, or agreed upon by the parties by stipulation in writing to be filed with the Board, or may be taken under letters rogatory issued by a court of competent jurisdiction at the request of the Board.

FEEES

(h) Witnesses whose depositions are taken as authorized in this Act, and the persons taking the same, shall severally be entitled to the same fees as are paid for like services in the courts of the United States: *Provided*, That with respect to commissions or letters rogatory issued at the initiative of the Board, executed in foreign countries, the Board shall pay such fees, charges, or expenses incidental thereto as may be found necessary, in accordance with regulations on the subject to be prescribed by the Board.

COMPELLING TESTIMONY

(i) No person shall be excused from attending and testifying, or from producing books, papers, or documents before the Board, or in obedience to the subpoena of the Board, or in any cause or proceeding, criminal or otherwise, based upon or growing out of any alleged violation of this Act, or of any rule, regulation, requirement, or order thereunder, or any term, condition, or limitation of any certificate or permit, on the ground, or for the reason, that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that any individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

ORDERS, NOTICES, AND SERVICE

EFFECTIVE DATE OF ORDERS; EMERGENCY ORDERS

SEC. 1005. (a) Except as otherwise provided in this Act, all orders, rules, and regulations of the Board or the Administrator shall take effect within such reasonable time as the Board or Administrator may prescribe, and shall continue in force until their further order, rule, or regulation, or for a specified period of time, as shall be prescribed in the order, rule, or regulation: *Provided*, That whenever the Administrator is of the opinion that an emergency requiring immediate action exists in respect of safety in air commerce, the Administrator is authorized, either upon complaint or his own initiative without complaint, at once, if he so orders, without answer or other form of pleading by the interested person or persons, and with or without notice, hearing, or the making or filing of a report, to make such just and reasonable orders, rules, or regulations, as may be essential in the interest of safety in air commerce to meet such emergency: *Provided further*, That the Administrator shall immediately initiate proceedings relating to the matters embraced in any such order, rule, or regulation, and shall, insofar as practicable, give preference to such proceedings over all others under this Act.

DESIGNATION OF AGENT FOR SERVICE

(b) It shall be the duty of every air carrier and foreign air carrier to designate in writing an agent upon whom service of all notices and process and all orders, decisions, and requirements of the Board and the Administrator may be made for and on behalf of said carrier, and to file such designation with the Administrator and in the office of the secretary of the Board, which designation may from time to time be changed by like writing similarly filed. Service of all notices and process and orders, decisions, and requirements of the Administrator or the Board may be made upon such carrier by service upon such designated agent at his office or usual place of residence with like effect as if made personally upon such carrier, and in default of such designation of such agent, service of any notice or other process in any proceedings before said Administrator or Board or of any order, decision, or requirements of the Administrator or Board, may be made by posting such notice, process, order, requirement, or decision in the office of the Administrator or with the secretary of the Board.

OTHER METHODS OF SERVICE

(c) Service of notices, processes, orders, rules, and regulations upon any person may be made by personal service, or upon an agent designated in writing for the purpose, or by registered mail addressed to such person or agent. Whenever service is made by registered mail, the date of mailing shall be considered as the time when service is made.

SUSPENSION OR MODIFICATION OF ORDER

(d) Except as otherwise provided in this Act, the Administrator or the Board is empowered to suspend or modify their orders upon such notice and in such manner as they shall deem proper.

COMPLIANCE WITH ORDER REQUIRED

(e) It shall be the duty of every person subject to this Act, and its agents and employees, to observe and comply with any order, rule, regulation, or certificate issued by the Administrator or the Board

under this Act affecting such person so long as the same shall remain in effect.

FORM AND SERVICE OF ORDERS

(f) Every order of the Administrator or the Board shall set forth the findings of fact upon which it is based, and shall be served upon the parties to the proceeding and the persons affected by such order.

JUDICIAL REVIEW OF ORDERS

ORDERS OF BOARD AND ADMINISTRATOR SUBJECT TO REVIEW

SEC. 1006. (a) Any order, affirmative or negative, issued by the Board or Administrator under this Act, except any order in respect of any foreign air carrier subject to the approval of the President as provided in section 801 of this Act, shall be subject to review by the courts of appeals of the United States or the United States Court of Appeals for the District of Columbia upon petition, filed within sixty days after the entry of such order, by any person disclosing a substantial interest in such order. After the expiration of said sixty days a petition may be filed only by leave of court upon a showing of reasonable grounds for failure to file the petition theretofore.

VENUE

(b) A petition under this section shall be filed in the court for the circuit wherein the petitioner resides or has his principal place of business or in the United States Court of Appeals for the District of Columbia.

NOTICE TO BOARD OR ADMINISTRATOR; FILING OF TRANSCRIPT

(c) A copy of the petition shall, upon filing, be forthwith transmitted to the Board or Administrator by the clerk of the court, and the Board or Administrator shall thereupon certify and file in the court a transcript of the record, if any, upon which the order complained of was entered.

POWER OF COURT

(d) Upon transmittal of the petition to the Board or Administrator, the court shall have exclusive jurisdiction to affirm, modify, or set aside the order complained of, in whole or in part, and if need be, to order further proceedings by the Board or Administrator. Upon good cause shown, interlocutory relief may be granted by stay of the order or by such mandatory or other relief as may be appropriate: *Provided*, That no interlocutory relief may be granted except upon at least five days' notice to the Board or Administrator.

FINDINGS OF FACT CONCLUSIVE

(e) The findings of facts by the Board or Administrator, if supported by substantial evidence, shall be conclusive. No objection to an order of the Board or Administrator shall be considered by the court unless such objection shall have been urged before the Board or Administrator or, if it was not so urged, unless there were reasonable grounds for failure to do so.

CERTIFICATION OR CERTIORARI

(f) The judgment and decree of the court affirming, modifying, or setting aside any such order of the Board or Administrator shall be subject only to review by the Supreme Court of the United States upon certification or certiorari as provided in section 1254 of title 28, United States Code.

62 Stat. 928.

JUDICIAL ENFORCEMENT

JURISDICTION OF COURT

SEC. 1007. (a) If any person violates any provision of this Act, or any rule, regulation, requirement, or order thereunder, or any term, condition, or limitation of any certificate or permit issued under this Act, the Board or Administrator, as the case may be, their duly authorized agents, or, in the case of a violation of section 401 (a) of this Act, any party in interest, may apply to the district court of the United States, for any district wherein such person carries on his business or wherein the violation occurred, for the enforcement of such provision of this Act, or of such rule, regulation, requirement, order, term, condition, or limitation; and such court shall have jurisdiction to enforce obedience thereto by a writ of injunction or other process, mandatory or otherwise, restraining such person, his officers, agents, employees, and representatives, from further violation of such provision of this Act or of such rule, regulation, requirement, order, term, condition, or limitation, and requiring their obedience thereto.

APPLICATION FOR ENFORCEMENT

(b) Upon the request of the Board or Administrator, any district attorney of the United States to whom the Board or Administrator may apply is authorized to institute in the proper court and to prosecute under the direction of the Attorney General all necessary proceedings for the enforcement of the provisions of this Act or any rule, regulation, requirement, or order thereunder, or any term, condition, or limitation of any certificate or permit, and for the punishment of all violations thereof, and the costs and expenses of such prosecutions shall be paid out of the appropriations for the expenses of the courts of the United States.

PARTICIPATION IN COURT PROCEEDINGS

SEC. 1008. Upon request of the Attorney General, the Board or Administrator, as the case may be, shall have the right to participate in any proceeding in court under the provisions of this Act.

JOINDER OF PARTIES

SEC. 1009. In any proceeding for the enforcement of the provisions of this Act, or any rule, regulation, requirement, or order thereunder, or any term, condition, or limitation of any certificate or permit, whether such proceedings be instituted before the Board or be begun originally in any court of the United States, it shall be lawful to include as parties, or to permit the intervention of, all persons interested in or affected by the matter under consideration; and inquiries, investigations, orders, and decrees may be made with reference to all such parties in the same manner, to the same extent, and subject to the same provisions of law as they may be made with respect to the persons primarily concerned.

TITLE XI—MISCELLANEOUS

HAZARDS TO AIR COMMERCE

SEC. 1101. The Administrator shall, by rules and regulations, or by order where necessary, require all persons to give adequate public notice, in the form and manner prescribed by the Administrator, of the construction or alteration, or of the proposed construction or alteration, of any structure where notice will promote safety in air commerce.

INTERNATIONAL AGREEMENTS

SEC. 1102. In exercising and performing their powers and duties under this Act, the Board and the Administrator shall do so consistently with any obligation assumed by the United States in any treaty, convention, or agreement that may be in force between the United States and any foreign country or foreign countries, and shall take into consideration any applicable laws and requirements of foreign countries and the Board shall not, in exercising and performing its powers and duties with respect to certificates of convenience and necessity, restrict compliance by any air carrier with any obligation, duty, or liability imposed by any foreign country: *Provided*, That this section shall not apply to any obligation, duty, or liability arising out of a contract or other agreement, heretofore or hereafter entered into between an air carrier, or any officer or representative thereof, and any foreign country, if such contract or agreement is disapproved by the Board as being contrary to the public interest.

NATURE AND USE OF DOCUMENTS FILED

SEC. 1103. The copies of tariffs and of all contracts, agreements, understandings, and arrangements filed with the Board as herein provided, and the statistics, tables, and figures contained in the annual or other reports of air carriers and other persons made to the Board as required under the provisions of this Act shall be preserved as public records (except as otherwise provided in this Act) in the custody of the secretary of the Board, and shall be received as prima facie evidence of what they purport to be for the purpose of investigations by the Board and in all judicial proceedings; and copies of, and extracts from, any of such tariffs, contracts, agreements, understandings, arrangements, or reports, certified by the secretary of the Board, under the seal of the Board, shall be received in evidence with like effect as the originals.

WITHHOLDING OF INFORMATION

SEC. 1104. Any person may make written objection to the public disclosure of information contained in any application, report, or document filed pursuant to the provisions of this Act or of information obtained by the Board or the Administrator, pursuant to the provisions of this Act, stating the grounds for such objection. Whenever such objection is made, the Board or Administrator shall order such information withheld from public disclosure when, in their judgment, a disclosure of such information would adversely affect the interests of such person and is not required in the interest of the public. The Board or Administrator shall be responsible for classified information in accordance with appropriate law: *Provided*, That nothing in this section shall authorize the withholding of information by the Board or Administrator from the duly authorized committees of the Congress.

COOPERATION WITH GOVERNMENT AGENCIES

SEC. 1105. The Board and the Administrator may avail themselves of the assistance of the National Aeronautics and Space Administration and any research or technical agency of the United States on matters relating to aircraft fuel and oil and to the design, materials, workmanship, construction, performance, maintenance, and operation of aircraft, aircraft engines, propellers, appliances, and air navigation facilities. Each such agency is authorized to conduct such scientific and technical researches, investigations, and tests as may be necessary to aid the Board and Administrator in the exercise and performance of their powers and duties. Nothing contained in this Act shall be construed to authorize the duplication of the laboratory research activities of any existing governmental agency.

REMEDIES NOT EXCLUSIVE

SEC. 1106. Nothing contained in this Act shall in any way abridge or alter the remedies now existing at common law or by statute, but the provisions of this Act are in addition to such remedies.

PUBLIC USE OF FACILITIES

SEC. 1107. (a) Air navigation facilities owned or operated by the United States may be made available for public use under such conditions and to such extent as the head of the department or other agency having jurisdiction thereof deems advisable and may by regulation prescribe.

(b) The head of any Government department or other agency having jurisdiction over any airport or emergency landing field owned or operated by the United States may provide for the sale to any aircraft of fuel, oil, equipment, and supplies, and the furnishing to it of mechanical service, temporary shelter, and other assistance under such regulations as the head of the department or agency may prescribe, but only if such action is by reason of an emergency necessary to the continuance of such aircraft on its course to the nearest airport operated by private enterprise. All such articles shall be sold and such assistance furnished at the fair market value prevailing locally as ascertained by the head of such department or agency. All amounts received under this subsection shall be covered into the Treasury; but that part of such amounts which, in the judgment of the head of the department or agency, is equivalent to the cost of the fuel, oil, equipment, supplies, services, shelter, or other assistance so sold or furnished shall be credited to the appropriation from which such cost was paid, and the balance, if any, shall be credited to miscellaneous receipts.

FOREIGN AIRCRAFT

SEC. 1108. (a) The United States of America is hereby declared to possess and exercise complete and exclusive national sovereignty in the airspace of the United States, including the airspace above all inland waters and the airspace above those portions of the adjacent marginal high seas, bays, and lakes, over which by international law or treaty or convention the United States exercises national jurisdiction. Aircraft of the armed forces of any foreign nation shall not be navigated in the United States, including the Canal Zone, except in accordance with an authorization granted by the Secretary of State.

(b) Foreign aircraft, which are not a part of the armed forces of a foreign nation, may be navigated in the United States by airmen holding certificates or licenses issued or rendered valid by the United

States or by the nation in which the aircraft is registered if such foreign nation grants a similar privilege with respect to aircraft of the United States and only if such navigation is authorized by permit, order, or regulation issued by the Board hereunder, and in accordance with the terms, conditions, and limitations thereof. The Board shall issue such permits, orders, or regulations to such extent only as it shall find such action to be in the interest of the public: *Provided, however*, That in exercising its powers hereunder, the Board shall do so consistently with any treaty, convention, or agreement which may be in force between the United States and any foreign country or countries. Foreign civil aircraft permitted to navigate in the United States under this subsection may be authorized by the Board to engage in air commerce within the United States except that they shall not take on at any point within the United States, persons, property, or mail carried for compensation or hire and destined for another point within the United States. Nothing contained in this subsection (b) shall be deemed to limit, modify, or amend section 402 of this Act, but any foreign air carrier holding a permit under said section 402 shall not be required to obtain additional authorization under this subsection with respect to any operation authorized by said permit.

APPLICATION OF EXISTING LAWS RELATING TO FOREIGN COMMERCE

SEC. 1109. (a) Except as specifically provided in the Act entitled "An Act to authorize the President to proclaim regulations for preventing collisions at sea", approved October 11, 1951 (Public Law 172, Eighty-second Congress; 65 Stat. 406), the navigation and shipping laws of the United States, including any definition of "vessel" or "vehicle" found therein and including the rules for the prevention of collisions, shall not be construed to apply to seaplanes or other aircraft or to the navigation of vessels in relation to seaplanes or other aircraft.

33 USC 143.

(b) The Secretary of the Treasury is authorized to (1) designate places in the United States as ports of entry for civil aircraft arriving in the United States from any place outside thereof and for merchandise carried on such aircraft, (2) detail to ports of entry for civil aircraft such officers and employees of the customs service as he may deem necessary, and to confer or impose upon any officer or employee of the United States stationed at any such port of entry (with the consent of the head of the Government department or other agency under whose jurisdiction the officer or employee is serving) any of the powers, privileges, or duties conferred or imposed upon officers or employees of the customs service, and (3) by regulation to provide for the application to civil air navigation of the laws and regulations relating to the administration of the customs laws to such extent and upon such conditions as he deems necessary.

(c) The Secretary of the Treasury is authorized by regulation to provide for the application to civil aircraft of the laws and regulations relating to the entry and clearance of vessels to such extent and upon such conditions as he deems necessary.

(d) The Secretary of Agriculture is authorized by regulation to provide for the application to civil air navigation of the laws and regulations related to animal and plant quarantine, including the importation, exportation, transportation, and quarantine of animals, plants, animal and plant products, insects, bacterial and fungus cultures, viruses, and serums, to such extent and upon such conditions as he deems necessary.

GEOGRAPHICAL EXTENSION OF JURISDICTION

SEC. 1110. Whenever the President determines that such action would be in the national interest, he may, to the extent, in the manner, and for such periods of time as he may consider necessary, extend the application of this Act to any areas of land or water outside of the United States and the overlying airspace thereof in which the Federal Government of the United States, under international treaty, agreement or other lawful arrangement has the necessary legal authority to take such action.

TITLE XII—SECURITY PROVISIONS

PURPOSE

SEC. 1201. The purpose of this title is to establish security provisions which will encourage and permit the maximum use of the navigable airspace by civil aircraft consistent with the national security.

SECURITY CONTROL OF AIR TRAFFIC

SEC. 1202. In the exercise of his authority under section 307 (a) of this Act, the Administrator, in consultation with the Department of Defense, shall establish such zones or areas in the airspace of the United States as he may find necessary in the interests of national defense, and by rule, regulation, or order restrict or prohibit the flight of civil aircraft, which he cannot identify, locate, and control with available facilities, within such zones or areas.

PENALTIES

SEC. 1203. In addition to the penalties otherwise provided for by this Act, any person who knowingly or willfully violates any provision of this title, or any rule, regulation, or order issued thereunder shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not exceeding \$10,000 or to imprisonment not exceeding one year, or to both such fine and imprisonment.

TITLE XIII—WAR RISK INSURANCE

DEFINITIONS

AMERICAN AIRCRAFT

SEC. 1301. As used in this title—

(a) The term "American aircraft" means "civil aircraft of the United States" as defined in section 101 (15) of this Act, and any aircraft owned or chartered by or made available to the United States, or any department or agency thereof, or the government of any State, Territory, or possession of the United States, or any political subdivision thereof, or the District of Columbia.

WAR RISKS

(b) The term "war risks" includes, to such extent as the Secretary may determine, all or any part of those risks which are described in "free of capture and seizure" clauses, or analogous clauses.

SECRETARY

(c) The term "Secretary" means the Secretary of Commerce.

INSURANCE COMPANY AND INSURANCE CARRIER

(d) The terms "insurance company" and "insurance carrier" in sections 1305 (a) and (b) and in section 1307 (d) shall include any mutual or stock insurance company, reciprocal insurance association, and any group or association authorized to do an aviation insurance business in any State of the United States.

AUTHORITY TO INSURE

POWER OF SECRETARY

SEC. 1302. (a) The Secretary, with the approval of the President, and after such consultation with interested agencies of the Government as the President may require, may provide insurance and reinsurance against loss or damage arising out of war risks in the manner and to the extent provided in this title, whenever it is determined by the Secretary that such insurance adequate for the needs of the air commerce of the United States cannot be obtained on reasonable terms and conditions from companies authorized to do an insurance business in a State of the United States: *Provided*, That no insurance shall be issued under this title to cover war risks on persons or property engaged or transported exclusively in air commerce within the several States of the United States and the District of Columbia.

BASIS OF INSURANCE

(b) Any insurance or reinsurance issued under any of the provisions of this title shall be based, insofar as practicable, upon consideration of the risk involved.

INSURABLE PERSONS, PROPERTY, OR INTERESTS

SEC. 1303. The Secretary may provide the insurance and reinsurance, authorized by section 1302 with respect to the following persons, property, or interest:

AIRCRAFT

(a) American aircraft, and those foreign-flag aircraft engaged in aircraft operations deemed by the Secretary to be in the interest of the national defense or the national economy of the United States, when so engaged.

CARGO

(b) Cargoes transported or to be transported on any such aircraft, including shipments by express or registered mail; air cargoes owned by citizens or residents of the United States, its Territories, or possessions; air cargoes imported to, or exported from, the United States, its Territories, or possessions and air cargoes sold or purchased by citizens or residents of the United States, its Territories, or possessions, under contracts of sale or purchase by the terms of which the risk of loss by war risks or the obligation to provide insurance against such risks is assumed by or falls upon a citizen or resident of the United States, its Territories, or possessions; air cargoes transported between any point in the United States and any point in a Territory or possession of the United States, between any point in any such Territory or possession and any point in any other such Territory or possession, or between any point in any such Territory or possession and any other point in the same Territory or possession.

PERSONAL EFFECTS AND BAGGAGE

(c) The personal effects and baggage of the captains, pilots, officers, members of the crews of such aircraft, and of other persons employed or transported on such aircraft.

PERSONS

(d) Captains, pilots, officers, members of the crews of such aircraft, and other persons employed or transported thereon against loss of life, injury, or detention.

OTHER INTERESTS

(e) Statutory or contractual obligations or other liabilities of such aircraft or of the owner or operator of such aircraft of the nature customarily covered by insurance.

INSURANCE FOR DEPARTMENTS AND AGENCIES

EXCEPTION

SEC. 1304. (a) Any department or agency of the United States may, with the approval of the President, procure from the Secretary any of the insurance provided under this title, except with respect to valuables covered by sections 1 and 2 of the Act of July 8, 1937 (50 Stat. 479).

INDEMNITY AGREEMENTS

(b) The Secretary is authorized with such approval to provide such insurance at the request of the Secretary of Defense, and such other agencies as the President may prescribe, without premium in consideration of the agreement of the Secretary of Defense or such agency to indemnify the Secretary against all losses covered by such insurance, and the Secretary of Defense and such other agencies are authorized to execute such indemnity agreement with the Secretary.

REINSURANCE

WHO MAY BE REINSURED

SEC. 1305. (a) To the extent that he is authorized by this title to provide insurance, the Secretary may reinsure, in whole or in part, any company authorized to do an insurance business in any State of the United States. The Secretary may reinsure with, or cede or retrocede to, any such company, any insurance or reinsurance provided by the Secretary in accordance with the provisions of this title.

RATES FOR REINSURANCE

(b) Reinsurance shall not be provided by the Secretary at rates less than nor obtained by the Secretary at rates more than the rates established by the Secretary on the same or similar risks or the rates charged by the insurance carrier for the insurance so reinsured, whichever is most advantageous to the Secretary, except that the Secretary may make to the insurance carrier such allowances for expenses on account of the cost of services rendered or facilities furnished as he deems reasonably to accord with good business practice, but such allowance to the carrier shall not provide for any payment by the carrier on account of solicitation for or stimulation of insurance business.

COLLECTION AND DISBURSEMENT OF FUNDS

TREASURY REVOLVING FUND

SEC. 1306. (a) Moneys appropriated by Congress to carry out the provisions of this title and all moneys received from premiums, salvage, or other recoveries and all receipts in connection with this title shall be deposited in a revolving fund in the Treasury of the United States. Payments of return premiums, losses, settlements, judgments, and all liabilities incurred by the United States under this title shall be made from such funds through the disbursing facilities of the Treasury Department.

APPROPRIATIONS

(b) Such sums as shall be necessary to carry out the provisions of this title are authorized to be appropriated to such fund.

REVOLVING FUND EXCESS

(c) At least annually, any balance in the revolving fund in excess of an amount determined by the Secretary to be necessary for the requirements of the fund, and for reasonable reserves to maintain the solvency of the fund shall be paid into the Treasury as miscellaneous receipts.

ANNUAL PAYMENT OF COSTS

(d) Annual payments shall be made by the Secretary to the Treasury of the United States as miscellaneous receipts by reason of costs incurred by the Government through the employment of appropriated funds by the Secretary in carrying out the provisions of this title. These payments shall be computed by applying to the average monthly balance of appropriated funds retained in the revolving fund a percentage determined annually in advance by the Secretary of the Treasury. Such percentage shall not be less than the current average rate which the Treasury pays on its marketable obligations.

CIVIL SERVICE RETIREMENT SYSTEM

(e) The Secretary shall contribute to the Civil Service Retirement and Disability Fund, on the basis of annual billings as determined by the Civil Service Commission, for the Government's share of the cost of the Civil Service Retirement System applicable to the employees engaged in carrying out the provisions of this title. The Secretary shall also contribute to the employees' compensation fund, on the basis of annual billings as determined by the Secretary of Labor for the benefit payments made from such fund on account of the employees engaged in carrying out the provisions of this title. The annual billings shall also include a statement of the fair portion of the cost of the administration of the respective funds, which shall be paid by the Secretary into the Treasury as miscellaneous receipts.

ADMINISTRATIVE POWERS OF SECRETARY

REGULATORY AND SETTLEMENT

SEC. 1307. (a) The Secretary, in the administration of this title, may issue such policies, rules, and regulations as he deems proper and, subject to the following provisions of this subsection, may adjust and pay losses, compromise and settle claims, whether in favor of or against the United States and pay the amount of any judgment rendered against the United States in any suit, or the amount of any settlement

agreed upon, in respect of any claim under insurance authorized by this title. In the case of any aircraft which is insured under the provisions of this title, (1) the policy shall specify a stated amount to be paid in the event of total loss, and such stated amount shall not exceed an amount determined by the Secretary, after consultation with the Civil Aeronautics Board, to represent the fair and reasonable value of the aircraft, and (2) the amount of any claim which is compromised, settled, adjusted, or paid shall in no event exceed such stated amount.

FORMS, POLICIES, AMOUNTS INSURED, AND RATES

(b) The Secretary may prescribe and change forms and policies, and fix, adjust, and change the amounts insured and rates of premium provided for in this title: *Provided*, That with respect to policies in effect at the time any such change is made, such change shall apply only with the consent of the insured.

MANNER OF ADMINISTRATION

(c) The Secretary, in administering this title, may exercise his powers, perform his duties and functions, and make his expenditures, in accordance with commercial practice in the aviation insurance business. Except as authorized in subsection (d) of this section, no insurance broker or other person acting in a similar intermediary capacity shall be paid any fee or other consideration by the Secretary by virtue of his participation in arranging any insurance wherein the Secretary directly insures any of the risk thereof.

EMPLOYMENT OF AVIATION INSURANCE COMPANIES AND AGENTS

(d) The Secretary may, and whenever he finds it practical to do so shall, employ companies or groups of companies authorized to do an aviation insurance business in any State of the United States, to act as his underwriting agent. The Secretary may allow such companies or groups of companies fair and reasonable compensation for servicing insurance written by such companies or groups of companies as underwriting agent for the Secretary. The services of such underwriting agents may be utilized in the adjustment of claims under insurance provided by this title, but no claim shall be paid unless and until it has been approved by the Secretary. Such compensation may include an allowance for expenses reasonably incurred by such agent, but such allowance shall not include any payment by such agent on account of solicitation for or stimulation of insurance business.

COOPERATION WITH OTHER AGENCIES

(e) The Secretary with the consent of any executive department, independent establishment, or other agency of the Government, including any field service thereof, may avail himself of the use of information, services, facilities, officers, and employees thereof in carrying out the provisions of this title.

BUDGET PROGRAM AND ACCOUNTS

(f) The Secretary, in the performance of, and with respect to, the functions, powers, and duties vested in him by this title, shall prepare annually and submit a budget program as provided for wholly owned Government corporations by the Government Corporation Control Act, as amended (59 Stat. 597; 31 U. S. C. 841). The Secretary shall maintain an integral set of accounts which shall be audited annually

by the General Accounting Office in accordance with principles and procedures applicable to commercial transactions as provided by the said Government Corporation Control Act: *Provided*, That, because of the business activities authorized by this title, the Secretary may exercise the powers conferred in said title, perform the duties and functions, and make expenditures required in accordance with commercial practice in the aviation insurance business, and the General Accounting Office shall allow credit for such expenditures when shown to be necessary because of the nature of such authorized activities.

RIGHTS OF AIRMEN UNDER EXISTING LAW

SEC. 1308. This title shall not affect rights of airmen under existing law.

ANNUAL AND QUARTERLY REPORTS TO CONGRESS

SEC. 1309. The Secretary shall include in his annual report to Congress a detailed statement of all activities and of all expenditures and receipts under this title for the period covered by such report and in addition make quarterly progress reports to the Congress with reference to contracts entered into, proposed contracts, and the general progress of his insurance activities.

JUDICIAL REVIEW OF CLAIMS

SEC. 1310. Upon disagreement as to a loss insured under this title, suit may be maintained against the United States in the United States District Court for the District of Columbia or in the United States district court in and for the district in which the claimant or his agent resides, notwithstanding the amount of the claim and any provision of existing law as to the jurisdiction of United States district courts, and this remedy shall be exclusive of any other action by reason of the same subject matter against any agent or employee of the United States employed or retained under this title. If the claimant has no residence in the United States, suit may be brought in the United States District Court for the District of Columbia or in any other United States district court in which the Attorney General of the United States agrees to accept service. The procedure in such suits shall otherwise be the same as that provided for suits in the district courts by title 28, United States Code, section 1346 (a) (2), so far as applicable. All persons having or claiming or who might have an interest in such insurance may be made parties either initially or upon the motion of either party. In any case where the Secretary acknowledges the indebtedness of the United States on account of such insurance, and there is a dispute as to the persons entitled to receive payment, the United States may bring an action in the nature of a bill of interpleader against such parties, in the United States District Court for the District of Columbia, or in the United States district court of the district in which any such person resides. In such actions any party, if not a resident of or found within the district, may be brought in by order of court served in such reasonable manner as the court directs. If the court is satisfied that persons unknown might assert a claim on account of such insurance, it may direct service upon such persons unknown by publication in the Federal Register. Judgment in any such suit shall discharge the United States from further liability to any parties to such action, and to all persons when service by publication upon persons unknown is directed by the court. The period within which suits may be commenced contained in said Act providing for bringing of suits against the United States shall, if claim be filed therefor within such period, be suspended from such

62 Stat. 933.

Publication in
FR.

time of filing until the claim shall have been administratively denied by the Secretary and for sixty days thereafter: *Provided, however,* That such claim shall be deemed to have been administratively denied if not acted upon within six months after the time of filing, unless the Secretary for good cause shown shall have otherwise agreed with the claimant.

INSURANCE OF EXCESS WITH OTHER UNDERWRITERS

SEC. 1311. A person having an insurable interest in an aircraft may, with the approval of the Secretary, insure with other underwriters in an amount in excess of the amount insured with the Secretary, and, in that event, the Secretary shall not be entitled to the benefit of such insurance, but nothing in this section shall prevent the Secretary from entering into contracts of coinsurance.

TERMINATION OF TITLE

SEC. 1312. The authority of the Secretary to provide insurance and reinsurance under this title shall expire at the termination of June 13, 1961.

TITLE XIV—REPEALS AND AMENDMENTS

REPEALS

49 USC 171. SEC. 1401. (a) The Act of May 20, 1926 (Air Commerce Act of 1926, 44 Stat. 568), as amended, is hereby repealed.

49 USC 401 et seq. (b) The Act of June 23, 1938 (Civil Aeronautics Act of 1938, 52 Stat. 973), as amended, is hereby repealed, except that the repeal by this subsection of subsections (b) and (c) of section 307 and clause (8) of section 803 of such Act shall not take effect in such manner as to impair the operation of the deferred repeal of such subsections and such clause as provided in section 21 of the Government Employees Training Act.

Ante, p. 337.

(c) Section 7 of Reorganization Plan Numbered III (54 Stat. 1233) and section 7 of Reorganization Plan Numbered IV (54 Stat. 1235-1236), which became effective on June 30, 1940 (54 Stat. 231), and Reorganization Plan No. 10, which became effective October 1, 1953 (67 Stat. 644), are hereby repealed. No function vested in the Administrator by this Act shall hereafter be subject to the provisions of section 1 (a) of Reorganization Plan No. 5 of 1950 (64 Stat. 1263).

(d) The Act of August 14, 1957 (Airways Modernization Act of 1957, 71 Stat. 349), is hereby repealed.

(e) All other Acts or parts of Acts inconsistent with any provision of this Act are hereby repealed.

AMENDMENTS TO ACTS RELATING TO AIRPORTS

ACT RELATING TO PUBLIC AIRPORTS

49 USC 212 note. SEC. 1402. (a) The Act of May 24, 1928, as amended (45 Stat. 728), is further amended by striking out the words "Civil Aeronautics Authority" wherever they appear and inserting in lieu thereof the words "Administrator of the Federal Aviation Agency".

FEDERAL AIRPORT ACT

49 USC 1101 note. (b) The Act of May 13, 1946, as amended (60 Stat. 170), is further amended as follows:

(1) By striking the words "Administrator of Civil Aeronautics" wherever they appear and inserting in lieu thereof the words "Administrator of the Federal Aviation Agency";

(2) By striking the word "Secretary" where it appears in sections 3 (a), 6, and 17, and inserting in lieu thereof the word "Administrator"; and

(3) By striking the words "Secretary of Commerce" wherever they appear and inserting in lieu thereof the word "Administrator".

GOVERNMENT SURPLUS AIRPORTS AND EQUIPMENT ACT

(c) The Act of July 30, 1947 (61 Stat. 678), as amended, including the Act of October 1, 1949 (63 Stat. 700), is further amended by striking the words "Administrator of Civil Aeronautics" wherever they appear and inserting in lieu thereof the words "Administrator of the Federal Aviation Agency". 50 USC 1622 et seq.

ALASKAN AIRPORTS ACT

(d) The Act of May 28, 1948, as amended (62 Stat. 277), is amended as follows: 5 USC 189d.

(1) By striking the words "Administrator of Civil Aeronautics" and inserting in lieu thereof the words "Administrator of the Federal Aviation Agency";

(2) By striking the words "Civil Aeronautics Administration" and inserting in lieu thereof the words "Federal Aviation Agency";

(3) By striking the words "Secretary of Commerce" and inserting in lieu thereof the words "Administrator of the Federal Aviation Agency".

DEPARTMENT OF INTERIOR AIRPORTS ACT

(e) The Act of March 18, 1950 (64 Stat. 27), is amended by striking the words "Administrator of Civil Aeronautics" and inserting in lieu thereof the words "Administrator of the Federal Aviation Agency". 16 USC 7a.

WASHINGTON NATIONAL AIRPORT ACT

(f) The Act of June 29, 1940 (54 Stat. 686), as amended, is further amended by striking out the words "Administrator of the Civil Aeronautics Authority" in subsection (a) of section 1 and inserting in lieu thereof the words "Administrator of the Federal Aviation Agency", and by striking out the words "Civil Aeronautics Administration" in subsection (a) of section 4 and inserting in lieu thereof the words "Federal Aviation Agency".

SECOND WASHINGTON AIRPORT ACT

(g) The Act of September 7, 1950 (64 Stat. 770), is amended by striking the word "Secretary" wherever it appears except in subsection (c) of section 8 and inserting in lieu thereof the word "Administrator"; by striking the words "Secretary of Commerce" from the first section of such Act and inserting in lieu thereof the words "Administrator of the Federal Aviation Agency"; by striking the words "Department of Commerce" wherever they appear and inserting in lieu thereof the words "Federal Aviation Agency"; and by striking subsection (c) of section 8 and inserting in lieu thereof a new subsection as follows:

"(c) The United States Park Police may, at the request of the Administrator, be assigned by the Secretary of the Interior, in his discretion, to patrol any area of the airport, and any members of the United States Park Police so assigned are hereby authorized and empowered to make arrests within the limits of the airport for the same offenses and in the same manner and circumstances as are pro-

vided in this section with respect to employees designated by the Administrator.”

AMENDMENTS TO THE INTERNATIONAL AVIATION FACILITIES ACT

49 USC 1151.

SEC. 1403. The Act of June 16, 1948 (62 Stat. 450), as amended, is further amended by striking the words “Administrator of Civil Aeronautics” and inserting in lieu thereof the words “Administrator of the Federal Aviation Agency”, and by striking the words “Civil Aeronautics Administration” and inserting in lieu thereof the words “Federal Aviation Agency”; by striking paragraph (1) of section 2 and renumbering subsequent subsections; by striking the phrase “After consultation with the Air Coordinating Committee and” from section 3; by striking the phrase “with the unanimous approval of the Air Coordinating Committee,” from section 6; and by striking the sentence reading “Transfer of property in foreign territory shall be made hereunder only after consultation with the Air Coordinating Committee.” wherever it appears in section 8.

AMENDMENTS TO ACT RELATING TO COAST GUARD AIDS TO NAVIGATION AND OCEAN STATIONS

14 USC.

SEC. 1404. The Act of August 4, 1949 (63 Stat. 495), as amended, is further amended by striking the words “Administrator of Civil Aeronautics” wherever they appear and inserting in lieu thereof the words “Administrator of the Federal Aviation Agency”, and by striking the words “Civil Aeronautics Administration” wherever they appear and inserting in lieu thereof the words “Federal Aviation Agency”.

AMENDMENTS TO FEDERAL EXPLOSIVES ACT

25 USC 373b.

SEC. 1405. The Act of November 24, 1942 (56 Stat. 1022), is amended by striking the words “Civil Aeronautics Board” and inserting in lieu thereof the words “Administrator of the Federal Aviation Agency”.

AMENDMENTS TO FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949

63 Stat. 377.
40 USC 471 note.

SEC. 1406. The Federal Property and Administrative Services Act of 1949, as amended, is further amended by striking the phrase “Administrator of Civil Aeronautics” in section 602 (d) (40 U. S. C. 474 (14)), and inserting in lieu thereof the phrase “Administrator of the Federal Aviation Agency”.

AMENDMENTS TO ACT RELATING TO PURCHASE AND MANUFACTURE OF MATERIALS AND SUPPLIES

56 Stat. 661.

SEC. 1407. The Act of March 4, 1915, as amended (31 U. S. C. 686), is further amended by striking the phrase “Civil Aeronautics Administration” and inserting in lieu thereof the phrase “Federal Aviation Agency”.

AMENDMENTS TO EXPERIMENTAL AIR MAIL ACT

52 Stat. 218.

SEC. 1408. The Act of April 15, 1938, as amended (39 U. S. C. 470), is further amended by striking the phrase “Civil Aeronautics Act of 1938” and inserting in lieu thereof the phrase “Federal Aviation Act of 1958”.

AMENDMENTS TO TRANSPORTATION OF FOREIGN MAIL BY AIRCRAFT ACT

SEC. 1409. The Act of August 27, 1940, as amended (49 U. S. C. 485a), is further amended by striking the phrase "Civil Aeronautics Act of 1938" and inserting in lieu thereof the phrase "Federal Aviation Act of 1958".

54 Stat. 862.

AMENDMENTS TO ACT RELATING TO TRANSPORTATION OF REGULAR MAIL TO ALASKA BY AIR

SEC. 1410. The Act of October 14, 1940, as amended (39 U. S. C. 488a), is further amended by striking the phrase "Civil Aeronautics Act of 1938" and inserting in lieu thereof the phrase "Federal Aviation Act of 1958".

54 Stat. 1175.

AMENDMENT TO PROVISION IN THE FEDERAL TRADE COMMISSION ACT

SEC. 1411. Section 5 (a) (6) of the Act of September 26, 1914, as amended (15 U. S. C. 45), is further amended by striking the phrase "Civil Aeronautics Act of 1938" and inserting in lieu thereof the phrase "Federal Aviation Act of 1958".

38 Stat. 719.

52 Stat. 117.

TITLE XV—SAVING PROVISIONS AND EFFECTIVE DATE

EFFECT OF TRANSFERS, REPEALS, AND AMENDMENTS

EXISTING RULES, REGULATIONS, ORDERS, AND SO FORTH

SEC. 1501. (a) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, rates, and privileges which have been issued, made, or granted, or allowed to become effective, by the President, the Department of Commerce, the Secretary of Commerce, the Administrator of Civil Aeronautics, the Civil Aeronautics Board, the Airways Modernization Board, the Secretary of the Treasury, the Secretary of Agriculture, or the Postmaster General, or any court of competent jurisdiction, under any provision of law repealed or amended by this Act, or in the exercise of duties, powers, or functions which, under this Act, are vested in the Administrator of the Federal Aviation Agency or the Civil Aeronautics Board, and which are in effect at the time this section takes effect, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the Administrator or the Board, as the case may be, or by any court of competent jurisdiction, or by operation of law.

PENDING ADMINISTRATIVE PROCEEDINGS

(b) The provisions of this Act shall not affect any proceedings pending at the time this section takes effect before the Secretary of Commerce, the Administrator of Civil Aeronautics, the Civil Aeronautics Board, the Chairman of the Airways Modernization Board, the Secretary of the Treasury, or the Secretary of Agriculture; but any such proceedings shall be continued before the successor agency, orders therein issued, appeals therefrom taken, and payments made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or repealed by the Administrator, the Civil Aeronautics Board, the Secretary of the Treasury, or the Secretary of Agriculture or by operation of law.

PENDING JUDICIAL PROCEEDINGS

(c) The provisions of this Act shall not affect suits commenced prior to the date on which this section takes effect; and all such suits shall be continued by the successor agency, proceedings therein had, appeals therein taken, and judgments therein rendered, in the same manner and with the same effect as if this Act had not been passed. No suit, action, or other proceeding lawfully commenced by or against any agency or officer of the United States, in relation to the discharge of official duties, shall abate by reason of any transfer of authority, power, or duties from such agency or officer to the Administrator or the Board under the provisions of this Act, but the court, upon motion or supplemental petition filed at any time within twelve months after such transfer, showing the necessity for a survival of such suit, action, or other proceeding to obtain a settlement of the questions involved, may allow the same to be maintained by or against the Administrator or the Board.

PERSONNEL, PROPERTY, AND APPROPRIATIONS

SEC. 1502. (a) The officers, employees, and property (including office equipment and official records) of the Civil Aeronautics Administration of the Department of Commerce, and of the Airways Modernization Board, and such employees and property (including office equipment and official records) as the President, after consultation with the Civil Aeronautics Board, shall determine to have been employed by the Civil Aeronautics Board in the exercise and performance of those powers and duties vested in and imposed upon it by the Civil Aeronautics Act of 1938, as amended, and which are vested by this Act in the Agency, shall be transferred to the Agency upon such date or dates as the President shall specify: *Provided*, That the transfer of such personnel shall be without reduction in classification or compensation, except that this requirement shall not operate after the end of the fiscal year during which such transfer is made to prevent the adjustment of classification or compensation to conform to the duties to which such transferred personnel may be assigned.

(b) Such of the unexpended balances of appropriations available for use by the Civil Aeronautics Administration of the Department of Commerce and by the Airways Modernization Board, and such of the unexpended balances of appropriations available for use by the Civil Aeronautics Board in the exercise and performance of those powers and duties vested in and imposed upon it by the Civil Aeronautics Act of 1938, as amended, and which are vested by this Act in the Administrator, shall be transferred to the Agency upon such date or dates as the President shall specify, and shall be available for use in connection with the exercise and performance of the powers and duties vested in and imposed upon the Administrator by this Act. Where provisions of this Act which are to be administered by the Board are in substance reenactments (with or without modifications) of provisions of the Civil Aeronautics Act of 1938, as amended, administered by the Board at the time this section takes effect, the Board, in carrying out such provisions of this Act, may utilize unexpended balances of appropriations made for carrying out such provisions of the Civil Aeronautics Act of 1938, as amended.

(c) All records transferred to the Administrator under this Act shall be available for use by him to the same extent as if such records were originally records of the Administrator.

MEMBERS, OFFICERS, AND EMPLOYEES OF THE BOARD

SEC. 1503. Nothing in this Act (1) shall affect the tenure of office of any individual who is a member of the Civil Aeronautics Board at the time title IV of this Act takes effect, or to nullify any action theretofore taken by the President in designating any such person as chairman or vice chairman of the Board, or (2) subject to section 1502 (a), change the status of the officers and employees under the jurisdiction of the Board at that time.

SEPARABILITY

SEC. 1504. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

EFFECTIVE DATE

SEC. 1505. The provisions of this Act shall become effective as follows:

(1) Section 301, section 302 (a), (b), (c), (f), (i), and (k), section 303 (a), section 304, and section 1502 shall become effective on the date of enactment of this Act; and

(2) The remaining provisions shall become effective on the 60th day following the date on which the Administrator of the Federal Aviation Agency first appointed under this Act qualifies and takes office.

Approved August 23, 1958.

Public Law 85-727

AN ACT

For the relief of the Newington School District, New Hampshire.

August 23, 1958
[H. R. 4804]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Newington School District, New Hampshire, the sum of \$73,248. The payment of such sum shall be in full satisfaction of all claims of such School District against the United States for costs to be incurred by such School District in relocating a school which has been made necessary because of the noise and danger from aircraft of the Department of the Air Force using Pease Air Force Base: *Provided*, That the appropriate authorities convey to the United States all their right, title, and interest in and to the township school property located at Newington, New Hampshire, which property has been rendered useless for school purposes due to the noise and danger from Department of the Air Force aircraft using Pease Air Force Base: *Provided further*, That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Newington
School District,
N.H.

Approved August 23, 1958.

Public Law 85-728

AN ACT

August 23, 1958
[S. 375]

To amend the Interstate Commerce Act to provide for the validity and perfection of certain security interests in motor vehicles.

Interstate Commerce Act, amendment.
49 Stat. 543.
49 USC 301 and note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That part II of the Interstate Commerce Act is amended by inserting after section 212 the following new section:

“VALIDITY AND PERFECTION OF CERTAIN SECURITY INTERESTS IN MOTOR VEHICLES

“SEC. 213. (a) As used in this section the term—

“(1) ‘debtor carrier’ means every common or contract carrier having a certificate of public convenience and necessity or permit issued under this Act who owes payment or performance of an obligation secured by a security interest.

“(2) ‘home State’ means the State of the United States, or the District of Columbia, where the principal place of business of the debtor carrier is located.

“(3) ‘lien creditor’ means a creditor who has acquired a lien on the motor vehicle involved by attachment, levy, or the like, and includes an assignee for benefit of creditors from the time of assignment, a trustee in bankruptcy from the date of the filing of the petition in bankruptcy, and a receiver in equity from the time of his appointment.

“(4) ‘perfection’ in connection with a security interest means the taking of the steps (including but not limited to public filing, recording, notation on a certificate of title, or possession of collateral by the secured party), or the existence of the facts, required by applicable law to make a security interest enforceable against general creditors and subsequent lien creditors of a debtor carrier, but does not include any reference to compliance with requirements, if any, as to capacity, authority, form of instruments, value, consideration, good faith, and other matters which go only to the creation of a valid security interest as between the debtor carrier and the secured party.

“(5) ‘security interest’ means an interest (including but not limited to an interest created by a conditional sale contract, mortgage, equipment trust, or other lien or title retention contract, or lease) in a motor vehicle owned by, or the possession and use of which vehicle has been transferred to, a debtor carrier, which interest secures payment or performance of an obligation of the debtor carrier.

“(6) ‘motor vehicle’ means any truck having a rated capacity (gross vehicle weight) of ten thousand pounds or more; any highway tractor having a rated capacity (gross combination weight) of ten thousand pounds or more; or any property-carrying trailer or semitrailer having one or more load-carrying axles of ten thousand pounds or more; or any motor bus having a seating capacity of ten persons or more.

“(7) ‘purchaser’ means a person who takes by sale, or who takes or retains a security interest in, a motor vehicle.

“(b) If a certificate of title is issued for a motor vehicle under a statute of a jurisdiction which requires or permits indication on a certificate of title of a security interest in a motor vehicle, and if a security interest is so indicated on the certificate, then the security

interest is perfected in all jurisdictions against all general creditors of, and subsequent lien creditors of, and all subsequent purchasers from, the debtor carrier.

“(c) In the case of any security interest in a motor vehicle for which a certificate of title has not been issued, (1) if the law of the home State requires or permits public filing, or recording, of, or with respect to, such security interest, and (2) if there has been such a public filing or recording, then such security interest is perfected in all jurisdictions as to all general creditors of, and subsequent lien creditors of, and all subsequent purchasers from, the debtor carrier.

“(d) In the case of any security interest in a motor vehicle for which a certificate of title has not been issued, and which security interest cannot be perfected under subsection (c) of this section, perfection of such a security interest shall be governed by the law of the home State, and if such security interest has been perfected as to general creditors and subsequent lien creditors under the law of the home State (including the conflict of laws rules), then such security interest is perfected in all jurisdictions as to all general creditors of, and subsequent lien creditors of, and all subsequent purchasers from, the debtor carrier.

“(e) This section shall not affect any security interest perfected before the effective date of this section.”

SEC. 2. The amendment made by the first section of this Act shall take effect on January 1, 1959.

Approved August 23, 1958.

Effective date.

Public Law 85-729

AN ACT

To amend title 10, United States Code, to authorize the Secretaries of the military departments to settle certain claims in the amount of \$5,000, or less, and to partially pay certain claims which are certified to Congress.

August 23, 1958
[H. R. 9022]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 10, United States Code, is amended as follows:

(1) Section 2733 is amended—

(A) by striking out in subsection (a) the words “any officer designated by him may settle, and pay in an amount not more than \$1,000” and inserting the words “the Judge Advocate General of an armed force under his jurisdiction, if designated by him, may settle, and pay in an amount not more than \$5,000” in place thereof;

(B) by amending subsections (d) and (e) to read as follows:

“(d) If the Secretary of the military department concerned considers that a claim in excess of \$5,000 is meritorious and would otherwise be covered by this section, he may pay the claimant \$5,000 and report the excess to Congress for its consideration.

“(e) Except as provided in subsection (d), no claim may be paid under this section unless the amount tendered is accepted by the claimant in full satisfaction.”; and

(C) by adding the following new subsection at the end thereof as follows:

“(g) In any case where the amount to be paid is not more than \$1,000, the authority contained in subsection (a) may be delegated to any officer of an armed force under the jurisdiction of the military department concerned.”

Approved August 23, 1958.

Armed Forces.
Settlement of
claims.
70A Stat. 153.

Partial payment.
Report to Con-
gress.

Public Law 85-730

AN ACT

To revise and modernize the fish and game laws of the District of Columbia, and for other purposes.

August 23, 1958
[S. 532]

D. C. game and
fish laws, revision.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioners are authorized to restrict, prohibit, regulate, and control hunting and fishing and the taking, possession and sale of wild animals in the District: *Provided,* That nothing herein contained shall authorize the Commissioners to impose any requirement for a fishing license or fee of any nature whatsoever: *Provided further,* That nothing herein contained shall authorize the Commissioners to prohibit, restrict, regulate, or control the killing, capture, purchase, sale, or possession of migratory birds as defined in regulations issued pursuant to the Migratory Bird Treaty Act of July 3, 1918, as amended (16 U. S. C. 703-711) and taken for scientific, propagating, or other purposes under permits issued by the Secretary of the Interior: *And provided further,* That nothing herein contained shall authorize the Commissioners to prohibit, restrict, regulate or control the sale or possession of wild animals taken legally in any State, Territory or possession of the United States or in any foreign country, or produced on a game farm, except as may be necessary to protect the public health or safety. As used in this section the term "wild animals" includes, without limitation, mammals, birds, fish, and reptiles not ordinarily domesticated.

40 Stat. 755.

Inspection.

SEC. 2. Authorized officers and employees of the Government of the United States or of the government of the District of Columbia are, for the purpose of enforcing the provisions of this Act and the regulations promulgated by the Commissioners under the authority of this Act, empowered, during business hours, to inspect any building or premises in or on which any business, trade, vocation or occupation requiring a license or permit is carried on, or any vehicle, boat, market box, market stall or cold-storage plant. No person shall refuse to permit any such inspection.

Seizure of
rifles, etc.

SEC. 3. (a) All rifles, shotguns, ammunition, bows, arrows, traps, seines, nets, boats, and other devices of every nature or description used by any person within the District of Columbia when engaged in killing, ensnaring, trapping, or capturing any wild bird, wild mammal or fish contrary to this Act or any regulation made pursuant to this Act shall be seized by any police officer upon the arrest of such person on a charge of violating any provision of this Act or any regulations made pursuant thereto, and be delivered to the Commissioners. If the person so arrested is acquitted, the property so seized shall be returned to the person in whose possession it was found. If the person so arrested is convicted, the property so seized shall, in the discretion of the court, be forfeited to the District of Columbia, and be sold at public auction, the proceeds from such sale to be deposited in the Treasury to the credit of the District of Columbia. If any item of such property is not purchased at such auction, it shall be disposed of in accordance with regulations prescribed by the Commissioners.

Property liens.

(b) If any property seized under the authority of this section is subject to a lien which is established by intervention or otherwise to the satisfaction of the court as having been created without the

lienor's having any notice that such property was to be used in connection with a violation of any provision of this Act or any regulation made pursuant thereto, the court, upon the conviction of the accused, may order a sale of such property at public auction. The officer conducting such sale, after deducting proper fees and costs incident to the seizure, keeping, and sale of such property, shall pay all such liens according to their priorities, and such lien or liens shall be transferred from the property to the proceeds of the sale thereof.

SEC. 4. (a) Any person convicted of violating any provision of this Act, or any regulation made pursuant to this Act, shall be fined not more than \$300 or imprisoned not more than 90 days, or both.

Conviction and fine.

(b) Prosecutions for violations of this Act, or the regulations made pursuant thereto, shall be conducted in the name of the District of Columbia by the Corporation Counsel or any of his assistants.

SEC. 5. (a) The Secretary of the Interior and the Commissioners, respectively, are authorized to delegate any of the functions to be performed by them under the authority of this Act.

Delegation of functions.

(b) The Commissioners are authorized to make such regulations as may be necessary to carry out the purpose of this Act: *Provided*, That any regulations issued pursuant to this Act shall be subject to the approval of the Secretary of the Interior insofar as they involve any areas or waters of the District of Columbia under his administrative jurisdiction.

(c) As used in this Act the word "Commissioners" means the Commissioners of the District of Columbia or their designated agent or agents, and the words "Secretary of the Interior" means the Secretary of the Interior or his designated agent or agents.

SEC. 6. Nothing in this Act or in any regulation promulgated by the Commissioners under the authority of this Act shall in any way impair the existing authority of the Secretary of the Interior to control and manage fish and wildlife on the land and waters in the District of Columbia under his administrative jurisdiction.

Fish and wildlife control.

SEC. 7. Section 902 of the Act approved March 3, 1901 (31 Stat. 1336) as amended (title 22, secs. 1607 and 1703, D. C. Code, 1951 edition), is amended to read as follows:

"SEC. 902. PENALTIES.—Any person who shall violate any provision of the preceding section shall for each such offense be fined not more than \$300 or imprisoned not more than ninety days, or both."

SEC. 8. The following Acts or parts of Acts are repealed:

Repeals.

(a) Sections 896, 897, 898, 899, 900, and 903 of the Act approved March 3, 1901 (31 Stat. 1335, 1336), as amended (title 22, secs. 1601, 1602, 1604, 1605, 1606, and 1608, D. C. Code, 1951 edition);

(b) Sections 1, 2, 3, 4, 5, 6, 7, 8, and 9 of the Act approved March 3, 1899 (30 Stat. 1012), as amended (title 22, secs. 1609–1620, D. C. Code, 1951 edition);

(c) Sections 1, 2, 3, and 5 of the Act approved June 30, 1906 (34 Stat. 808), as amended (title 22, secs. 1621–1624, D. C. Code, 1951 edition);

(d) Sections 1 through 3 of the Act approved December 18, 1919 (41 Stat. 368; title 22, secs. 1625–1627, D. C. Code, 1951 edition); and

(e) Sections 1 through 4 of the Act approved March 3, 1927 (44 Stat. 1379; title 22, sec. 1603, D. C. Code, 1951 edition).

SEC. 9. This Act shall take effect on the 180th day following the approval thereof.

Effective date.

Approved August 23, 1958.

Public Law 85-731

AN ACT

August 23, 1958
[S. 3051]

To amend the Act terminating Federal supervision over the Klamath Indian Tribe by providing in the alternative for private or Federal acquisition of the part of the tribal forest that must be sold, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of August 13, 1954 (68 Stat. 718), is amended by adding a new section 28 as follows:

“SEC. 28. Notwithstanding the provisions of sections 5 and 6 of the Act of August 13, 1954 (68 Stat. 718), and all Acts amendatory thereof—

“(a) The tribal lands that comprise the Klamath Indian Forest, and the tribal lands that comprise the Klamath Marsh, shall be designated by the Secretary of the Interior and the Secretary of Agriculture, jointly.

“(b) The portion of the Klamath Indian Forest that is selected for sale pursuant to subsection 5 (a) (3) of this Act to pay members who withdraw from the tribe shall be offered for sale by the Secretary of the Interior in appropriate units, on the basis of competitive bids, to any purchaser or purchasers who agree to manage the forest lands as far as practicable according to sustained yield procedures so as to furnish a continuous supply of timber according to plans to be prepared and submitted by them for approval and inclusion in the conveyancing instruments in accordance with specifications and requirements referred to in the invitations for bids: *Provided*, That no sale shall be for a price that is less than the realization value of the units involved determined as provided in subsection (c) of this section. The terms and conditions of the sales shall be prescribed by the Secretary. The specifications and minimum requirements to be included in the invitations for bids, and the determination of appropriate units for sale, shall be developed and made jointly by the Secretary of the Interior and the Secretary of Agriculture. Such plans when prepared by the purchaser shall include provisions for the conservation of soil and water resources as well as for the management of the timber resources as hereinbefore set forth in this section. Such plans shall be satisfactory to and have the approval of the Secretary of Agriculture as complying with the minimum standards included in said specifications and requirements before the prospective purchaser shall be entitled to have his bid considered by the Secretary of the Interior and the failure on the part of the purchaser to prepare and submit a satisfactory plan to the Secretary of Agriculture shall constitute grounds for rejection of such bid. Such plans shall be incorporated as conditions in the conveyancing instruments executed by the Secretary and shall be binding on the grantee and all successors in interest. The conveyancing instruments shall provide for a forfeiture and a reversion of title to the lands to the United States, not in trust for or subject to Indian use, in the event of a breach of such conditions. The purchase price paid by the grantee shall be deemed to represent the full appraised fair market value of the lands, undiminished by the right of reversion retained by the United States in a nontrust status, and the retention of such right of reversion shall not be the basis for any claim against the United States. The Secretary of Agriculture shall be responsible for enforcing such conditions. Upon any reversion of title pursuant to this subsection, the lands shall be-

Klamath Indians.
25 U S C 564-
564w.

25 U S C 564d,
564e.

Designation of
boundaries.

Klamath Indian
Forest.
Sales.

Terms and con-
ditions.

come national forest lands subject to the laws that are applicable to lands acquired pursuant to the Act of March 1, 1911 (36 Stat. 961), as amended.

“(c) Within sixty days after this section becomes effective the Secretary of the Interior shall contract by negotiation with three qualified appraisers or three qualified appraisal organizations for a review of the appraisal approved by the Secretary pursuant to subsection 5 (a) (2) of this Act, as amended. In such review full consideration shall be given to all reasonably ascertainable elements of land, forest, and mineral values. Not less than thirty days before executing such contracts the Secretary shall notify the chairman of the House Committee on Interior and Insular Affairs and the chairman of the Senate Committee on Interior and Insular Affairs of the names and addresses of the appraisers selected. The cost of the appraisal review shall be paid from tribal funds which are hereby made available for such purpose, subject to full reimbursement by the United States, and the appropriation of funds for that purpose is hereby authorized. Upon the basis of a review of the appraisal heretofore made of the forest units and marsh lands involved and such other materials as may be readily available, including additional market data since the date of the prior appraisal, but without making any new and independent appraisal, each appraiser shall estimate the fair market value of such forest units and marsh lands as if they had been offered for sale on a competitive market without limitation on use during the interval between the adjournment of the Eighty-fifth Congress and the termination date specified in subsection 6 (b) of this Act, as amended. This value shall be known as the realization value. If the three appraisers are not able to agree on the realization value of such forest units and marsh lands, then such realization values shall be determined by averaging the values estimated by each appraiser. The Secretary shall report such realization values to the chairman of the House Committee on Interior and Insular Affairs and to the chairman of the Senate Committee on Interior and Insular Affairs not later than January 15, 1959. No sale of forest units that comprise the Klamath Indian forest designated pursuant to subsection 28 (a) shall be made under the provisions of this Act prior to April 1, 1959.

“(d) If all of the forest units offered for sale in accordance with subsection (b) of this section are not sold before April 1, 1961, the Secretary of Agriculture shall publish in the Federal Register a proclamation taking title in the name of the United States to as many of the unsold units or parts thereof as have, together with the Klamath Marsh lands acquired pursuant to subsection (f) of the section, an aggregate realization value of not to exceed \$90,000,000, which shall be the maximum amount payable for lands acquired by the United States pursuant to this Act. Compensation for the forest lands so taken shall be the realization value of the lands determined as provided in subsection (c) of this section, unless a different amount is provided by law enacted prior to the proclamation of the Secretary of Agriculture. Appropriation of funds for that purpose is hereby authorized. Payment shall be made as soon as possible after the proclamation of the Secretary of Agriculture. Such lands shall become national forest lands subject to the laws that are applicable to lands acquired pursuant to the Act of March 1, 1911 (36 Stat. 961), as amended. Any of the forest units that are offered for sale and that are not sold or taken pursuant to sub-

16 USC 480-563,
passim.

Appraisals.

Notice to Con-
gressional com-
mittees.

Appropriation.

Report to Con-
gress.

National Forest
lands.

Publication in
F. R.

Appropriation.

16 USC 480-563,
passim.

section (b) or (d) of this section shall be subject to sale without limitation on use in accordance with the provisions of section 5 of this Act.

“(e) If at any time any of the tribal lands that comprise the Klamath Indian Forest and that are retained by the tribe are offered for sale other than to members of the tribe, such lands shall first be offered for sale to the Secretary of Agriculture, who shall be given a period of twelve months after the date of each such offer within which to purchase such lands. No such lands shall be sold at a price below the price at which they have been offered for sale to the Secretary of Agriculture, and if such lands are reoffered for sale they shall first be reoffered to the Secretary of Agriculture. The Secretary of Agriculture is hereby authorized to purchase such lands subject to such terms and conditions as to the use thereof as he may deem appropriate, and any lands so acquired shall thereupon become national forest lands subject to the laws that are applicable to lands acquired pursuant to the Act of March 1, 1911 (36 Stat. 961), as amended.

“(f) The lands that comprise the Klamath Marsh shall be a part of the property selected for sale pursuant to subsection 5 (a) (3) of this Act to pay members who withdraw from the tribe. Title to such lands is hereby taken in the name of the United States, effective April 1, 1961. Such lands are designated as the Klamath Forest National Wildlife Refuge, which shall be administered in accordance with the law applicable to areas acquired pursuant to section 4 of the Act of March 16, 1934 (48 Stat. 451), as amended or supplemented. Compensation for said taking shall be the realization value of the lands determined in accordance with subsection (c) of this section, and shall be paid out of funds in the Treasury of the United States, which are hereby authorized to be appropriated for that purpose.

“(g) Any person whose name appears on the final roll of the tribe, and who has since December 31, 1956, continuously resided on any lands taken by the United States by subsections (d) and (f) of this section, shall be entitled to occupy and use as a homestead for his lifetime a reasonable acreage of such lands, as determined by the Secretary of Agriculture, subject to such regulations as the Secretary of Agriculture may issue to safeguard the administration of the national forest and as the Secretary of the Interior may issue to safeguard the administration of the Klamath Forest National Wildlife Refuge.

“(h) If title to any of the lands comprising the Klamath Indian Forest is taken by the United States, the administration of any outstanding timber sales contracts thereon entered into by the Secretary of the Interior as trustee for the Klamath Indians shall be administered by the Secretary of Agriculture.

“(i) All sales of tribal lands pursuant to subsection (b) of this section or pursuant to section 5 of this Act on which roads are located shall be made subject to the right of the United States and its assigns to maintain and use such roads.”

SEC. 2. Section 4 of the Act of August 13, 1954, is amended by adding thereto a new sentence reading thus: “Property which this section makes subject to inheritance or bequest and which is inherited or bequeathed after August 13, 1954, and prior to the transfer of title to tribal property as provided in section 6 of this Act shall not be subject to State or Federal inheritance, estate, legacy, or succession taxes.”

SEC. 3. No funds distributed pursuant to section 5 of the Act of August 13, 1954, as amended, to members who withdraw from the tribe shall be paid to any person as compensation for services pertaining to the enactment of said Act or amendments thereto and any

Sale of retained lands to Secretary of Agriculture.

16 USC 48-563, *passim*.
Wildlife Refuge.

16 USC 718d.
Appropriation.

Homesites.

Tax exemption.
25 USC 564c.

25 USC 564e.

Penalty.
25 USC 564d.

person making or receiving such payments shall be guilty of a misdemeanor and shall be imprisoned for not more than six months and fined not more than \$500.

SEC. 4. The Secretary of the Interior is directed to terminate the contract between him and the management specialists by giving immediately the sixty-day notice required by paragraph 18 of such contract. When the contract is terminated, all of the functions of the management specialists under section 5 of the Act of August 13, 1954, as amended, shall be performed by the Secretary.

Termination of contract.

SEC. 5. Nothing in this Act shall in any way modify or repeal the provisions of subsection 5 (a) of the Act of August 13, 1954 (68 Stat. 718), as amended, providing for and requiring members of the Klamath Tribe to elect to withdraw from or remain in the tribe, following the appraisal of the tribal property.

SEC. 6. The first proviso of subsection 5 (a) (3) of the Act of August 13, 1954 (68 Stat. 718), relating to distributions in \$200,000 installments, is repealed.

Repeal.

SEC. 7. The second proviso of subsection 5 (a) (3) of said Act, as amended, relating to Indian preference rights, is further amended by deleting "any individual Indian purchaser may apply toward the purchase price all or any part of the sum due him from the conversion of his interest in tribal property" and by inserting in lieu thereof "any individual Indian purchaser who has elected to withdraw from the tribe may apply toward the purchase price up to 100 per centum of the amount estimated by the Secretary to be due him from the sale or taking of forest and marsh lands pursuant to subsections 28 (b), 28 (d), and 28 (f) of this Act, and up to 75 per centum of the amount estimated by the Secretary to be due him from the conversion of his interest in other tribal property".

Preference rights.
71 Stat. 348.
25 USC 564d.

SEC. 8. The Act of August 13, 1954 (68 Stat. 718), is amended by adding at the end of subsection 5 (a) (5) the following sentence: "If no plan that is satisfactory both to the members who elect to remain in the tribe and to the Secretary has been prepared six months before the time limit provided in subsection 6 (b) of this Act, as amended, the Secretary shall adopt a plan for managing the tribal property, subject to the provisions of section 15 of this Act, as amended."

Management plan.

25 USC 564e.

25 USC 564n.

SEC. 9. Except as provided below the provisions of the Act of August 13, 1954 (68 Stat. 718), as amended, shall not apply to cemeteries within the reservation. The Secretary is hereby authorized and directed to transfer title to such properties to any organization authorized by the tribe and approved by him. In the event such an organization is not formed by the tribe within eighteen months following enactment of this Act, the Secretary is directed to perfect the organization of a nonprofit entity empowered to accept title and maintain said cemeteries, any costs involved to be subject to the provisions of section 5 (b) of said Act of August 13, 1954, as amended.

25 USC 564-564w.

25 USC 564d.

SEC. 10. Subsection (b) of section 6 of the Act of August 13, 1954 (68 Stat. 718), as amended, is further amended by striking out "six years" and inserting in lieu thereof "seven years".

25 USC 564e.

SEC. 11. Subsection 8 (b) of the Act of August 13, 1954 (68 Stat. 718), as amended, is further amended by changing the colon to a period and by deleting the following language: "Provided, That the provisions of this subsection shall not apply to subsurface rights in such lands, and the Secretary is directed to transfer such subsurface rights to one or more trustees designated by him for management for a period not less than ten years."

25 USC 564g.

Approved August 23, 1958.

Public Law 85-732

AN ACT

August 23, 1958
[H. R. 13]

To amend sections 323, 331, 334, 335, 336, 337, 363, and 376 of, and to add a new section to, the Bankruptcy Act approved July 1, 1898, and Acts amendatory thereof and supplemental thereto.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 323 (11 U. S. C., sec. 723) of the Bankruptcy Act approved July 1, 1898, as amended, is amended to read as follows:

Bankruptcy Act,
amendments,
52 Stat. 907.

Arrangement.

“SEC. 323. A petition filed under this chapter shall state that the debtor is insolvent or unable to pay his debts as they mature, and shall set forth the provisions of the arrangement proposed by him, or, that he intends to propose an arrangement pursuant to the provisions of this chapter.”

52 Stat. 908.

SEC. 2. Section 331 (11 U. S. C., sec. 731) of the Bankruptcy Act, as amended, is amended to read as follows:

Reference to
referee.

“SEC. 331. The judge may at any stage of a proceeding under this chapter refer the same to a referee either generally or specially. If the judge or all the judges are absent from the district, or the division of the district in which a petition under this chapter is filed, at the time of the filing, the clerk shall forthwith refer the case to the referee.”

SEC. 3. Section 334 (11 U. S. C., sec. 734) of the Bankruptcy Act, as amended, is amended to read as follows:

Meeting of credi-
tors.

“SEC. 334. Within ten days after the petition is filed the court shall give notice by mail to the debtor, the creditors and other parties in interest of a meeting of creditors to be held not less than fifteen days nor more than thirty days after the date of the mailing of such notice.”

SEC. 4. Section 335 (11 U. S. C., sec. 735) of the Bankruptcy Act, as amended, is amended to read as follows:

Notice.
Proposed ar-
rangement.

“SEC. 335. (1) The notice of such meeting of creditors shall be accompanied by a copy of the proposed arrangement, if filed, a summary of the liabilities and a summary of the appraisal, if one has been made, or, if not made, a summary of the assets.

“(2) If the notice of such meeting is not accompanied by a copy of the proposed arrangement, the court, at such meeting, shall fix a time within which the proposed arrangement shall be filed and shall adjourn the meeting for at least fifteen days after the date so fixed, or, if the proposed arrangement is filed at or before such meeting, shall adjourn the meeting for at least fifteen days. At least ten days before such adjourned date, the court shall mail notice of the adjourned meeting, together with a copy of the proposed arrangement, to the creditors and other parties in interest.

“(3) The notice of such meeting of creditors as hereinbefore provided may also name the time for the filing of the application to confirm the arrangement and the time for the hearing of the confirmation and of such objections as may be made to the confirmation.”

SEC. 5. Section 336 (11 U. S. C., sec. 736) of the Bankruptcy Act, as amended, is amended to read as follows:

Duties of judge
or referee.

“SEC. 336. At such meeting, or at any adjournment thereof, the judge or referee—

“(1) shall preside;

“(2) may receive proofs of claim and allow or disallow them;

“(3) shall examine the debtor or cause him to be examined and hear witnesses on any matter relevant to the proceeding; and

“(4) shall receive and determine the written acceptances of creditors on the proposed arrangement, if a copy thereof shall

have accompanied the notice of such meeting or adjourned meeting. Such acceptances may be obtained by the debtor before or after the filing of a petition under this chapter."

SEC. 6. Section 337 (2) (11 U. S. C., sec. 737 (2)) of the Bankruptcy Act, as amended, is amended to read as follows:

"(2) fix a time within which the debtor shall deposit, in such place as shall be designated by and subject to the order of the court, the consideration, if any, to be distributed to the creditors, the money necessary to pay all debts which have priority, unless such priority creditors shall have waived their claims or such deposit, or consented in writing to any provision of the arrangement for otherwise dealing with such claims, and the money necessary to pay the costs and expenses of the proceedings, and the actual and necessary expenses, including fees and expenses of attorneys, accountants and agents, in such amounts as the court may allow, incurred after its appointment by a committee appointed pursuant to section 338 of this Act, or incurred before or after the filing of the petition under this chapter by a committee designated in writings, filed with the court and signed and acknowledged by a majority in amount of unsecured creditors whose claims have been scheduled otherwise than as contingent, unliquidated or disputed and who would not be disqualified by section 44 of this Act to participate in the appointment of a trustee: *Provided, however,* That in fixing any such allowances the court shall give consideration only to the services which contributed to the arrangement confirmed or to the refusal of confirmation of an arrangement, or which were beneficial in the administration of the estate, and the proper costs and expenses incidental thereto; and"

Time designation for payment.

11 USC 738.

30 Stat. 557.
11 USC 72.

SEC. 7. Section 363 (11 U. S. C., sec. 763) of the Bankruptcy Act, as amended, is amended to read as follows:

"SEC. 363. Alterations or modifications of an arrangement may be proposed in writing by a debtor, with leave of court, at any time before the arrangement is confirmed; or where the court has retained jurisdiction pursuant to the provisions of section 368 of this Act, an arrangement providing for an extension of time for the payment of debts in whole or in part may be altered or modified after it has been confirmed to the extent and subject to the limitations set forth in section 387 of this Act."

Alterations prior to confirmation.

Sec. 8. Section 376 (11 U. S. C., sec. 776) of the Bankruptcy Act, as amended, is amended to read as follows:

"SEC. 376. If the statement of the executory contracts and the schedules and statement of affairs, as provided by paragraph (1) of section 324 of this Act, are not duly filed, or if an arrangement is not proposed in the manner and within the time fixed by the court, or if an arrangement is withdrawn or abandoned prior to its acceptance, or is not accepted at the meeting of creditors or within such further time as the court may fix, or if the money or other consideration required to be deposited is not deposited or the application for confirmation is not filed within the time fixed by the court, or if confirmation of the arrangement is refused, the court shall—

Rejection of arrangements prior to confirmation.
52 Stat. 907.
11 USC 724.

"(1) where the petition was filed under section 321 of this Act, enter an order dismissing the proceeding under this chapter and directing that the bankruptcy be proceeded with pursuant to the provisions of this Act; or

11 USC 721.

"(2) where the petition was filed under section 322 of this Act, enter an order, upon hearing after notice to the debtor, the creditors, and such other persons as the court may direct, either adjudging the debtor a bankrupt and directing that bankruptcy

11 USC 722.

be proceeded with pursuant to the provisions of this Act or dismissing the proceeding under this chapter, whichever in the opinion of the court may be in the interest of the creditors: *Provided, however*, That an order adjudging the debtor a bankrupt may be entered without such hearing upon the debtor's consent."

11 USC 786.

SEC. 9. Immediately after section 386 of the Bankruptcy Act add a new section as follows:

Modifications
and alterations.
Procedure.

11 USC 768.

"SEC. 387. Where an arrangement which has been confirmed provides for an extension of time for payment in whole or in part of the debts affected by the arrangement, and the court has retained jurisdiction pursuant to section 368 of this Act—

"(1) A proposal to alter or modify the arrangement by changing the time of payment of deferred installments of the consideration, or by reducing the amount of such payments, or to accomplish both of such alterations or modifications, may be filed by the debtor with leave of court after the arrangement has been confirmed, but before the deferred consideration has been fully paid, or if such deferred consideration is represented by negotiable promissory notes, then before such notes have been delivered to the creditors.

"(2) The proposal to alter or modify the arrangement shall set forth the proposed alterations or modifications, shall state whether the deferred payments provided for by the arrangement are evidenced by negotiable promissory notes and, if so, whether such promissory notes have been delivered to the creditors, and the reasons why such alterations or modifications are proposed. The proposal shall be accompanied by a list of the names and addresses of all creditors who have extended credit to the debtor since the arrangement was confirmed.

"(3) If the court permits the proposed alterations or modifications to be filed, it shall call a meeting of the creditors on at least ten days' written notice to the debtor, the creditors and other parties in interest, including creditors who extended credit during the proceeding or after the arrangement was confirmed, and shall transmit with such notice a copy of the alterations or modifications proposed.

11 USC 762.

"(4) If at such meeting the arrangement as altered or modified is accepted as required for confirmation by section 362 of this Act by the creditors affected by such alteration or modification, the court, subject to the provisions of section 366 of this Act, shall confirm the arrangements as altered or modified."

11 USC 766.

Approved August 23, 1958.

Public Law 85-733

AN ACT

August 23, 1958
[H. R. 8478]

Amending the Hawaiian Homes Commission Act to permit the establishment of a post office on Hawaiian homelands, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 207 (c) (1) (A) of the Hawaiian Homes Commission Act, 1920 (48 U. S. C. 701 (c) (1) (A)), is amended to read as follows:

62 Stat. 390.

"(A) churches, hospitals, public schools, post offices, and other improvements for public purposes;"

Approved August 23, 1958.

Public Law 85-734

AN ACT

Granting the consent and approval of Congress to the Tennessee River Basin Water Pollution Control Compact.

August 23, 1958
[H. R. 6701]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent and approval of Congress is given to the Tennessee River Basin Water Pollution Control Compact, as hereinafter set out. Such compact reads as follows:

Tennessee River
Basin Water Pollution
Control Com-
pact.
Congressional
consent.

“TENNESSEE RIVER BASIN WATER POLLUTION
CONTROL COMPACT

“ARTICLE I

“The purpose of this Compact is to promote effective control and reduction of pollution in the waters of the Tennessee River Basin through increased cooperation of the states of the Basin, coordination of pollution control activities and programs in the Basin, and the establishment of a joint interstate commission to assist in these efforts.

“ARTICLE II

“The party states hereby create the ‘Tennessee River Basin Water Pollution Control Commission’, hereinafter referred to as the ‘Commission’, which shall be an agency of each party state with the powers and duties set forth herein, and such others as shall be conferred upon it by the party states or by the Congress of the United States concurred in by the party states.

“ARTICLE III

“A. The party states hereby create the ‘Tennessee River Basin Water Pollution Control District’, hereinafter called the ‘District’, which consists of the area drained by the Tennessee River and its tributaries.

“B. From time to time the Commission may conduct surveys of the Basin, study the pollution problems of the Basin, and make comprehensive reports concerning the prevention or reduction of water pollution therein. The Commission may draft and recommend to the parties hereto suggested legislation dealing with the pollution of waters within the Basin or any portion thereof. Upon request of a state water pollution control agency, and in a manner agreed upon by such agency and the Commission, the Commission shall render advice concerning the various governments, communities, municipalities, persons, corporations or other entities with regard to particular problems connected with the pollution of waters. The Commission shall present to the appropriate officials of any government or agency thereof its recommendations relating to enactments to be made by any legislature in furthering the intents and purposes of this Article. The Commission, upon request of a member state or upon its own instance may, after proper study, and after conducting public hearings, recommend minimum standards of water quality to be followed in the several areas of the District.

“ARTICLE IV

“The Commission shall consist of three Commissioners from each state, each of whom shall be a resident voter of such state. The

Commissioners shall be chosen in the manner and for the terms provided by the laws of the state from which they are appointed, and each Commissioner may be removed or suspended from office as provided by law of the state from which he is appointed.

“ARTICLE V

“A. The Commission shall elect annually from its members a Chairman and a Vice Chairman to serve at its pleasure. It shall adopt a seal and suitable by-laws for its management and control. The Commission is hereby authorized to adopt, prescribe and promulgate rules and regulations for administering and enforcing all provisions of this Compact. It may maintain one or more offices for the transaction of its business. Meetings shall be held at least once each year. It may determine duties, qualifications and compensation for and appoint such employees and consultants as may be necessary and remove or replace them.

“B. The Commission shall not compensate the Commissioners for their services but shall pay their actual expenses incurred in and incidental to the performance of their duties.

“C. The Commission may acquire, by gift or otherwise, and may hold and dispose of such real and personal property as may be appropriate to the performance of its functions. In the event of sale of real property, proceeds may be distributed among the several party states, each state's share being computed in a ratio to its contributions; and in the event of dissolution of the Commission, the property and assets shall be disposed of and proceeds distributed in a like manner.

“D. Each Commissioner shall have one vote. One or more Commissioners from a majority of the party states shall constitute a quorum for the transaction of business, but no action of the Commission imposing any obligation on any party state or any municipality, person, corporation or other entity therein shall be binding unless a majority of all of the members from such party state shall have voted in favor thereof. The Commission shall keep accurate accounts of all receipts and disbursements, and shall submit to the Governor and the legislature of each party state an annual report concerning its activities, and shall make recommendations for any legislative, executive or administrative action deemed advisable.

“E. The Commission shall at the proper time submit to the Governor of each party state for his approval an estimate of its proposed expenditures. The Commission shall subsequently adopt a budget and submit appropriation requests to the party states in accordance with the laws and procedures of such states.

“F. The Commission shall not pledge the credit of any of the party states. The Commission may meet any of its obligations in whole or in part with funds available to it, from gifts, grants, appropriations or otherwise, provided that the Commission takes specific action setting aside such funds prior to the incurring of any obligation to be met in whole or in part in this manner. Except where the Commission makes use of funds already available to it, the Commission shall not incur any obligations prior to the making of appropriations adequate to meet the same.

“G. The accounts of the Commission shall be open at any reasonable time to the inspection of such representatives of the respective party states as may be duly constituted for that purpose. All receipts and disbursements of funds handled by the Commission shall be audited yearly by a qualified public accountant, and the report of the audit shall be included in and become a part of the annual report of

the Commission. The Commission shall appoint an Executive Director. The Commission shall also appoint a Treasurer who may be a member of the Commission. The Executive Director shall be custodian of the records of the Commission with authority to attest to and certify such records and copies thereof under the seal of the Commission. The Commission shall require bonds of its Executive Director and Treasurer in the amount of at least twenty-five per cent of the annual budget of the Commission.

“ARTICLE VI

“Each of the Commission’s budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party states. In determining these amounts, the Commission shall prorate one-half of its budget among the several states in proportion to their land area within the District, and shall prorate the other half among the several states in proportion to their population within the District at the last preceding Federal census.

“ARTICLE VII

“A. It is recognized, owing to such variable factors as location, size, character and flow and the many varied uses of the waters subject to the terms of this Compact, that no single standard of sewage and waste treatment and no single standard of quality of receiving waters is practical and that the degree of treatment of sewage and industrial wastes should take into account the classification of the receiving waters according to present and proposed highest use, such as for drinking water supply, industrial and agricultural uses, bathing and other recreational purposes, maintenance and propagation of fish life, navigation and disposal of wastes.

“B. The Commission may establish reasonable physical, chemical and bacteriological standards of water quality satisfactory for various classifications of use. It is agreed that each of the signatory states through appropriate agencies will prepare a classification of its interstate waters in the District in entirety or by portions according to present and proposed highest use, and for this purpose technical experts employed by appropriate state water pollution control agencies are authorized to confer on questions relating to classification of interstate waters affecting two or more states. Each signatory state agrees to submit its classification of its interstate waters to the Commission for approval. It is agreed that after such approval, all signatory states through their appropriate state water pollution control agencies will work to establish programs of treatment of sewage and industrial wastes which will meet standards established by the Commission for classified waters. The Commission may from time to time make such changes in definitions of classifications and in standards as may be required by changed conditions or as may be necessary for uniformity and in a manner similar to that in which these standards and classifications were originally established.

“ARTICLE VIII

“A. A state pollution control agency of any party state may certify to the Commission an alleged violation of the Commission’s standards of quality of water entering said state. Upon such certification the Commission may call a hearing at which the appropriate state pollution agencies shall be represented. If the Commission finds a violation has occurred, is occurring or is likely to recur, it shall make recommendations as to the manner of abatement of the pollution to

the appropriate water pollution control agency of the party state within which the violation has occurred, is occurring or is likely to recur. In the event that Commission recommendations made pursuant to the preceding provisions of this Article do not result in compliance within a reasonable time, the Commission may, after such further investigation if any as is deemed necessary and proper and after a hearing held in the state where a violation occurs or has occurred, issue an order or orders upon any municipality, person, corporation or other entity within said party state violating provisions of this Compact by discharging sewage or industrial wastes into the waters of the District which flow through, into or border upon any party state. Such order or orders may prescribe the date on or before which such discharge shall be wholly or partially discontinued, modified or treated or otherwise disposed of. The Commission shall give reasonable and proper notice in writing of the time and place of the hearing to the municipality, person, corporation or other entity against which such order is proposed except that when the Commission shall find that a public health emergency exists, it may issue such an order pending hearing. In all such instances, the hearing shall be promptly held and the order shall be withdrawn, modified or made permanent within thirty days after hearing. No order prescribing the date on or before which such discharge shall be wholly or partially discontinued, modified or treated or otherwise disposed of shall go into effect upon a municipality, person, corporation or other entity in any state unless and until it receives the approval of a majority of the Commissioners from each of not less than a majority of the party states, provided that such order receives the assent of not less than a majority of the Commissioners from such state.

"B. It shall be the duty of the municipality, person, corporation or other entity within a party state to comply with any such order against it or him by the Commission, and any court of competent jurisdiction in any of the party states shall have jurisdiction, by mandamus, injunction, specific performance or other form of remedy, to enforce any such order against any municipality, person, corporation or other entity domiciled, located or doing business within such state; provided, however, such court may review the order and affirm, reverse or modify the same in any appropriate proceeding brought and upon any of the grounds customarily applicable in proceedings for court review of administrative decisions. The Commission or, at its request, the Attorney General or other law enforcing official of the appropriate state shall have power to institute in such court any action for the enforcement of such order.

"ARTICLE IX

"Nothing in this Compact shall be construed to limit the powers of any party state, or to repeal or prevent the enactment of any legislation, or the enforcement of any requirement by any party state, imposing any additional conditions and restrictions to further reduce or prevent the pollution of waters within its jurisdiction.

"ARTICLE X

"A. Nothing contained in this Compact shall be construed so as to conflict with any provision of the Ohio River Valley Water Sanitation Compact or to impose obligations on any party state inconsistent with those which it has undertaken or may undertake by virtue of its membership in said Compact; provided that nothing contained in this Article shall be deemed to limit the Commission's power to set higher standards for the waters of the Tennessee River Basin Water

Pollution Control District or any portion thereof than those required for the Ohio River Valley Water Sanitation District.

"B. Nothing contained in this Compact shall be deemed to give the Commission any regulatory power or jurisdiction over any aspect of pollution abatement or control within the District unless existing or future pollution of such waters does or is likely to affect adversely the quality of water flowing among, between, into or through the territory of more than one party state.

"ARTICLE XI

"Any two or more of the party states by legislative action may enter into supplementary agreements for further regulation and abatement of water pollution in other areas within the party states and for the establishment of common or joint services or facilities for such purpose and designate the Commission to act as their joint agency in regard thereto. Except in those cases where all member states join in such supplementary agreement and designation, the representatives in the Commission of any group of such designating states shall constitute a separate section of the Commission for the performance of the function or functions so designated and with such voting rights for these purposes as may be stipulated in such agreement; provided that, if any additional expense is involved, the member states so acting shall appropriate the necessary funds for this purpose. No supplementary agreement shall be valid to the extent that it conflicts with the purposes of this Compact and the creation of such a section as a joint agency shall not affect the privileges, powers, responsibilities or duties of the member states participating therein as embodied in the other articles of this Compact.

"ARTICLE XII

"This Compact shall enter into force and become effective and binding when it has been enacted by the legislature of Tennessee and by the legislatures of any one or more of the States of Alabama, Georgia, Kentucky, Mississippi, North Carolina and Virginia and upon approval by the Congress of the United States and thereafter shall enter into force and become effective and binding as to any other of said states when enacted by the legislature thereof.

"ARTICLE XIII

"This Compact shall continue in force and remain binding upon each party state until renounced by act of the legislature of such state, in such form and manner as it may choose; provided that such renunciation shall not become effective until six months after the effective date of the action taken by the legislature. Notice of such renunciation shall be given to the other party states by the Secretary of State of the party state so renouncing upon passage of the act.

"ARTICLE XIV

"The provisions of this Compact or of agreements thereunder shall be severable and if any phrase, clause, sentence or provision of this Compact, or such agreement, is declared to be contrary to the Constitution of any participating state or of the United States or the applicability thereof to any state, agency, person or circumstance is held invalid, the constitutionality of the remainder of this Compact or of any agreement thereunder and the applicability thereof to any state, agency, person or circumstance shall not be affected thereby,

provided further that if this Compact or any agreement thereunder shall be held contrary to the Constitution of the United States or of any state participating therein, the Compact or any agreement thereunder shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters. It is the legislative intent that the provisions of this Compact shall be reasonably and liberally construed."

SEC. 2. The consent of Congress is given to any of the States of Alabama, Georgia, Kentucky, Mississippi, North Carolina, Tennessee, and Virginia to become a party to the Tennessee River Basin Water Pollution Control Compact in accordance with its terms.

Federal representative.
Reports.

SEC. 3. (a) The President shall appoint a Federal representative to the Tennessee River Basin Water Pollution Control Commission who shall be recognized by and admitted to said Commission. Such representative shall maintain liaison between the Federal Government and the Commission, and from time to time shall report on the activities of the Commission to the President, either directly or through such agency or official of the Government as the President may specify, and to the Congress.

Compensation.

60 Stat. 808, 810.
5 USC 73b-2, 55a.

(b) Such representative shall receive compensation and travel expenses, including per diem in lieu of subsistence, in the manner provided for experts and consultants in sections 5 and 15 of the Administrative Expenses Act of 1946, except that (1) the time limitation with respect to the length of services authorized in such section 15 shall not apply, (2) the per diem rate of compensation for such representative shall be such amount, not in excess of \$100, as is established by the President, and (3) the total compensation paid in any calendar year to such representative shall not exceed \$15,000. A retired military officer of the United States or a retired civilian employee of the United States may be appointed to serve as such representative without prejudice to his retired status, and shall receive compensation as authorized in this subsection except that his retired pay or annuity under Federal law and compensation under this subsection shall not exceed \$15,000 in any calendar year. If an employee of the United States is appointed to serve as such representative in addition to his regular duties as such employee, he shall serve without additional compensation. Compensation paid under the authority of this subsection shall be paid from funds appropriated to the Executive Office of the President for salaries in the White House office or for staff assistance for the President in connection with special projects.

Office space,
etc.

(c) Such representative shall be provided with necessary office space, consulting, engineering, and stenographic service, and other administrative services by such agency of the Government as may be designated by the President. Travel and other expenses for such representative shall be paid from funds appropriated to such agency.

SEC. 4. Any additional power or duty proposed to be conferred upon the Tennessee River Basin Water Pollution Control Commission by the party States or by the Congress of the United States under authority of Article II of the Compact as set forth in the first section of this Act shall be one within the general authority granted by said compact and may be utilized only in furtherance of the purpose described in Article I of such compact.

Pollution control activities.

SEC. 5. Any supplementary agreement entered into pursuant to Article XI of the Tennessee River Basin Water Pollution Control Compact as set forth in the first section of this Act shall be for the express purpose of controlling and reducing pollution and coordinating pollution control activities and programs in waters common to two or more of the party States, and the provisions of and proce-

dures employed in any such supplementary agreement shall be substantially similar to and in conformity with the provisions and procedures of such compact.

SEC. 6. Nothing contained in this Act or in the compact herein approved shall be construed as impairing or affecting the sovereignty of the United States or any of its rights or jurisdiction in and over the area or waters which are the subject of the compact.

SEC. 7. The right to alter, amend, or repeal this Act is expressly reserved.

Approved August 23, 1958.

Public Law 85-735

AN ACT

To authorize free transit at the Panama Canal for vessels operated by State nautical schools.

August 23, 1958
[H. R. 7779]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 412 (c) of title 2 of the Canal Zone Code is amended to read as follows:

Panama Canal.
Certain vessels,
free transit.

“(c) Vessels operated by the United States, including warships, naval tenders, colliers, tankers, transports, hospital ships, and other vessels owned or chartered by the United States for transporting troops or supplies, and oceangoing training ships owned by the United States and operated by State nautical schools may, in the discretion of the President of the United States, be required to pay tolls. In the event, however, that such vessels are not required to pay tolls, the tolls thereon shall nevertheless be computed and the amounts thereof shall be treated as revenues of the Panama Canal Company for the purpose of prescribing the rates of tolls, and shall be offset against the obligations of the said corporation under paragraphs (c) and (e) of section 246 of this title, as amended.”

Approved August 23, 1958.

Public Law 85-736

AN ACT

To amend section 2324 of the Revised Statutes, as amended, to change the period for doing annual assessment work on unpatented mineral claims so that it will run from September 1 of one year to September 1 of the succeeding year, and to make such change effective with respect to the assessment work year commencing in 1959.

August 23, 1958
[S. 3199]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2324 of the Revised Statutes, as amended (30 U. S. C. 28), is amended by striking out “1st day of July” and inserting in lieu thereof “1st day of September”.

Mining claims.
Assessment
work year.

SEC. 2. Notwithstanding the amendment made by the first section of this Act, the period commencing in 1957 for the performance of annual assessment work under section 2324 of the Revised Statutes, as amended, shall end at 12 o'clock meridian on the 1st day of July 1958, and the period commencing in 1958 for the performance of such annual assessment work shall commence at 12 o'clock meridian on the 1st day of July 1958, and shall continue to 12 o'clock meridian on September 1, 1959.

Approved August 23, 1958.

Public Law 85-737

AN ACT

August 23, 1958
[H. R. 1168]

To clarify the application of section 507 of the Classification Act of 1949 with respect to the preservation of the rates of basic compensation of certain officers or employees in cases involving downgrading actions.

Federal employ-
ees.
Downgrading ac-
tions.
Compensation.
5 USC 1107.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 507 of the Classification Act of 1949, as amended (70 Stat. 291; Public Law 594, Eighty-fourth Congress), is amended to read as follows:

“SEC. 507. (a) Subject to the limitation contained in subsection (c) of this section, each officer or employee subject to this Act—

“(1) who at any time after June 17, 1956, is or was reduced in grade from any grade of a basic compensation schedule of this Act (other than grade 16, 17, or 18 of the General Schedule);

“(2) who, on the effective date of such reduction in grade, holds or held a career or career-conditional appointment in the competitive civil service or an appointment of equivalent tenure in the excepted service or holds or held a position outside the competitive civil service and the excepted service as an officer or employee of the Library of Congress, of the Architect of the Capitol, of the Botanic Garden, or of the municipal government of the District of Columbia;

“(3) whose reduction in grade is not or was not caused by a demotion for personal cause, is not or was not at his own request, and is not or was not effected in a reduction in force due to lack of funds or curtailment of work;

“(4) who, for two continuous years immediately prior to such reduction in grade, served (A) in the same department and (B) in the same grade or in the same and higher grades; and

“(5) whose performance of work at all times during such period of two years is or was satisfactory or better than satisfactory, shall be entitled, as of the effective date of such reduction in grade or as of the first day of the first pay period which begins after the date of enactment of this amendment, whichever is later, unless or until he is entitled to receive basic compensation at a higher rate by reason of the operation of this Act, or until the expiration of a period of two years immediately following the effective date of such reduction in grade or immediately following the first day of such first pay period, as applicable, to receive the rate of basic compensation to which he was entitled immediately prior to such reduction in grade so long as he continues in the same department without any break in service of one workday or more and is not demoted or reassigned for personal cause, at his own request, or in a reduction in force due to lack of funds or curtailment of work.

“(b) Subject to the limitation contained in subsection (c) of this section, each officer or employee subject to this Act—

“(1) who, during the period beginning July 1, 1954, and ending June 17, 1956, was reduced in grade from any grade of a basic compensation schedule of this Act (other than grade 16, 17, or 18 of the General Schedule);

“(2) whose reduction in grade was not caused by a demotion for personal cause, was not at his own request, and was not effected in a reduction in force due to lack of funds or curtailment of work;

“(3) who, for two continuous years immediately prior to such reduction in grade, served (A) in the same department and (B) in the same grade or in the same and higher grades;

“(4) whose performance of work at all times during such period of two years was satisfactory or better than satisfactory; and

“(5) whose employment in the same department has been continuous since such reduction in grade and who, since such reduction in grade, has not been demoted or reassigned for personal cause, at his own request, or in a reduction in force due to lack of funds or curtailment of work,

shall be entitled, as of the first day of the first pay period which begins after the date of enactment of this amendment, unless or until he is entitled to receive basic compensation at a higher rate by reason of the operation of this Act, or until the expiration of a period of two years immediately following the first day of such first pay period, as applicable, to receive the rate of basic compensation to which he was entitled immediately prior to such reduction in grade so long as he continues in the same department without any break in service of one workday or more and is not demoted or reassigned for personal cause, at his own request, or in a reduction in force due to lack of funds or curtailment of work.

“(c) The rate of basic compensation to which such officer or employee is entitled under subsection (a) or (b) of this section with respect to each reduction in grade to which this section applies shall not exceed the sum of (1) the minimum scheduled rate of the grade to which he is reduced under each such reduction in grade occurring on or after July 1, 1954, and (2) the difference between his rate immediately prior to the first of such reductions in grade occurring on or after July 1, 1954, and the minimum scheduled rate of that grade which is three grades lower than the grade from which he was reduced under the first of such reductions in grade.

“(d) The Civil Service Commission is authorized to issue regulations to carry out the purposes of this section.”

SEC. 2. The amendment made by the first section of this Act to section 507 of the Classification Act of 1949, as amended—

(1) shall not be construed to affect (A) the saved rate of basic compensation determined, at any time prior to the date of enactment of this Act, for any officer or employee under and in accordance with such section 507, as enacted by the Act of June 18, 1956 (70 Stat. 291; Public Law 594, Eighty-fourth Congress), and (B) the right of such officer or employee to receive for any period, under and in accordance with such section 507 as so enacted, the payment of such basic compensation so determined; and

5 USC 1107.

(2) shall not be construed to deprive any officer or employee of any benefit, under and in accordance with such section 507 as so enacted, to which he was entitled prior to the date of enactment of this Act,

except that, in the event of any reduction in grade with respect to such officer or employee which occurs on or after the date of enactment of this Act, such rate of basic compensation, and any benefit to which he may be entitled with respect to such reduction in grade, shall be determined in accordance with such section 507, as amended by the first section of this Act.

SEC. 3. For the purpose of determining the amount of insurance for which an individual is eligible under the Federal Employees' Group Life Insurance Act of 1954 (5 U. S. C. 2091-2103), all changes in rates of basic compensation by reason of the operation of section 507 of the Classification Act of 1949, as enacted by the Act of June 18, 1956 (70 Stat. 291; Public Law 594, Eighty-fourth Congress), or

Group life insurance.
58 Stat. 736.

5 USC 1107.

as amended by the first section of this Act, whichever is applicable, shall be held and considered to be effective as of the first day of the first pay period following the pay period in which the payroll change is approved with respect to such individual.

Approved August 23, 1958.

Public Law 85-738

AN ACT

August 23, 1958
[H. R. 3820]

To amend sections 490 and 645 of title 14, United States Code, relative to the settlement of claims of military and civilian personnel of the Coast Guard, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 490 of title 14 of the United States Code is amended as follows:

(1) By amending subsection (a) thereof by inserting therein the words "not in excess of \$6,500" after the words "pay any claim".

(2) By redesignating subsections (b), (c), and (d) thereof as (c), (d), and (e), respectively, and by inserting after subsection (a) thereof the following new subsection:

"(b) In the event of the death of any person among the military personnel or civilian employees enumerated in subsection (a), the Secretary may consider, ascertain, adjust, determine, settle, and pay any claim, otherwise cognizable under this section, presented by the survivor of such person for damage to or loss, destruction, capture, or abandonment of the personal property of such person, regardless of whether such damage, loss, destruction, capture, or abandonment occurred concurrently with or subsequent to such death. For the purposes of this section, the term 'survivor' means surviving spouse, child or children, parent or parents, or brothers or sisters or both, of the decedent, and claims by survivors shall be settled and paid in that order of precedence."

(3) By amending redesignated subsection (c) thereof to read as follows:

"(c) No claim shall be settled under this section unless presented in writing within two years after the accident or incident out of which such claim arises has occurred; if such accident or incident occurs in time of war or in time of armed conflict in which the Armed Forces of the United States are engaged, or if war or such armed conflict intervenes within two years after its occurrence, any claim may, on good cause shown, be presented within two years after such good cause ceases to exist, but not later than two years after peace is established or such armed conflict terminates. The dates of commencement and termination of an armed conflict for the purpose of this subsection shall be as established by concurrent resolution of the Congress or by determination of the President."

SEC. 2. Notwithstanding the provisions of section 490 of title 14, United States Code, as amended by this Act, any claim cognizable under that section which has not heretofore been presented for consideration, or has been presented for consideration and disapproved for the reason that the claimant did not file such claim within the time authorized by law, or any claim cognizable thereunder of any survivor which has not heretofore been presented for consideration, or has been presented for consideration and disapproved for the reason that heretofore such survivor acquired no right of recovery under that section may, at the written request of the claimant made within one year from the date of the enactment of this Act, be considered or reconsidered and settled in accordance with the provisions thereof.

Coast Guard.
Personnel
claims.
63 Stat. 534.

Personal prop-
erty.

"Survivor."

Conditions.

SEC. 3. The limitation of \$6,500 inserted in section 490 of title 14, United States Code, by this Act is effective only with respect to claims accruing after the date of enactment of this Act.

Limitation.

SEC. 4. The fourth sentence of 645 (a) of title 14, United States Code, is amended by deleting therefrom the words "The amount allowed on account of personal injury or death shall be limited to reasonable medical, hospital, and burial expenses actually incurred, except that", and by capitalizing the next following word "no".

Medical, etc., expenses.
68 Stat. 1239.

SEC. 5. Section 645 (b) of title 14, United States Code, is amended to read as follows:

"(b) No claim shall be settled under this section unless presented in writing within two years after the occurrence of the accident or incident out of which such claim arises unless it occurs in time of war or armed conflict, or war or armed conflict intervenes within two years after its occurrence, in which event any claim may on good cause shown be presented within two years after peace is established or such armed conflict terminates. The dates of commencement and termination of an armed conflict for the purpose of this section shall be established by concurrent resolution of the Congress or by determination of the President."

Conditions.

SEC. 6. That the amendment made by section 4 of this Act shall be effective only with respect to claims accruing after the date of enactment of this Act.

Applicability.

Approved August 23, 1958.

Public Law 85-739

AN ACT

To amend section 4426 of the Revised Statutes, as amended, with respect to certain small vessels operated by cooperatives or associations in transporting merchandise of members on a nonprofit basis to or from places within the inland waters of southeastern Alaska and Prince Rupert, British Columbia, or to or from places within said inland waters and places within the inland waters of the State of Washington.

August 23, 1958
[S. 1798]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the third sentence of section 4426 of the Revised Statutes, as amended (34 Stat. 193; 46 U. S. C. 404), is hereby amended by adding the following proviso at the end thereof: "Provided further, That no vessel under one hundred and fifty gross tons, owned by or demise chartered to any cooperative or association engaged solely in transporting cargo owned by any one or more of the members of such cooperative or association on a nonprofit basis (1) between places within the inland waters of southeastern Alaska, as defined pursuant to section 2 of the Act of February 19, 1895, as amended (28 Stat. 672; 33 U. S. C. 151), or (2) between places within said inland waters of southeastern Alaska and Prince Rupert, British Columbia, or (3) between places within said inland waters of southeastern Alaska and places within the inland waters of the State of Washington, as also defined pursuant to such Act of February 19, 1895, as amended, via sheltered waters, as defined in article I, of the Treaty between United States and Canada defining certain waters of the west coast of North America as sheltered waters, dated December 9, 1933, shall be deemed to be carrying freight for hire within the meaning of this section."

Alaskan ves-
sels.
Transportation
in inland waters,
inspection.

SEC. 2. This Act shall be effective immediately upon enactment and shall apply only to vessels theretofore constructed: *Provided, however,* That on and after March 15, 1960, the transportation herein authorized shall be limited to and from places within said inland

Effective date.

waters of southeastern Alaska not receiving annual weekly transportation service from any part of the United States by an established common carrier by water, except that this limitation shall be inapplicable to the transportation of cargo of a character not accepted for transportation by any such common carrier.

Approved August 23, 1958.

Public Law 85-740

AN ACT

August 23, 1958
[S. 3468]

To provide for the construction and improvement of certain roads on the Navajo and Hopi Indian Reservations.

Navajo and Hopi
Indians.
Roads.

25 USC 631.

23 USC 151 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act entitled "An Act to promote the rehabilitation of the Navajo and Hopi Tribes of Indians and a better utilization of the resources of the Navajo and Hopi Indian Reservations, and for other purposes," approved April 19, 1950 (64 Stat. 44), is amended (1) by striking out "88,570,000" and inserting in lieu thereof "108,570,000"; (2) by amending clause (7) of such section to read as follows: "(7) Roads and trails, \$40,000,000; of which not less than \$20,000,000 shall be (A) available for contract authority for such construction and improvement of the roads designated as route 1 and route 3 on the Navajo and Hopi Indian Reservations as may be necessary to bring the portion of such roads located in any State up to at least the secondary road standards in effect in such State, and (B) in addition to any amounts expended on such roads under the \$20,000,000 authorization provided under this clause prior to amendment.": *Provided,* That such contract authority and such appropriations authorized by this amendment shall be in addition to sums apportioned to Indian reservations or to the State of Arizona under the Federal Highway Act, as amended and supplemented (70 Stat. 374).

Approved August 23, 1958.

Public Law 85-741

AN ACT

August 23, 1958
[H. R. 7260]

To amend title 18, United States Code, section 3651, so as to permit confinement in jail-type institutions or treatment institutions for a period not exceeding six months in connection with the grant of probation on a one-count indictment.

Crimes and of-
fenses.
Split sentences.
62 Stat. 842.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 18, United States Code, section 3651, is amended by adding a paragraph after the first paragraph of that section reading as follows:

"Upon entering a judgment of conviction of any offense not punishable by death or life imprisonment, if the maximum punishment provided for such offense is more than six months, any court having jurisdiction to try offenses against the United States, when satisfied that the ends of justice and the best interest of the public as well as the defendant will be served thereby, may impose a sentence in excess of six months and provide that the defendant be confined in a jail-type institution or a treatment institution for a period not exceeding six months and that the execution of the remainder of the sentence be suspended and the defendant placed on probation for such period and upon such terms and conditions as the court deems best."

Approved August 23, 1958.

Public Law 85-742

AN ACT

To amend section 41 of the Longshoremen's and Harbor Workers' Compensation Act so as to provide a system of safety rules, regulations, and safety inspection and training, and for other purposes.

August 23, 1958
[H. R. 13021]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 41 of the Longshoremen's and Harbor Workers' Compensation Act (ch. 509, 44 Stat. 1424), as amended, is amended to read as follows:

Longshoremen's
and Harbor Work-
ers' Compensation
Act, amendme nt.
Safety rules, etc.
33 USC 941.

"SEC. 41. (a) Every employer shall furnish and maintain employment and places of employment which shall be reasonably safe for his employees in all employments covered by this Act and shall install, furnish, maintain, and use such devices and safeguards with particular reference to equipment used by and working conditions established by such employers as the Secretary may determine by regulation or order to be reasonably necessary to protect the life, health, and safety of such employees, and to render safe such employment and places of employment, and to prevent injury to his employees. However, the Secretary may not make determinations by regulation or order under this section as to matters within the scope of title 52 of the Revised Statutes and Acts supplementary or amendatory thereto, the Act of June 15, 1917 (ch. 30, 40 Stat. 220), as amended, or section 4 (e) of the Act of August 7, 1953 (ch. 345, 67 Stat. 462), as amended.

46 USC 251-335,
passim.

50 USC 191 *et*
seq.; 22 USC 401 *et*
seq.; 43 USC 1333.

"(b) The Secretary, in enforcing and administering the provisions of this section, is authorized in addition to such other powers and duties as are conferred upon him—

"(1) to make studies and investigations with respect to safety provisions and the causes and prevention of injuries in employments covered by this Act and from time to time make to Congress such recommendations as he may deem proper as to the best means of preventing such injuries, and in making such studies and investigations to cooperate with any agency of the United States or with any State agency engaged in similar work;

"(2) to utilize the services of any agency of the United States or any State agency engaged in similar work (with the consent of such agency) in connection with the administration of this section;

"(3) to promote uniformity in safety standards in employments covered by this Act through cooperative action with any agency of the United States or with any State agency engaged in similar work;

"(4) to provide for the establishment and supervision of programs for the education and training of employers and employees in the recognition, avoidance, and prevention of unsafe working conditions in employments covered by this Act, and to consult with and advise employers as to the best means of preventing injuries;

"(5) to hold such hearings, issue such orders, and make such decisions, based upon findings of fact, as are deemed to be necessary to enforce the provisions of this section, and for such purposes the Secretary and the district courts shall have the authority and jurisdiction provided by section 5 of the Act of June 30, 1936 (ch. 881, 49 Stat. 2036), as amended, and the Secretary shall be represented in any court proceedings as provided in the Act of May 4, 1928 (ch. 502, 45 Stat. 490), as amended.

41 USC 39.

33 USC 921a.

"(c) The Secretary or his authorized representative may inspect such places of employment, question such employees, and investigate such conditions, practices, or matters in connection with employment subject to this Act, as he may deem appropriate to determine whether

any person has violated any provision of this section, or any rule or regulation issued thereunder, or which may aid in the enforcement of the provisions of this section. No employer or other person shall refuse to admit the Secretary or his authorized representatives to any such place or shall refuse to permit any such inspection.

“(d) Any employer may request the advice of the Secretary or his authorized representative, in complying with the requirements of any rule or regulation adopted to carry out the provisions of this section. In case of practical difficulties or unnecessary hardships, the Secretary in his discretion may grant variations from any such rule or regulation, or particular provisions thereof, and permit the use of other or different devices if he finds that the purpose of the rule or regulation will be observed by the variation and the safety of employees will be equally secured thereby. Any person affected by such rule or regulation, or his agent, may request the Secretary to grant such variation, stating in writing the grounds on which his request is based. Any authorization by the Secretary of a variation shall be in writing, shall describe the conditions under which the variation shall be permitted, and shall be published as provided in section 3 of the Administrative Procedure Act (ch. 324, 60 Stat. 237), as amended. A properly indexed record of all variations shall be kept in the office of the Secretary and open to public inspection.

5 USC 1002.

“(e) The United States district courts, together with the District Court for the Territory of Alaska, shall have jurisdiction for cause shown, in any action brought by the Secretary, represented as provided in the Act of May 4, 1928 (ch. 502, 45 Stat. 490), as amended, to restrain violations of this section or of any rule, regulation, or order of the Secretary adopted to carry out the provisions of this section.

33 USC 921a.

“(f) Any employer who, willfully, violates or fails or refuses to comply with the provisions of subsection (a) of this section, or with any lawful rule, regulation, or order adopted to carry out the provisions of this section, and any employer or other person who willfully interferes with, hinders, or delays the Secretary or his authorized representative in carrying out his duties under subsection (c) of this section by refusing to admit the Secretary or his authorized representative to any place, or to permit the inspection or examination of any employment or place of employment, or who willfully hinders or delays the Secretary or his authorized representative in the performance of his duties in the enforcement of this section, shall be guilty of an offense, and, upon conviction thereof, shall be punished for each offense by a fine of not less than \$100 nor more than \$3,000; and in any case where such employer is a corporation, the officer who willfully permits any such violation to occur shall be guilty of an offense, and, upon conviction thereof, shall be punished also for each offense by a fine of not less than \$100 nor more than \$3,000. The liability hereunder shall not affect any other liability of the employer under this Act.

“(g) (1) The provisions of this section shall not apply in the case of any employment relating to the operations for the exploration, production, or transportation by pipeline of mineral resources upon the navigable waters of the United States, nor under the authority of the Act of August 7, 1953 (ch. 345, 67 Stat. 462), nor in the case of any employment in connection with lands (except filled in, made or reclaimed lands) beneath the navigable waters as defined in the Act of May 22, 1953 (ch. 65, 67 Stat. 29) nor in the case of any employment for which compensation in case of disability or death is provided for employees under the authority of the Act of May 17,

43 USC 1331
note.

43 USC 1301
note.

1928 (ch. 612, 45 Stat. 600), as amended, nor under the authority of the Act of August 16, 1941 (ch. 357, 55 Stat. 622), as amended.

"(2) The provisions of this section, with the exception of paragraph (1) of subsection (b), shall not be applied under the authority of the Act of September 7, 1916 (ch. 458, 39 Stat. 742), as amended."

SEC. 2. The term "Secretary" as used in this Act and in amendments made by this Act means the Secretary of Labor.

Approved August 23, 1958.

D. C. Code 36-501, 36-502.
42 USC 1651-1654.

5 USC 751 note.

Public Law 85-743

AN ACT

Providing for the extension of certain authorized functions of the Secretary of the Interior to areas other than the United States, its Territories and possessions.

August 23, 1958
[H. R. 11123]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the authority vested in the Secretary of the Interior, to perform surveys, investigations, and research in geology, biology, minerals and water resources, and mapping is hereby extended to include Antarctica and the Trust Territory of the Pacific Islands.

Antarctica;
Trust Territory of
Pacific Islands.

SEC. 2. The Secretary of the Interior is authorized to compile maps of Antarctica from materials already available and from such additional material as may result from the several expeditions in support of the International Geophysical Year.

SEC. 3. Nothing in this Act shall be construed to authorize the absorption or modification of, or change in any way, the responsibility of any other department or agency of the United States, including the performance of surveys, mapping, and compilation of maps.

SEC. 4. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

Appropriations.

Approved August 23, 1958.

Public Law 85-744

AN ACT

To amend the Atomic Energy Act of 1954, as amended.

August 23, 1958
[H. R. 13455]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 170 of the Atomic Energy Act of 1954, as amended, is amended by adding at the end thereof the following new subsection:

Atomic Energy
Act of 1954,
amendment.
71 Stat. 576.
42 USC 2210.
Licenses for
educational activ-
ities.

"k. With respect to any license issued pursuant to section 53, 63, 81, 104 a., or 104 c. for the conduct of educational activities to a person found by the Commission to be a nonprofit educational institution, the Commission shall exempt such licensee from the financial protection requirement of subsection 170 a. With respect to licenses issued between August 30, 1954, and August 1, 1967, for which the Commission grants such exemption:

"(1) the Commission shall agree to indemnify and hold harmless the licensee and other persons indemnified, as their interests may appear, from public liability in excess of \$250,000 arising from nuclear incidents. The aggregate indemnity for all persons indemnified in connection with each nuclear incident shall not exceed \$500,000,000, including the reasonable cost of investigating and settling claims and defending suits for damage;

“(2) such contracts of indemnification shall cover public liability arising out of or in connection with the licensed activity; and shall include damage to property of persons indemnified, except property which is located at the site of and used in connection with the activity where the nuclear incident occurs; and

“(3) such contracts of indemnification, when entered into with a licensee having immunity from public liability because it is a State agency, shall provide also that the Commission shall make payments under the contract on account of activities of the licensee in the same manner and to the same extent as the Commission would be required to do if the licensee were not such a State agency.

Any licensee may waive an exemption to which it is entitled under this subsection.”

Approved August 23, 1958.

Public Law 85-745

AN ACT

August 25, 1958
[S. 607]

To provide retirement, clerical assistants, and free mailing privileges to former Presidents of the United States, and for other purposes.

Former Presi-
dents.
Pensions, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) each former President of the United States shall be entitled, as long as he shall live, to receive a monetary allowance at the rate of \$25,000 per annum, payable monthly by the Secretary of the Treasury.

Office staff.
Pay.

(b) The Administrator of General Services shall, without regard to the civil-service and classification laws, provide for each former President an office staff. Persons employed under this subsection shall be selected by the former President and shall be responsible only to him for the performance of their duties. Each former President shall fix basic rates of compensation for persons employed for him under this paragraph which in the aggregate shall not exceed \$50,000 per annum. The rate of compensation payable to any such person shall not exceed the maximum aggregate rate of compensation payable to any individual employed in the office of a Senator. Each individual appointed under this subsection to a position on the office staff of a former President shall be held and considered to be an employee of the Government of the United States for the purposes of the Civil Service Retirement Act, the Federal Employees' Compensation Act, and the Federal Employees' Group Life Insurance Act of 1954.

70 Stat. 743; 39
Stat. 742; 68 Stat.
736.

5 USC 2251 et
seq.; 5 USC 751 et
seq.; 5 USC 2091
note.

Office space.

(c) The Administrator of General Services shall furnish for each former President suitable office space appropriately furnished and equipped, as determined by the Administrator, at such place within the United States as the former President shall specify.

Mailing privi-
lege.

(d) Each former President shall be entitled to conveyance within the United States and its Territories and possessions free of postage of all mail matter sent by him under his written autograph signature. The postal revenues shall be reimbursed each fiscal year out of the general funds of the Treasury in an amount equivalent to the postage which would otherwise be payable on such mail matter.

Widow's pension.

(e) The widow of any former President of the United States shall be entitled to receive a pension at the rate of \$10,000 per annum, payable monthly by the Secretary of the Treasury, if such widow shall waive the right to any annuity or pension under any other Act of Congress.

(f) As used in this section, the term "former President" means an individual who shall have held the office of President of the United States, and whose service in such office shall have been terminated other than by removal pursuant to section 4, article II, of the Constitution.

Approved August 25, 1958.

Definition.

USC prec. Title 1.

Public Law 85-746

AN ACT

August 25, 1958
[S. 3986]

To authorize the Secretary of the Interior to enter into an agreement for relocating portions of the Natchez Trace Parkway, Mississippi, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to enter into an agreement with the Pearl River Valley Water Supply District which shall provide for the district, upon terms and conditions which the Secretary determines are in the public interest, to relocate those portions of sections 3-0 and 3-N of the Natchez Trace Parkway in Madison County, Mississippi, required in connection with the Pearl River Reservoir.

Natchez Trace
Parkway, Miss.
Relocation.

SEC. 2. To cooperate in the relocation, the Secretary of the Interior is authorized to transfer to the Pearl River Valley Water Supply District the aforesaid portions of the existing Natchez Trace Parkway lands and roadway in exchange for the contemporaneous transfer to the United States of relocated parkway lands and roadway situated and constructed in accordance with the terms and conditions of the agreement authorized by the first section of this Act: *Provided*, That such exchange shall be made on the basis of approximately equal values.

SEC. 3. The Secretary of the Interior is authorized to accept and to use until expended without additional authority any funds provided by the district for the purpose of this Act pursuant to agreement with the Secretary of the Interior, and any such funds shall be placed in a separate account in the Treasury which shall be available for such purpose.

Approved August 25, 1958.

Public Law 85-747

AN ACT

August 25, 1958
[H. R. 6382]

To subject naval ship construction to the Act of June 30, 1936 (49 Stat. 2036), as amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7299 of title 10, United States Code, is amended to read as follows:

70A Stat. 449.

"§ 7299. Contracts: application of Public Contracts Act

"Each contract for the construction, alteration, furnishing, or equipping of a naval vessel is subject to the Act of June 30, 1936, chapter 881 (49 Stat. 2036), as amended, unless the President determines that this requirement is not in the interest of national defense."

41 USC 35-45.

Approved August 25, 1958.

Public Law 85-748

AN ACT

August 25, 1958
[S. 3333]

To facilitate the insurance of loans under title I of the Bankhead-Jones Farm Tenant Act, as amended, and the Act of August 28, 1937, as amended (relating to the conservation of water resources), and for other purposes.

Bankhead-Jones
Farm Tenant Act,
amendment.
Farm loans, in-
surance.
50 Stat. 522.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, title I of the Bankhead-Jones Farm Tenant Act, as amended (7 U. S. C. 1000 and the following), is further amended as follows:

(a) The following new section 18 is added:

“SEC. 18. (a) The Secretary of Agriculture is authorized:

“(1) To make loans complying with the requirements of title I of this Act for the purpose of insuring and selling such loans to lenders other than the United States. Any security instrument taken in connection with such loan shall create a lien running to the United States, notwithstanding the fact that the note may be held by such lender or his assignee;

“(2) To insure and make commitments to insure such loans, which, when endorsed for insurance, shall be covered by the insurance provisions of this title;

“(3) To sell such loans at an annual charge, at a rate to be determined by the Secretary, of not less than 1 per centum of the unpaid principal obligation from time to time outstanding on the loan, such charge to be retained by the Secretary out of interest payments made by the borrower: *Provided*, That the total of the rate of such charge plus the rate of return to the holder of the note shall not exceed the interest rate specified in the note. Out of the charges so collected an amount not in excess of one-half of 1 per centum of such unpaid principal obligations shall be deposited in and become a part of the fund. The remainder of such charges collected shall be deposited in the Treasury to the credit of the Secretary and may be transferred annually to the administrative expense account of the Farmers Home Administration and become merged therewith. Each such loan shall be sold at the full amount of the unpaid balance thereof at the time of sale, but no loan shall be sold if such balance exceeds 90 per centum of the amount certified by the county committee to be the value of the farm, less any prior lien indebtedness at the time the loan was made or upon a determination of such fact by the Secretary at the time of sale;

“(4) To make loans out of moneys in the fund for the purpose of insuring and selling the same under this section: *Provided, however*, That no loan made under this item (4) shall be in excess of 90 per centum of the amount certified by the county committee to be the value of the farm less any prior lien indebtedness: *And provided further*, That no loan shall be made under this item (4) unless the Secretary has reasonable assurance that it can be sold without undue delay. The Secretary may, at his discretion, utilize the provisions of subsections 13 (b) and 13 (c) of this title to borrow from the Secretary of the Treasury an additional sum not in excess of \$5,000,000 for deposit in the fund for this purpose and said subsections are hereby extended to cover such borrowings for the purpose of making loans under this item (4) and under item (4) of subsection 11 (a) of the Act of August 28, 1937, as amended (relating to the conservation of water resources). The amount of the principal obligations on loans made under this item (4) and not disposed of under this section, plus the amount of the principal obligations on loans made out of moneys in the fund under said item (4) of subsection 11 (a) of the Act of August 28, 1937, as amended, and not disposed

of under such section 11, shall not exceed the aggregate sum of \$5,000,000 at any one time.

“(b) The interest rate shall be as provided in section 3 (b) (2) of this title and the borrower shall not be required to pay any additional charges for insurance of the loan, but the Secretary may require the payment of such appraisal and delinquency charges as he deems proper.

“(c) The amount of the principal obligations on loans made under item (a) (4) of this section shall be included in computing the aggregate amount of the principal obligations which may be insured in any one fiscal year, as provided in section 12 (b) of this title, at the time such loans are made. The amount of the principal obligations on any other loans made by the Secretary and insured under this section shall not be included in computing said aggregate amount.

“(d) Loans made from funds advanced by lenders other than the United States may be insured by the Secretary upon terms and conditions consistent with the provisions of this section. Loans made or insured under this section shall be subject to all the provisions of this title except as otherwise provided in this section.

“(e) Any loan heretofore or hereafter made or insured under this title may be converted to an insured loan under this section at the discretion of the Secretary, and any expenses in connection with such conversion may be paid out of funds available for administrative expenses.

“(f) The Secretary is further authorized to sell any loan heretofore or hereafter made or insured under this title without insurance thereof upon the written consent of the borrower, or without such consent when the borrower has failed to comply with his agreement to refinance the indebtedness at the request of the Secretary. Such loan shall be sold at the full amount of the unpaid balance thereof, and upon such sale the Secretary is authorized to assign the security instrument and evidence of debt in such manner that the United States shall have no further right or obligation with respect to the loan.”

(b) The third sentence of section 13 (b) is amended to read:

60 Stat. 1072.
7 USC 1005c.

“Such notes shall have such maturities as the Secretary may determine with the approval of the Secretary of the Treasury, and shall bear interest at a rate fixed by the Secretary of the Treasury, taking into consideration the current average market yields of outstanding marketable obligations of the United States having maturities comparable to the loans made or insured by the Secretary.”

(c) Section 15 (a) is amended to add the following sentence:

60 Stat. 1079.

“Section 5200 of the Revised Statutes (12 U. S. C. 84) is hereby amended to add a new paragraph bearing the next number after that of the last paragraph of the present section 5200 of the Revised Statutes and reading as follows: ‘Obligations insured by the Secretary of Agriculture pursuant to the Bankhead-Jones Farm Tenant Act, as amended, or the Act of August 28, 1937, as amended (relating to the conservation of water resources), shall be subject under this section to a limitation of 15 per centum of such capital and surplus in addition to such 10 per centum of such capital and surplus.’”

7 USC 1000 et
seq.
16 USC 590r-
590x-3.

SEC. 2. The Act entitled “An Act to promote conservation in the arid and semiarid areas of the United States by aiding in the development of facilities for water storage and utilization, and for other purposes”, approved August 28, 1937, as amended (16 U. S. C. 590r-590x-3), is further amended by inserting at the end of said Act the following new section:

50 Stat. 869; 68
Stat. 734.

“SEC. 11. (a) The Secretary of Agriculture is authorized:

“(1) To make loans complying with the requirements of this Act for the purpose of insuring and selling such loans to lenders other

than the United States. Any security instrument taken in connection with such loan shall create a lien running to the United States, notwithstanding the fact that the note may be held by such lender or his assignee;

“(2) To insure and make commitments to insure such loans, which, when endorsed for insurance, shall be covered by the insurance provisions of this Act;

“(3) To sell such loans at an annual charge, at a rate to be determined by the Secretary, of not less than 1 per centum of the unpaid principal obligation from time to time outstanding on the loan, such charge to be retained by the Secretary out of interest payments made by the borrower: *Provided*, That the total of the rate of such charge plus the rate of return to the holder of the note shall not exceed the interest rate specified in the note. Out of the charges so collected an amount not in excess of one-half of 1 per centum of such unpaid principal obligations shall be deposited in and become a part of the fund. The remainder of such charges collected shall be deposited in the Treasury to the credit of the Secretary and may be transferred annually to the administrative expense account of the Farmers Home Administration and become merged therewith. Each such loan shall be sold at the full amount of the unpaid balance thereof at the time of sale, but no loan, except loans to associations (including corporations not operated for profit and public or quasi-public agencies), shall be sold if such balance exceeds 90 per centum of the value of the security less any prior lien indebtedness at the time the loan was made or upon a determination of such fact by the Secretary at the time of sale;

“(4) To make loans out of moneys in the fund, including funds borrowed from the Secretary of the Treasury under item (4) of subsection 18 (a) of the Bankhead-Jones Farm Tenant Act, as amended, within the aggregate limits therein provided, for the purpose of insuring and selling such loans under this section: *Provided, however*, That no loan made under this item (4) shall be in excess of 90 per centum of the value of the security less any prior lien indebtedness, but such limitation shall not apply to loans to associations, including corporations not operated for profit and public or quasi-public agencies: *And provided further*, That no loan shall be made under this item (4) unless the Secretary has reasonable assurance that it can be sold without undue delay.

Ante, p. 840.

“(b) The borrower shall not be required to pay any additional charges for insurance of the loan, but the Secretary may require the payment of such appraisal and delinquency charges as he deems proper. The proceeds of such appraisal or delinquency charges shall be deposited in the Treasury for use for administrative expense as provided in item (a) (3) of this section.

“(c) The amount of the principal obligations on loans made under item (a) (4) of this section shall be included in computing the aggregate amount of the principal obligations which may be insured in any one fiscal year, as provided in section 10 (e) of this Act, at the time such loans are made. The amount of the principal obligations on any other loans made by the Secretary and insured under this section shall not be included in computing said aggregate amount.

“(d) Loans made from funds advanced by lenders other than the United States may be insured by the Secretary upon terms and conditions consistent with the provisions of this section, but no such loan, except loans to associations (including corporations not operated for profit and public or quasi-public agencies), shall be in excess of 90 per centum of the value of the security less any prior lien indebtedness. Loans made or insured under this section shall be subject to all the provisions of this Act except as otherwise provided in this section.

“(e) Any loan heretofore or hereafter made or insured under this Act may be converted to an insured loan under this section at the discretion of the Secretary, and any expenses in connection with such conversion may be paid out of funds available for administrative expenses.

“(f) The Secretary is further authorized to sell any loan heretofore or hereafter made or insured under this Act without insurance thereof upon the written consent of the borrower, or without such consent when the borrower has failed to comply with his agreement to refinance the indebtedness at the request of the Secretary. Such loan shall be sold at the full amount of the unpaid balance thereof, and upon such sale the Secretary is authorized to assign the security instrument and evidence of debt in such manner that the United States shall have no further right or obligation with respect to the loan.”

Approved August 25, 1958.

Public Law 85-749

AN ACT

To amend section 7 of the Administrative Expenses Act of 1946, as amended, to provide for the payment of travel and transportation cost for persons selected for appointment to certain positions in the continental United States and Alaska, and for other purposes.

August 25, 1958
[H. R. 11133]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7 of the Administrative Expenses Act of 1946 (60 Stat. 808, as amended, 5 U. S. C. 73b-3) is further amended by inserting “(a)” after the section number and by adding at the end thereof new subsections as follows:

Scientific and
technical posi-
tions.

“(b) Appropriations for the departments shall be available in accordance with regulations prescribed by the President, for expenses of travel of persons appointed to positions in the natural and mathematical sciences, engineering, and architectural fields, and to related technical positions in the continental United States and Alaska for which there is determined by the Civil Service Commission to be a manpower shortage in those skills which are critical to the national security effort, and for expenses of transportation of their immediate families and their household goods and personal effects and for advances of funds to the extent authorized by section 1 (a) and (b) of this Act, from their places of actual residence at time of selection to their first duty station. Such travel expenses may include per diem and mileage allowance for persons selected for appointment as provided for civilian officers and employees by the Travel Expense Act of 1949, as amended. Travel and transportation expenses may be allowed whether the person selected for appointment has been appointed or not at the time of such travel. However, the travel and transportation expenses authorized by this subsection shall not be allowed unless the person selected for appointment shall agree in writing to remain in the Government service for twelve months following his appointment unless separated for reasons beyond his control and acceptable to the department or agency concerned. In case of violation of such agreement, any moneys expended by the United States on account of such travel and transportation shall be recoverable from the individual concerned as a debt due the United States.

Travel and
transportation ex-
penses.

63 Stat. 166.
5 USC 835 note.

Expiration date.

“(c) The authority of the Civil Service Commission to determine for purposes of this Act positions for which there is a manpower shortage shall not be delegated. The provisions of subsections (b) and (c) of section 7 of this Act shall expire two years from the date of their enactment into law.

“(d) Nothing contained in this section shall impair or otherwise affect the authority of any department under existing law to pay travel and transportation expenses of persons designated in subsection (b) and (c) hereof.”

Approved August 25, 1958.

Public Law 85-750

AN ACT

August 25, 1958
[H. R. 12967]

To amend the Fair Labor Standards Act of 1938 with respect to the frequency of review of minimum wage rates established for Puerto Rico and the Virgin Islands.

Puerto Rico and
Virgin Islands.
Wage rates.
69 Stat. 711.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8 of the Fair Labor Standards Act of 1938 is amended by striking out the last sentence of subsection (a) and inserting in lieu thereof: “Minimum rates of wages established in accordance with this section which are not equal to the minimum wage rate prescribed in paragraph (1) of section 6 (a) shall be reviewed by such a Committee once during each biennial period, beginning with the biennial period commencing July 1, 1958, except that the Secretary, in his discretion, may order an additional review during any such biennial period.”

Approved August 25, 1958.

Public Law 85-751

AN ACT

August 25, 1958
[H. R. 13404]

To amend section 404 (c) (1) of the Postal Field Service Compensation Act of 1955 to grant longevity credit for service performed in the Panama Canal Zone postal service.

Postal service
in Canal Zone.
Longevity credit.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 404 (c) (1) of the Postal Field Service Compensation Act of 1955, as amended (69 Stat. 123, 72 Stat. 151; 39 U. S. C. 984 (c) (1)), is amended—

(1) by striking out the word “and” immediately following the semicolon at the end of subparagraph (D) thereof;

(2) by striking out the period at the end of subparagraph (E) thereof and inserting in lieu of such period a semicolon and the word “and”; and

(3) by adding at the end of such section 404 (c) (1) the following new subparagraph:

“(F) all time on the rolls in the Panama Canal Zone postal service.”

SEC. 2. No payment of longevity compensation shall be made, by reason of the amendments made by the first section of this Act, for any period prior to the first day of the first pay period which begins after the date of enactment of this Act.

Approved August 25, 1958.

Public Law 85-752

JOINT RESOLUTION

To improve the administration of justice by authorizing the Judicial Conference of the United States to establish institutes and joint councils on sentencing, to provide additional methods of sentencing, and for other purposes.

August 25, 1958
[H. J. Res. 424]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 15 of title 28, United States Code, is amended by adding the following section:

Crimes and offenses.
Sentencing procedures.
62 Stat. 902-903.

“§ 334. Institutes and joint councils on sentencing

“(a) In the interest of uniformity in sentencing procedures, there is hereby authorized to be established under the auspices of the Judicial Conference of the United States, institutes and joint councils on sentencing. The Attorney General and/or the chief judge of each circuit may at any time request, through the Director of the Administrative Office of the United States Courts, the Judicial Conference to convene such institutes and joint councils for the purpose of studying, discussing, and formulating the objectives, policies, standards, and criteria for sentencing those convicted of crimes and offenses in the courts of the United States. The agenda of the institutes and joint councils may include but shall not be limited to: (1) The development of standards for the content and utilization of presentence reports; (2) the establishment of factors to be used in selecting cases for special study and observation in prescribed diagnostic clinics; (3) the determination of the importance of psychiatric, emotional, sociological and physiological factors involved in crime and their bearing upon sentences; (4) the discussion of special sentencing problems in unusual cases such as treason, violation of public trust, subversion, or involving abnormal sex behavior, addiction to drugs or alcohol, and mental or physical handicaps; (5) the formulation of sentencing principles and criteria which will assist in promoting the equitable administration of the criminal laws of the United States.

“(b) After the Judicial Conference has approved the time, place, participants, agenda, and other arrangements for such institutes and joint councils, the chief judge of each circuit is authorized to invite the attendance of district judges under conditions which he thinks proper and which will not unduly delay the work of the courts.

“(c) The Attorney General is authorized to select and direct the attendance at such institutes and meetings of United States attorneys and other officials of the Department of Justice and may invite the participation of other interested Federal officers. He may also invite specialists in sentencing methods, criminologists, psychiatrists, penologists, and others to participate in the proceedings.

“(d) The expenses of attendance of judges shall be paid from applicable appropriations for the judiciary of the United States. The expenses connected with the preparation of the plans and agenda for the conference and for the travel and other expenses incident to the attendance of officials and other participants invited by the Attorney General shall be paid from applicable appropriations of the Department of Justice.”

SEC. 2. The chapter analysis of chapter 15 of title 28, United States Code is amended by inserting before section 331 the following item:

“334. Institutes and joint councils on sentencing.”

SEC. 3. That chapter 311 of title 18, United States Code is amended by adding the following section:

62 Stat. 854, 855.

“§ 4208. Fixing eligibility for parole at time of sentencing

“(a) Upon entering a judgment of conviction, the court having jurisdiction to impose sentence, when in its opinion the ends of justice

and best interests of the public require that the defendant be sentenced to imprisonment for a term exceeding one year, may (1) designate in the sentence of imprisonment imposed a minimum term at the expiration of which the prisoner shall become eligible for parole, which term may be less than, but shall not be more than one-third of the maximum sentence imposed by the court, or (2) the court may fix the maximum sentence of imprisonment to be served in which event the court may specify that the prisoner may become eligible for parole at such time as the board of parole may determine.

“(b) If the court desires more detailed information as a basis for determining the sentence to be imposed, the court may commit the defendant to the custody of the Attorney General, which commitment shall be deemed to be for the maximum sentence of imprisonment prescribed by law, for a study as described in subsection (c) hereof. The results of such study, together with any recommendations which the Director of the Bureau of Prisons believes would be helpful in determining the disposition of the case, shall be furnished to the court within three months unless the court grants time, not to exceed an additional three months, for further study. After receiving such reports and recommendations, the court may in its discretion: (1) Place the prisoner on probation as authorized by section 3651 of this title, or (2) affirm the sentence of imprisonment originally imposed, or reduce the sentence of imprisonment, and commit the offender under any applicable provision of law. The term of the sentence shall run from date of original commitment under this section.

“(c) Upon commitment of a prisoner sentenced to imprisonment under the provisions of subsection (a), the Director, under such regulations as the Attorney General may prescribe, shall cause a complete study to be made of the prisoner and shall furnish to the board of parole a summary report together with any recommendations which in his opinion would be helpful in determining the suitability of the prisoner for parole. This report may include but shall not be limited to data regarding the prisoner's previous delinquency or criminal experience, pertinent circumstances of his social background, his capabilities, his mental and physical health, and such other factors as may be considered pertinent. The board of parole may make such other investigation as it may deem necessary.

“It shall be the duty of the various probation officers and government bureaus and agencies to furnish the board of parole information concerning the prisoner, and, whenever not incompatible with the public interest, their views and recommendations with respect to the parole disposition of his case.

“(d) The board of parole having jurisdiction of the parolee may promulgate rules and regulations for the supervision, discharge from supervision, or recommitment of paroled prisoners.”

62 Stat. 854, 855.

SEC. 4. That chapter 311 of title 18, United States Code, is amended by adding the following section:

“§ 4209. Young adult offenders

“In the case of a defendant who has attained his twenty-second birthday but has not attained his twenty-sixth birthday at the time of conviction, if, after taking into consideration the previous record of the defendant as to delinquency or criminal experience, his social background, capabilities, mental and physical health, and such other factors as may be considered pertinent, the court finds that there is reasonable grounds to believe that the defendant will benefit from the treatment provided under the Federal Youth Corrections Act (18 U. S. C. Chap. 402) sentence may be imposed pursuant to the provisions of such Act.”

SEC. 5. The chapter analysis of chapter 311 of title 18 is amended by inserting before section 4201 the following items:

62 Stat. 854.

"4208. Fixing eligibility for parole at time of sentencing.
"4209. Young adult offenders."

SEC. 6. Sections 3 and 4 of this Act shall apply in the continental United States other than Alaska, and in the District of Columbia so far as they relate to persons charged with or convicted of offenses under any law of the United States not applicable exclusively to the District of Columbia.

SEC. 7. This Act does not apply to any offense for which there is provided a mandatory penalty.

Nonapplicability.

Approved August 25, 1958.

Public Law 85-753

AN ACT

To authorize the Secretary of the Interior to convey certain lands in Alaska to the city of Ketchikan, Alaska.

August 25, 1958
[H. R. 9627]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States hereby disclaims any right, title, and interest in lot numbered 2, block 13, United States survey 1378, located within the corporate limits of the city of Ketchikan.

Approved August 25, 1958.

Public Law 85-754

AN ACT

To restore retired pay to those retired officers of the Armed Forces dropped from the rolls after December 31, 1954, and before the date of enactment of this Act, and for other purposes.

August 25, 1958
[H. R. 9673]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any other provisions of law, a former retired officer dropped from the rolls under section 10 of the Act of May 5, 1950, ch. 169 (64 Stat. 146), or section 1161 of title 10, United States Code, after December 31, 1954, and before the date of enactment of this Act shall, for the purposes of entitlement to retired or retirement pay after the date of enactment of this Act, be treated as if he had not been dropped from the rolls. Such an officer is also entitled to retroactive retired or retirement pay for the period beginning on the date he was dropped from the rolls and ending on the date of enactment of this Act, as if he had not been dropped from the rolls.

Armed Forces.
Officers' retired
pay.
50 USC 739.
70A Stat. 89.

SEC. 2. A former retired officer covered by this Act is subject to the penal, prohibitory, and restrictive provisions of law applicable to the pay and civil employment of retired officers of the Armed Forces and is not entitled to any other benefit provided by law or regulation for retired officers of the Armed Forces. After the date of enactment of this Act, such a former retired officer may, in the discretion of the President, have his entitlement to retired or retirement pay under this Act terminated for any reason for which any retired officer may be dismissed from, or dropped from the rolls of, any Armed Force.

SEC. 3. Appropriations available for the payment of retired pay to members of the Armed Forces are available for payments under this Act.

Approved August 25, 1958.

Public Law 85-755

AN ACT

August 25, 1958
[H. R. 7866]

To amend title 28, United States Code, relating to the Court of Customs and Patent Appeals.

Court of Customs and Patent Appeals.
62 Stat. 899.

USC prec. Title 1.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 211 of title 28 of the United States Code is amended by inserting after the first sentence thereof a new sentence as follows: "Such court is hereby declared to be a court established under article III of the Constitution of the United States."

SEC. 2. Section 291 of title 28 of the United States Code, as amended, is amended to read as follows:

"§ 291. Circuit judges

"(a) The Chief Justice of the United States may designate and assign temporarily any circuit judge to act as circuit judge in another circuit upon presentation of a certificate of necessity by the chief judge or circuit justice of the circuit where the need arises.

"(b) The Chief Justice of the United States may designate and assign temporarily any circuit judge to serve as a judge of the Court of Claims or the Court of Customs and Patent Appeals upon presentation to him of a certificate of necessity by the chief judge of the court in which the need arises.

"(c) The chief judge of a circuit or the circuit justice may, in the public interest, designate and assign temporarily any circuit judge within the circuit, including a judge designated and assigned to temporary duty therein, to hold a district court in any district within the circuit."

SEC. 3. Section 292 of title 28 of the United States Code, as amended, is amended to read as follows:

"§ 292. District judges

"(a) The chief judge of a circuit may designate and assign one or more district judges within the circuit to sit upon the court of appeals or a division thereof whenever the business of that court so requires. Such designations or assignments shall be in conformity with the rules or orders of the court of appeals of the circuit.

"(b) The chief judge of a circuit may, in the public interest, designate and assign temporarily any district judge of the circuit to hold a district court in any district within the circuit.

"(c) The Chief Justice of the United States may designate and assign temporarily a district judge of one circuit for service in another circuit, either in a district court or court of appeals, upon presentation of a certificate of necessity by the chief judge or circuit justice of the circuit wherein the need arises.

"(d) The Chief Justice of the United States may designate and assign temporarily any district judge to serve as a judge of the Court of Claims, the Court of Customs and Patent Appeals or the Customs Court upon presentation to him of a certificate of necessity by the chief judge of the court in which the need arises."

SEC. 4. Section 293 of title 28 of the United States Code, as amended is amended to read as follows:

"§ 293. Judges of other courts

"(a) The Chief Justice of the United States may designate and assign temporarily any judge of the Court of Claims or the Court of Customs and Patent Appeals to serve, respectively, as a judge of the Court of Customs and Patent Appeals or the Court of Claims upon presentation of a certificate of necessity by the chief judge of the court

wherein the need arises, or to perform judicial duties in any circuit, either in a court of appeals or district court, upon presentation of a certificate of necessity by the chief judge or circuit justice of the circuit wherein the need arises.

“(b) The Chief Justice of the United States may designate and assign temporarily any judge of the Customs Court to perform judicial duties in a district court in any circuit upon presentation of a certificate of necessity by the chief judge or circuit justice of the circuit wherein the need arises.

“(c) The chief judge of the Court of Customs and Patent Appeals may, upon presentation to him by the chief judge of the Customs Court of a certificate of necessity, designate and assign temporarily any judge of the Court of Customs and Patent Appeals to serve as a judge of the Customs Court.

“(d) The chief judge of the Customs Court may, upon presentation to him by the chief judge of the Court of Customs and Patent Appeals of a certificate of necessity, designate and assign temporarily any judge of the Customs Court to serve as a judge of the Court of Customs and Patent Appeals.”

SEC. 5. Section 294 of title 28 of the United States Code, as amended, is amended to read as follows:

“§ 294. Assignment of retired Justices or judges to active duty

“(a) Any retired Chief Justice of the United States or Associate Justice of the Supreme Court may be designated and assigned by the Chief Justice of the United States to perform such judicial duties in any circuit, including those of a circuit justice, as he is willing to undertake.

“(b) Any judge of the United States who has retired from regular active service under section 371 (b) or 372 (a) of this title shall be known and designated as a senior judge and may continue to perform such judicial duties as he is willing and able to undertake, when designated and assigned as provided in subsections (c) and (d).

“(c) Any retired circuit or district judge may be designated and assigned by the chief judge or judicial council of his circuit to perform such judicial duties within the circuit as he is willing and able to undertake. Any other retired judge of the United States may be designated and assigned by the chief judge of his court to perform such judicial duties in such court as he is willing and able to undertake.

“(d) The Chief Justice of the United States shall maintain a roster of retired judges of the United States who are willing and able to undertake special judicial duties from time to time outside their own circuit, in the case of a retired circuit or district judge, or in a court other than their own, in the case of other retired judges, which roster shall be known as the roster of senior judges. Any such retired judge of the United States may be designated and assigned by the Chief Justice to perform such judicial duties as he is willing and able to undertake in a court outside his own circuit, in the case of a retired circuit or district judge, or in a court other than his own, in the case of any other retired judge of the United States. Such designation and assignment to a court of appeals or district court shall be made upon the presentation of a certificate of necessity by the chief judge or circuit justice of the circuit wherein the need arises and to any other court of the United States upon the presentation of a certificate of necessity by the chief judge of such court. No such designation or assignment shall be made to the Supreme Court.

“(e) No retired Justice or judge shall perform judicial duties except when designated and assigned.”

SEC. 6. The first paragraph of section 295 of title 28 of the United States Code, as amended, is amended to read as follows:

"No designation and assignment of a circuit or district judge in active service shall be made without the consent of the chief judge or judicial council of the circuit from which the judge is to be designated and assigned. No designation and assignment of a judge of any other court of the United States in active service shall be made without the consent of the chief judge of such court."

Jurisdiction.

SEC. 7. Nothing contained in this Act shall be construed in any way to limit or alter the jurisdiction heretofore conferred upon the United States Court of Customs and Patent Appeals by any provision of law.

SEC. 8. Item 293 in the analysis of chapter 13 of title 28 of the United States Code, immediately preceding section 291 of such title, is amended to read as follows:

"293. Judges of other courts."

Approved August 25, 1958.

Public Law 85-756

AN ACT

August 25, 1958
[H. R. 10173]

To provide for the transfer of title to certain land at Sand Island, Territory of Hawaii, to the Territory of Hawaii, and for other purposes.

Sand Island Military Reservation, T.H.
Transfer of land.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized, when he determines that land comprising any portion or portions of Sand Island Military Reservation, Honolulu, island of Oahu, Territory of Hawaii, including submerged lands therein, not to exceed in the aggregate two hundred and two acres, is no longer required or is not required for military purposes, to transfer to the Territory of Hawaii, by Executive order, all the right, title, and interest of the United States in said land, together with the improvements thereon, and to grant nonexclusive easements over other land comprised within the Sand Island Military Reservation and the Navy Harbor Entrance Control Post in favor of the Territory of Hawaii which he shall deem necessary for the proper enjoyment of the premises transferred. Such transfer shall be subject to the conditions set forth in this Act.

Terms and conditions.

SEC. 2. Such transfer as may be made pursuant to the provisions of this Act shall be without monetary consideration but subject to—

- (a) terms and conditions that may be determined by the President to be in the interest of national defense; and
- (b) avigation or restrictive easements, or both, as may be considered necessary by the President.

Relocation of Naval facilities.

SEC. 3. The Territory of Hawaii shall relocate or procure the relocation at another location on Sand Island of the Navy tower and other facilities on the southern shore of Sand Island, if the land on which such facilities are now located shall be transferred to the Territory of Hawaii pursuant to this Act. Until this requirement is fulfilled by the Territory, there are hereby reserved to the United States all such portions of the premises authorized to be transferred as are needed for the full enjoyment of such facilities.

Disposition of transferred land.

SEC. 4. (a) Any land transferred pursuant to this Act may be sold, leased, or otherwise disposed of by the Territory of Hawaii for any purposes consistent with the provisions of this Act and the terms and conditions set forth in any Executive order issued pursuant thereto. Any such sale, lease, or other disposition shall be by public auction to the highest responsible bidder, but at not less than the appraised value: *Provided*, That the notice of sale, lease, or other disposition shall be by

publication once a week for a period of four successive weeks in a newspaper of general circulation published in the city and county of Honolulu: *Provided further*, That all revenue or proceeds from any such sale, lease, or other disposition shall be used solely for the support of the University of Hawaii. Such sale shall otherwise comply with the Hawaiian Organic Act and the laws of Hawaii relating to public lands.

31 Stat. 141.
48 USC 678.

(b) Any sale, lease, or other disposition made pursuant to subsection (a) hereof shall be upon such conditions, not inconsistent with the provisions of this Act and the terms and conditions set forth in the Executive order issued pursuant thereto, as to the making of improvements, the amount of improvements, the time within which such improvements shall be made, or such other conditions, reservations, covenants, or terms as the appropriate officials of the Territory of Hawaii may determine, including provision for rights-of-way for ingress or egress, drainage and utility purposes, avigation easements, and other purposes.

Approved August 25, 1958.

Public Law 85-757

AN ACT

August 25, 1958
[H. R. 4142]

To amend the Act creating the City of Clinton Bridge Commission and authorizing said commission and its successors to acquire by purchase or condemnation and to construct, maintain, and operate a bridge or bridges across the Mississippi River at or near Clinton, Iowa, and at or near Fulton, Illinois, in order to make certain changes in the authority of such commission, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 3 of the Act entitled "An Act creating the City of Clinton Bridge Commission and authorizing said commission and its successors to acquire by purchase or condemnation and to construct, maintain, and operate a bridge or bridges across the Mississippi River at or near Clinton, Iowa, and at or near Fulton, Illinois", approved December 21, 1944 (58 Stat. 846), as revised, reenacted, and amended, is amended by striking out "in said State" and inserting in lieu thereof "by said State".

Bridges.
Mississippi
River.

SEC. 2. Section 5 of such Act is amended (1) in the first sentence thereof by striking out "negotiable serial bonds" and inserting in lieu thereof "negotiable bonds", and (2) in the proviso at the end of the fourth sentence, by striking out "twenty years" and inserting in lieu thereof "twenty-five years".

Bond issues.
58 Stat. 847.

SEC. 3. Such Act is further amended by renumbering section 15 as section 16 and by inserting immediately preceding such section a new section as follows:

58 Stat. 852.

"SEC. 15. The bridge or bridges purchased or constructed under the authority of this Act shall be deemed to be Federal instrumentalities for interstate commerce, the postal service, and military and other purposes authorized by the Government of the United States, and said bridge or bridges and the income derived therefrom shall, on and after the effective date of this section, be exempt from all Federal, State, municipal, and local property and income taxation."

Federal instru-
mentalities.

SEC. 4. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved August 25, 1958.

Public Law 85-758

August 25, 1958
[H. R. 9740]

AN ACT

To convey certain land to the Makah Tribe of Indians.

Makah Indian
Reservation.
Conveyance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) all right, title, and interest of the United States in and to those lands lying within the Makah Indian Reservation, Washington, more particularly described in subsection (b) of this section are hereby conveyed to the Makah Indian Tribe.

(b) Easterly 50.0 feet of portion of Government lot 6, section 11, township 33 north, range 15 west, Willamette meridian, and the westerly 250.0 feet of a portion of Government lot 7, section 12, township 33 north, range 15 west, Willamette meridian, comprising 3.01 acres more or less.

Notwithstanding any other provision of law such land may be leased, sold, or otherwise disposed of by the sole authority of the Makah Tribal Council in any manner similar land in the State may be leased, sold, or otherwise disposed of by private landowners. The land shall not be exempt from taxation because of Indian tribal ownership.

Approved August 25, 1958.

Public Law 85-759

August 25, 1958
[H. R. 8002]

AN ACT

To provide for improved methods of stating budget estimates and estimates for deficiency and supplemental appropriations.

Budget and Ac-
counting Act,
amendments.
42 Stat. 20.
31 USC 11.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 201 of the Budget and Accounting Act, 1921, as amended, is further amended by adding the following new subsections:

“(b) Whenever the President determines there has been established a satisfactory system of accrual accounting for an appropriation or fund account, each proposed appropriation thereafter transmitted to the Congress for such account pursuant to the provisions of this Act shall be accompanied by a proposed limitation on annual accrued expenditures. The President may include in the Budget with any such proposed limitation on annual accrued expenditures, proposals for provisions authorizing the head of a department or establishment to make transfers, within his department or establishment, between such limitations on annual accrued expenditures; and such provisions may limit by amount or by per centum the size of any transfer so proposed.

“(c) Whenever an appropriation is subject to a limitation on annual accrued expenditures, there shall be charged against the limitation the cost of goods and services and other assets received, advance payments made and progress payments becoming due, and the amount of any other liabilities becoming payable, during the fiscal year concerned.

“(d) At the end of the fiscal year concerned, any unused balance of the limitation on annual accrued expenditures shall lapse, except that whenever any liabilities are incurred within the limitation provided for in any fiscal year (whether or not recorded or reported in such fiscal year), nothing in this section shall be construed to prevent the making of payment therefor in any subsequent fiscal year.

“(e) Any obligations incurred during the fiscal year concerned or in prior fiscal years which do not result in liabilities becoming payable during the fiscal year concerned shall be charged against the limitation on annual accrued expenditures for any succeeding fiscal year in which such obligations may result in liabilities becoming payable.

“(f) Nothing in subsections (b) through (e) of this section shall be construed to change existing law with respect to the method or manner of making appropriations or the incurring of obligations under appropriations.”

SEC. 2. (a) It shall be in order to provide in any bill or joint resolution making appropriations, or in any amendment thereto, limitations on annual accrued expenditures covering amounts becoming payable as a result of obligations incurred both in the fiscal year concerned and in prior fiscal years, and to include in any such bill or joint resolution provisions authorizing the head of a department or establishment to make transfers, within his department or establishment, between such limitations on annual accrued expenditures; and such provisions may limit by amount or by per centum the size of any transfer so provided for.

Limitations on annual accrued expenditures.

(b) The provisions of subsection (a) of this section are enacted by the Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply; and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the Constitutional right of either House to change such rules (so far as relating to the procedure in such House) at any time, in the same manner and to the same extent as in the case of any other rule of such House.

SEC. 3. This Act, and the amendments made thereby shall cease to be in effect April 1, 1962.

Termination.

Approved August 25, 1958.

Public Law 85-760

AN ACT

August 26, 1958
[H. R. 8868]

To remove the present \$1,000 limitation which prevents the settlement of certain claims arising out of the crash of an aircraft belonging to the United States at Worcester, Massachusetts, on July 18, 1957.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the \$1,000 limitation on claims contained in the paragraph under the center heading “Claims” in title II of the Department of Defense Appropriation Act, 1958, and title II of the Department of Defense Appropriation Act, 1959, shall not apply with respect to claims arising out of the crash on July 18, 1957, at Worcester, Massachusetts, of an aircraft belonging to the United States and being operated on a routine training flight by a member of the Air National Guard while on a camp of instruction.

Claims.
Removal of limitation.
71 Stat. 312.
Ante, p. 712.

SEC. 2. Payments made pursuant to the Department of Defense Appropriation Act, 1958, and the Department of Defense Appropriation Act, 1959, for death, personal injury, and property loss claims, shall not be subject to insurance subrogation claims in any respect. No pay-

ments made pursuant to such Acts shall include any amount for reimbursement to any insurance company or compensation insurance fund for loss payments made by such company or fund.

No part of any amounts awarded pursuant to the Acts referred to in section 1 of this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with these claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved August 26, 1958.

Public Law 85-761

AN ACT

August 26, 1958
[H. R. 13558]

To incorporate the Military Order of the Purple Heart of the United States of America, of combat wounded veterans who have been awarded the Purple Heart.

Military Order of
the Purple Heart of
the United States
of America, Inc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following persons to wit: Richard Golick, Chicago, Illinois; William B. Eaton, Lansing, Michigan; Victor F. Kubly, Daytona Beach, Florida; Luther Smith, Harrisburg, Pennsylvania; Olin E. Teague, College Station, Texas; Charles E. Potter, Cheboygan, Michigan; Paul H. Douglas, Chicago, Illinois; B. Carroll Reece, Johnson City, Tennessee; Errett P. Scrivner, Kansas City, Kansas; Edward Martin, Washington, Pennsylvania; General Melvin J. Maas, Saint Paul, Minnesota; General Patrick J. Hurley, Santa Fe, New Mexico; General William A. Donovan, New York, New York; Admiral John F. Ford, Hollywood, California;

Colonel Robert M. Bringham, Los Angeles, California; John J. Martin, Madison, Wisconsin; Robert Schroeder, Milwaukee, Wisconsin; Frank A. Weber, Bearer, Pennsylvania; Thomas A. Powers, Brooklyn, New York; Major Wilbur E. Dove, Washington, District of Columbia; Ernest L. Ihbe, Milwaukee, Wisconsin; Lloyd E. Henry, Hyattsville, Maryland; Stanley B. Kirschbaum, Detroit, Michigan; Raymond Cocklin, Daytona Beach, Florida; Francis J. Maguire, Gloucester City, New Jersey; Clifford A. Parmenter, Long Beach, California; Harry H. Dietz, Baltimore, Maryland; Charles S. Iskin, Miami, Florida; Victor N. Lukatz, Cincinnati, Ohio; John P. Hapsch, Minneapolis, Minnesota; Richard J. Flanders, Waukegan, Illinois; General Douglas MacArthur, New York, New York; General James A. Van Fleet, Auburndale, Florida;

William J. Schroder, Pelham, New York; John H. Hoppe, D. S. C., Alexandria, Virginia; John C. Reynolds, Covington, Kentucky; Anton Kneller, Philadelphia, Pennsylvania; John L. Schwartz, Albuquerque, New Mexico; Henry Marquard, Elmhurst, Illinois; James C. Doyle, Arlington, Massachusetts; Frank Heidel, Harrisburg, Pennsylvania; John E. Schwend, Webster Groves, Missouri; Anthony Badamo, Quincy, Illinois; Joseph E. Stanger, Bridgeton, New Jersey; Frank V. Fromme, Jasper, Indiana; Arthur Goetsch, Davenport, Iowa; Joseph Stiegler, Junior, Silver Spring, Maryland; William E. Savage, Seattle, Washington; Jack Medford, Tucson, Arizona; Joseph C. Kolinsky, Middletown, Connecticut; Jack M. Deckard, Tampa, Florida; Ted J. Swedo, North Chicago, Illinois; Linus Vonderheide, Saint Anthony, Indiana; Joseph Earith, Sioux City, Iowa; Howell Brewer, doctor of medicine, Shreveport, Louisiana; Francis Donnelly, Arlington, Massachusetts;

Bernard J. Young, Chicago, Illinois; Joseph Richter, Saint Louis, Missouri; William Long, North Troy, New York; Kevin J. Murphy, Bronx, New York; William H. Kinsinger, Columbus, Ohio; Carl R. Carlson, Portland, Oregon; Ray Dorris, Portland, Oregon; James Gehas, Coatesville, Pennsylvania; Charles J. Showalter, Lancaster, Pennsylvania; Aloysius J. Healy, Madison, Wisconsin; Charles O. Carlston, San Francisco, California; Andrew Munson, Sioux Falls, South Dakota; Peter C. Mueller, Glendora, California; John D. Goodin, Johnson City, Tennessee; Lars Eilefson, Billings, Montana; W. Phil Bohnert, Indianapolis, Indiana;

Orral O. Jackson, Sioux Falls, South Dakota; Major General Thomas F. Foley, Worcester, Massachusetts; Reverend Alfred W. Price, Philadelphia, Pennsylvania; John T. Mullins, New York, New York; Frank Cushner, Ansonia, Connecticut; Colonel Walter F. Bowman, California; Michael Thiede, Dearborn, Michigan; Robert Sobel, Phoenix, Arizona; Ray Schulze, Yountville, California; Joseph Feingold, Miami, Florida; Herbert McFarland, Cumberland, Maryland; Arthur LaBrack, Brighton, Massachusetts; John W. Fitzer, Junior, Detroit, Michigan; Arthur F. D. Evans, Saint Louis, Missouri; Roland C. Smith, Orange, New Jersey; Charles Burkhardt, Troy, New York; Hugo Engler, Ridgefield, Washington; Edward Commers, Helena, Montana;

Theodore Fauntz, Seattle, Washington; Albert O. Rabassa, Baltimore, Maryland; Michael Dooan, New Haven, Connecticut; Occa V. Phillips, Saint Cloud, Minnesota; Uriah Lucas, Salisbury, North Carolina; Donald Lindley, Kansas City, Missouri; Percy O. Buterbaugh, Lincoln, Nebraska; Stanley C. Lagncaskey, Trenton, New Jersey; Alfred J. Gardner, Statesville, North Carolina; Sagie Nishioaka, Salem, Oregon; Edgar Eichler, San Antonio, Texas; H. J. Theisen, Port Orchard, Washington; Colonel Michael Ushakoff, Seattle, Washington; Alfred H. Klineschmidt, Reno, Nevada;

Francis J. Cayouette, Augusta, Maine; William Floyd, Aurora, Colorado; Henry H. Carter, Junior, North Augusta, South Carolina; Ike Parish, Marianna, Arkansas; Daniel P. Borota, Gary, Indiana; Jerome S. Daunhauer, Ferdinand, Indiana; Robert H. Gamber, Davenport, Iowa; William Powers, Lyndon, Kentucky; Colonel Michael Glossinger, Waneland, Mississippi; Kenneth Spry, Wyandotte, Michigan; Joseph C. Taylor, Youngstown, Ohio; George A. Davis, Helena, Montana; Harold H. Hamilton, Lancaster, Pennsylvania; Thomas H. McGovran, Charleston, West Virginia;

Bernard Maurer, Edgemoor, Delaware; Marcus E. Diffenderfer, Ossipee, New Hampshire; Andrew Nomland, Grand Forks, North Dakota; Admiral John Hoskins, Quonset, Rhode Island; Jesus Ascencio Vazquez, South Margarita, Canal Zone; Ernest Collins, Arlington, Virginia; Genaro Cabrera, Cayey, Puerto Rico; Roberto Cruz Figueroa, Rio Piedras, Puerto Rico; Henry B. Haina, Honolulu, Hawaii; John T. Stanton, Kansas City, Kansas; and their successors are hereby created and declared to be a body corporate of the District of Columbia, where the legal domicile shall be, by the name of the Military Order of the Purple Heart of the United States of America, Incorporated (hereinafter referred to as the "corporation"), and by such name shall be known and have perpetual succession and the powers, limitations, and restrictions herein contained.

COMPLETION OF ORGANIZATION

SEC. 2. A majority of the persons named in the first section of this Act are authorized to complete the organization of the corporation by the selection of officers and employees, the adoption of a constitu-

tion and bylaws, not inconsistent with the provisions of this Act and the doings of such acts as may be necessary for such purpose.

PRINCIPLES AND OBJECTS OF THE CORPORATION

SEC. 3. (a) The principles underlying the corporation are patriotic allegiance to the United States of America, fidelity to its Constitution and laws, the security of civil liberty, and the permanence of free institutions.

(b) The objects of the corporation are educational, fraternal, historical, and patriotic, perpetuating the principles of liberty and justice which have created the United States of America, by (1) commemorating all national patriotic holidays; (2) maintaining true allegiance to the Government of the United States of America and fidelity to its Constitution and laws; (3) preserving and strengthening comradeship and patriotism amongst its members; (4) assisting, comforting, and aiding all needy and distressed members and their dependents; (5) giving needed hospital and service work through its Veterans' Administration certified service officers; (6) cooperating with other civic and patriotic organizations having worthy objectives; (7) keeping alive the achievements and memory of our country's founders; (8) ever cherishing the memory of General George Washington, who founded the Purple Heart at his headquarters at Newburgh-on-the-Hudson, on August 7, 1782; (9) influencing and teaching our citizenry, in a loyal appreciation of the heritages of American citizenship, with its responsibilities and privileges; and (10) preserving and defending the United States of America from all enemies whomsoever.

CORPORATE POWERS

SEC. 4. The corporation shall have power—

- (1) to have succession by its corporate name;
- (2) to sue and be sued, complain and defend in any court of competent jurisdiction;
- (3) to adopt, use and alter a corporate seal;
- (4) to charge and collect membership dues;
- (5) to adopt, amend, and alter a constitution and bylaws, not inconsistent with the laws of the United States or any State in which the corporation is to operate, for the management of its property and the regulation of its affairs;
- (6) to contract and be contracted with;
- (7) to take lease, gift, purchase, grant, devise, or bequest from any private corporation, association, partnership, firm or individual and to hold any property, real, personal or mixed, necessary or convenient for attaining the object and carrying into effect the purposes of the corporation, subject, however, to applicable provisions of law of any State (A) governing the amount or kind of property which may be held, or (B) otherwise limiting or controlling the ownership of property by, a corporation operating in such State;
- (8) to transfer, convey, lease, sublease, encumber, and otherwise alienate real, personal or mixed property; and
- (9) to borrow money for the purposes of the corporation, issue bonds therefor, and secure the same by mortgage, deed of trust, pledge, or otherwise, subject in every case to all applicable provisions of Federal and State laws.

PRINCIPAL OFFICE : SCOPE OF ACTIVITIES : DISTRICT OF COLUMBIA AGENT

SEC. 5. (a) The principal office of the corporation shall be located in Washington, District of Columbia, or in any such other place as

may later be determined by the national executive board, but the activities of the corporation shall not be confined to that place and may be conducted throughout the various States, Territories, and possessions of the United States.

(b) The corporation shall have in the District of Columbia at all times a designated agent authorized to accept service of process for the corporation; and notice to or service upon such agent, or mailed to the business address of such agent, shall be deemed notice to or service upon the corporation.

MEMBERSHIP : VOTING RIGHTS

SEC. 6. (a) All persons of good moral character who are, have been, or may become members of the Armed Forces of the United States or any foreign country of whatever rank, who have received or who may hereafter receive the Purple Heart for wounds received during military or naval combat against an armed enemy of the United States, shall be eligible for active membership in the corporation.

(b) The corporation shall have the power, moreover, to extend eligibility for membership, as associate members; to parents and lineal descendants of the described in subsection (a) of this section under such conditions and upon such terms as the corporation may specify in its constitution and bylaws.

(c) Each member of the corporation, other than associate members, shall have the right to one vote on each matter submitted to a vote at all meetings of the members of the corporation.

(d) Notwithstanding the limitations set out in subsections (a) and (b) of this section, any member in good standing of the corporate body referred to in section 16 of this Act shall be admitted on request to comparable membership in the corporation created by this Act.

BOARD OF DIRECTORS : COMPOSITION : RESPONSIBILITIES

SEC. 7. (a) Upon the enactment of this Act the membership of the initial board of directors of the corporation shall consist of the present officers of the Military Order of the Purple Heart, referred to in section 16 of this Act, or such of them as may then be living and are qualified officers of that corporation, to wit: Richard P. Golick of Chicago, Illinois; Adolph Sutro, Hollywood, California; William B. Eaton of Lansing, Michigan; Joseph Martin of Menandes, New York; Reverend Thomas W. Riordan, Chicago, Illinois; Victor F. Kubly, Daytona Beach, Florida; Albert Gale, Minneapolis, Minnesota; Wilbur E. Dove, Washington, District of Columbia; James B. Barrett, doctor of medicine, Troy, New York; who are respectively, the commander, the senior vice commander, finance officer, judge advocate, chaplain, adjutant, inspector, historian, and surgeon.

(b) Hereafter, the board of directors of the corporation shall consist of such number (not less than eighteen), shall be selected in such manner (including the filling of vacancies), and shall serve for such terms as may be prescribed in the constitution and bylaws of the corporation.

(c) The board of directors shall be the governing board of the corporation and shall, during the intervals between corporation meetings, be responsible for the general policies and program of the corporation. The board shall be responsible for all finances of the corporation.

OFFICERS ; ELECTION OF OFFICERS

SEC. 8. (a) The officers of the corporation shall be a commander, a senior vice commander, a chaplain, an adjutant, a finance officer, a

judge advocate, an inspector, a surgeon, a historian, and other elected officers as prescribed in the constitution and bylaws of the corporation.

(b) The officers of the corporation shall be elected in such manner and for such terms and with such duties as may be prescribed in the constitution and bylaws of the corporation.

USE OF INCOME; LOANS TO OFFICERS, DIRECTORS, OR EMPLOYEES

SEC. 9. (a) No part of the income or assets of the corporation shall inure to any member, officer, or director, or be distributable to any such person otherwise than upon dissolution or final liquidation of the corporation as provided in section 15 of this Act. Nothing in this subsection, however, shall be construed to prevent the payment of compensation to officers of the corporation in amounts approved by the executive committee of the corporation.

(b) The corporation shall not make loans to its officers, directors, or employees. Any director who votes for or assents to the making of a loan to an officer, director, or employee of the corporation, and any officer who participates in the making of such loan, shall be jointly and severally liable to the corporation for the amount of such loan until the repayment thereof.

NONPOLITICAL NATURE OF CORPORATION

SEC. 10. The corporation, and its officers and directors as such, shall not contribute to or otherwise support or assist any political party or candidate for public office.

LIABILITY FOR ACTS OF OFFICERS AND AGENTS

SEC. 11. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

PROHIBITION AGAINST ISSUANCE OF STOCK OR PAYMENT OF DIVIDENDS

SEC. 12. The corporation shall have no power to issue any shares of stock or to declare or pay any dividends.

BOOKS AND RECORDS; INSPECTION

SEC. 13. The corporation shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its members, board of directors, and committees having any authority under the board of directors, and it shall also keep at its principal office a record of the names and addresses of its members entitled to vote. All books and records of the corporation may be inspected by any member entitled to vote, or his agent or attorney, for any proper purpose, at any reasonable time.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 14. (a) The financial transactions shall be audited annually, at the end of the fiscal year established by the corporation, by an independent certified public accountant in accordance with the principles and procedures applicable to commercial corporate transactions. The audit shall be conducted at the place or places where the accounts of the corporation are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the corporation and necessary to facilitate the audit shall be made available to the person or persons conducting the

audit; and full facilities for verifying transactions with the balances or securities held by depositors, fiscal agents, and custodians shall be afforded to such persons or persons.

(b) A report of such audit shall be made by the corporation to the Congress not later than six months following the close of such fiscal year for which the audit is made. The report shall set forth the scope of the audit and shall include verification by the person or persons conducting the audit of statements of (1) assets and liabilities, (2) capital and surplus or deficit, (3) surplus or deficit analysis, (4) income and expense, and (5) sources and application of funds. Such report shall not be printed as a public document.

USE OF ASSETS ON DISSOLUTION OR LIQUIDATION

SEC. 15. Upon final dissolution or liquidation of the corporation, and after discharge or satisfaction of all outstanding obligations and liabilities, the remaining assets of the corporation may be distributed in accordance with the determination of the board of directors of the corporation and in compliance with the constitution and bylaws of the corporation and all Federal and State laws applicable thereto.

TRANSFER OF ASSETS

SEC. 16. The corporation may acquire the assets of the Military Order of the Purple Heart of the United States of America, Incorporated, a body corporate organized under laws of the State of New Jersey, upon discharging or satisfactorily providing for the payment and discharge of all of the liabilities of such State corporation and upon complying with all the laws of the State of New Jersey applicable thereto.

RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER

SEC. 17. The right to alter, amend, or repeal this Act is expressly reserved.

Approved August 26, 1958.

Public Law 85-762

AN ACT

To amend the Interstate Commerce Act and the Transportation Act of 1940, with respect to periods of limitation applicable to actions or claims, including those by or against the United States, for recovery of charges for the transportation of persons or property, and for other purposes.

August 26, 1958
[S. 377]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Interstate Commerce Act, as amended, is amended as follows:

(1) Amend section 16 (3) as follows: In subparagraph (a) strike out "two years" and insert "three years"; in subparagraph (c) strike out "two years" and insert "three years", and strike out "two-year" and insert "three-year"; and in subparagraph (d) strike out the word "two-year" the second time it occurs and insert "three-year".

(2) Add the following new subparagraph (i) to section 16 (3):
"(i) The provisions of this paragraph (3) shall extend to and embrace all transportation of property or passengers for or on behalf of the United States in connection with any action brought before the Commission or any court by or against carriers subject to this

Interstate Commerce Act, amendment.

Claims, time limitation.

41 Stat. 491; 54 Stat. 912.
49 USC 16.

part: *Provided, however*, That with respect to such transportation of property or passengers for or on behalf of the United States, the periods of limitation herein provided shall be extended to include three years from the date of (A) payment of charges for the transportation involved, or (B) subsequent refund for overpayment of such charges, or (C) deduction made under section 322 of the Transportation Act of 1940 (49 U. S. C. 66), whichever is later."

54 Stat. 955.

63 Stat. 280.
49 USC 304a.

(3) Amend section 204a as follows: In paragraph (1) strike out "two years" and insert "three years"; in paragraph (2) strike out "two years" and insert "three years", and strike out "two-year" and insert "three-year"; and in paragraph (3) strike out "two-year" and insert "three-year".

49 USC 304a.

(4) Add the following new paragraph (7) to section 204a:

"(7) The provisions of this section 204a shall extend to and embrace all transportation of property or passengers for or on behalf of the United States in connection with any action brought before any court by or against carriers subject to this part: *Provided, however*, That with respect to such transportation of property or passengers for or on behalf of the United States, the periods of limitation herein provided shall be extended to include three years from the date of (A) payment of charges for the transportation involved, or (B) subsequent refund for overpayment of such charges, or (C) deduction made under section 322 of the Transportation Act of 1940 (49 U. S. C. 66), whichever is later."

54 Stat. 955.

54 Stat. 940.
49 USC 908.

(5) Amend section 308 (f) (1) as follows: In subparagraph (A) strike out "two years" and insert "three years"; in subparagraph (C) strike out "two years" and insert "three years", and strike out "two-year" and insert "three-year"; and in subparagraph (D) strike out the word "two-year" the second time it occurs and insert "three-year".

54 Stat. 940.
49 USC 908.

(6) Add the following new subparagraph (5) to section 308 (f):

"(5) The provisions of this paragraph (f) shall extend to and embrace all transportation of property or passengers for or on behalf of the United States in connection with any action brought before the Commission or any court by or against carriers subject to this part: *Provided, however*, That with respect to such transportation of property or passengers for or on behalf of the United States, the periods of limitation herein provided shall be extended to include three years from the date of (A) payment of charges for the transportation involved, or (B) subsequent refund for overpayment of such charges, or (C) deduction made under section 322 of the Transportation Act of 1940 (49 U. S. C. 66), whichever is later."

54 Stat. 955.

63 Stat. 281.
49 USC 1006a.

(7) Amend section 406a as follows: In paragraph (1) strike out "two years" and insert "three years"; in paragraph (2) strike out "two years" and insert "three years", and strike out "two-year" and insert "three-year"; and in paragraph (3) strike out "two-year" and insert "three-year".

49 USC 1006a.

(8) Add the following new paragraph (7) to section 406a:

"(7) The provisions of this section 406a shall extend to and embrace all transportation of property for or on behalf of the United States in connection with any action brought before any court by or against carriers subject to this part: *Provided, however*, That with respect to such transportation of property for or on behalf of the United States, the periods of limitation herein provided shall be extended to include three years from the date of (A) payment of charges for the transportation involved, or (B) subsequent refund for overpayment of such charges, or (C) deduction made under section 322 of the Transportation Act of 1940 (49 U. S. C. 66), whichever is later."

54 Stat. 955.

54 Stat. 955.

SEC. 2. Section 322 of the Transportation Act of 1940 (49 U. S. C. 66) is amended as follows:

(1) By striking the words "overpayment to" and substituting therefor the words "overcharges by".

(2) By adding a new sentence at the end of the section as follows: "The term 'overcharges' shall be deemed to mean charges for transportation services in excess of those applicable thereto under the tariffs lawfully on file with the Interstate Commerce Commission and the Civil Aeronautics Board and charges in excess of those applicable thereto under rates, fares, and charges established pursuant to section 22 of the Interstate Commerce Act: *Provided, however,* That such deductions shall be made within three years (not including any time of war) from the time of payment of bills: *Provided further,* That every claim cognizable by the General Accounting Office for charges for transportation within the purview of this section shall be forever barred unless such claim shall be received in the General Accounting Office within three years (not including any time of war) from the date of (1) accrual of the cause of action thereon, or (2) payment of charges for the transportation involved, or (3) subsequent refund for overpayment of such charges, or (4) deduction made pursuant to this section, whichever is later."

49 USC 22.

SEC. 3. The provisions of this Act which amend the Interstate Commerce Act, as amended, shall apply only to causes of action which accrue on or after the effective date of this Act. The provision of this Act which amends section 322 of the Transportation Act of 1940 (49 U. S. C. 66) shall apply only to transportation performed and payment made therefor subsequent to the effective date of this Act.

49 USC 27 and note.

54 Stat. 955.

Approved August 26, 1958.

Public Law 85-763

AN ACT

To amend Reorganization Plan Numbered 1 of 1958 in order to change the name of the office established under such plan.

August 26, 1958
[S. 4059]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Reorganization Plan Numbered 1 of 1958 is amended by striking out "Office of Defense and Civilian Mobilization" wherever appearing therein and inserting in lieu thereof "Office of Civil and Defense Mobilization".

Office of Civil
and Defense Mobil-
ization.
Post, p. 1797.

Approved August 26, 1958.

Public Law 85-764

AN ACT

To provide for the development by the Secretary of the Interior of Independence National Historical Park, and for other purposes.

August 27, 1958
[H. R. 1244]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized to proceed with the development of Independence National Historical Park, the establishment of which was authorized by the Act of June 28, 1948 (62 Stat. 1061). The development hereby authorized shall be in accordance with plans to be approved by the Secretary.

Independence
National Histori-
cal Park.
16 USC 407m-
407r.

SEC. 2. There is hereby authorized to be appropriated for the development of said park pursuant to this Act the sum of \$7,250,000: *Provided,* That all funds authorized to be appropriated under this Act shall be expended by June 30, 1963.

Appropriation.

62 Stat. 1061.

SEC. 3. (a) Subsection (d) of section 1 of the Act of June 28, 1948 (16 U. S. C. 407m), is hereby amended by striking out the colon and inserting in lieu thereof immediately before the proviso the following: “, and certain land and buildings adjoining ‘project E’, being known and numbered as 8, 10, and 12 North Second Street and 201, 203, 205, 207, 209, 211–213, 215, 217, 219, and 221 Market Street:”.

66 Stat. 575.

(b) The first sentence of section 6 of such Act of June 28, 1948 (16 U. S. C. 407r), is amended by striking out “\$7,700,000” and inserting in lieu thereof “\$7,950,000”.

Approved August 27, 1958.

Public Law 85-765

AN ACT

August 27, 1958
[H. R. 8308]

To establish the use of humane methods of slaughter of livestock as a policy of the United States, and for other purposes.

Humane methods
of slaughter.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds that the use of humane methods in the slaughter of livestock prevents needless suffering; results in safer and better working conditions for persons engaged in the slaughtering industry; brings about improvement of products and economies in slaughtering operations; and produces other benefits for producers, processors, and consumers which tend to expedite an orderly flow of livestock and livestock products in interstate and foreign commerce. It is therefore declared to be the policy of the United States that the slaughtering of livestock and the handling of livestock in connection with slaughter shall be carried out only by humane methods.

SEC. 2. No method of slaughtering or handling in connection with slaughtering shall be deemed to comply with the public policy of the United States unless it is humane. Either of the following two methods of slaughtering and handling are hereby found to be humane:

(a) in the case of cattle, calves, horses, mules, sheep, swine, and other livestock, all animals are rendered insensible to pain by a single blow or gunshot or an electrical, chemical or other means that is rapid and effective, before being shackled, hoisted, thrown, cast, or cut; or

(b) by slaughtering in accordance with the ritual requirements of the Jewish faith or any other religious faith that prescribes a method of slaughter whereby the animal suffers loss of consciousness by anemia of the brain caused by the simultaneous and instantaneous severance of the carotid arteries with a sharp instrument.

Procurement,
etc., by U.S. after
June 30, 1960.

SEC. 3. The public policy declared herein shall be taken into consideration by all agencies of the Federal Government in connection with all procurement and price support programs and operations and after June 30, 1960, no agency or instrumentality of the United States shall contract for or procure any livestock products produced or processed by any slaughterer or processor which in any of its plants or in any plants of any slaughterer or processor with which it is affiliated slaughters or handles in connection with slaughter livestock by any methods other than methods designated and approved by the Secretary of Agriculture (hereinafter referred to as the Secretary) pursuant to section 4 hereof: *Provided*, That during the period of any national emergency declared by the President or the Congress, the limitations on procurement required by this section may be modified by the President to the extent determined by him to be necessary

to meet essential procurement needs during such emergency. For the purposes of this section a slaughterer or processor shall be deemed to be affiliated with another slaughterer or processor if it controls, is controlled by, or is under common control with, such other slaughterer or processor. After June 30, 1960, each supplier from which any livestock products are procured by any agency of the Federal Government shall be required by such agency to make such statement of eligibility under this section to supply such livestock products as, if false, will subject the maker thereof to prosecution, title 18, United States Code, section 287.

SEC. 4. In furtherance of the policy expressed herein the Secretary is authorized and directed—

(a) to conduct, assist, and foster research, investigation, and experimentation to develop and determine methods of slaughter and the handling of livestock in connection with slaughter which are practicable with reference to the speed and scope of slaughtering operations and humane with reference to other existing methods and then current scientific knowledge;

(b) on or before March 1, 1959, and at such times thereafter as he deems advisable, to designate methods of slaughter and of handling in connection with slaughter which, with respect to each species of livestock, conform to the policy stated herein. If he deems it more effective, the Secretary may make any such designation by designating methods which are not in conformity with such policy. Designations by the Secretary subsequent to March 1, 1959, shall become effective for purposes of section 3 hereof 180 days after their publication in the Federal Register;

(c) to provide suitable means of identifying the carcasses of animals inspected and passed under the Meat Inspection Act (21 U. S. C. 71 and the following) that have been slaughtered in accordance with the public policy declared herein. Handling in connection with such slaughtering which necessarily accompanies the method of slaughter described in subsection (b) of this section shall be deemed to comply with the public policy specified by this section.

SEC. 5. To assist in implementing the provisions of section 4, the Secretary is authorized to establish an advisory committee. The functions of the Advisory Committee shall be to consult with the Secretary and other appropriate officials of the Department of Agriculture and to make recommendations relative to (a) the research authorized in section 4; (b) obtaining the cooperation of the public, producers, farm organizations, industry groups, humane associations, and Federal and State agencies in the furtherance of such research and the adoption of improved methods; and (c) the designations required by section 4. The Committee shall be composed of twelve members, of whom one shall be an officer or employee of the Department of Agriculture designated by the Secretary (who shall serve as Chairman); two shall be representatives of national organizations of slaughterers; one shall be a representative of the trade-union movement engaged in packinghouse work; one shall be a representative of the general public; two shall be representatives of livestock growers; one shall be a representative of the poultry industry; two shall be representatives of national organizations of the humane movement; one shall be a representative of a national professional veterinary organization; and one shall be a person familiar with the requirements of religious faiths with respect to slaughter. The Department of Agriculture shall assist the Committee with such research personnel and facilities as the Department can make available. Committee members other than the Chairman shall not be deemed to be employees of the

62 Stat. 698.

Authority of Secretary of Agriculture.

Publication in F.R.

34 Stat. 1260.

Advisory Committee.

United States and are not entitled to compensation but the Secretary is authorized to allow their travel expenses and subsistence expenses in connection with their attendance at regular or special meetings of the Committee. The Committee shall meet at least once each year and at the call of the Secretary and shall from time to time submit to the Secretary such reports and recommendations with respect to new or improved methods as it believes should be taken into consideration by him in making the designations required by section 4 and the Secretary shall make all such reports available to the public.

Religious free-
dom.

SEC. 6. Nothing in this Act shall be construed to prohibit, abridge, or in any way hinder the religious freedom of any person or group. Notwithstanding any other provision of this Act, in order to protect freedom of religion, ritual slaughter and the handling or other preparation of livestock for ritual slaughter are exempted from the terms of this Act. For the purposes of this section the term "ritual slaughter" means slaughter in accordance with section 2 (b).

"Ritual slaugh-
ter".

Approved August 27, 1958.

Public Law 85-766

AN ACT

August 27, 1958
[H. R. 13450]

Making supplemental appropriations for the fiscal year ending June 30, 1959, and for other purposes.

Supplemental
Appropriation Act,
1959.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to supply regular and supplemental appropriations (this Act may be cited as the "Supplemental Appropriation Act, 1959") for the fiscal year ending June 30, 1959, and for other purposes, namely:

CHAPTER I

DEPARTMENT OF AGRICULTURE

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", as follows:

31 USC 665.

Plant and animal disease and pest control, \$3,500,000, of which \$500,000 shall be apportioned pursuant to section 3679 of the Revised Statutes, as amended, for the control of outbreaks of insects and diseases to the extent necessary to meet emergency conditions;

Meat inspection, \$1,750,000.

71 Stat. 329.

Not to exceed \$346,000 of the amount made available under this head in the Department of Agriculture and Farm Credit Administration Appropriation Act, 1958, may be used until June 30, 1959, for construction, alteration and repair of buildings and the limitation on building construction or alteration contained therein shall not apply to said amount.

AGRICULTURAL CONSERVATION PROGRAM SERVICE

EMERGENCY CONSERVATION MEASURES

71 Stat. 176.

71 Stat. 426.

The unobligated balance of the amounts made available under this head in the Third Supplemental Appropriation Act, 1957, and in the Supplemental Appropriation Act, 1958, shall remain available until expended.

SOIL BANK PROGRAMS

ACREAGE RESERVE PROGRAM

For an additional amount for "Acreage reserve program", \$279,450,000; and the limitation under this head in the Department of Agriculture and Farm Credit Administration Appropriation Act, 1959, on the amount available for administrative expenses, is increased from "\$13,000,000" to "\$19,050,000".

Ante., p. 188.

CHAPTER II

DEPARTMENT OF COMMERCE

CIVIL AERONAUTICS ADMINISTRATION

OPERATION AND REGULATION

For an additional amount for "Operation and regulation", \$11,735,000.

CONSTRUCTION AND DEVELOPMENT, ADDITIONAL WASHINGTON AIRPORT

For necessary expenses for the construction and development of a public airport in the vicinity of the District of Columbia, as authorized by the Act of September 7, 1950 (64 Stat. 770), including acquisition of land, \$50,000,000, to remain available until expended: *Provided*, That not to exceed a total of \$1,750,000 may be advanced from this appropriation to the applicable appropriations of the Civil Aeronautics Administration for necessary administrative expenses: *Provided further*, That no part of any appropriation herein shall be used for land acquisition for an access road to such airport until the Secretary of Commerce has made a report to the Appropriations Committees of Congress as to the need of an access road as a necessary approach to said airport which will, when completed, directly connect with the George Washington Memorial Parkway.

Restrictions.

BUREAU OF FOREIGN COMMERCE

EXPORT CONTROL

For expenses necessary for carrying out the provisions of the Export Control Act of 1949, as amended, relating to export controls, including awards of compensation to informers under said Act and as authorized by the Act of August 13, 1953 (22 U. S. C. 401), \$3,060,000, of which not to exceed \$1,006,000 may be advanced to the Bureau of Customs, Treasury Department, for enforcement of the export control program, and of which not to exceed \$93,400 may be advanced to the appropriation for "Salaries and expenses" under "General administration".

63 Stat. 7.
50 USC app.
2021-2032.

COAST AND GEODETIC SURVEY

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$343,500.

CONSTRUCTION AND EQUIPMENT, GEOMAGNETIC STATION

For design, construction, and equipment of a geomagnetic station, as authorized by the Act of August 6, 1947 (33 U. S. C. 833i), \$400,000, to remain available until expended.

61 Stat. 788.
33 USC 883i.

MARITIME ACTIVITIES

MARITIME TRAINING

For an additional amount for "Maritime training", \$68,000.

WAR SHIPPING ADMINISTRATION LIQUIDATION

Ante, p. 226.

Notwithstanding the last proviso under this head in the Department of Commerce and Related Agencies Appropriation Act, 1959, the funds made available under said head shall remain available until June 30, 1959, for payment of benefits to disabled seamen under crew life and injury and second seamen's war risk insurance policies and for payments under the Act of September 30, 1944 (58 Stat. 758): *Provided*, That after these payments shall have been made the unexpended balance remaining in this account is hereby rescinded and shall be covered into the Treasury.

BUREAU OF PUBLIC ROADS

INTER-AMERICAN HIGHWAY

For necessary expenses of completing the survey and construction of the Inter-American Highway, in accordance with the provisions of the Act of December 26, 1941 (55 Stat. 860), as amended, to remain available until expended, \$10,000,000.

NATIONAL BUREAU OF STANDARDS

PLANT AND EQUIPMENT

64 Stat. 371.

For an additional amount for "Plant and equipment" for improvement and modification of utilities and plant facilities, as authorized by section 2 of the Act of July 21, 1950 (15 U. S. C. 286), at a cost of not to exceed \$100,000 for any one improvement, \$186,000, to remain available until expended.

CONSTRUCTION OF FACILITIES

For an additional amount for "Construction of facilities", for design, under the supervision of the General Services Administration, of laboratory and administrative buildings for the National Bureau of Standards, and for design of related equipment, \$3,000,000, to remain available until expended.

WEATHER BUREAU

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$1,840,000.

ESTABLISHMENT OF METEOROLOGICAL FACILITIES

For an additional amount for "Establishment of meteorological facilities", \$1,300,000, to remain available until June 30, 1961.

RELATED AGENCIES

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration, including expenses of attendance at meetings concerned with the purposes of this appropriation and hire of passenger motor vehicles, \$3,500,000, and in addition there may be transferred to this appropriation not to exceed \$11,060,000 from the revolving fund, Small Business Administration, and not to exceed \$825,000 from the fund for liquidation of Reconstruction Finance Corporation loans, Small Business Administration, for administrative expenses in connection with activities financed under said funds: *Provided*, That the amount authorized for transfer from the revolving fund, Small Business Administration, may be increased, with the approval of the Director of the Bureau of the Budget, by such amount (not exceeding \$500,000) as may be required to finance administrative expenses incurred in the making of disaster loans: *Provided further*, That 10 per centum of the amount authorized to be transferred from the revolving fund, Small Business Administration, shall be apportioned for use, pursuant to section 3679 of the Revised Statutes, as amended, only in such amounts and at such times as may be necessary to carry out the business loan program: *Provided further*, That \$1,000,000 of the amount herein appropriated shall be available only upon enactment into law of S. 3651, Eighty-fifth Congress.

31 USC 665.

Ante, p. 689.

REVOLVING FUND

For additional capital for the revolving fund authorized by the Small Business Act of 1953, as amended, to be available without fiscal year limitations, \$200,000,000: *Provided*, That \$50,000,000 of this amount shall be available only upon enactment into law of S. 3651, Eighty-fifth Congress.

Ante, p. 689.

CHAPTER III

DEPARTMENT OF DEFENSE—MILITARY FUNCTIONS

INTERSERVICE ACTIVITIES

RETIRED PAY

For an additional amount, fiscal year 1958, for "Retired pay", \$9,000,000.

GENERAL PROVISION

Subparagraph (a) of section 606 of the Defense Appropriation Act, 1959, is amended by deleting "\$245" and inserting in lieu thereof "\$265".

Ante, p. 724.

CHAPTER IV

DISTRICT OF COLUMBIA

OPERATING EXPENSES

PERSONAL SERVICES, WAGE-SCALE EMPLOYEES

For pay increases and related retirement costs for wage-scale employees, to be transferred by the Commissioners of the District of Columbia to the appropriations for the fiscal year 1958 from which

71 Stat. 192.

said employees are properly payable, \$75,000, said increases in compensation to be effective on the first day of the first pay period beginning after May 8, 1958: *Provided*, That no retroactive compensation or salary shall be payable in the case of any individual not in the service of the municipal government of the District of Columbia on the date of approval of this Act, except that such retroactive compensation or salary shall be paid in the case of a deceased officer or employee, or of a retired officer or employee, for services rendered after the effective date of the increase: *Provided further*, That for the purpose of determining the amount of insurance for which an individual is eligible under the Federal Employees' Group Life Insurance Act of 1954, all changes in rates of compensation or salary which result as provided herein shall be held and considered to be effective as of the first day of the first pay period which begins on or after the date of enactment of this Act.

58 Stat. 736.
5 USC 2091 note.

MISCELLANEOUS

SETTLEMENT OF CLAIMS AND SUITS

For the payment of claims in excess of \$250, approved by the Commissioners in accordance with the provisions of the Act of February 11, 1929, as amended (45 Stat. 1160; 46 Stat. 500; 65 Stat. 131), \$26,701.

D. C. Code 1-904.

JUDGMENTS

For the payment of final judgments rendered against the District of Columbia, as set forth in House Document Numbered 394 (Eighty-fifth Congress), \$1,280, together with such further sums as may be necessary to pay the interest at not exceeding 4 per centum per annum on such judgments, as provided by law, from the date the same became due until the date of payment.

AUDITED CLAIMS

For an additional amount for the payment of claims, certified to be due by the accounting officers of the District of Columbia, under appropriations the balances of which have been exhausted or credited to the general or special funds of the District of Columbia as provided by law (D. C. Code, title 47, sec. 130a), being for the service of the fiscal year 1957 and prior fiscal years as set forth in House Document Numbered 394 (Eighty-fifth Congress), \$19,645, together with such further sums as may be necessary to pay the interest on audited claims for refunds at not exceeding 4 per centum per annum as provided by law (Act of July 10, 1952, 66 Stat. 546, sec. 14d).

58 Stat. 533.

D. C. Code 47-2413.

DIVISION OF EXPENSES

The sums appropriated in this Act for the District of Columbia shall, unless otherwise specifically provided for, be paid out of the general fund of the District of Columbia, as defined in the District of Columbia Appropriation Acts for the fiscal years involved.

CHAPTER V

DEPARTMENT OF THE ARMY—CIVIL FUNCTIONS

ADMINISTRATION, RYUKYU ISLANDS

For expenses, not otherwise provided for, necessary to meet the responsibilities and obligations of the United States in connection with the government of the Ryukyu Islands, including, subject to

such authorizations and limitations as may be prescribed by the Secretary of the Army, tuition, travel expenses, and fees incident to instruction in the United States or elsewhere of such persons as may be required to carry out the provisions of this appropriation; travel expenses and transportation; services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), at rates not in excess of \$50 per diem for individuals not to exceed ten in number; not to exceed \$1,500 for contingencies for the High Commissioner, to be expended in his discretion; translation rights, photographic work, educational exhibits, and dissemination of information, including preview and review expenses incident thereto; hire of passenger motor vehicles and aircraft; purchase of four passenger motor vehicles for replacement only; repair and maintenance of buildings, utilities, facilities, and appurtenances; and such supplies, commodities, and equipment as may be essential to carry out the purposes of this appropriation; \$2,830,000, of which not to exceed \$1,530,000 shall be available for administrative and information expenses: *Provided*, That the general provisions of the Appropriation Act for the current fiscal year for the military functions of the Department of the Army shall apply to expenditures made from this appropriation: *Provided further*, That expenditures from this appropriation may be made outside continental United States when necessary to carry out its purposes, without regard to sections 355, 3648, and 3734, Revised Statutes, as amended, section 4774 (d) of title 10, United States Code, civil service or classification laws, or provisions of law prohibiting payment of any person not a citizen of the United States: *Provided further*, That expenditures may be made hereunder for the purposes of economic rehabilitation in the Ryukyu Islands in such manner as to be consistent with the general objectives of titles II and III of the Mutual Security Act of 1954, and in the manner authorized by sections 505 (a) and 522 (e) thereof: *Provided further*, That funds appropriated hereunder may be used, insofar as practicable, and under such rules and regulations as may be prescribed by the Secretary of the Army to pay ocean transportation charges from United States ports, including Territorial ports, to ports in the Ryukyus for the movement of supplies donated to, or purchased by, United States voluntary nonprofit relief agencies registered with and recommended by the Advisory Committee on Voluntary Foreign Aid or of relief packages consigned to individuals residing in such areas: *Provided further*, That under the rules and regulations to be prescribed, the Secretary of the Army shall fix and pay a uniform rate per pound for the ocean transportation of all relief packages of food or other general classification of commodities shipped to the Ryukyus regardless of methods of shipment and higher rates charged by particular agencies of transportation, but this proviso shall not apply to shipments made by individuals to individuals: *Provided further*, That the President may transfer to any other department or agency any function or functions provided for under this appropriation, and there shall be transferred to any such department or agency without reimbursement and without regard to the appropriation from which procured, such property as the Director of the Bureau of the Budget shall determine to relate primarily to any function or functions so transferred.

60 Stat. 810.

33 USC 733 and
note; 31 USC 529;
40 USC 259, 267.

70A Stat. 269.

68 Stat. 840, 841,
851, 855,
22 U S C 1871,
1872, 1891-1898,
1757, 1782.

CONSTRUCTION OF WATER SYSTEM, RYUKYU ISLANDS

For necessary expenses of construction, installation, and equipment of a water system in the Ryukyu Islands, which shall be operated by the United States Civil Administration of the Ryukyu Islands; services as authorized by section 15 of the Act of August 2, 1946 (5

60 Stat. 810.

U. S. C. 55a), at rates not in excess of \$50 a day for individuals; and hire of passenger motor vehicles and aircraft; \$600,000, to remain available until expended, without regard to sections 355 and 3734 of the Revised Statutes, as amended, and title 10, United States Code, section 4774.

33 USC 733 and
note; 40 USC 267.

70A Stat. 269.

CORPORATION

The following corporation is hereby authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the budget for the fiscal year 1959 for such corporation, except as hereinafter provided:

61 Stat. 584.
31 USC 849.

LIMITATION ON ADMINISTRATIVE EXPENSES, EXPORT-IMPORT BANK OF WASHINGTON

Not to exceed \$2,055,000 (to be computed on an accrual basis) of the funds of the Export-Import Bank of Washington shall be available during the current fiscal year for administrative expenses of the Bank, including services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), at rates not to exceed \$75 per diem for individuals, and not to exceed \$9,000 for entertainment allowances for members of the Board of Directors when specifically authorized by the Chairman of the Board; and, in addition, not to exceed the equivalent of \$200,000 of the aggregate amount of foreign currencies made available to the Export-Import Bank for loans pursuant to the Agricultural Trade Development and Assistance Act of 1954, as amended, shall be available during the current fiscal year for expenses incurred by the Export-Import Bank in foreign countries incident to such loans: *Provided*, That fees or dues to international organizations of credit institutions engaged in financing foreign trade and necessary expenses (including special services performed on a contract or fee basis, but not including other personal services) in connection with the acquisition, operation, maintenance, improvement, or disposition of any real or personal property belonging to the Bank or in which it has an interest, including expenses of collections of pledged collateral, or the investigation or appraisal of any property in respect to which an application for a loan has been made, shall be considered as nonadministrative expenses for the purposes hereof.

60 Stat. 810.

68 Stat. 454.
7 USC 1691 note.

CHAPTER VI

GENERAL GOVERNMENT MATTERS

EXECUTIVE OFFICE OF THE PRESIDENT

EXECUTIVE MANSION AND GROUNDS

EXTRAORDINARY ALTERATIONS AND REPAIRS

For extraordinary alterations, repairs, furniture, and furnishings of the Executive Mansion and Grounds, to be expended as the President may determine, notwithstanding any other provisions of this or any other Act, \$100,000, to remain available until expended.

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

SALARIES AND EXPENSES

For an additional amount for necessary expenses of the Office of Civil and Defense Mobilization, \$2,500,000: *Provided*, That this appropriation shall be available for the purposes set forth under the appropriations granted for the fiscal year 1959, under the headings "Salaries and expenses", Office of Defense Mobilization, and "Operations", Federal Civil Defense Administration.

71 Stat. 51.
71 Stat. 228.

EMERGENCY SUPPLIES AND EQUIPMENT

For an additional amount for "Emergency supplies and equipment", including procurement, as authorized by subsection (h) of section 201 of the Federal Civil Defense Act of 1950, as amended, \$2,000,000.

64 Stat. 1249.
50 USC app.,
2281h.

FUNDS APPROPRIATED TO THE PRESIDENT

TRANSLATION OF PUBLICATIONS AND SCIENTIFIC COOPERATION

For purchase of foreign currencies, pursuant to section 104 (k) of the Agricultural Trade Development and Assistance Act of 1954, as amended, for disseminating scientific and technological information and supporting scientific activities overseas, \$5,100,000, to remain available until expended.

Ante, p. 275.

CHAPTER VII

INDEPENDENT OFFICES

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$142,000.

FEDERAL POWER COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$120,000.

GENERAL SERVICES ADMINISTRATION

OPERATING EXPENSES, PUBLIC BUILDINGS SERVICE

For an additional amount for "Operating expenses, Public Buildings Service", \$5,200,000; and the limitation under this head in the Independent Offices Appropriation Act, 1959, on the amount available for travel expenses of employees, is increased by \$6,000.

CONSTRUCTION, PUBLIC BUILDINGS

For an additional amount for "Construction, public buildings", \$323,000, to remain available until expended.

HOSPITAL FACILITIES IN THE DISTRICT OF COLUMBIA

For an additional amount for expenses necessary in carrying out the provisions of the Act of August 7, 1946 (60 Stat. 896), as amended, authorizing the establishment of a hospital center in the District of Columbia, including grants to private agencies for hospital facilities in said District, \$1,020,000, to remain available until expended: *Provided*, That this paragraph shall be effective only upon the enactment into law of S. 3259, Eighty-fifth Congress.

EXPENSES, SUPPLY DISTRIBUTION

For an additional amount for "Expenses, supply distribution", \$160,000.

OPERATING EXPENSES, NATIONAL ARCHIVES AND RECORDS SERVICE

For an additional amount for "Operating expenses, National Archives and Records Service", \$32,500.

HOUSING AND HOME FINANCE AGENCY

FEDERAL NATIONAL MORTGAGE ASSOCIATION

Limitation on Administrative Expenses, Federal National Mortgage Association

The limitation under this head in title II of the Independent Offices Appropriation Act, 1959, on administrative expenses of the Association, is increased by \$700,000; and the limitation thereunder on expenses of travel, is increased by \$50,000.

FEDERAL HOUSING ADMINISTRATION

LIMITATION ON ADMINISTRATIVE AND NONADMINISTRATIVE EXPENSES

In addition to amounts otherwise available during the fiscal year 1959 for administrative and nonadministrative expenses of the Federal Housing Administration, not to exceed \$100,000 shall be available for administrative expenses and not to exceed \$4,500,000 for nonadministrative expenses classified by section 2 of Public Law 387, approved October 25, 1949.

63 Stat. 905.
12 USC 1702.

PUBLIC HOUSING ADMINISTRATION

Annual Contributions

For an additional amount, fiscal year 1958, for "Annual contributions", \$3,900,000.

Limitation on Administrative and Nonadministrative Expenses,
Public Housing Administration

The limitation in the second proviso under this head in title II of the Independent Offices Appropriation Act, 1959, on certain expenses of the Public Housing Administration, is increased by \$500,000.

INTERSTATE COMMERCE COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$300,000.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the National Aeronautics and Space Administration, including uniforms or allowances therefor, as authorized by the Act of September 1, 1954, as amended (5 U. S. C. 2131), \$5,000,000.

68 Stat. 1114.

RESEARCH AND DEVELOPMENT

For contractual research, development, operations, technical services, repairs, alterations, and minor construction, and for supplies, materials, and equipment necessary for the conduct and support of aeronautical and space research and development activities of the National Aeronautics and Space Administration, including purchase of three passenger motor vehicles, \$50,000,000, to remain available until expended.

CONSTRUCTION AND EQUIPMENT

For construction and equipment at laboratories and other installations of the National Aeronautics and Space Administration and for the acquisition or condemnation of real property, as authorized by law, \$25,000,000, to remain available until expended.

No appropriation may be made to the National Aeronautics and Space Administration for any period prior to June 30, 1960, unless previously authorized by legislation hereafter enacted by the Congress.

NATIONAL SCIENCE FOUNDATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$4,000,000, to remain available until expended.

INTERNATIONAL GEOPHYSICAL YEAR

For an additional amount for "International Geophysical Year", \$2,500,000, to remain available until June 30, 1960.

VETERANS ADMINISTRATION

GENERAL OPERATING EXPENSES

For an additional amount for "General operating expenses", \$5,000,000; and the limitation under this head in the Independent Offices Appropriation Act, 1959, on the amount available for expenses of travel of employees, is increased by \$200,000.

INPATIENT CARE

For an additional amount for "Inpatient care", \$3,400,000.

SOLDIERS' AND SAILORS' CIVIL RELIEF

For an additional amount for "Soldiers' and sailors' civil relief", \$1,300,000 to remain available until expended.

CHAPTER VIII

DEPARTMENT OF THE INTERIOR

DEPARTMENTAL OFFICES

OFFICE OF SALINE WATER

Salaries and Expenses

For an additional amount for "Salaries and expenses", \$345,000.

OFFICE OF MINERALS EXPLORATION

SALARIES AND EXPENSES

For expenses necessary to provide a program for the discovery of the minerals reserves of the United States, its Territories and possessions, by encouraging exploration for minerals, including administration of contracts entered into prior to June 30, 1958, under section 303 of the Defense Production Act of 1950, as amended; hire of passenger motor vehicles; services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), when authorized by the Secretary, at rates not to exceed \$75 per diem for individuals; and attendance at meetings concerned with the purposes of this appropriation, \$4,000,000, of which \$37,000 shall be transferred to the appropriation "Salaries and expenses", Office of the Solicitor, fiscal year 1959: *Provided*, That this paragraph shall be effective only upon enactment into law of S. 3817, Eighty-fifth Congress, or similar legislation.

64 Stat. 801.
50 U.S.C. app.
2093.

60 Stat. 810.

Ante, p. 700.

OFFICE OF OIL AND GAS

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses," \$18,500.

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For an additional amount for "Management of lands and resources", \$885,000.

BUREAU OF INDIAN AFFAIRS

ROAD CONSTRUCTION AND MAINTENANCE (LIQUIDATION OF CONTRACT AUTHORIZATION)

For an additional amount for "Road construction and maintenance (liquidation of contract authorization)", \$4,000,000, to remain available until expended.

GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for "Surveys, investigations, and research", \$1,500,000.

BUREAU OF MINES

CONSERVATION AND DEVELOPMENT OF MINERAL RESOURCES

For an additional amount for "Conservation and development of mineral resources", \$1,250,000.

CONSTRUCTION

For an additional amount for "Construction", \$10,905,000, to remain available until expended.

NATIONAL PARK SERVICE

MANAGEMENT AND PROTECTION

For an additional amount, \$50,000 and not to exceed \$20,000 and not to exceed \$25,000 of the appropriations under this head in the Department of the Interior and Related Agencies Appropriation Acts, 1957 and 1958 (Public Laws 573, Eighty-fourth Congress and 85-77) respectively, shall be available during the current fiscal year for reimbursements to the District of Columbia for benefit payments made for those fiscal years pursuant to the Act of August 21, 1957 (71 Stat. 399): *Provided*, That any costs in excess of the amounts stated herein shall be reimbursed from this appropriation for the current fiscal year.

70 Stat. 262.
71 Stat. 262.

CONSTRUCTION (LIQUIDATION OF CONTRACT AUTHORIZATION)

For an additional amount for "Construction (Liquidation of Contract Authorization)", \$8,000,000 to remain available until expended.

FISH AND WILDLIFE SERVICE

BUREAU OF SPORT FISHERIES AND WILDLIFE

MANAGEMENT AND INVESTIGATIONS OF RESOURCES

For an additional amount for "Management and Investigations of Resources", \$125,000.

BUREAU OF COMMERCIAL FISHERIES

Management and Investigations of Resources

For an additional amount for "Management and investigations of resources", \$85,000.

Administration of Pribilof Islands

In addition to the appropriation under this head in the Department of the Interior and Related Agencies Appropriation Act, 1959 (Public Law 85-439), there is hereby appropriated \$601,250 of the proceeds covered into the Treasury during the fiscal year 1959 from the June 7, 1958, sale of sealskins: *Provided*, That of said appropriation not to exceed \$300,625 shall be transferred to and merged with the appropriation "Management and investigations of resources, Bureau of Sport Fisheries and Wildlife," for fiscal year 1959 and not to exceed \$300,625 shall be transferred to and merged with the appropriation "Management and investigations of resources, Bureau of Commercial Fisheries," for fiscal year 1959.

Ante, p. 162.

RELATED AGENCIES

ALASKA INTERNATIONAL RAIL AND HIGHWAY COMMISSION

SALARIES AND EXPENSES

48 USC 338.

For expenses necessary for the Alaska International Rail and Highway Commission, established by the Act of August 1, 1956 (70 Stat. 888), as amended, \$40,000.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$52,800.

HISTORICAL AND MEMORIAL COMMISSIONS

BOSTON NATIONAL HISTORIC SITES COMMISSION

For expenses necessary to carry out the provisions of the Act of June 16, 1955 (69 Stat. 136), as amended, \$20,000.

CIVIL WAR CENTENNIAL COMMISSION

36 USC 741.

For expenses necessary to carry out the provisions of the Act of September 7, 1957 (71 Stat. 626), \$63,000, together with the unobligated balance remaining from the 1958 appropriation for this purpose.

HUDSON-CHAMPLAIN CELEBRATION COMMISSION

Ante, p. 54.

For expenses necessary to carry out the provisions of the Act of August 8, 1958 (Public Law 85-614), \$50,000, to remain available until March 1, 1960.

LINCOLN SESQUICENTENNIAL COMMISSION

For expenses necessary to carry out the provisions of the Act of September 2, 1957 (71 Stat. 587), \$350,000.

OUTDOOR RECREATION RESOURCES REVIEW COMMISSION

Ante, p. 238.

For expenses necessary to carry out the provisions of the Act of June 28, 1958 (Public Law 85-470), \$50,000, to remain available until expended.

CHAPTER IX

DEPARTMENT OF LABOR

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$110,000.

BUREAU OF EMPLOYMENT SECURITY

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$300,000.

GRANTS TO STATES FOR UNEMPLOYMENT COMPENSATION
AND EMPLOYMENT SERVICE ADMINISTRATION

For an additional amount for "Grants to States for unemployment compensation and employment service administration", \$20,600,000, of which \$14,200,000 shall be available only to the extent necessary to meet increased costs of administration resulting from changes in a State law or increases in the number of claims filed and claims paid or increased salary costs resulting from changes in State salary compensation plans embracing employees of the State generally over those upon which the State's basic grant (or the allocation for the District of Columbia) was based, which increased costs of administration cannot be provided for by normal budgetary adjustments.

UNEMPLOYMENT COMPENSATION FOR VETERANS

For an additional amount for "Unemployment compensation for veterans", \$37,700,000.

UNEMPLOYMENT COMPENSATION FOR FEDERAL EMPLOYEES

For an additional amount for "Unemployment compensation for Federal employees", \$36,300,000.

DEPARTMENT OF HEALTH, EDUCATION, AND
WELFARE

GALLAUDET COLLEGE

SALARIES AND EXPENSES

For an additional amount, fiscal year 1958, for "Salaries and expenses", for payment of retroactive pay increases granted by administrative action for the maintenance and administrative staff, comparable to those authorized by the Federal Employees Salary Increase Act of 1958 (Public Law 85-462, approved June 20, 1958), \$15,000.

Ante, p. 203.

For an additional amount for "Salaries and expenses", \$34,000.

HOWARD UNIVERSITY

SALARIES AND EXPENSES

For an additional amount, fiscal year 1958, for "Salaries and expenses", for payment of retroactive pay increases granted by administrative action, comparable to those authorized by the Federal Employees Salary Increase Act of 1958 (Public Law 85-462, approved June 20, 1958), \$182,500.

Ante, p. 203.

For an additional amount for "Salaries and expenses", \$396,600.

OFFICE OF EDUCATION

ASSISTANCE FOR SCHOOL CONSTRUCTION

For an additional amount for providing school facilities and for grants to local educational agencies in federally affected areas, as authorized by the Act of September 23, 1950, as amended (20 U. S. C., ch. 14), including not to exceed \$200,000 for necessary expenses during the current fiscal year of technical services rendered by other agencies, \$50,000,000, to remain available until expended: *Provided*, That no part of this appropriation shall be available for salaries or other direct expenses of the Department of Health, Education, and Welfare.

64 Stat. 967.

PAYMENTS TO SCHOOL DISTRICTS

64 Stat. 1100.

For payments to local educational agencies for the maintenance and operation of schools as authorized by the Act of September 30, 1950, as amended (20 U. S. C., ch. 13), \$130,000,000: *Provided*, That this appropriation shall also be available for carrying out the provisions of section 6 of such Act.

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$186,500.

SAINT ELIZABETHS HOSPITAL

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$32,000.

SOCIAL SECURITY ADMINISTRATION

LIMITATION ON SALARIES AND EXPENSES, BUREAU OF OLD-AGE AND SURVIVORS INSURANCE

Ante, p. 471.

42 USC 401-410,
420, 421.

The amount authorized by the Departments of Labor, and Health, Education, and Welfare Appropriation Act, 1959, to be expended from the Federal old-age and survivors insurance trust fund for necessary expenses, is increased by \$5,831,000: *Provided*, That persons who have been admitted to practice before a Federal or State court of record who have had a minimum of three years' experience in the adjudication or consideration of claims for retirement, survivors, or disability benefits may be temporarily appointed by the Commissioner of Social Security to hold hearings under title II of the Social Security Act, as amended, but such temporary appointments shall terminate not later than December 31, 1959: *Provided further*, That no person shall hold a hearing in any case with which he has been concerned previously in the administration of such title II.

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES, OFFICE OF FIELD ADMINISTRATION

Ante, p. 472.

The limitation under this head in the Departments of Labor, and Health, Education, and Welfare Appropriation Act, 1959, on the amount available for transfer from the Federal old-age and survivors insurance trust fund, is increased by \$18,000.

UNITED STATES SOLDIERS' HOME

LIMITATION ON OPERATION AND MAINTENANCE AND

CAPITAL OUTLAY

Ante, p. 475.

The amount authorized by the Departments of Labor, and Health, Education, and Welfare Appropriation Act, 1959, to be paid from the Soldiers' Home permanent fund, for maintenance and operation of the Home, is increased by \$232,000, of which \$125,000 shall remain available until June 30, 1960, for construction planning.

CHAPTER X
LEGISLATIVE BRANCH

SENATE

SALARIES, OFFICERS AND EMPLOYEES

COMMITTEE EMPLOYEES

For an additional amount for professional and clerical assistance to standing committees, \$102,160.

CONTINGENT EXPENSES OF THE SENATE

COMMITTEE ON RULES AND ADMINISTRATION

For compiling, preparing, and indexing material for the Senate Manual, \$200, which amount may be paid as additional compensation to any employee of the United States.

INQUIRIES AND INVESTIGATIONS

For an additional amount for expenses of inquiries and investigations, fiscal year 1958, \$73,000.

For an additional amount for expenses of inquiries and investigations conducted pursuant to section 134 (a) of Public Law 601, Seventy-ninth Congress, \$10,000.

60 Stat. 831.

MISCELLANEOUS ITEMS

For an additional amount for miscellaneous items, fiscal year 1958, \$50,000, to be derived by transfer from the appropriation "Salaries, Officers and Employees, Senate," fiscal year 1958.

STATIONERY (REVOLVING FUND)

For an additional amount for stationery for committees of the Senate, \$300, to remain available until expended.

HOUSE OF REPRESENTATIVES

For payment to Katharine McVey, widow of William E. McVey, late a Representative from the State of Illinois, \$22,500.

CONTINGENT EXPENSES

Stationery (Revolving Fund)

For an additional amount for "Stationery (Revolving Fund)", for the second session of the Eighty-fifth Congress, \$262,800, as authorized by House Resolution 628, to remain available until expended.

ARCHITECT OF THE CAPITOL

CAPITOL BUILDINGS AND GROUNDS

EXTENSION OF ADDITIONAL SENATE OFFICE BUILDING SITE

To enable the Architect of the Capitol, under the direction of the Senate Office Building Commission, to carry out the provisions of Public Law 85-591, Eighty-fifth Congress, relating to the acquisition

Ante, p. 495.

of property in square 725 in the District of Columbia, including necessary incidental expenses, \$625,000, to remain available until expended.

EXPANSION OF FACILITIES, CAPITOL POWER PLANT

For expansion of the Capitol Power Plant facilities, \$750,000, to be expended by the Architect of the Capitol under the direction of the House Office Building Commission, to remain available until expended: *Provided*, That the provisions of this paragraph shall be effective only upon enactment into law of H. R. 12883, Eighty-fifth Congress.

LIBRARY OF CONGRESS

PRESERVATION OF EARLY AMERICAN MOTION PICTURES

For expenses necessary to enable the Librarian of Congress to provide for the conversion to safety base film of the George Kleine Collection of nitrate film, and the paper prints of early American motion pictures now in the custody of the Library, \$60,000.

GENERAL PROVISIONS

16 USC 590o.

Subsection (b) of section 502 of the Mutual Security Act of 1954, as amended, is amended as follows:

After the words "House of Representatives" the first time they appear, insert "and the Select Committee on Astronautics and Space Exploration of the House of Representatives and the Special Committee on Space and Astronautics of the Senate".

CHAPTER XI

ATOMIC ENERGY COMMISSION

OPERATING EXPENSES

42 USC 2011
note.

60 Stat. 810.

For necessary operating expenses of the Commission in carrying out the purposes of the Atomic Energy Act of 1954, as amended, including the employment of aliens; rental in or near the District of Columbia; services authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); purchase of equipment; purchase, maintenance, and operation of aircraft; publication and dissemination of atomic information; purchase, repair, and cleaning of uniforms; purchase of newspapers and periodicals (not to exceed \$6,000); official entertainment expenses (not to exceed \$30,000); not to exceed \$3,850,000 for expenses of travel, including expenses of attendance at meetings of organizations concerned with the function or activity for which this appropriation is made; reimbursement of the General Services Administration for security guard services; not to exceed \$46,800,000 for personal services; purchase (not to exceed four hundred and thirty-five for replacement only, including one at not to exceed \$3,500) and hire of passenger motor vehicles; \$2,397,406,000, together with the unexpended balances, as of June 30, 1958, of prior year appropriations made available under this head to the Atomic Energy Commission, and, in addition, any moneys (except sums received from disposal of property under the Atomic Energy Community Act of 1955 (42 U. S. C. 2301)) received by the Commission, notwithstanding the provisions of section 3617 of the Revised Statutes (31 U. S. C. 484): *Provided*, That of such amounts \$100,000 may be expended for objects of a confidential nature and in any such case the certificate of the Commission as to the amount of the expenditure and that it is deemed

69 Stat. 471.

inadvisable to specify the nature thereof shall be deemed a sufficient voucher for the sum therein expressed to have been expended: *Provided further*, That from this appropriation transfers of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further*, That of the funds appropriated herein, \$2,000,000 shall be transferred to and merged with funds appropriated to the National Science Foundation: *Provided further*, That \$3,000,000 of the funds appropriated in this paragraph shall be available only upon the enactment of S. 4273 or H. R. 13749 for research and development costs in connection with agreements for cooperation with the European Atomic Energy Community: *Provided further*, That no part of this appropriation shall be used in connection with the payment of a fixed fee to any contractor or firm of contractors engaged under a cost-plus-a-fixed-fee contract or contracts at any installation of the Commission, where that fee for community management is at a rate in excess of \$90,000 per annum, or for the operation of a transportation system where that fee is at a rate in excess of \$45,000 per annum.

PLANT ACQUISITION AND CONSTRUCTION

For expenses of the Commission, as authorized by law, in connection with the purchase and construction of plant and other expenses incidental thereto necessary in carrying out the purposes of the Atomic Energy Act of 1954, as amended, including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and hire of passenger motor vehicles; \$249,929,000, to remain available until expended.

42 USC 2011
note.

GENERAL PROVISIONS

Any appropriation available under this or any other Act to the Atomic Energy Commission may initially be used subject to limitations in this Act during the fiscal year 1959 to finance the procurement of materials, services, or other costs which are a part of work or activities for which funds have been provided in any other appropriation available to the Commission: *Provided*, That appropriate transfers or adjustments between such appropriations shall subsequently be made for such costs on the basis of actual application determined in accordance with general accepted accounting principles.

Not to exceed 5 per centum of any appropriation herein made to the Atomic Energy Commission may be transferred to any other such appropriation, but no such appropriation shall be increased by more than 5 per centum by any such transfers, and any such transfers shall be reported promptly to the Appropriations Committees of the House and Senate.

No part of any appropriation herein made to the Atomic Energy Commission shall be used to confer a fellowship on any person who advocates or who is a member of an organization or party that advocates the overthrow of the Government of the United States by force or violence or with respect to whom the Commission finds, upon investigation and report by the Civil Service Commission on the character, associations, and loyalty of whom, that reasonable grounds exist for belief that such person is disloyal to the Government of the United States: *Provided*, That any person who advocates or who is a member of an organization or party that advocates the overthrow

of the Government of the United States by force or violence and accepts employment or a fellowship the salary, wages, stipend, grant, or expenses for which are paid from any appropriation contained herein shall be guilty of a felony and, upon conviction, shall be fined not more than \$1,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law.

CHAPTER XII

PUBLIC WORKS

DEPARTMENT OF DEFENSE—CIVIL FUNCTIONS

RIVERS AND HARBORS AND FLOOD CONTROL

Operation and Maintenance, General

For an additional amount for "Operation and Maintenance, General", \$70,000.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

LOAN PROGRAM

For an additional amount, \$4,203,000.

CHAPTER XIII

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$550,000.

PAYMENT TO GOVERNMENT OF DENMARK

For payment of claims of the Government of Denmark, as authorized by the Act of June 6, 1958 (Public Law 85-450), \$5,296,302.

Ante, p. 182.

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES AND GENERAL ADMINISTRATION

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for "Salaries and expenses, general legal activities", \$200,000.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS AND MARSHALS

For an additional amount, fiscal year 1958, for "Salaries and expenses, United States attorneys and marshals", not to exceed \$100,000, to be derived by transfer from any appropriation available to the Department of Justice for the fiscal year 1958.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES, BUREAU OF PRISONS

For an additional amount for "Salaries and expenses, Bureau of Prisons", \$2,066,000.

UNITED STATES INFORMATION AGENCY

ACQUISITION AND CONSTRUCTION OF RADIO FACILITIES

For an additional amount for "Acquisition and construction of radio facilities", \$10,000,000, to remain available until expended.

PAYMENT TO INFORMATIONAL MEDIA GUARANTY FUND

For payment to the "Informational media guaranty fund", for partial restoration of realized impairment to the capital used in carrying on the authority to make informational media guaranties, as provided in section 1011 of the United States Information and Educational Exchange Act of 1948, as amended (22 U. S. C. 1442), \$2,500,000.

CHAPTER XIV

TREASURY DEPARTMENT

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For an additional amount for "Administering the public debt", \$1,500,000.

UNITED STATES SECRET SERVICE

CONTRIBUTION FOR ANNUITY BENEFITS

For reimbursement (not heretofore made), pursuant to section 6 of the Act of August 21, 1957 (71 Stat. 399), and effective in accordance with section 8 of such Act, to the District of Columbia, on a monthly basis, for benefit payments made from revenues of the District of Columbia to or for members of the White House Police force and such members of the United States Secret Service Division as have been or may hereafter become entitled to benefits under the Policemen and Firemen's Retirement and Disability Act, such amounts as hereafter may be necessary: *Provided*, That hereafter the appropriation granted under this head in the Treasury Department Appropriation Act, 1951 (64 Stat. 638), shall not be available.

D. C. Code 4-521
note.

COAST GUARD

OPERATING EXPENSES

Appropriations under this head shall be available for payment of claims as authorized by Public Law 85-255, approved September 2, 1957.

71 Stat. 575.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for "Acquisition, construction, and improvements", \$150,000, to remain available until expended.

CHAPTER XV

CLAIMS FOR DAMAGES, AUDITED CLAIMS, AND
JUDGMENTS

For payment of claims for damages as settled and determined by departments and agencies in accord with law, audited claims certified to be due by the General Accounting Office, and judgments rendered against the United States by United States district courts and the United States Court of Claims, as set forth in Senate Document Numbered 112, and House Document Numbered 418, Eighty-fifth Congress, \$14,223,316, together with such amounts as may be necessary to pay interest (as and when specified in such judgments or in certain of the settlements of the General Accounting Office or provided by law) and such additional sums due to increases in rates of exchange as may be necessary to pay claims in foreign currency: *Provided*, That no judgment herein appropriated for shall be paid until it shall have become final and conclusive against the United States by failure of the parties to appeal or otherwise: *Provided further*, That, unless otherwise specifically required by law or by the judgment, payment of interest wherever appropriated for herein shall not continue for more than thirty days after the date of approval of this Act.

CHAPTER XVI

GENERAL PROVISIONS

Ante, p. 243.

Ante, p. 480.

Ante, p. 244.

SEC. 1601. The provisions of title II of Public Law 85-472, approved June 30, 1958, shall apply also to costs in the fiscal year 1957 and 1958 of pay increases granted by or pursuant to Public Law 85-584 and 85- and 85- : *Provided*, That for the purposes of this paragraph the limitation for the warranting of appropriations and transferring of appropriations contained in section 206 (b) of title II of Public Law 85-472 shall be extended to September 30, 1958: *Provided further*, That the portion of this paragraph applicable to teachers and pension increases for policemen, firemen, and their widows and orphans shall be effective only upon enactment into law of H. R. 13132 and H. R. 7450, or similar legislation.

SEC. 1602. No part of the funds appropriated in this (or any other) Act shall be used to pay (1) any person, firm, or corporation, or any combinations of persons, firms, or corporations, to conduct a study or to plan when and how or in what circumstances the Government of the United States should surrender this country and its people to any foreign power, (2) the salary or compensation of any employee or official of the Government of the United States who proposes or contracts or who has entered into contracts for the making of studies or plans for the surrender by the Government of the United States of this country and its people to any foreign power in any event or under any circumstances.

Approved August 27, 1958.

Public Law 85-767

AN ACT

To revise, codify, and enact into law, title 23 of the United States Code, entitled "Highways".

August 27, 1958
[H. R. 12776]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the laws relating to highways are revised, codified, and reenacted as Title 23, United States Code, "Highways" and may be cited as "Title 23, United States Code, § —", as follows:

Title 23, U. S. Code. Codification and enactment into law.

TITLE 23—HIGHWAYS

CHAPTER	Sec.
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CHAPTER 1—FEDERAL-AID HIGHWAYS

Sec.
101. Definitions and declaration of policy.
102. Authorizations.
103. Federal-aid systems.
104. Apportionment.
105. Programs.
106. Plans, specifications, and estimates.
107. Acquisition of rights-of-way—Interstate System.
108. Advance acquisition of rights-of-way.
109. Standards.
110. Project agreements.
111. Use of and access to rights-of-way—Interstate System.
112. Letting of contracts.
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114. Construction.
115. Construction by States in advance of apportionment—Interstate System.
116. Maintenance.
117. Secondary road responsibility.
118. Availability of sums apportioned.
119. Administration of Federal-aid for highways in Alaska.
120. Federal share payable.
121. Payment to States for construction.
122. Payment to States for bond retirement.
123. Relocation of utility facilities.
124. Advances to States.
125. Emergency relief.
126. Diversion.
127. Vehicle weight and width limitations—Interstate System.
128. Public hearings.
129. Toll roads, bridges, and tunnels.
130. Railway-highway crossings.
131. Areas adjacent to the Interstate System.

§ 101. Definitions and declaration of policy

(a) As used in this title, unless the context requires otherwise—

The term "apportionment" in accordance with section 104 of this title includes unexpended apportionments made under prior acts.

The term "construction" means the supervising, inspecting, actual building, and all expenses incidental to the construction or reconstruction of a highway, including locating, surveying, and mapping (including the establishment of temporary and permanent geodetic markers in accordance with specifications of the Coast and Geodetic Survey in the Department of Commerce), costs of rights-of-way, and elimination of hazards of railway-grade crossings.

The term "county" includes corresponding units of government under any other name in States which do not have county organizations, and likewise in those States in which the county government does not have jurisdiction over highways it may be construed to mean any local government unit vested with jurisdiction over local highways.

The term "forest road or trail" means a road or trail wholly or partly within or adjacent to and serving the national forests.

The term "forest development roads and trails" means those forest roads or trails of primary importance for the protection, administration, and utilization of the national forests, or where necessary, for the use and development of the resources upon which communities within or adjacent to the national forests are dependent.

The term "forest highway" means a forest road which is of primary importance to the States, counties, or communities within, adjoining, or adjacent to the national forests.

The term "highway" includes roads, streets, and parkways, and also includes rights-of-way, bridges, railroad-highway crossings, tunnels, drainage structures, signs, guardrails, and protective structures, in connection with highways. It further includes that portion of any interstate or international bridge or tunnel and the approaches thereto, the cost of which is assumed by a State highway department including such facilities as may be required by the United States Customs and Immigration Services in connection with the operation of an international bridge or tunnel.

The term "Federal-aid highways" means highways located on one of the Federal-aid systems described in section 103 of this title.

The term "Indian reservation roads and bridges" means roads and bridges that are located within an Indian reservation or that provide access to an Indian reservation or Indian land, and that are jointly designated by the Secretary of the Interior and the Secretary as a part of the Indian Bureau road system.

The term "maintenance" means the preservation of the entire highway, including surface, shoulders, roadsides, structures, and such traffic-control devices as are necessary for its safe and efficient utilization.

The term "park roads and trails" means those roads or trails, including the necessary bridges, located in national parks or monuments, now or hereafter established, or in other areas administered by the National Park Service of the Department of the Interior (excluding parkways authorized by Acts of Congress) and also including approach roads to national parks or monuments authorized by the Act of January 31, 1931 (46 Stat. 1053), as amended.

The term "parkway" as used in chapter 2 of this title, means a parkway authorized by an Act of Congress on lands to which title is vested in the United States.

The term "project" means an undertaking to construct a particular portion of a highway, or if the context so implies, the particular portion of a highway so constructed.

The term "project agreement" means the formal instrument to be executed by the State highway department and the Secretary as required by the provisions of subsection (a) of section 110 of this title.

The term "public lands highways" means main highways through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations.

The term "rural areas" means all areas of a State not included in urban areas.

The term "Secretary" means Secretary of Commerce.

The term "State" means any one of the forty-eight States, the District of Columbia, Hawaii, Alaska, or Puerto Rico.

The term "State funds" includes funds raised under the authority of the State or any political or other subdivision thereof, and made available for expenditure under the direct control of the State highway department.

The term "State highway department" means that department, commission, board, or official of any State charged by its laws with the responsibility for highway construction.

The term "Federal-aid system" means any one of the Federal-aid highway systems described in section 103 of this title.

The term "Federal-aid primary system" means the Federal-aid highway system described in subsection (b) of section 103 of this title.

The term "Federal-aid secondary system" means the Federal-aid highway system described in subsection (c) of section 103 of this title.

The term "Interstate System" means the National System of Interstate and Defense Highways described in subsection (d) of section 103 of this title.

The term "urban area" means an area including and adjacent to a municipality or other urban place having a population of five thousand or more, as determined by the latest available Federal census, within boundaries to be fixed by a State highway department subject to the approval of the Secretary.

(b) It is hereby declared to be in the national interest to accelerate the construction of the Federal-aid highway systems, including the National System of Interstate and Defense Highways, since many of such highways, or portions thereof, are in fact inadequate to meet the needs of local and interstate commerce, for the national and civil defense.

It is hereby declared that the prompt and early completion of the National System of Interstate and Defense Highways, so named because of its primary importance to the national defense and hereafter referred to as the "Interstate System", is essential to the national interest and is one of the most important objectives of this Act. It is the intent of Congress that the Interstate System be completed as nearly as practicable over the period of availability of the thirteen years' appropriations authorized for the purpose of expediting its construction, reconstruction, or improvement, inclusive of necessary tunnels and bridges, through the fiscal year ending June 30, 1969, under section 108 (b) of the Federal-Aid Highway Act of 1956 (70 Stat. 374), and that the entire System in all States be brought to simultaneous completion. Insofar as possible in consonance with this objective, existing highways located on an interstate route shall be used to the extent that such use is practicable, suitable, and feasible, it being the intent that local needs, to the extent practicable, suitable, and feasible, shall be given equal consideration with the needs of interstate commerce.

23 USC 158.

§ 102. Authorizations

The provisions of this title apply to all unappropriated authorizations contained in prior Acts, and also to all unexpended appropriations heretofore made, providing for the expenditure of Federal funds upon the Federal-aid systems. All such authorizations and appropriations shall continue in full force and effect, but hereafter obligations entered into and expenditures made pursuant thereto shall be subject to the provisions of this title.

§ 103. Federal-aid systems

(a) For the purposes of this title, the three Federal-aid systems, the primary and secondary systems, and the Interstate System, are continued pursuant to the provisions of this section.

(b) The Federal-aid primary system shall consist of an adequate system of connected main highways, selected or designated by each State through its State highway department, subject to the approval of the Secretary as provided by subsection (e) of this section. This system shall not exceed 7 per centum of the total highway mileage of such State, exclusive of mileage within national forests, Indian, or other Federal reservations and within urban areas, as shown by the records of the State highway department on November 9, 1921. Whenever provision has been made by any State for the completion and maintenance of 90 per centum of its Federal-aid primary system, as originally designated, said State through its State highway department by and with the approval of the Secretary is authorized to increase the mileage of its Federal-aid primary system by additional mileage equal to not more than 1 per centum of the total mileage of said State as shown by the records on November 9, 1921. Thereafter, it may make like 1 per centum increases in the mileage of its Federal-aid primary system whenever provision has been made for the completion and maintenance of 90 per centum of the entire system, including the additional mileage previously authorized. This system may be located both in rural and urban areas. The mileage limitations in this paragraph shall not apply to the District of Columbia, Hawaii, Alaska, or Puerto Rico.

(c) The Federal-aid secondary system shall be selected by the State highway departments and the appropriate local road officials in cooperation with each other, subject to approval by the Secretary as provided in subsection (e) of this section. In making such selections, farm-to-market roads, rural mail routes, public school bus routes, local rural roads, county roads, township roads, and roads of the county road class may be included, so long as they are not on the Federal-aid primary system or the Interstate System. This system shall be confined to rural areas, except (1) that in any State having a population density of more than two hundred per square mile as shown by the latest available Federal census, the system may include mileage in urban areas as well as rural, and (2) that the system may be extended into urban areas subject to the conditions that any such extension passes through the urban area or connects with another Federal-aid system within the urban area, and that Federal participation in projects on such extensions is limited to urban funds.

(d) The Interstate System shall be designated within the continental United States and it shall not exceed forty-one thousand miles in total extent. It shall be so located as to connect by routes, as direct as practicable, the principal metropolitan areas, cities, and industrial centers, to serve the national defense, and to connect at suitable border points with routes of continental importance in the Dominion of Canada and the Republic of Mexico. The routes of this system shall be selected by joint action of the State highway departments of each State and the adjoining States, subject to approval by the Secretary as provided in subsection (e) of this section. All highways or routes included in the Interstate System as finally approved, if not already coincident with the primary system, shall be added to said system without regard to the mileage limitation set forth in subsection (b) of this section. This system may be located both in rural and urban areas.

(e) The Secretary shall have authority to approve in whole or in part the Federal-aid primary system, the Federal-aid secondary system, and the Interstate System, as and when such systems or portions thereof are designated, or to require modifications or revisions thereof. No Federal-aid system or portion thereof shall be eligible for projects in which Federal funds participate until approved by the Secretary.

(f) The system or systems of roads in the Territory of Alaska on which Federal-aid funds may be expended under this chapter shall be determined and agreed upon by the Governor of Alaska, the Alaska Highway and Public Works Board, and the Secretary.

(g) The system of highways on which funds apportioned to the Territory of Hawaii under this chapter shall be expended may be determined and agreed upon by the Governor of said Territory and the Secretary.

§ 104. Apportionment

(a) Whenever an apportionment is made of the sums authorized to be appropriated for expenditure upon the Federal-aid systems, the Secretary shall deduct a sum, in such amount not to exceed $3\frac{3}{4}$ per centum of all sums so authorized, as the Secretary may deem necessary for administering the provisions of law to be financed from appropriations for the Federal-aid systems and for carrying on the research authorized by subsections (a) and (b) of section 307 of this title. In making such determination, the Secretary shall take into account the unexpended balance of any sums deducted for such purposes in prior years. The sum so deducted shall be available for expenditure from the unexpended balance of any appropriation made at any time for expenditure upon the Federal-aid systems, until such sum has been expended.

(b) On or before January 1 next preceding the commencement of each fiscal year, except as provided in paragraphs (4) and (5) of this subsection, the Secretary, after making the deduction authorized by subsection (a) of this section, shall apportion the remainder of the sums authorized to be appropriated for expenditure upon the Federal-aid systems for that fiscal year, among the several States in the following manner:

(1) For the Federal-aid primary system:

One-third in the ratio which the area of each State bears to the total area of all the States, except that only one-third of the area of Alaska shall be included; one-third in the ratio which the population of each State bears to the total population of all the States as shown by the latest available Federal census; one-third in the ratio which the mileage of rural delivery routes and star routes in each State bears to the total mileage of rural delivery and star routes in all the States at the close of the next preceding fiscal year, as shown by a certificate of the Postmaster General, which he is directed to make and furnish annually to the Secretary. No State shall receive less than one-half of 1 per centum of each year's apportionment.

(2) For the Federal-aid secondary system:

One-third in the ratio which the area of each State bears to the total area of all the States, except that only one-third of the area of Alaska shall be included; one-third in the ratio which the rural population of each State bears to the total rural population of all the States as shown by the latest available Federal census; and one-third in the ratio which the mileage of rural delivery and star routes, certified as above provided, in each State bears to the total mileage of rural delivery and star routes in all the States. No State shall receive less than one-half of 1 per centum of each year's apportionment.

(3) For extensions of the Federal-aid primary and Federal-aid secondary systems within urban areas:

In the ratio which the population in municipalities and other urban places, of five thousand or more, in each State bears to the total population in municipalities and other urban places of five thousand or more in all the States, as shown by the latest

available Federal census. For the purpose of this paragraph, Connecticut and Vermont towns shall be considered municipalities regardless of their incorporated status.

(4) For the Interstate System, for the fiscal years ending June 30, 1957, June 30, 1958, and June 30, 1959:

One-half in the ratio which the population of each State bears to the total population of all the States as shown by the latest available Federal census, except that no States shall receive less than three-fourths of 1 per centum of the funds so apportioned; and one-half in the manner provided in paragraph (1) of this subsection. The sums authorized by section 108 (b) of the Federal-Aid Highway Act of 1956 for the fiscal years ending June 30, 1958, and June 30, 1959, shall be apportioned on a date not less than six months and not more than twelve months in advance of the beginning of the fiscal year for which authorized.

(5) For the Interstate System for the fiscal years 1960 through 1969:

In the ratio which the estimated cost of completing the Interstate System in each State, as determined and approved in the manner provided in this paragraph, bears to the sum of the estimated cost of completing the Interstate System in all of the States. Each apportionment herein authorized for the fiscal years 1960 through 1969, inclusive, shall be made on a date as far in advance of the beginning of the fiscal year for which authorized as practicable but in no case more than eighteen months prior to the beginning of the fiscal year for which authorized. As soon as the standards provided for in subsection (b) of section 109 of this title have been adopted, the Secretary, in cooperation with the State highway departments, shall make a detailed estimate of the cost of completing the Interstate System as then designated, after taking into account all previous apportionments made under this section, based upon such standards and in accordance with rules and regulations adopted by him and applied uniformly to all of the States. The Secretary shall transmit such estimates to the Senate and the House of Representatives within ten days subsequent to January 2, 1958. Upon approval of such estimate by the Congress by concurrent resolution, the Secretary shall use such approved estimate in making apportionments for the fiscal years ending June 30, 1960, June 30, 1961, and June 30, 1962. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System, after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1962. Upon approval of such estimate by the Congress by concurrent resolution, the Secretary shall use such approved estimate in making apportionments for the fiscal years ending June 30, 1963, June 30, 1964, June 30, 1965, and June 30, 1966. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System, after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1966, and annually thereafter through and including January 2, 1968. Upon approval of any such estimate by the Congress by concurrent resolution, the Secretary shall use such approved estimate in making apportionments for the fiscal year which begins next following the fiscal year in which such report is transmitted to the Senate and the House of Representatives. Whenever the Secretary, pursuant to this subsection, requests and

70 Stat. 378.
23 USC 158.

Transmittal of
estimates to Con-
gress.

receives estimates of cost from the State highway departments, he shall furnish copies of such estimates at the same time to the Senate and the House of Representatives. In making the estimates of cost for completing the Interstate System as provided in this paragraph, the cost of completing any mileage designated from the one thousand additional miles authorized by section 108 (1) of the Federal-Aid Highway Act of 1956 shall be excluded.

70 Stat. 381.
23 USC 157 and
note.

(c) Not more than 20 per centum of the amount apportioned in any fiscal year, commencing with the apportionment of funds authorized to be appropriated under subsection (a) of section 102 of the Federal-Aid Highway Act of 1956 (70 Stat. 374), to each State in accordance with paragraphs (1), (2), or (3) of subsection (b) of this section may be transferred from the apportionment under one paragraph to the apportionment under any other of such paragraphs if such a transfer is requested by the State highway department and is approved by the Governor of such State and the Secretary as being in the public interest. The total of such transfers shall not increase the original apportionment under any of such paragraphs by more than 20 per centum. Nothing contained in this subsection shall alter or impair the authority contained in subsection (d) of this section.

23 USC 151.

(d) Any funds which are apportioned under paragraph (2) of subsection (b) of this section for the Federal-aid secondary system to a State in which all public roads and highways are under the control and supervision of the State highway department may, if the State highway department and the Secretary jointly agree that such funds are not needed for the Federal-aid secondary system, be expended for projects on another Federal-aid system.

(e) On or before January 1 preceding the commencement of each fiscal year, the Secretary shall certify to each of the State highway departments the sums which he has apportioned hereunder to each State for such fiscal year, and also the sums which he has deducted for administration and research pursuant to subsection (a) of this section.

§ 105. Programs

(a) As soon as practicable after the apportionments for the Federal-aid systems have been made for any fiscal year, the State highway department of any State desiring to avail itself of the benefits of this chapter shall submit to the Secretary for his approval a program or programs of proposed projects for the utilization of the funds apportioned. The Secretary shall act upon programs submitted to him as soon as practicable after the same have been submitted. The Secretary may approve a program in whole or in part, but he shall not approve any project in a proposed program which is not located upon an approved Federal-aid system.

(b) In approving programs for projects on the Federal-aid secondary system, the Secretary shall require, except in States where all public roads and highways are under the control and supervision of the State highway department, that such project be selected by the State highway department and the appropriate local officials in cooperation with each other.

(c) In approving programs for projects on the Federal-aid primary system, the Secretary shall give preference to such projects as will expedite the completion of an adequate and connected system of highways interstate in character.

(d) In approving programs for projects under this chapter, the Secretary may give priority of approval to, and expedite the construction of, projects that are recommended as important to the

national defense by the Secretary of Defense, or other official authorized by the President to make such recommendation.

(e) In approving programs in Hawaii, the Secretary shall give preference to such projects as will expedite the completion of highways for the national defense or which will connect seaports with units of the national parks.

§ 106. Plans, specifications, and estimates

(a) Except as provided in section 117 of this title, the State highway department shall submit to the Secretary for his approval, as soon as practicable after program approval, such surveys, plans, specifications, and estimates for each proposed project included in an approved program as the Secretary may require. The Secretary shall act upon such surveys, plans, specifications, and estimates as soon as practicable after the same have been submitted, and his approval of any such project shall be deemed a contractual obligation of the Federal Government for the payment of its proportional contribution thereto. In taking such action, the Secretary shall be guided by the provisions of section 109 of this title.

(b) In addition to the approval required under subsection (a) of this section, proposed specifications for projects for construction on the Federal-aid secondary system, except in States where all public roads and highways are under the control and supervision of the State highway department, shall be determined by the State highway department and the appropriate local officials in cooperation with each other.

(c) Items included in any such estimate for construction engineering shall not exceed 10 per centum of the total estimated cost of the project, after excluding from such total estimated cost, the estimated costs of rights-of-way, preliminary engineering and construction engineering.

§ 107. Acquisition of rights-of-way—Interstate System

(a) In any case in which the Secretary is requested by a State to acquire lands or interests in lands (including within the term "interests in lands", the control of access thereto from adjoining lands) required by such State for right-of-way or other purposes in connection with the prosecution of any project for the construction, reconstruction, or improvement of any section of the Interstate System, the Secretary is authorized, in the name of the United States and prior to the approval of title by the Attorney General, to acquire, enter upon, and take possession of such lands or interests in lands by purchase, donation, condemnation, or otherwise in accordance with the laws of the United States (including the Act of February 26, 1931, 46 Stat. 1421), if—

(1) the Secretary has determined either that the State is unable to acquire necessary lands or interests in lands, or is unable to acquire such lands or interests in lands with sufficient promptness; and

(2) the State has agreed with the Secretary to pay, at such time as may be specified by the Secretary an amount equal to 10 per centum of the costs incurred by the Secretary, in acquiring such lands or interests in lands, or such lesser percentage which represents the State's pro rata share of project costs as determined in accordance with subsection (c) of section 120 of this title.

The authority granted by this section shall also apply to lands and interests in lands received as grants of land from the United States and owned or held by railroads or other corporations.

(b) The costs incurred by the Secretary in acquiring any such lands or interests in lands may include the cost of examination and

abstract of title, certificate of title, advertising, and any fees incidental to such acquisition. All costs incurred by the Secretary in connection with the acquisition of any such lands or interests in lands shall be paid from the funds for construction, reconstruction, or improvement of the Interstate System apportioned to the State upon the request of which such lands or interests in lands are acquired, and any sums paid to the Secretary by such State as its share of the costs of acquisition of such lands or interests in lands shall be deposited in the Treasury to the credit of the appropriation for Federal-aid highways and shall be credited to the amount apportioned to such State as its apportionment of funds for construction, reconstruction, or improvement of the Interstate System, or shall be deducted from other moneys due the State for reimbursement from funds authorized to be appropriated under section 108 (b) of the Federal-Aid Highway Act of 1956.

70 Stat. 378.
23 USC 158.

(c) The Secretary is further authorized and directed by proper deed, executed in the name of the United States, to convey any such lands or interests in lands acquired in any State under the provisions of this section, except the outside five feet of any such right-of-way in any State which does not provide control of access, to the State highway department of such State or such political subdivision thereof as its laws may provide, upon such terms and conditions as to such lands or interests in lands as may be agreed upon by the Secretary and the State highway department or political subdivisions to which the conveyance is to be made. Whenever the State makes provision for control of access satisfactory to the Secretary, the outside five feet then shall be conveyed to the State by the Secretary, as herein provided.

(d) Whenever rights-of-way, including control of access, on the Interstate System are required over lands or interests in lands owned by the United States, the Secretary may make such arrangements with the agency having jurisdiction over such lands as may be necessary to give the State or other person constructing the projects on such lands adequate rights-of-way and control of access thereto from adjoining lands, and any such agency is directed to cooperate with the Secretary in this connection.

§ 108. Advance acquisition of rights-of-way

(a) For the purpose of facilitating the acquisition of rights-of-way on any of the Federal-aid highway systems, including the Interstate System, in the most expeditious and economical manner, and recognizing that the acquisition of rights-of-way requires lengthy planning and negotiations if it is to be done at a reasonable cost, the Secretary, upon the request of the State highway department, is authorized to make available the funds apportioned to any State for expenditure on any of the Federal-aid highway systems, including the Interstate System, for acquisition of rights-of-way, in anticipation of construction and under such rules and regulations as the Secretary may prescribe. The agreement between the Secretary and the State highway department for the reimbursement of the cost of such rights-of-way shall provide for the actual construction of a road on such rights-of-way within a period not exceeding five years following the fiscal year in which such request is made.

(b) Federal participation in the cost of rights-of-way acquired under this section shall not exceed the Federal pro rata share applicable to the class of funds from which Federal reimbursement is made.

§ 109. Standards

(a) The Secretary shall not approve plans and specifications for proposed projects on any Federal-aid system if they fail to provide for a facility (1) that will adequately meet the existing and probable future traffic needs and conditions in a manner conducive to safety, durability, and economy of maintenance; (2) that will be designed and constructed in accordance with standards best suited to accomplish the foregoing objectives and to conform to the particular needs of each locality.

(b) The geometric and construction standards to be adopted for the Interstate System shall be those approved by the Secretary in cooperation with the State highway departments. Such standards shall be adequate to accommodate the types and volumes of traffic forecast for the year 1975. The right-of-way width of the Interstate System shall be adequate to permit construction of projects on the Interstate System up to such standards. The Secretary shall apply such standards uniformly throughout the States.

(c) Projects on the Federal-aid secondary system in which Federal funds participate shall be constructed according to specifications that will provide all-weather service and permit maintenance at a reasonable cost.

(d) On any highway project in which Federal funds hereafter participate, or on any such project constructed since December 20, 1944, the location, form and character of informational, regulatory and warning signs, curb and pavement or other markings, and traffic signals installed or placed by any public authority or other agency, shall be subject to the approval of the State highway department with the concurrence of the Secretary, who is directed to concur only in such installations as will promote the safe and efficient utilization of the highways.

(e) No funds shall be approved for expenditure on any Federal-aid highway, or highway affected under chapter 2 of this title, unless proper safety protective devices complying with safety standards determined by the Secretary at that time as being adequate shall be installed or be in operation at any highway and railroad grade crossing or drawbridge on that portion of the highway with respect to which such expenditures are to be made.

(f) The Secretary shall not, as a condition precedent to his approval under section 106 of this title, require any State to acquire title to, or control of, any marginal land along the proposed highway in addition to that reasonably necessary for road surfaces, median strips, gutters, ditches, and side slopes, and of sufficient width to provide service roads for adjacent property to permit safe access at controlled locations in order to expedite traffic, promote safety, and minimize roadside parking.

§ 110. Project agreements

(a) As soon as practicable after the plans, specifications, and estimates for a specific project have been approved, the Secretary shall enter into a formal project agreement with the State highway department concerning the construction and maintenance of such project. Such project agreement shall make provision for State funds required for the State's pro rata share of the cost of construction of such project and for the maintenance thereof after completion of construction.

(b) The Secretary may rely upon representations made by the State highway department with respect to the arrangements or agreements made by the State highway department and appropriate local officials where a part of the project is to be constructed at the expense of, or in cooperation with, local subdivisions of the State.

§ 111. Agreements relating to use of and access to rights-of-way— Interstate System

All agreements between the Secretary and the State highway department for the construction of projects on the Interstate System shall contain a clause providing that the State will not add any points of access to, or exit from, the project in addition to those approved by the Secretary in the plans for such project, without the prior approval of the Secretary. Such agreements shall also contain a clause providing that the State will not permit automotive service stations or other commercial establishments for serving motor vehicle users to be constructed or located on the rights-of-way of the Interstate System. Such agreements may, however, authorize a State or political subdivision thereof to use the airspace above and below the established grade line of the highway pavement for the parking of motor vehicles provided such use does not interfere in any way with the free flow of traffic on the Interstate System.

§ 112. Letting of contracts

(a) In all cases where the construction is to be performed by the State highway department or under its supervision, a request for submission of bids shall be made by advertisement unless some other method is approved by the Secretary. The Secretary shall require such plans and specifications and such methods of bidding as shall be effective in securing competition.

(b) Construction of each project, subject to the provisions of subsection (a) of this section, shall be performed by contract awarded by competitive bidding, unless the Secretary shall affirmatively find that, under the circumstances relating to such project, some other method is in the public interest. All such findings shall be reported promptly in writing to the Committees on Public Works of the Senate and the House of Representatives.

(c) The Secretary shall require as a condition precedent to his approval of each contract awarded by competitive bidding pursuant to subsection (b) of this section, and subject to the provisions of this section, a sworn statement, executed by, or on behalf of, the person, firm, association, or corporation to whom such contract is to be awarded, certifying that such person, firm, association, or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with such contract.

(d) No contract awarded by competitive bidding pursuant to subsection (b) of this section, and subject to the provisions of this section, shall be entered into by any State highway department or local subdivision of the State without compliance with the provisions of this section, and without the prior concurrence of the Secretary in the award thereof.

(e) The provisions of this section shall not be applicable to contracts for projects on the Federal-aid secondary system in those States where the Secretary has discharged his responsibility pursuant to section 117 of this title.

§ 113. Prevailing rate of wage—Interstate System

(a) The Secretary shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors or subcontractors on the initial construction work performed on highway projects on the Interstate System authorized under section 108 (b) of the Federal-Aid Highway Act of 1956, shall be paid wages at rates not less than those prevailing on the same type of work on similar construction in the immediate locality as determined by the Secretary

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49 Stat. 1011.

of Labor in accordance with the Act of August 30, 1935, known as the Davis-Bacon Act (40 U. S. C., sec. 276a).

(b) In carrying out the duties of subsection (a) of this section, the Secretary of Labor shall consult with the highway department of the State in which a project on the Interstate System is to be performed. After giving due regard to the information thus obtained, he shall make a predetermination of the minimum wages to be paid laborers and mechanics in accordance with the provisions of subsection (a) of this section which shall be set out in each project advertisement for bids and in each bid proposal form and shall be made a part of the contract covering the project.

§ 114. Construction

(a) The construction of any highways or portions of highways located on a Federal-aid system shall be undertaken by the respective State highway departments or under their direct supervision. Except as provided in section 117 of this title, such construction shall be subject to the inspection and approval of the Secretary. The construction work and labor in each State shall be performed under the direct supervision of the State highway department and in accordance with the laws of that State and applicable Federal laws. Construction may be begun as soon as funds are available for expenditure pursuant to subsection (a) of section 118 of this title.

(b) Convict labor shall not be used in such construction unless it is labor performed by convicts who are on parole or probation.

§ 115. Construction by States in advance of apportionment— Interstate System

(a) When a State has obligated all funds apportioned to it under subsection (b) (4) and (5) of section 104 of this title, and proceeds to construct any project without the aid of Federal funds, including one or more parts of any project, on the Interstate System as designated at that time, in accordance with all procedures and all requirements applicable to projects financed with Interstate System funds authorized to be appropriated under subsection (b) of section 108 of the Federal-Aid Highway Act of 1956, except insofar as such procedures and requirements limit a State to the construction of projects with the aid of Federal funds previously apportioned to it, the Secretary, upon application by such State and his approval of such application, is authorized to pay to such State the Federal share of the costs of construction of such project when additional funds are apportioned to such State under subsection (b) (4) and (5) of section 104 of this title if:

(1) prior to the construction of the project the Secretary shall have approved the plans and specifications therefor in the same manner as other projects on the Interstate System, and

(2) the project shall conform to the standards adopted under subsection (b) of section 109 of this title.

(b) In determining the apportionment for any fiscal year under the provisions of subsection (b) (5) of section 104 of this title, any such project constructed by a State without the aid of Federal funds shall not be considered completed until an application under the provisions of this section with respect to such project has been approved by the Secretary.

§ 116. Maintenance

(a) Except as provided in subsection (d) of this section, it shall be the duty of the State highway department to maintain, or cause to be maintained, any project constructed under the provisions of this chapter or constructed under the provisions of prior Acts. The

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State's obligation to the United States to maintain any such project shall cease when it no longer constitutes a part of a Federal-aid system.

(b) In any State wherein the State highway department is without legal authority to maintain a project constructed on the Federal-aid secondary system, or within a municipality, such highway department shall enter into a formal agreement for its maintenance with the appropriate officials of the county or municipality in which such project is located.

(c) If at any time the Secretary shall find that any project constructed under the provisions of this chapter, or constructed under the provisions of prior Acts, is not being properly maintained, he shall call such fact to the attention of the State highway department. If, within ninety days after receipt of such notice, such project has not been put in proper condition of maintenance, the Secretary shall withhold approval of further projects of all types in the entire State until such project shall have been put in proper condition of maintenance, unless such project is subject to an agreement pursuant to subsection (b) of this section, in which case approval shall be withheld only for secondary or urban projects in the county or municipality where such project is located.

(d) The Federal-aid funds apportioned to the Territory of Alaska and the funds contributed by the Territory under section 120 of this title may be expended for the maintenance of roads within the system or systems of roads agreed upon under section 103 (f) of this title under the same terms and conditions as for the construction of such roads.

§ 117. Secondary road responsibility

(a) The Secretary may, upon the request of any State highway department, discharge his responsibility relative to the plans, specifications, estimates, surveys, contract awards, design, inspection, and construction of all projects on the Federal-aid secondary system by his receiving and approving a certified statement by the State highway department setting forth that the plans, design, and construction for each such project are in accord with those standards and procedures which (1) were adopted by such State highway department, (2) were applicable to projects in this category, and (3) were approved by him.

(b) The Secretary shall not approve such standards and procedures unless they are in accordance with the provisions of subsection (b) of section 105, subsection (b) of section 106, and subsection (c) of section 109, of this title.

(c) Subsections (a) and (b) of this section shall not be construed to relieve the Secretary of his obligation to make a final inspection of each project after construction and to require an adequate showing of the estimated cost of construction and the actual cost of construction.

§ 118. Availability of sums apportioned

(a) On and after the date that the Secretary has certified to each State highway department the sums apportioned to each Federal-aid system or part thereof pursuant to an authorization under this title, or under prior Acts, such sums shall be available for expenditure under the provisions of this title.

(b) Such sums shall continue available for expenditure in that State for the appropriate Federal-aid system or part thereof for a period of two years after the close of the fiscal year for which such sums are authorized and any amounts so apportioned remaining unexpended at the end of such period shall lapse, except that any amount apportioned to the States for the Interstate System under subsection (b)

(4) and (5) of section 104 of this title remaining unexpended at the end of the period during which it is available under this section shall lapse and shall immediately be reapportioned among the other States in accordance with the provisions of subsection (b) (5) of section 104 of this title. Such sums for any fiscal year shall be deemed to be expended if a sum equal to the total of the sums apportioned to the State for such fiscal year and previous fiscal years is covered by formal project agreements providing for the expenditure of funds authorized by each Act which contains provisions authorizing the appropriation of funds for Federal-aid highways. Any Federal-aid highway funds released by the payment of the final voucher or by the modification of the formal project agreement shall be credited to the same class of funds, primary, secondary, urban, or interstate, previously apportioned to the State and be immediately available for expenditure.

(c) The total payments to any State shall not at any time during a current fiscal year exceed the total of all apportionments to such State in accordance with section 104 of this title for such fiscal year and all preceding fiscal years.

§ 119. Administration of Federal aid for highways in Alaska

(a) The Secretary shall administer the functions, duties, and authority pertaining to the construction, repair and maintenance of roads, tramways, ferries, bridges, trails, and other works in Alaska, conferred upon the Department of the Interior and, prior to September 16, 1956, administered by the Secretary of the Interior under the Act of June 30, 1932 (47 Stat. 446; 48 U. S. C., sec. 321a and following).

(b) The Secretary shall, by order or regulations, distribute the functions, duties, and authority required to be administered by him under subsection (a) of this section and appropriations pertaining thereto as he may deem proper to accomplish the economical and effective organization and administration thereof.

§ 120. Federal share payable

(a) Subject to the provisions of subsections (d) and (h) of this section, the Federal share payable on account of any project, financed with primary, secondary, or urban funds, on the Federal-aid primary system and the Federal-aid secondary system shall not exceed 50 per centum of the cost of construction, except that in the case of any State containing unappropriated and unreserved public lands and nontaxable Indian lands, individual and tribal, exceeding 5 per centum of the total area of all lands therein, the Federal share shall be increased by a percentage of the remaining cost equal to the percentage that the area of all such lands in such State, is of its total area.

(b) Subject to the provisions of subsection (d) of this section, the Federal share payable on account of any project, financed with interstate funds on the Interstate System, authorized to be appropriated prior to June 29, 1956, shall not exceed 60 per centum of the cost of construction, except that in the case of any State containing unappropriated and unreserved public lands and nontaxable Indian lands, individual and tribal, exceeding 5 per centum of the total area of all lands therein, the Federal share shall be increased by a percentage of the remaining cost equal to the percentage that the area of all such lands in such State, is of its total area. The provisions of subsection (a) of this section shall apply to any project financed with funds authorized by the provisions of section 2 of the Federal-Aid Highway Act of 1952.

(c) Subject to the provisions of subsection (d) of this section, the Federal share payable on account of any project on the Interstate System provided for by funds made available under the provisions of section 108 (b) of the Federal-Aid Highway Act of 1956 shall be

5 USC 485.

66 Stat. 159.

70 Stat. 378.
23 USC 158.

increased to 90 per centum of the total cost thereof, plus a percentage of the remaining 10 per centum of such cost in any State containing unappropriated and unreserved public lands and nontaxable Indian lands, individual and tribal, exceeding 5 per centum of the total area of all lands therein, equal to the percentage that the area of such lands in such State is of its total area, except that such Federal share payable on any project in any State shall not exceed 95 per centum of the total cost of such project.

(d) The Federal share payable on account of any project for the elimination of hazards of railway-highway crossings, as more fully described and subject to the conditions and limitations set forth in section 130 of this title, may amount to 100 per centum of the cost of construction of such projects, except that not more than 50 per centum of the right-of-way and property damage costs, paid from public funds, on any such project, may be paid from sums apportioned in accordance with section 104 of this title: *Provided*, That not more than 10 per centum of all the sums apportioned for all the Federal-aid systems for any fiscal year in accordance with section 104 of this title shall be used under this subsection.

(e) The Secretary may rely on a statement from the Secretary of the Interior as to the area of the lands referred to in subsections (a) and (b) of this section. The Secretary of the Interior is authorized and directed to provide such statement annually.

(f) The Federal share payable on account of any repair or reconstruction provided for by funds made available under section 125 of this title shall not exceed 50 per centum of the cost thereof.

(g) The Secretary is authorized to cooperate with the State highway departments and with the Department of the Interior in the construction of Federal-aid highways within Indian reservations and national parks and monuments under the jurisdiction of the Department of the Interior and to pay the amount assumed therefor from the funds apportioned in accordance with section 104 of this title to the State wherein the reservations and national parks and monuments are located.

(h) The Territory of Alaska shall contribute funds each fiscal year in an amount that shall be not less than 10 per centum of the Federal funds apportioned to it for such fiscal year, such contribution to be deposited in a special account in the Federal Treasury for use in conjunction with the Federal funds apportioned to the Territory. The Federal funds apportioned to the Territory of Alaska and the funds contributed by the Territory may be expended by the Secretary either directly or in cooperation with the Alaska Highway and Public Works Board and may be so expended separately or in combination and without regard to the matching provisions of this chapter.

§ 121. Payment to States for construction

(a) The Secretary may, in his discretion, from time to time as the work progresses, make payments to a State for costs of construction incurred by it on a project. These payments shall at no time exceed the Federal share of the costs of construction incurred to the date of the voucher covering such payment plus the Federal share of the value of the materials which have been stockpiled in the vicinity of such construction in conformity to plans and specifications for the project.

(b) After completion of a project in accordance with the plans and specifications, and approval of the final voucher by the Secretary, a State shall be entitled to payment out of the appropriate sums apportioned to it of the unpaid balance of the Federal share payable on account of such project.

(c) No payment shall be made under this chapter, except for a project located on a Federal-aid system and covered by a project agreement. No final payment shall be made to a State for its costs of construction of a project until the completion of the construction has been approved by the Secretary following inspections pursuant to section 114 (a) of this title.

(d) In making payments pursuant to this section, the Secretary shall be bound by the limitations with respect to the permissible amounts of such payments contained in sections 120 and 130 of this title. Payments for construction engineering on any one project shall not exceed the 10 per centum of the Federal share of the cost of construction of such project after excluding from the cost of construction the costs of rights-of-way, preliminary engineering, and construction engineering.

(e) Such payments shall be made to such official or officials or depository as may be designated by the State highway department and authorized under the laws of the State to receive public funds of the State.

§ 122. Payment to States for bond retirement

Any State that shall use the proceeds of bonds issued by the State, county, city, or other political subdivision of the State for the construction of one or more projects on the Federal-aid primary or Interstate System, or extensions of any of the Federal-aid highway systems in urban areas, may claim payment of any portion of the sums apportioned to it for expenditure on such system to aid in the retirement of the principal of such bonds at their maturities, to the extent that the proceeds of such bonds have been actually expended in the construction of one or more of such projects. Such claim for payment may be made only when all of the provisions of this title have been complied with to the same extent and with the same effect as though payment were to be made to the State under section 121 of this title, instead of this section, and the Federal share payable shall not exceed the pro rata basis of payment authorized in section 120 of this title. This section shall not be construed as a commitment or obligation on the part of the United States to provide funds for the payment of the principal of any such bonds.

§ 123. Relocation of utility facilities

(a) When a State shall pay for the cost of relocation of utility facilities necessitated by the construction of a project on the Federal-aid primary or secondary systems or on the Interstate System, including extensions thereof within urban areas, Federal funds may be used to reimburse the State for such cost in the same proportion as Federal funds are expended on the project. Federal funds shall not be used to reimburse the State under this section when the payment to the utility violates the law of the State or violates a legal contract between the utility and the State. Such reimbursement shall be made only after evidence satisfactory to the Secretary shall have been presented to him substantiating the fact that the State has paid such cost from its own funds with respect to Federal-aid highway projects for which Federal funds are obligated subsequent to April 16, 1958, for work, including relocation of utility facilities.

(b) The term "utility", for the purposes of this section, shall include publicly, privately, and cooperatively owned utilities.

(c) The term "cost of relocation", for the purposes of this section, shall include the entire amount paid by such utility properly attributable to such relocation after deducting therefrom any increase in the value of the new facility and any salvage value derived from the old facility.

§ 124. Advances to States

If the Secretary shall determine that it is necessary for the expeditious completion of projects on any of the Federal-aid systems, including the Interstate System, he may advance to any State out of any existing appropriations the Federal share of the cost of construction thereof to enable the State highway department to make prompt payments for acquisition of rights-of-way, and for the construction as it progresses. The sums so advanced shall be deposited in a special revolving trust fund, by the State official authorized under the laws of the State to receive Federal-aid highway funds, to be disbursed solely upon vouchers approved by the State highway department for rights-of-way which have been or are being acquired, and for construction which has been actually performed and approved by the Secretary pursuant to this chapter. Upon determination by the Secretary that any part of the funds advanced to any State under the provisions of this section are no longer required, the amount of the advance, which is determined to be in excess of current requirements of the State, shall be repaid upon his demand, and such repayments shall be returned to the credit of the appropriation from which the funds were advanced. Any sum advanced and not repaid on demand shall be deducted from sums due the State for the Federal pro rata share of the cost of construction of Federal-aid projects.

§ 125. Emergency relief

An emergency fund is authorized for expenditure by the Secretary in accordance with the provisions of this section. The Secretary may expend funds therefrom, after receipt of an application therefor from a State highway department, for the repair or reconstruction of highways and bridges on the Federal-aid highway systems, including the Interstate System, in accordance with the provisions of this chapter which he shall find have suffered serious damage as the result of disaster over a wide area, such as by floods, hurricanes, tidal waves, earthquakes, severe storms, landslides, or other catastrophes in any part of the United States. The appropriations of such moneys, not to exceed \$30,000,000, as may be necessary for the initial establishment of this fund and for its replenishment on an annual basis is authorized. Pending such appropriation or replenishment, the Secretary may expend from existing Federal-aid highway appropriations, such sums as may be necessary for the immediate prosecution of the work herein authorized, such existing appropriations to be reimbursed from the appropriation hereinabove authorized when made. No funds shall be expended under the provisions of this section with respect to any such catastrophe in any State unless an emergency has been declared by the Governor of such State and concurred in by the Secretary.

§ 126. Diversion

(a) Since it is unfair and unjust to tax motor-vehicle transportation unless the proceeds of such taxation are applied to the construction, improvement, or maintenance of highways, after June 30, 1935, Federal aid for highway construction shall be extended only to those States that use at least the amounts provided by law on June 18, 1934, for such purposes in each State from State motor vehicle registration fees, licenses, gasoline taxes, and other special taxes on motor-vehicle owners and operators of all kinds for the construction, improvement, and maintenance of highways and administrative expenses in connection therewith, including the retirement of bonds for the payment of which such revenues have been pledged, and for no other purposes, under such regulations as the Secretary of Commerce shall promulgate from time to time.

(b) In no case shall the provisions of this section operate to deprive any State of more than one-third of the entire apportionment authorized under this chapter to which that State would be entitled in any fiscal year. The amount of any reduction in a State's apportionment shall be reapportioned in the same manner as any other unexpended balance at the end of the period during which it otherwise would be available in accordance with section 104 (b) of this title.

§ 127. Vehicle weight and width limitations—Interstate System

No funds authorized to be appropriated for any fiscal year under section 108 (b) of the Federal-Aid Highway Act of 1956 shall be apportioned to any State within the boundaries of which the Interstate System may lawfully be used by vehicles with weight in excess of eighteen thousand pounds carried on any one axle, or with a tandem-axle weight in excess of thirty-two thousand pounds, or with an overall gross weight in excess of seventy-three thousand two hundred and eighty pounds, or with a width in excess of ninety-six inches, or the corresponding maximum weights or maximum widths permitted for vehicles using the public highways of such State under laws or regulations established by appropriate State authority in effect on July 1, 1956, whichever is the greater. Any amount which is withheld from apportionment to any State pursuant to the foregoing provisions shall lapse. This section shall not be construed to deny apportionment to any State allowing the operation within such State of any vehicles or combinations thereof that could be lawfully operated within such State on July 1, 1956.

§ 128. Public hearings

(a) Any State highway department which submits plans for a Federal-aid highway project involving the bypassing of, or going through, any city, town, or village, either incorporated or unincorporated, shall certify to the Secretary that it has had public hearings, or has afforded the opportunity for such hearings, and has considered the economic effects of such a location. Any State highway department which submits plans for an Interstate System project shall certify to the Secretary that it has had public hearings at a convenient location, or has afforded the opportunity for such hearings, for the purpose of enabling persons in rural areas through or contiguous to whose property the highway will pass to express any objections they may have to the proposed location of such highway.

(b) When hearings have been held under subsection (a), the State highway department shall submit a copy of the transcript of said hearings to the Secretary, together with the certification.

§ 129. Toll roads, bridges and tunnels

(a) Notwithstanding the provisions of section 301 of this title, the Secretary may permit Federal participation, on the same basis and in the same manner as in the construction of free highways under this chapter, in the construction of any toll bridge, toll tunnel, or approach thereto, upon compliance with the conditions contained in this section. Such bridge, tunnel, or approach thereto, must be publicly owned and operated. Federal funds may participate in the approaches to a toll bridge or toll tunnel whether such bridge or tunnel is to be or has been constructed, or acquired, by the State or other public authority. The State highway department or departments must be a party or parties to an agreement with the Secretary whereby it or they undertake performance of the following obligations:

(1) all tolls received from the operation of the bridge or tunnel, less the actual cost of such operation and maintenance, shall be

applied to the repayment to the State or other public authority of all of the costs of construction or acquisition of such bridge or tunnel, except that part which was contributed by the United States;

(2) no tolls shall be charged for the use of such bridge or tunnel after the State or other public authority shall have been so repaid; and

(3) after the date of final repayment, the bridge or tunnel shall be maintained and operated as a free bridge or free tunnel.

(b) Upon a finding by the Secretary that such action will promote the development of an integrated Interstate System, the Secretary is authorized to approve as part of the Interstate System any toll road, bridge or tunnel, now or hereafter constructed which meets the standards adopted for the improvement of projects located on the Interstate System, when such toll road, bridge or tunnel is located on a route heretofore or hereafter designated as a part of the Interstate System. No Federal-aid highway funds shall be expended for the construction, reconstruction or improvement of any such toll road, except to the extent permitted by law after June 29, 1956. No Federal-aid highway funds shall be expended for the construction, reconstruction or improvement of any such toll bridge or tunnel, except to the extent permitted by law on or after June 29, 1956.

(c) Funds authorized under prior Acts for expenditure on any of the Federal-aid highway systems, including the Interstate System, shall be available for expenditure on projects approaching any toll road, bridge or tunnel to a point where such project will have some use irrespective of its use for such toll road, bridge or tunnel.

(d) Funds authorized for the Interstate System shall be available for expenditure on Interstate System projects approaching any toll road on the Interstate System, although the project has no use other than an approach to such toll road, if an agreement satisfactory to the Secretary has been reached with the State prior to the approval of such project—

(1) that the section of toll road will become free to the public upon the collection of tolls sufficient to liquidate the cost of the toll road or any bonds outstanding at the time constituting a valid lien against such section of toll road covered in the agreement and their maintenance and operation and debt service during the period of toll collections, and

(2) that there is one or more reasonably satisfactory alternate free routes available to traffic by which the toll section of the system may be bypassed.

§ 130. Railway-highway crossings

(a) Except as provided in subsection (d) of section 120 of this title and subsection (b) of this section, the entire cost of construction of projects for the elimination of hazards of railway-highway crossings, including the separation or protection of grades at crossings, the reconstruction of existing railroad grade crossing structures, and the relocation of highways to eliminate grade crossings, may be paid from sums apportioned in accordance with section 104 of this title. In any case when the elimination of the hazards of a railway-highway crossing can be effected by the relocation of a portion of a railway at a cost estimated by the Secretary to be less than the cost of such elimination by one of the methods mentioned in the first sentence of this section, then the entire cost of such relocation project, except as provided in subsection (d) of section 120 of this title and subsection (b) of this section, may be paid from sums apportioned in accordance with section 104 of this title.

(b) The Secretary may classify the various types of projects involved in the elimination of hazards of railway-highway crossings, and may set for each such classification a percentage of the costs of construction which shall be deemed to represent the net benefit to the railroad or railroads for the purpose of determining the railroad's share of the cost of construction. The percentage so determined shall in no case exceed 10 per centum. The Secretary shall determine the appropriate classification of each project.

(c) Any railroad involved in a project for the elimination of hazards of railway-highway crossings paid for in whole or in part from sums made available for expenditure under this title, or prior Acts, shall be liable to the United States for the net benefit to the railroad determined under the classification of such project made pursuant to subsection (b) of this section. Such liability to the United States may be discharged by direct payment to the State highway department of the State in which the project is located, in which case such payment shall be credited to the cost of the project. Such payment may consist in whole or in part of materials and labor furnished by the railroad in connection with the construction of such project. If any such railroad fails to discharge such liability within a six-month period after completion of the project, it shall be liable to the United States for its share of the cost, and the Secretary shall request the Attorney General to institute proceedings against such railroad for the recovery of the amount for which it is liable under this subsection. The Attorney General is authorized to bring such proceedings on behalf of the United States, in the appropriate district court of the United States, and the United States shall be entitled in such proceedings to recover such sums as it is considered and adjudged by the court that such railroad is liable for in the premises. Any amounts recovered by the United States under this subsection shall be credited to miscellaneous receipts.

§ 131. Areas adjacent to the Interstate System

(a) To promote the safety, convenience, and enjoyment of public travel and the free flow of interstate commerce and to protect the public investment in the National System of Interstate and Defense Highways, it is declared to be in the public interest to encourage and assist the States to control the use of and to improve areas adjacent to the Interstate System by controlling the erection and maintenance of outdoor advertising signs, displays, and devices adjacent to that system. It is declared to be a national policy that the erection and maintenance of outdoor advertising signs, displays, or devices within six hundred and sixty feet of the edge of the right-of-way and visible from the main-traveled way of all portions of the Interstate System constructed upon any part of right-of-way, the entire width of which is acquired subsequent to July 1, 1956, should be regulated, consistent with national standards to be prepared and promulgated by the Secretary, which shall include only the following four types of signs, and no signs advertising illegal activities:

(1) Directional or other official signs or notices that are required or authorized by law.

(2) Signs advertising the sale or lease of the property upon which they are located.

(3) Signs erected or maintained pursuant to authorization or permitted under State law, and not inconsistent with the national policy and standards of this section, advertising activities being conducted at a location within twelve miles of the point at which such signs are located.

(4) Signs erected or maintained pursuant to authorization in State law and not inconsistent with the national policy and stand-

ards of this section, and designed to give information in the specific interest of the traveling public.

(b) The Secretary of Commerce is authorized to enter into agreements with State highway departments (including such supplementary agreements as may be necessary) to carry out the national policy set forth in subsection (a) of this section with respect to the Interstate System within the State. Any such agreement shall include provisions for regulation and control of the erection and maintenance of advertising signs, displays, and other advertising devices in conformity with the standards established in accordance with subsection (a) of this section and may include, among other things, provisions for preservation of natural beauty, prevention of erosion, landscaping, reforestation, development of viewpoints for scenic attractions that are accessible to the public without charge, and the erection of markers, signs, or plaques, and development of areas in appreciation of sites of historical significance. Upon application of the State, any such agreement may, within the discretion of the Secretary of Commerce, consistent with the national policy, provide for excluding from application of the national standards segments of the Interstate System which traverse incorporated municipalities wherein the use of real property adjacent to the Interstate System is subject to municipal regulation or control, or which traverse other areas where the land use is clearly established by State law as industrial or commercial, and any such segment excluded from the application of such standards shall not be considered in computing the increase of the Federal share payable on account thereof.

(c) Notwithstanding the provisions of section 109 of this title, if an agreement pursuant to this section has been entered into with any State prior to July 1, 1961, the Federal share payable on account of any project on the Interstate System within that State provided for by funds authorized under the provisions of section 108 (b) of the Federal-Aid Highway Act of 1956, as amended by section 8 of the Federal-Aid Highway Act of 1958, to which the national policy and the agreement apply, shall be increased by one-half of one per centum of the total cost thereof, not including any additional cost that may be incurred in the carrying out of the agreement. The increase in the Federal share which is payable hereunder shall be paid only from appropriations from moneys in the Treasury not otherwise appropriated, which such appropriations are hereby authorized.

(d) Whenever any portion of the Interstate System is located upon or adjacent to any public lands or reservations of the United States, the Secretary of Commerce may make such arrangements and enter into such agreements with the agency having jurisdiction over such lands or reservations as may be necessary to carry out the national policy set forth in subsection (a) of this section, and any such agency is authorized and directed to cooperate fully with the Secretary of Commerce in this connection.

(e) Whenever a State shall acquire by purchase or condemnation the right to advertise or regulate advertising in an area adjacent to the right-of-way of a project on the Interstate System for the purpose of implementing this section, the cost of such acquisition shall be considered as a part of the cost of construction of such project and Federal funds may be used to pay the Federal pro rata share of such cost. Reimbursement to the State shall be made only with respect to that portion of such cost which does not exceed 5 per centum of the cost of the right-of-way for such project.

70 Stat. 378.
23 USC 158.
Ante, p. 94.

CHAPTER 2—OTHER HIGHWAYS

Sec.

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§ 201. Authorizations

The provisions of this title shall apply to all unappropriated authorizations contained in prior Acts, and also to all unexpended appropriations heretofore made, providing for the expenditure of Federal funds on the following classes of highways: Forest highways, forest development roads and trails, park roads and trails, parkways, Indian reservation roads, public lands highways, and defense access roads. All such authorizations and appropriations shall continue in full force and effect, but hereafter obligations entered into and expenditures made pursuant thereto shall be subject to the provisions of this title.

§ 202. Apportionment or allocation

(a) On or before January 1 next preceding the commencement of each fiscal year, the Secretary shall apportion the sums authorized to be appropriated for such fiscal year for forest highways in the several States, according to the area and value of the land owned by the United States within the national forests therein, which the Secretary of Agriculture is directed to determine and certify to the Secretary from such information, sources, and departments as the Secretary of Agriculture may deem most accurate.

(b) Sums authorized to be appropriated for forest development roads and trails shall be allocated by the Secretary of Agriculture according to the relative needs of the various national forests, taking into consideration the existing transportation facilities, value of timber or other resources served, relative fire danger, and comparative difficulties of road and trail construction.

(c) Sums authorized to be appropriated for public lands highways shall be allocated by the Secretary among those States having unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations, on the basis of need in such States, respectively, as determined by the Secretary upon application of the State highway departments of the respective States. Preference shall be given to those projects which are located on a Federal-aid system.

§ 203. Availability of funds

Funds now authorized for forest highways, forest development roads and trails, park roads and trails, parkways, Indian reservation roads, and public lands highways shall be available for contract upon apportionment, or a date not earlier than one year preceding the beginning of the fiscal year for which authorized if no apportionment is required. Any amount remaining unexpended for a period of two years after the close of the fiscal year for which authorized shall lapse. The Secretary of the Department charged with the administration of such funds is granted authority to incur obligations, approve projects, and enter into contracts under such authorizations and his action in doing so shall be deemed a contractual obligation of

the United States for the payment of the cost thereof and such funds shall be deemed to have been expended when so obligated. Any funds heretofore or hereafter authorized for any fiscal year for forest highways, forest development roads and trails, park roads and trails, parkways, Indian roads, and public lands highways shall be deemed to have been expended if a sum equal to the total of the sums authorized for such fiscal year and previous fiscal years since and including the fiscal year ending June 30, 1955, shall have been obligated. Any of such funds released by payment of final voucher or modification of project authorizations shall be credited to the balance of unobligated authorizations and be immediately available for expenditure.

§ 204. Forest highways

(a) Funds available for forest highways shall be used by the Secretary to pay for the cost of construction and maintenance thereof. In connection therewith, the Secretary may enter into construction contracts and such other contracts with a State, or civil subdivision thereof as he deems advisable.

(b) Cooperation of States, counties, or other local subdivisions, may be accepted but shall not be required by the Secretary.

(c) Construction estimated to cost \$5,000 or more per mile, exclusive of bridges, shall be advertised and let to contract. If such estimated cost is less than \$5,000 per mile or if, after proper advertising, no acceptable bid is received or the bids are deemed excessive, the work may be done by the Secretary on his own account. For such purpose, the Secretary may purchase, lease, hire, rent, or otherwise obtain all necessary supplies, materials, tools, equipment, and facilities required to perform the work, and may pay wages, salaries, and other expenses for help employed in connection with such work.

(d) All appropriations for forest highways shall be administered in conformity with regulations jointly approved by the Secretary and the Secretary of Agriculture.

(e) The Secretary shall transfer to the Secretary of Agriculture from appropriations for forest highways such amounts as may be needed to cover necessary administrative expenses of the Forest Service in connection with the forest-highway program.

(f) Funds available for forest highways shall be available for adjacent vehicular parking areas and for sanitary, water, and fire control facilities.

§ 205. Forest development roads and trails

(a) Funds available for forest development roads and trails shall be used by the Secretary of Agriculture to pay for the cost of construction and maintenance thereof, including roads and trails, on experimental areas under Forest Service administration. In connection therewith, the Secretary of Agriculture may enter into construction contracts with a State or civil subdivision thereof, and issue such regulations as he deems advisable.

(b) Cooperation of States, counties, or other local subdivisions may be accepted but shall not be required by the Secretary of Agriculture.

(c) Construction estimated to cost \$10,000 or more per mile, exclusive of bridges, shall be advertised and let to contract. If such estimated cost is less than \$10,000 per mile or if, after proper advertising, no acceptable bid is received or the bids are deemed excessive, the work may be done by the Secretary of Agriculture on his own account. For such purpose, the Secretary of Agriculture may purchase, lease, hire, rent, or otherwise obtain all necessary supplies, materials, tools, equipment, and facilities required to perform the work, and may pay wages, salaries, and other expenses for help employed in connection with such work.

(d) Funds available for forest development roads and trails shall be available for adjacent vehicular parking areas and for sanitary, water, and fire control facilities.

§ 206. Park roads and trails

(a) Funds available for park roads and trails shall be used to pay for the cost of construction and improvement thereof.

(b) Appropriations for the construction and improvement of park roads shall be administered in conformity with regulations jointly approved by the Secretary and the Secretary of the Interior.

§ 207. Parkways

(a) Funds available for parkways shall be used to pay for the cost of construction and improvement thereof.

(b) Appropriations for the construction of parkways shall be administered in conformity with regulations jointly approved by the Secretary and the Secretary of the Interior.

(c) The location of parkways upon public lands, national forests, or other Federal reservations, shall be determined by agreement between the department having jurisdiction over such lands and the Secretary of the Interior.

§ 208. Indian reservation roads

(a) Funds available for Indian reservation roads and bridges shall be used to pay for the cost of construction and improvement thereof.

(b) The Secretary shall approve the location, type, and design of all projects for Indian reservation roads and bridges before any expenditures are made thereon and all construction thereof shall be under the general supervision of the Secretary.

(c) Indian labor may be employed in such construction and improvement under such rules and regulations as may be prescribed by the Secretary of the Interior.

§ 209. Public lands highways

(a) Funds available for public lands highways shall be used by the Secretary to pay for the cost of construction and maintenance thereof.

(b) The Secretary is authorized to cooperate with the State highway departments and with the Secretary of the Department having jurisdiction over the particular lands, in the survey, construction, and maintenance of public lands highways.

(c) The provisions of section 112 of this title are applicable to public lands highways.

§ 210. Defense access roads

(a) The Secretary is authorized, out of the funds appropriated for defense access roads, to provide for the construction and maintenance of defense access roads (including bridges, tubes, and tunnels thereon) to military reservations, to defense industries and defense industry sites, and to the sources of raw materials when such roads are certified to the Secretary as important to the national defense by the Secretary of Defense or such other official as the President may designate, and for replacing existing highways and highway connections that are shut off from the general public use by necessary closures or restrictions at military reservations and defense industry sites.

(b) Funds appropriated for the purposes of this section shall be available, without regard to apportionment among the several States, for paying all or any part of the cost of the construction and maintenance of defense access roads.

(c) Not exceeding \$5,000,000 of any funds appropriated under the Act approved October 16, 1951 (65 Stat. 422), may be used by the Secretary in areas certified to him by the Secretary of Defense as maneuver areas for such construction, maintenance, and repair work

as may be necessary to keep the highways therein, which have been or may be used for training of the Armed Forces, in suitable condition for such training purposes and for repairing the damage caused to such highways by the operations of men and equipment in such training.

(d) Whenever any project for the construction of a circumferential highway around a city or of a radial intracity route thereto submitted by any State is certified by the Secretary of Defense, or such other official as the President may designate, as being important for civilian or military defense, such project may be constructed out of the funds heretofore or hereafter authorized to be appropriated for defense access roads.

(e) If the Secretary shall determine that the State highway department of any State is unable to obtain possession and the right to enter upon and use the required rights-of-way, lands, or interest in lands, improved or unimproved, required for any project authorized by this section with sufficient promptness, the Secretary is authorized to acquire, enter upon, take possession thereof, and expend funds for projects thereon, prior to approval of title by the Attorney General, in the name of the United States, such rights-of-way, lands, or interest in lands as may be required in such State for such projects by purchase, donation, condemnation, or otherwise in accordance with the laws of the United States (including the Act of February 26, 1931; 46 Stat. 1421). The cost incurred by the Secretary in acquiring any such rights-of-way, lands, or interest in lands may include the cost of examination and abstract of title, certificate of title, advertising, and any fees incidental to such acquisition; and shall be payable out of the funds available for paying the cost or the Federal share of the cost of the project for which such rights-of-way, lands, or interests in lands are acquired. The Secretary is further authorized and directed by proper deed executed in the name of the United States to convey any lands or interests in lands acquired in any State under the provisions of prior Acts or of this section to the State highway department of such State or to such political subdivision thereof as its laws may provide, upon such terms and conditions as may be agreed upon by the Secretary and the State highway department, or political subdivisions to which the conveyance is to be made.

(f) The provisions of section 112 of this title are applicable to defense access roads.

§ 211. Timber access road hearings

With respect to any proposed construction of a timber access road from funds authorized for carrying out the provisions of sections 204, 205, and 210 of this title, advisory public hearings may be held at a place of convenient or adjacent to the area of construction with notice and reasonable opportunity for interested persons to present their views as to the practicability and feasibility of such construction.

§ 212. Inter-American Highway

(a) Funds appropriated for the Inter-American Highway shall be used to enable the United States to cooperate with the Governments of the American Republics situated in Central America—that is, with the Governments of the Republic of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama—in the survey and construction of the Inter-American Highway within the borders of the aforesaid Republics, respectively. Not to exceed one-third of the appropriation authorized for each fiscal year may be expended without requiring the country or countries in which such funds may be expended to match any part thereof, if the Secretary of State shall find that the cost of constructing said highway in such country or

countries will be beyond their reasonable capacity to bear. The remainder of such authorized appropriations shall be available for expenditure only when matched to the extent required by this section by the country in which such expenditure may be made. Expenditures from the funds available on a matching basis shall not be made for the survey and construction of any portion of said highway within the borders of any country named herein unless such country shall provide and make available for expenditure in conjunction therewith a sum equal to at least one-third of the expenditures that may be incurred by that Government and the United States on such portion of the highway. All expenditures by the United States under the provisions of this section for material, equipment, and supplies shall, whenever practicable, be made for products of the United States or of the country in which such survey or construction work is being carried on. Construction work to be performed under contract shall be advertised for a reasonable period by the Minister of Public Works, or other similar official, of the government concerned in each of the participating countries and contracts shall be awarded pursuant to such advertisements with the approval of the Secretary. No part of the appropriations authorized shall be available for obligation or expenditure for work on said highway in any cooperating country unless the government of said country shall have assented to the provisions of this section; shall have furnished satisfactory assurances that it has an organization adequately qualified to administer the functions required of such country under the provisions hereof; and then only as such country may submit requests, from time to time, for the construction of any portion of the highway to standards adequate to meet present and future traffic needs. No part of said appropriations shall be available for obligation or expenditure in any such country until the government of that country shall have entered into an agreement with the United States which shall provide, in part, that said country—

(1) will provide, without participation of funds authorized, all necessary rights-of-way for the construction of said highway, which rights-of-way shall be of a minimum width where practicable of one hundred meters in rural areas and fifty meters in municipalities and shall forever be held inviolate as a part of the highway for public use;

(2) will not impose any highway toll, or permit any such toll to be charged, for use by vehicles or persons of any portion of said highway constructed under the provisions of this section;

(3) will not levy or assess, directly or indirectly, any fee, tax, or other charge for the use of said highway by vehicles or persons from the United States that does not apply equally to vehicles or persons of such country;

(4) will continue to grant reciprocal recognition of vehicle registration and drivers' licenses in accordance with the provisions of the Convention for the Regulation of Inter-American Automotive Traffic, which was opened for signature at the Pan American Union in Washington on December 15, 1948, and to which such country and the United States are parties, or of any other treaty or international convention establishing similar reciprocal recognition; and

(5) will provide for the maintenance of said highway after its completion in condition adequately to serve the needs of present and future traffic.

(b) The survey and construction work authorized by this section shall be under the administration of the Secretary, who shall consult with the appropriate officials of the Department of State with respect

to matters involving the foreign relations of this Government, and such negotiations with the Governments of the American Republics named in subsection (a) of this section as may be required to carry out the purposes of this section shall be conducted through, or as authorized by, the Department of State.

(c) The provisions of this section shall not create nor authorize the creation of any obligations on the part of the Government of the United States with respect to any expenditures for highway construction or survey heretofore or hereafter undertaken in any of the countries enumerated in subsection (a) of this section, other than the expenditures authorized by the provisions of this section.

(d) Appropriations made pursuant to any authorizations heretofore, or hereafter enacted for the Inter-American Highway shall be considered available for expenditure by the Secretary for necessary administrative and engineering expenses in connection with the Inter-American Highway program.

§ 213. Rama Road

(a) Recognizing the mutual benefits that will accrue to the Republic of Nicaragua and to the United States from the completion of the road from San Benito to Rama in said Republic of Nicaragua, the construction of which road was begun and partially completed pursuant to an agreement between said Republic and the United States, the Secretary is authorized out of the funds appropriated for such purposes to provide for the construction of such road. Appropriations made for such purposes shall remain available until expended. No expenditure shall be made hereunder for the construction of said road until a request therefor shall have been received by the Secretary of State from the Government of the Republic of Nicaragua nor until an agreement shall have been entered into by said Republic with the Secretary of State which shall provide, in part, that said Republic—

2 UST 722; 4 UST
1944; 7 UST 2237.

(1) will provide, without participation of funds authorized under this title, or under prior Acts, all necessary right-of-way for the construction of said highway, which right-of-way shall be of a minimum width, where practicable, of one hundred meters in rural areas and fifty meters in municipalities and shall forever be held inviolate as a part of the highway for public use;

(2) will not impose any highway toll, or permit any such toll to be charged for the use of said highway by vehicles or persons;

(3) will not levy or assess, directly or indirectly, any fee, tax, or other charge for the use of said road by vehicles or persons from the United States that does not apply equally to vehicles or persons of such Republic;

(4) will continue to grant reciprocal recognition of vehicle registration and drivers' licenses in accordance with the provisions of the Convention for the Regulation of Inter-American Automotive Traffic, which was opened for signature at the Pan American Union in Washington on December 15, 1943, and to which such Republic and the United States are parties; or any other treaty or international convention establishing similar reciprocal recognition; and

(5) will maintain said road after its completion in proper condition adequately to serve the needs of present and future traffic.

(b) The funds appropriated for such purposes shall be available for expenditure in accordance with the terms of this section for the survey and construction of said road from San Benito to Rama in the Republic of Nicaragua without being matched by said Republic, and

61 Stat. 1129.

all expenditures made under the provisions of this section for materials, equipment, and supplies, shall, whenever practicable, be made for products of the United States or of the Republic of Nicaragua.

(c) The survey and construction work undertaken pursuant to this section shall be under the general supervision of the Secretary.

CHAPTER 3. GENERAL PROVISIONS

Sec.

- 301. Freedom from tolls.
- 302. State highway department.
- 303. Bureau organization.
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§ 301. Freedom from tolls

Except as provided in section 129 of this title with respect to certain toll bridges and toll tunnels, all highways constructed under the provisions of this title shall be free from tolls of all kinds.

§ 302. State highway department

(a) Any State desiring to avail itself of the provisions of this title shall have a State highway department which shall have adequate powers, and be suitably equipped and organized to discharge to the satisfaction of the Secretary the duties required by this title. Among other things, the organization shall include a secondary road unit.

(b) The State highway department may arrange with a county or group of counties for competent highway engineering personnel suitably organized and equipped to the satisfaction of the State highway department, to supervise construction and maintenance on a county-unit or group-unit basis, for the construction of projects on the Federal-aid secondary system, financed with secondary funds, and for the maintenance thereof.

§ 303. Bureau organization

(a) The Bureau of Public Roads shall be in the Department of Commerce as a primary unit administered by the Federal Highway Administrator, appointed by the President by and with the advice and consent of the Senate. The Administrator shall receive basic compensation at the rate prescribed by law for Assistant Secretaries of executive departments and shall perform such duties as the Secretary of Commerce may prescribe or as may be required by law. There shall be a Commissioner of Public Roads in the Bureau of Public Roads who shall be appointed by the Secretary and perform such duties as may be prescribed by the Federal Highway Administrator. The Commissioner of Public Roads shall receive basic compensation at the rate of \$17,500 per annum.

(b) The Secretary is authorized to employ such assistants, clerks, and other persons in the city of Washington and elsewhere, to be taken from the eligible lists of the Civil Service Commission, to rent buildings outside of the city of Washington, to purchase such supplies, material, equipment, office fixtures and apparatus, to advertise in the city of Washington for work to be performed in areas adjacent thereto, and to incur, and authorize the incurring of, such travel and other expenses as he may deem necessary for carrying out the functions under this title.

(c) The Secretary is authorized to procure temporary services in accordance with the provisions of section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), but at rates for individuals not in excess of \$100 per diem.

60 Stat. 810.

§ 304. Participation by small business enterprises

It is declared to be in the national interest to encourage and develop the actual and potential capacity of small business and to utilize this important segment of our economy to the fullest practicable extent in construction of the Federal-aid highway systems, including the Interstate System. In order to carry out that intent and encourage full and free competition, the Secretary should assist, insofar as feasible, small business enterprises in obtaining contracts in connection with the prosecution of the highway program.

§ 305. Archeological and paleontological salvage

Funds authorized to be appropriated under the Federal-Aid Highway Act of 1956, to the extent approved as necessary by the highway department of any State, may be used for archeological and paleontological salvage in that State in compliance with the Act entitled "An Act for the preservation of American antiquities", approved June 8, 1906 (34 Stat. 225), and State laws where applicable.

70 Stat. 374.
23 USC 151 note.

16 USC 431-433.

§ 306. Mapping

In carrying out the provisions of this title, the Secretary may, wherever practicable, authorize the use of photogrammetric methods in mapping, and the utilization of commercial enterprise for such services.

§ 307. Research and planning

(a) The Secretary is authorized in his discretion to engage in research on all phases of highway construction, modernization, development, design, maintenance, safety, financing, and traffic conditions, including the effect thereon of State laws and is authorized to test, develop, or assist in the testing and developing of any material, invention, patented article, or process. The Secretary may publish the results of such research. The Secretary may carry out the authority granted hereby, either independently, or in cooperation with any other branch of the Government, State agency, authority, association, institution, corporation (profit or nonprofit), or any other organization, or person. The funds required to carry out the provisions of this subsection shall be taken out of the administrative and research funds authorized by section 104 of this title and such funds as may be deposited in a special account with the Secretary of the Treasury for such purposes by any cooperating organization or person. The provisions of section 3709 of the Revised Statutes, as amended (41 U. S. C. 5), shall not be applicable to contracts or agreements made under the authority of this subsection.

60 Stat. 809.

(b) The Secretary shall include in the highway research program herein authorized studies of economic highway geometrics, structures, and desirable weight and size standards for vehicles using the public highways and of the feasibility of uniformity in State regulations

with respect to such standards and he shall report from time to time to the Committees on Public Works of the Senate and of the House of Representatives on the progress and findings with respect to such studies.

(c) Not to exceed 1½ per centum of the sums apportioned for any year to any State under section 104 of this title shall be available for expenditure upon request of the State highway department, with the approval of the Secretary, with or without State funds, for engineering and economic surveys and investigations, for the planning of future highway programs and the financing thereof, for studies of the economy, safety, and convenience of highway usage and the desirable regulation and equitable taxation thereof, and for research necessary in connection with the planning, design, construction, and maintenance of highways and highway systems, and the regulation and taxation of their use.

§ 308. Cooperation with Federal and State agencies and foreign countries

(a) The Secretary is authorized to perform by contract or otherwise, authorized engineering or other services in connection with the survey, construction, maintenance, or improvement of highways for other Government agencies, cooperating foreign countries, and State cooperating agencies, and reimbursement for such services, which may include depreciation on engineering and road-building equipment used, shall be credited to the appropriation concerned.

(b) Appropriations for the work of the Bureau of Public Roads shall be available for expenses of warehouse maintenance and the procurement, care, and handling of supplies, materials, and equipment for distribution to projects under the supervision of the Bureau of Public Roads, or for sale or distribution to other Government agencies, cooperating foreign countries, and State cooperating agencies, and the cost of such supplies and materials or the value of such equipment, including the cost of transportation and handling, may be reimbursed to current applicable appropriations.

§ 309. Cooperation with other American Republics

The President is authorized to utilize the services of the Bureau of Public Roads in fulfilling the obligations of the United States under the Convention on the Pan-American Highway Between the United States and Other American Republics (51 Stat. 152), cooperating with several governments, members of the Organization of American States, in connection with the survey and construction of the Inter-American Highway, and for performing engineering service in the other American Republics for and upon the request of any agency or governmental corporation of the United States. To the extent authorized in appropriation acts, administrative funds available in accordance with subsection (a) of section 104 of this title shall be available annually for the purpose of this section.

§ 310. Civil defense

In order to assure that adequate consideration is given to civil defense aspects in the planning and construction of highways constructed or reconstructed with the aid of Federal funds, the Secretary of Commerce is authorized and directed to consult, from time to time, with the Federal Civil Defense Administrator relative to the civil defense aspects of highways so constructed or reconstructed.

§ 311. Highway improvements strategically important to the national defense

Funds made available under subsection (a) of section 104 of this title may be used to pay the entire engineering costs of the surveys, plans, specifications, estimates, and supervision of construction of projects for such urgent improvements of highways strategically important from the standpoint of the national defense as may be undertaken on the order of the Secretary and as the result of request of the Secretary of Defense or such other official as the President may designate. With the consent of a State, funds made available under subsection (b) of section 104 of this title may be used to the extent deemed necessary and advisable by the Secretary to carry out the provisions of this section.

§ 312. Detail of Army, Navy, and Air Force officers

The Secretary of Defense, upon request of the Secretary, is authorized to make temporary details to the Bureau of Public Roads of officers of the Army, the Navy, and the Air Force, without additional compensation, for technical advice and for consultation regarding highway needs for the national defense. Travel and subsistence expenses of officers so detailed shall be paid from appropriations available to the Department of Commerce on the same basis as authorized by law and by regulations of the Department of Defense for such officers.

§ 313. Highway Safety Conference

The Secretary is authorized and directed to assist in carrying out the action program of the President on highway safety, and to cooperate with the State highway departments and other agencies in this program to advance the cause of safety on highways. Not to exceed \$150,000 out of the administrative funds made available in accordance with subsection (a) of section 104 of this title may be expended annually for the purposes of this section.

§ 314. Relief of employees in hazardous work

The Secretary is authorized in an emergency to use appropriations to the Department of Commerce for carrying out the provisions of this title for medical supplies, services, and other assistance necessary for the immediate relief of employees of the Bureau of Public Roads engaged in hazardous work.

§ 315. Rules, regulations, and recommendations

Except as provided in sections 204 (d), 205 (a), 206 (b), 207 (b), and 208 (c) of this title, the Secretary is authorized to prescribe and promulgate all needful rules and regulations for the carrying out of the provisions of this title. The Secretary may make such recommendations to the Congress and State highway departments as he deems necessary for preserving and protecting the highways and insuring the safety of traffic thereon.

§ 316. Consent by United States to conveyance of property

For the purposes of this title the consent of the United States is given to any railroad or canal company to convey to the State highway department of any State, or its nominee, any part of its right-of-way or other property in that State acquired by grant from the United States.

§ 317. Appropriation for highway purposes of lands or interests in lands owned by the United States

(a) If the Secretary determines that any part of the lands or interests in lands owned by the United States is reasonably necessary for the right-of-way of any highway, or as a source of materials for the construction or maintenance of any such highway adjacent to such lands or interests in lands, the Secretary shall file with the Secretary of the Department supervising the administration of such lands or interests in lands a map showing the portion of such lands or interests in lands which it is desired to appropriate.

(b) If within a period of four months after such filing, the Secretary of such Department shall not have certified to the Secretary that the proposed appropriation of such land or material is contrary to the public interest or inconsistent with the purposes for which such land or materials have been reserved, or shall have agreed to the appropriation and transfer under conditions which he deems necessary for the adequate protection and utilization of the reserve, then such land and materials may be appropriated and transferred to the State highway department, or its nominee, for such purposes and subject to the conditions so specified.

(c) If at any time the need for any such lands or materials for such purposes shall no longer exist, notice of the fact shall be given by the State highway department to the Secretary and such lands or materials shall immediately revert to the control of the Secretary of the Department from which they had been appropriated.

(d) The provisions of this section shall apply only to projects constructed on a Federal-aid system or under the provisions of chapter 2 of this title.

§ 318. Highway relocation due to airport

Federal highway funds shall not be used for the reconstruction or relocation of any highway giving access to an airport constructed or extended after December 20, 1944, or for the reconstruction or relocation of any highway which has been or may be closed or the usefulness of which has been or may be impaired by the location or construction of any airport constructed or extended after December 20, 1944, unless, prior to such construction or extension, as the case may be, the State highway department and the Secretary have concurred with the officials in charge of the airport that the location of such airport or extension thereof and the consequent reconstruction or relocation of the highway are in the public interest.

§ 319. Landscaping

The construction of highways by the States with funds apportioned in accordance with section 104 of this title may include such roadside and landscape development, including such sanitary and other facilities as may be deemed reasonably necessary to provide for the suitable accommodation of the public, all within the highway right-of-way and adjacent publicly owned or controlled rest and recreational areas of limited size and with provision for convenient and safe access thereto by pedestrian and vehicular traffic, as may be approved by the Secretary. Such construction likewise may include the purchase of such adjacent strips of land of limited width and primary importance for the preservation of the natural beauty through which highways are constructed, as may be approved by the Secretary. Not to exceed 3 per centum of such sums, apportioned to a State in any fiscal year in accordance with section 104 of this title may be used by it for the purchase of such adjacent strips of land without being matched by such State.

§ 320. Bridges on Federal dams

(a) Each executive department, independent establishment, office, board, bureau, commission, authority, administration, corporation wholly owned or controlled by the United States, or other agency of the Government of the United States, hereinafter collectively and individually referred to as "agency", which on or after July 29, 1946, has jurisdiction over and custody of any dam constructed or to be constructed and owned by or for the United States, is authorized, with any funds available to it, to design and construct any such dam in such manner that it will constitute and serve as a suitable and adequate foundation to support a public highway bridge upon and across such dam, and to design and construct upon the foundation thus provided a public highway bridge upon and across such dam. The highway department of the State in which such dam shall be located, jointly with the Secretary, shall first determine and certify to such agency that such bridge is economically desirable and needed as a link in the State or Federal-aid highway systems, and shall request such agency to design and construct such dam so that it will serve as a suitable and adequate foundation for a public highway bridge and to design and construct such public highway bridge upon and across such dam, and shall agree to reimburse such agency pursuant to subsection (d) of this section for any additional costs which it may be required to incur because of the design and construction of such dam so that it will serve as a foundation for a public highway bridge and for expenditures which it may find it necessary to make in designing and constructing such public highway bridge upon and across such dam. In no case shall the design and construction of a bridge upon and across such dam be undertaken hereunder except by the agency having jurisdiction over and custody of the dam, acting directly or through contractors employed by it, and after such agency shall determine that it will be structurally feasible and will not interfere with the proper functioning and operation of the dam.

(b) Construction of any bridge upon and across any dam pursuant to this section shall not be commenced unless and until the State in such State, shall enter into an agreement with such agency and with which such bridge is to be located, or the appropriate subdivision of the Secretary to construct, or cause to be constructed, with or without the aid of Federal funds, the approach roads necessary to connect such bridge with existing public highways and to maintain, or cause to be maintained, such approach roads from and after their completion. Such agreement may also provide for the design and construction of such bridge upon and across the dam by such agency of the United States and for reimbursing such agency the costs incurred by it in the design and construction of the bridge as provided in subsection (d) of this section. Any such agency is hereby authorized to convey to the State, or to the appropriate subdivision thereof, without costs, such easements and rights-of-way in its custody or over lands of the United States in its custody and control as may be necessary, convenient, or proper for the location, construction, and maintenance of the approach roads referred to in this section including such roadside parks or recreational areas of limited size as may be deemed necessary for the accommodation of the traveling public. Any bridge constructed pursuant to this section upon and across a dam in the custody and jurisdiction of any agency of the United States, including such portion thereof, if any, as may extend beyond the physical limits of the dam, shall constitute and remain a part of said dam and be maintained by the agency. Any such agency may enter into any such contracts and agreements with the State or its subdivisions respecting public use of any bridge so located and constructed as may be deemed appropriate,

but no such bridge shall be closed to public use by the agency except in cases of emergency or when deemed necessary in the interest of national security.

(c) All costs and expenses incurred and expenditures made by any agency in the exercise of the powers and authority conferred by this section (but not including any costs, expenses, or expenditures which would have been required in any event to satisfy a legal road or bridge relocation obligation or to meet operating or other agency needs) shall be recorded and kept separate and apart from the other costs, expenses, and expenditures of such agency, and no portion thereof shall be charged or allocated to flood control, navigation, irrigation, fertilizer production, the national defense, the development of power, or other program, purpose, or function of such agency.

(d) Not to exceed \$10,000,000 of any money heretofore or hereafter appropriated for expenditure in accordance with the provisions of this title or prior Acts shall be available for expenditure by the Secretary in accordance with the provisions of this section, as an emergency fund, to reimburse any agency for any additional costs or expenditures which it may be required to incur because of the design and construction of any such dam so that it will constitute and serve as a foundation for a public highway bridge upon and across such dam and to reimburse any such agency for any costs, expenses, or expenditures which it may be required to make in designing and constructing any such bridge upon and across a dam in accordance with the provisions of this section, except such costs, expenses, or expenditures as would have been required of such agency in any event to satisfy a legal obligation to relocate a highway or bridge or to meet operating or other agency needs, and there is authorized to be appropriated any sum or sums necessary to reimburse the funds so expended by the Secretary from time to time under the authority of this section. Of each bridge constructed upon and across a dam under the provisions of this section, there may be financed wholly with Federal funds that portion thereof which is located within the physical limits of the masonry structure, or structures, of the dam, and the Secretary shall in his sole discretion determine what additional portion of the bridge, if any, may be so financed, such determination to be final and conclusive. The remainder of the bridge, and any necessary related approach roads, shall be financed by the State or its appropriate subdivision with or without the aid of Federal funds; but said portion of the bridge so financed by the State or its subdivisions, including such portion thereof, if any, as may extend beyond the physical limits of the dam, shall nevertheless be designed and constructed solely by the agency having custody and jurisdiction of the dam as provided in subsection (a) of this section.

(e) In making, reviewing, or approving the design of any bridge or approach structure to be constructed under this section, the agency shall, in matters relating to roadway design, loadings, clearances and widths, and traffic safeguards, give full consideration to and be guided by the standards and advice of the Secretary.

(f) The authority conferred by this section shall be in addition to and not in limitation of authority conferred upon any agency by any other law, and nothing in this section contained shall affect or be deemed to relate to any bridge, approach structure, or highway constructed or to be constructed by any such agency in furtherance of its lawful purposes and requirements or to satisfy a legal obligation incurred independently of this section.

REPEAL OF PRIOR ACTS

SEC. 2. The following Acts and portion of Acts cited by reference to the Statutes at Large, except for the provisions and sections hereinafter excepted, are hereby repealed:

1. Act of July 11, 1916 (39 Stat., ch. 241, page 355).
2. Sections 5, 6, 7, 8, and 9 of Act of February 28, 1919 (40 Stat., ch. 60, page 1189 at 1200-1202).
3. Act of November 9, 1921 (42 Stat., ch. 119, page 212).
4. Section 4 of Act of June 19, 1922 (42 Stat., ch. 227, page 652 at 660-661).
5. Section 1 of Act of March 10, 1924 (43 Stat., ch. 46, page 17).
6. Act of February 12, 1925 (43 Stat., ch. 219, page 889).
7. Act of June 22, 1926 (44 Stat., ch. 648, page 760).
8. Act of March 3, 1927 (44 Stat., ch. 370, page 1398).
9. Act of May 21, 1928 (45 Stat., ch. 660, page 683).
10. Act of May 26, 1928 (45 Stat., ch. 755, page 750).
11. Act of April 4, 1930 (46 Stat., ch. 105, page 141).
12. Act of May 5, 1930 (46 Stat., ch. 226, page 261).
13. Act of June 24, 1930 (46 Stat., ch. 593, page 805).
14. Act of February 20, 1931 (46 Stat., ch. 231, page 1173).
15. Act of February 23, 1931 (46 Stat., ch. 283, page 1415).
16. Section 304 of Act of July 21, 1932 (47 Stat., ch. 520, page 709 at 722).
17. Subsection (g) of section 204 of Act of June 16, 1933 (48 Stat., ch. 90, page 195 at 204).
18. Act of June 18, 1934 (48 Stat., ch. 586, page 993).
19. Act of June 16, 1936 (49 Stat., ch. 582, page 1519).
20. Act of June 23, 1936 (49 Stat., ch. 730, page 1891).
21. Act of June 8, 1938 (52 Stat., ch. 328, page 633), except the following provision: Section 4 thereof.
22. Act of July 19, 1939 (53 Stat., ch. 328, page 1066).
23. Act of September 5, 1940 (54 Stat., ch. 715, page 867).
24. Act of November 19, 1941 (55 Stat., ch. 474, page 765).
25. Act of July 2, 1942 (56 Stat., ch. 474, page 562).
26. Act of July 13, 1943 (57 Stat., ch. 236, page 560), except the following provision: Subsection (a) of section 7 thereof.
27. Act of April 4, 1944 (58 Stat., ch. 164, page 189).
28. Act of December 20, 1944 (58 Stat., ch. 626, page 838).
29. Act of July 31, 1945 (59 Stat., ch. 333, page 507).
30. Act of July 29, 1946 (60 Stat., ch. 694, page 709).
31. Act of June 21, 1947 (61 Stat., ch. 114, page 136).
32. Act of June 29, 1948 (62 Stat., ch. 732, page 1105).
33. Act of September 7, 1950 (64 Stat. 785).
34. Act of October 15, 1951 (65 Stat., ch. 501, page 421), except the following provision: Section 1 thereof.
35. Act of October 16, 1951 (65 Stat., ch. 507, page 422).
36. Act of June 25, 1952 (66 Stat., ch. 462, page 158), except the following provisions:
 - (a) The first two paragraphs of section 1;
 - (b) The first sentence of section 2;
 - (c) In section 3 in the first sentence the following words: "For the purpose of carrying out the provisions of section 23 of the Federal Highway Act (42 Stat. 218), as amended and supplemented, there is hereby authorized to be appropriated (1) for forest highways the sum of \$22,500,000 for the fiscal year ending June 30, 1954, and a like sum for the fiscal year ending June 30, 1955, and (2) for forest development roads and trails the sum of \$22,500,000 for the fiscal year ending June 30, 1955.";

(d) In subsection (a) of section 4 the following words: "For the construction, reconstruction, and improvement of roads and trails, inclusive of necessary bridges, in national parks, monuments, and other areas administered by the National Park Service, including areas authorized to be established as national parks and monuments, and national park and monument approach roads authorized by the Act of January 31, 1931 (46 Stat. 1053), as amended, there is hereby authorized to be appropriated the sum of \$10,000,000 for the fiscal year ending June 30, 1955.";

16 USC 8a-8c.

(e) Subsection (b) of section 4;

(f) In subsection (c) of section 4 the following words: "For the construction, improvement, and maintenance of Indian reservation roads and bridges and roads and bridges to provide access to Indian reservations and Indian lands under the provisions of the Act approved May 26, 1928 (45 Stat. 750), there is hereby authorized to be appropriated the sum of \$10,000,000 for the fiscal year ending June 30, 1955.";

25 USC 318a.

(g) In the first sentence of section 5 the following words: "Recognizing the mutual benefits that will accrue to the Republic of Nicaragua and to the United States from the completion of the road from San Benito to Rama in said Republic of Nicaragua, the construction of which road was begun and partially completed pursuant to an agreement between said Republic and the United States, there is hereby authorized to be appropriated \$2,000,000 for the fiscal year ending June 30, 1954, for the construction of such road, to be available until expended.";

(h) The first sentence of section 6;

(i) In section 8 the following words: "For the purpose of carrying out the provisions of section 10 of the Federal-Aid Highway Act of 1950 (64 Stat. 785), there is hereby authorized to be appropriated for the survey, construction, reconstruction, and maintenance of main roads through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations the sum of \$2,500,000 for the fiscal year ending June 30, 1955, to remain available until expended."

(j) Section 10 to the first proviso.

37. Act of May 6, 1954 (68 Stat., ch. 181, page 70), except the following provisions:

(a) The first two paragraphs of section 1;

(b) The last five provisos of section 1;

(c) The first sentence of subsection (a) of section 2;

(d) The first sentence of section 3 to the word "Provided";

(e) Section 4 to the word "Provided";

(f) Section 5;

(g) The first sentence of section 7;

(h) Section 8 to the word "Provided";

(i) Section 14;

(j) Section 18; and

(k) Section 22.

38. Title I of the Act of June 29, 1956 (70 Stat. 374), except the following provisions:

(a) Subsection (a) (1) (2) of section 102;

(b) The first sentence of section 103 (a) to the word "Provided";

(c) Section 104 (a), section 104 (b) and section 104 (c), to the word "Provided";

(d) Section 105;

(e) Subsections (b), (c) and (d) of section 107;

(f) Section 108 (b) and (c);

(g) Section 108 (k);

- (h) Section 114;
- (i) Section 117; and
- (j) The last proviso of section 118.

39. Sections 1 and 3 of the Act approved August 3, 1956 (70 Stat. 990).

40. Act of April 16, 1958 (72 Stat. 89) except the following provisions:

- (a) Subsection (a) (1) (2) of section 1;
- (b) Section 2;
- (c) The first sentence of section 3 (a) to the word "Provided" and the third, fourth and fifth provisos;
- (d) Subsection (b) of section 3;
- (e) Section 4 (a), section 4 (b) and section 4 (c) to the word "Provided";
- (f) Section 5;
- (g) Section 7;
- (h) Section 8; and
- (i) Section 9.

CONSTRUCTION

SEC. 3. (a) If any provision of title 23, as enacted by section 1 of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the title and the application of the provision to other persons or circumstances shall not be affected thereby.

(b) The provisions of this Act shall be subject to Reorganization Plan Numbered 5 of 1950 (64 Stat. 1263).

5 USC 133z-15
note.

SAVINGS CLAUSE

SEC. 4. Any rights or liabilities now existing under prior Acts or portions thereof shall not be affected by the repeal of such prior Acts or portions under section 2 of this Act.

REPORT AND RECOMMENDATIONS

SEC. 5. The Secretary of Commerce is hereby directed to submit to the Congress not later than February 1, 1959, a report on the progress made in attaining the objectives set forth in section 101 of title 23, as enacted by section 1 of this Act, together with recommendations.

Approved August 27, 1958.

Report to Congress.

Public Law 85-768

AN ACT

To amend the Act of June 10, 1938, relating to participation by the United States in the International Criminal Police Organization.

August 27, 1958
[S. 4169]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of June 10, 1938, c. 335, 52 Stat. 640 (22 U. S. C. 263a) is amended to read as follows: "That the Attorney General is authorized to accept and maintain, on behalf of the United States, membership in the International Criminal Police Organization, and to designate any departments and agencies which may participate in the United States representation with that organization. Each participating department and agency is authorized to pay its pro rata share, as determined by the Attorney General, of the expenses of such membership. The total dues to be paid for the membership of the United States shall not exceed \$25,000 per annum."

International
Criminal Police
organization.

Approved August 27, 1958.

Public Law 85-769

August 27, 1958
[H. R. 13518]

AN ACT

To incorporate the Blinded Veterans Association.

Blinded Veterans
Association, in-
corporation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following persons, to wit: John E. Mattingly, New Britain, Connecticut; Robert A. Bottenberg, San Antonio, Texas; Norbert L. Cormier, Newington, Connecticut; Michael I. Bernay, El Monte, California; Durham D. Hail, Reedsport, Oregon; James H. Butler, Miami Springs, Florida; Melvin J. Maas, Chevy Chase, Maryland; Julius D. Morris, New Britain, Connecticut; David L. Schnair, Bronx, New York; W. Marshall Smith, Springfield, Virginia; Guy Stone, Champaign, Illinois; Walter F. Stromer, Mount Vernon, Iowa; Raymond T. Frey, Lebanon, Pennsylvania; Henry Masse, West Medford, Massachusetts; Joseph Smietanowski, Rochester, New York;

Edward J. Hoyczyk, Snyder, New York; Russell C. Williams, Maywood, Illinois; H. Smith Shumway, Cheyenne, Wyoming; H. P. Adams, Sommerville, South Carolina; Thomas C. Hasbrook, Indianapolis, Indiana; Leonard E. Shelhamer, North Caldwell, New Jersey; Thomas J. Broderick, Chicago, Illinois; George M. Gillispie, Gardena, California; Peter J. McKenna, Minneapolis, Minnesota; William A. Miller, San Antonio, Texas; Phillip N. Harrison, Harrisburg, Pennsylvania; Vasco de Gama Hale, Bloomfield, Connecticut; William W. Thompson, Bethesda, Maryland; Gordon H. Damery, Brighton, Massachusetts; Irvin P. Schloss, Washington, District of Columbia; Darwin W. Niles, Hammond, Indiana; Curtis F. Weygand, Gadsden, Alabama; Alfous Vaughan, Camden, Arkansas;

Walter R. Andrews, Roseda, California; Clarence C. Carlson, Lynwood, California; Jesse S. Castillo, Los Angeles, California; James Harris, Los Angeles, California; Sanji Kimoto, Long Beach, California; Jose Reyes, Lynwood, California; Neftali Sanchez, Los Angeles, California; Derald W. Stange, Los Angeles, California; Paul U. Brower, Oakland, California; Clarence Costello, Oakland, California; Herbert P. Oakes, Denver, Colorado; Robert W. Taylor, Pueblo, Colorado; Ernest M. Bowen, Granby, Connecticut; Dominic Buonocore, Waterbury, Connecticut; Edward Cousineau, Windsor Locks, Connecticut; Theodore Wysocki, West Hartford, Connecticut; Francisco de la Cruz, Washington, District of Columbia; Raymond N. Goldstein, Washington, District of Columbia; John H. Jones, Washington, District of Columbia; John S. Nadeau, Washington, District of Columbia; Adolph E. Anglan, Daytona Beach, Florida;

LaRue S. Milne, Largo, Florida; Robert L. Robinson, Orlando, Florida; Charles H. Monroe, Savannah, Georgia; Hisatomi Hiyasaka, Sugar City, Idaho; Fay Anderson, Pocatonia, Illinois; Irvin J. Edwards, Lee, Illinois; Marvin Halladay, Bensenville, Illinois; Vincent Ortiz, Senior, Blue Island, Illinois; Raymond D. McCarty, La Porte, Indiana; Gerald J. Miller, Rensselaer, Indiana; Charles T. Rachels, Mount Vernon, Indiana; John W. Stalcup, Indianapolis, Indiana; William E. Cassell, Cumberland, Maryland; Frank L. Bavin, Wilmington, Massachusetts; Jerome F. Bowen, Chelsea, Massachusetts; Walter F. Branlund, Braintree, Massachusetts; Daniel B. Carveth, Annisquam, Massachusetts;

Adolfo Cenci, Somerville, Massachusetts; Nathan Cohen, Winthrop, Massachusetts; John F. Crowson, Petersham, Massachusetts; Michael Carl Dec, Chester, Massachusetts; Joseph D. DeLaura, Worcester, Massachusetts; Albert de Simone, Revere, Massachusetts; John W.

Feeley, Worcester, Massachusetts; Francis V. Hammersley, Malden, Massachusetts; Francis Hennessey, Hyde Park, Massachusetts; H. F. le Blanc, Haverhill, Massachusetts; Edward J. Leslie, Lynn, Massachusetts; John Lundgren, Malden, Massachusetts; Phillip Malatesta, Malden, Massachusetts; William McFayden, Ludlow, Massachusetts; Kenneth A. Meister, Amesbury, Massachusetts; J. H. Schuster, Holbrook, Massachusetts;

Chester J. Sweeney, Dorchester, Massachusetts; John C. Taylor, Boston, Massachusetts; Alfred J. Therrien, Lawrence, Massachusetts; Otto Huwe, New Haven, Michigan; Ernest M. Wiedyk, Auburn, Michigan; Ralph H. Sather, North Branch, Minnesota; Wesley E. Burney, Kansas City, Missouri; James A. Schelich, Washington, Missouri; Raymond T. Auprey, Penacock, New Hampshire; John A. Clarke, New Brunswick, New Jersey; Edward Heimrich, Belleville, New Jersey; Frederich Koch, Paramus, New Jersey; Michael A. Spencer, Belleville, New Jersey; John Abrams, New York, New York; Walter Biedrzycki, Mineola, New York; Francis J. Chambers, New York, New York; Roger P. Conant, New York, New York; Jerome E. Dompierre, Buffalo, New York;

Anthony Duino, Dunkirk, New York; Salvatore Iadanza, Central Islip, New York; Michael J. Kralovich, Jackson Heights, New York; Michael A. Lettiere, Brooklyn, New York; Joseph A. Martone, Syracuse, New York; Robert I. McGinnis, Poughkeepsie, New York; Harry J. Owens, Cassville, New York; Alrid Plaskett, South Ozone Park, New York; Jack Shapiro, Jackson Heights, New York; Andrew G. Tomanek, Jackson Heights, New York; Paul Viviano, Sunnyside, New York; Michael Weber, Watertown, New York; Narcus Zetkin, New York, New York; John Henry Edge, Rocky Mount, North Carolina; Henry C. Riggins, Asheville, North Carolina; George H. Williams, Rocky Mount, North Carolina; John C. Smallbeck, Aneta, North Dakota;

A. W. Brent, Cleveland, Ohio; Floyd H. Miller, Louisville, Ohio; Carl Mock, Logan, Ohio; James L. Park, Middlefield, Ohio; John Bernabo, Bolivar, Pennsylvania; Richard G. Brooks, Philadelphia, Pennsylvania; Charles P. Hogan, Pittsburgh, Pennsylvania; Richard A. Neiman, Lancaster, Pennsylvania; Steve T. Olesnank, Lake City, Pennsylvania; Curtis W. Sechrist, East York, Pennsylvania; Edward A. Zelonis, Harrisburg, Pennsylvania; Herman W. Nodine, Greenville, South Carolina; Emil M. Larson, Sioux Falls, South Dakota; Randolph H. Greene, Lubbock, Texas; Alfred Poe, El Paso, Texas; James A. H. Brown, Lynchburg, Virginia; Harold A. Bussey, Norfolk, Virginia; Bernie C. Lear, Chesterfield, Virginia; Charles F. MacFarlane, Seattle, Washington; John A. Veith, Lost Creek, West Virginia; Richard J. Hunt, Madison, Wisconsin;

Alvin R. Johnson, Milwaukee, Wisconsin; Leo A. Urbaniak, Troy Center, Wisconsin; Julio C. Galarza Torres, Rio Piedras, Puerto Rico; John P. Collins, West Monroe, Louisiana; Gerald J. DuBois, Morgan City, Louisiana; James L. Womack, Winnfield, Louisiana; Blaise Angelico, New Orleans, Louisiana; Tom Byrnes, Shreveport, Louisiana; Reynolds T. Liner, Houma, Louisiana; David Martin, Lafayette, Louisiana; Joseph Emile DuPont, Plaquemine, Louisiana; Joseph C. Hattier, Metarie, Louisiana; Steve Champagne, Saint Martinville, Louisiana; Stephen Carra, New Orleans, Louisiana; Clarence Clark, West Monroe, Louisiana; Bernard J. Cramer, Crowley, Louisiana; Vernon Parenton, Baton Rouge, Louisiana; Daniel Pinchera, Shreveport, Louisiana; Joseph Roth, Gonzales, Louisiana; James Turner, Varnado, Louisiana; Edwin Westrate, Port Allen, Louisiana; Preston Wyatts, Natchitoches, Louisiana; and each other person who, on the date of enactment of this Act, is a member in good standing of

Blinded Veterans Association, Incorporated, a corporation organized and existing under the membership corporation law of the State of New York, and their successors, are hereby created and declared to be a body corporate by the name of Blinded Veterans Association (referred to in this Act as the "corporation") and by such name shall be known and have perpetual succession of the powers, limitations, and restrictions contained in this Act.

COMPLETION OF ORGANIZATION

SEC. 2. A majority of the persons named in the first section of this Act are authorized to complete the organization of the corporation by the selection of officers and employees, the adoption, amendment, and revision of a constitution and bylaws not inconsistent with the provisions of this chapter and the doing of such other acts as may be necessary for such purpose.

OBJECTS AND PURPOSES OF THE CORPORATION

SEC. 3. The objects and purposes of the corporation shall be as follows:

(1) To promote the welfare of blinded veterans so that, notwithstanding their disabilities, they may take their rightful place in the community and work with their fellow citizens toward the creation of a peaceful world.

(2) To preserve and strengthen a spirit of fellowship among blinded veterans so that they may give mutual aid and assistance to one another.

(3) To maintain and extend the institutions of American freedom and to encourage loyalty to the Constitution and laws of the United States and of the States in which they reside.

(4) To be organized and operated as a corporation not for profit, no part of the income or assets of which shall inure to the benefit of any of its members, directors, or officers, nor be distributable thereto otherwise than upon dissolution or final liquidation; and such corporation is organized and shall be operated exclusively for charitable, educational, patriotic, and civic improvement purposes.

POWERS OF THE CORPORATION

SEC. 4. The corporation shall have power—

(1) to sue and be sued, complain and defend in any court of competent jurisdiction;

(2) to adopt, alter, and use a corporate seal;

(3) to choose officers, managers, and agents as the business of the corporation may require;

(4) to charge and collect membership dues;

(5) to adopt, amend, apply, and alter a constitution and bylaws not inconsistent with the laws of the United States of America or any State in which the corporation is to operate, for the management of its property and the regulation of its affairs;

(6) to contract and be contracted with;

(7) to take and hold by lease, gift, purchase, grant, devise, bequest or otherwise any property real, personal, or mixed, necessary or convenient for attaining the objects of the corporation, subject, however, to applicable provisions of law of any State,

(a) governing the amount or kind of real and personal property which may be held by, or, (b) otherwise limiting or controlling the ownership of real and personal property by, a corporation operating in such State;

- (8) to transfer, lease, or convey real or personal property;
- (9) to borrow money for the purposes of the corporation and issue bonds or other evidences of indebtedness therefor and secure the same by mortgage or pledge subject to applicable Federal or State laws; and
- (10) to do any and all acts necessary and proper to carry out the purposes of the corporation.

PRINCIPAL OFFICE; TERRITORIAL SCOPE OF ACTIVITIES; RESIDENT AGENT

SEC. 5. (a) The principal office of the corporation shall be located in Washington, District of Columbia, or in such other place as may later be determined by the board of directors but the activities of the corporation shall not be confined to that place and may be conducted throughout the various Territories and possessions of the United States.

(b) The corporation shall have in the District of Columbia at all times a designated agent authorized to accept service and process for the corporation; and notice to or service upon such agent or mailed to the business address of such agent shall be deemed as service to or notice on the corporation.

MEMBERSHIP RIGHTS

SEC. 6. Any person who was enlisted, drafted, inducted, or commissioned in the Armed Forces of the United States and who, in the line of duty in such service, has sustained a substantial impairment of sight or vision, as such is defined from time to time by the bylaws of the corporation, shall be eligible for general membership in the corporation. In addition to the general membership, there shall be special classes of honorary and associate membership, qualification or eligibility for which, and rights and obligations of which, shall be as provided from time to time by the bylaws of the corporation. All persons who are members of any class of Blinded Veterans Association, Incorporated, on the effective date of this Act shall be members of such class of the corporation.

GOVERNING BODY; COMPOSITION; TENURE

SEC. 7. (a) The number of directors shall be not less than three nor more than fifteen said directors shall be divided into a specified number of classes, each class holding office for a definite period of years, as shall be provided from time to time by the bylaws of the corporation, except that the directors of Blinded Veterans Association, Incorporated, on the effective date of this Act shall be the first directors of the corporation.

(b) Any director of the corporation may be removed at any time for just and proper cause by a vote of a majority of a quorum of directors present at a meeting called for that purpose.

(c) If a vacancy occurs in the office of director of the corporation, a majority of a quorum of the remaining directors present at a meeting duly called for that purpose may elect a director to fill such vacancy until the next annual meeting of the corporation.

(d) A majority of the directors shall be present at any meeting of directors in order to constitute a quorum and the votes of a majority of the directors so present shall be necessary for the transaction of any business.

OFFICERS

SEC. 8. (a) The corporation shall have such officers as may be provided for in the bylaws.

(b) The officers shall have such powers consistent with this charter, as may be determined by the bylaws.

(c) The officers of the corporation shall be elected in such manner and have such terms and with such duties as may be prescribed in the bylaws of the corporation.

DISTRIBUTION OF INCOME OR ASSETS TO MEMBERS; LOANS

SEC. 9. (a) No part of the income or assets of the corporation shall inure to any member, officer, or director as such, or be distributed to any of them during the life of the corporation or upon its dissolution or final liquidation, nor shall any member or private individual be liable for the obligations of the corporation. Nothing in this section, however, shall be construed to prevent—

(1) the payment of bona fide expenses of officers of the corporation in amounts approved by the board of directors; or

(2) the payment of appropriate aid to blinded veterans, their widows or their children pursuant to the objects of the corporation.

(b) The corporation shall not make loans to its officers, directors, or employees. Any officer or director who votes for or assents to the making of a loan to an officer, director, or employee of the corporation and any officer who participates in the making of such loan shall be jointly and severally liable to the corporation for the amount of such loan until the payment thereof.

NONPOLITICAL NATURE OF CORPORATION

SEC. 10. The corporation, and its officers and directors as such, shall not contribute to or otherwise support or assist any political party or candidate for elective public office.

LIABILITY FOR ACTS OF OFFICERS AND AGENTS

SEC. 11. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

PROHIBITION AGAINST ISSUANCE OF STOCK OR ISSUANCE OF DIVIDENDS

SEC. 12. The corporation shall have no power to issue any shares of stock or declare or pay dividends.

BOOKS AND RECORDS; INSPECTION

SEC. 13. The corporation shall keep correct and complete books and records of account. It shall also keep minutes of the proceedings of its membership and of the board of directors or committees having authority under the board of directors. It shall also keep at its principal office a record giving the names and addresses of its members, directors, and officers. All books and records of the corporation may be inspected by any member or his agent or attorney for any proper purpose at any reasonable time.

AUDIT OF FINANCIAL TRANSACTIONS; REPORT TO CONGRESS

SEC. 14. (a) The financial transactions of the corporation shall be audited annually by an independent certified accountant in accordance with the principles and procedures applicable to commercial corporate transactions. The audit shall be conducted at the place or places where the accounts of the corporation are normally kept. All

books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the corporation and necessary to facilitate the audit shall be made available to the person or persons conducting the audit and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

(b) A report of such audit shall be made by the corporation to the Congress not later than March 1 of each year. The report shall set forth the scope of the audit and shall include a verification by the person or persons conducting the audit of statements of (1) assets and liabilities; (2) capital and surplus or deficit; (3) surplus or deficit analyses; (4) income and expense; and (5) sources and application of funds. The report shall not be printed as a public document.

USE OF ASSETS UPON DISSOLUTION OR LIQUIDATION

SEC. 15. Upon final dissolution or liquidation of the corporation and after discharge or satisfaction of all outstanding obligations and liabilities the remaining assets of the corporation shall be transferred to the Veterans' Administration to be applied to the care and comfort of blinded veterans.

TRANSFER OF ASSETS FROM PRIOR CORPORATION

SEC. 16. The corporation may acquire the assets of the Blinded Veterans Association, Incorporated, a body corporate organized under the laws of the State of New York, upon discharge or satisfactorily providing for the payment and discharge of all of the liabilities of such State corporation and upon complying with all the laws of the State of New York applicable thereto.

EXCLUSIVE RIGHT TO NAME: CORPORATE SEALS, EMBLEMS, AND BADGES

SEC. 17. The corporation and its duly authorized regional groups and other local subdivisions shall have the sole and exclusive right to have and use in carrying out its purposes the name Blinded Veterans Association and such seals, emblems, and badges as the corporation may lawfully adopt.

RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER

SEC. 18. The right to alter, amend, or repeal this Act is expressly reserved.

Approved August 27, 1958.

Public Law 85-770

AN ACT

To amend the law relating to the execution of contracts with Indian tribes.

August 27, 1958
[S. 2592]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2103 of the Revised Statutes (25 U. S. C. 81), is amended (i) by deleting from the paragraph numbered "Second" the words "be executed before a judge of the court of record, and", and (ii) by deleting all of the paragraph numbered "Sixth".

Approved August 27, 1958.

Public Law 85-771

AN ACT

August 27, 1958
[S. 2517]

To amend sections 2275 and 2276 of the Revised Statutes with respect to certain lands granted to States and Territories for public purposes.

Public lands.
Grants.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2275 of the Revised Statutes, as amended (43 U. S. C. 851), is amended to read as follows:

Deficiencies in
grants to State by
reason of settle-
ments, etc.

“SEC. 2275. Where settlements with a view to preemption or homestead have been, or shall hereafter be made, before the survey of the lands in the field, which are found to have been made on sections sixteen or thirty-six, those sections shall be subject to the claims of such settlers; and if such sections or either of them have been or shall be granted, reserved, or pledged for the use of schools or colleges in the State or Territory in which they lie, other lands of equal acreage are hereby appropriated and granted, and may be selected, in accordance with the provisions of section 2276 of the Revised Statutes, by said State or Territory, in lieu of such as may be thus taken by preemption or homestead settlers. And other lands of equal acreage are also hereby appropriated and granted and may be selected, in accordance with the provisions of section 2276 of the Revised Statutes, by said State or Territory where sections sixteen or thirty-six are, prior to survey, included within any Indian, military, or other reservation, or are, prior to survey, otherwise disposed of by the United States: *Provided*, That the selection of any lands under this section in lieu of sections granted or reserved to a State or Territory shall be a waiver by the State or Territory of its right to the granted or reserved sections. And other lands of equal acreage are also hereby appropriated and granted, and may be selected, in accordance with the provisions of section 2276 of the Revised Statutes, by said State or Territory to compensate deficiencies for school purposes, where sections sixteen or thirty-six are fractional in quantity, or where one or both are wanting by reason of the township being fractional, or from any natural cause whatever. And it shall be the duty of the Secretary of the Interior, without awaiting the extension of the public surveys, to ascertain and determine, by protraction or otherwise, the number of townships that will be included within such Indian, military, or other reservations, and thereupon the State or Territory shall be entitled to select indemnity lands to the extent of section for section in lieu of sections therein which have been or shall be granted, reserved, or pledged; but such selections may not be made within the boundaries of said reservation: *Provided, however*, That nothing herein contained shall prevent any State or Territory from awaiting the extinguishment of any such military, Indian, or other reservation and the restoration of the lands therein embraced to the public domain and then taking the sections sixteen and thirty-six in place therein.”

SEC. 2. Section 2276 of the Revised Statutes (43 U. S. C., sec. 852) is amended to read as follows:

Selections.
43 USC 851.

“SEC. 2276. (a) The lands appropriated by section 2275 of the Revised Statutes, shall be selected from any unappropriated, surveyed public lands within the State or Territory where such losses or deficiencies occur subject to the following restrictions:

Restrictions.

“(1) No lands mineral in character may be selected by a State or Territory except to the extent that the selection is being made as indemnity for mineral lands lost to the State or Territory because of appropriation prior to survey;

“(2) No lands on a known geologic structure of a producing oil or gas field may be selected except to the extent that the selection is being made as indemnity for lands on such a structure lost to the State or Territory because of appropriation prior to survey; and

“(3) Lands subject to a mineral lease or permit may be selected, but only if all of the lands subject to that lease or permit are selected and if none of the lands subject to that lease or permit are in a producing or producible status; where lands subject to a mineral lease or permit are selected, the State or Territory shall succeed to the position of the United States thereunder.

“(b) Where the selections are to compensate for deficiencies of school lands in fractional townships, such selections shall be made in accordance with the following principles of adjustment, to wit: For each township, or fractional township, containing a greater quantity of land than three-quarters of an entire township, one section; for a fractional township, containing a greater quantity of land than one-half, and not more than three-quarters of a township, three-quarters of a section; for a fractional township, containing a greater quantity of land than one-quarter, and not more than one-half of a township, one-half section; and for a fractional township containing a greater quantity of land than one entire section, and not more than one-quarter of a township, one-quarter section of land: *Provided*, That the States or Territories which are, or shall be entitled to both the sixteenth and thirty-sixth sections in place, shall have the right to select double the amounts named, to compensate for deficiencies of school land in fractional townships.

School lands.

“(c) Notwithstanding the provisions of the Act of September 27, 1944 (58 Stat. 748), as amended (43 U. S. C., sec. 282) on the revocation not later than 10 years after the date of approval of this Act, of any order of withdrawal, in whole or in part, the order or notice taking such action shall provide for a period of not less than six months before the date on which it otherwise becomes effective in which the State or Territory in which the lands are situated shall have a preferred right of application for selection under this section, subject to the requirements of existing law, except as against the prior existing valid settlement rights and preference rights conferred by existing law other than the said Act of September 27, 1944, or as against equitable claims subject to allowance and confirmation, and except where a revocation of an order of withdrawal is made in order to assist in a Federal land program.

Revocation.

“(d) (1) The term ‘unappropriated public lands’ as used in this section shall include, without otherwise affecting the meaning thereof, lands withdrawn for coal, phosphate, nitrate, potash, oil, gas, asphaltic minerals, oil shale, sodium, and sulfur, but otherwise subject to appropriation, location, selection, entry, or purchase under the non-mineral laws of the United States; and lands withdrawn by Executive Order Numbered 5327, of April 15, 1930, if otherwise available for selection.

“Unappropriated public lands”.

“(2) The determination, for the purposes of this section of the mineral character of lands lost to a State or Territory shall be made as of the date of application for selection and upon the basis of the best evidence available at that time.”

Determination of mineral lands.

SEC. 3. Section 1 of the Act of March 4, 1915, as amended (48 U. S. C., sec. 353), is further amended by the deletion of the first proviso and the substitution of the following in its place: “*Provided*, That where settlement with a view to homestead entry has been made upon any part of the sections reserved before the survey thereof in the field, or where the same may have been sold or otherwise appropriated by or under the authority of any Act of Congress or included

38 Stat. 1215.
Reservation of homestead lands.

43 USC 851, 852.

within any Indian, military, or other reservation or are wanting or fractional in quantity, other lands, nonmineral in character, may be designated and reserved in lieu thereof in the manner provided by sections 2275 and 2276 of the Revised Statutes: *Provided further*, That the Territory may select mineral lands (including lands on the known geologic structure of a producing oil or gas field and lands subject to a mineral lease or permit) to be reserved for it to the same extent as a State may select such lands to be granted to it under subsection (a) of section 2276 of the Revised Statutes (43 U. S. C., sec. 852):”.

Approved August 27, 1958.

Public Law 85-772

AN ACT

August 27, 1958
[H. R. 8606]

To amend the Civil Service Retirement Act with respect to annuities of survivors of employees who are elected as Members of Congress.

Civil Service
Retirement Act,
amendments.
70 Stat. 749.
5 USC 2256.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 6 (f) of the Civil Service Retirement Act is amended by striking out the words “Member service” in the last sentence and inserting in lieu thereof “civilian service”.

5 USC 2260.

(b) Section 10 (c) of such Act is amended by striking out “If an employee dies after completing at least five years of civilian service, or a Member dies after completing at least five years of Member service”, and inserting in lieu thereof the following: “If an employee or a Member dies after completing at least five years of civilian service”.

(c) Section 10 (d) of such Act is amended by striking out “If an employee dies after completing five years of civilian service or a Member dies after completing five years of Member service” and inserting in lieu thereof the following: “If an employee or a Member dies after completing at least five years of civilian service”.

5 USC 2254.

(d) Section 4 of such Act is amended by adding at the end thereof a new subsection as follows:

“(h) For purposes of survivor annuity, deposits authorized by subsections (c) and (d) may also be made by the survivor of an employee or Member.”

Effective date.

(e) The amendments made by this section shall take effect as of March 1, 1958.

George M. Fay.

SEC. 2. (a) In the administration of the Civil Service Retirement Act, George Morris Fay shall be considered to have retired for disability under the provisions of such Act on May 31, 1957, the date of his separation from service as an employee of the United States Senate, to have elected a reduced annuity, and to have designated his wife, Dorothy D. Fay, to receive an annuity after his death equal to 50 per centum of the annuity which he would have received upon such retirement in the absence of such election.

(b) No annuity shall be payable under this section—

(1) until there shall have been repaid to the Civil Service Retirement and Disability Fund the amount of any lump-sum benefit heretofore paid on account of the death of the said George Morris Fay, or

(2) for any period prior to the first day of the month in which this Act is enacted.

Approved August 27, 1958.

Public Law 85-773

AN ACT

To designate the beneficiary of the equitable title to land purchased by the United States and added to the Rocky Boy's Indian Reservation, Montana.

August 27, 1958
[S. 2530]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the land acquired by the United States pursuant to section 5 of the Act of June 18, 1934 (48 Stat. 984), title to which was conveyed to the United States of America in trust for the Chippewa, Cree, and other Indians of Montana, and thereafter added to the Rocky Boy's Indian Reservation, Montana, by proclamation signed by the Assistant Secretary of the Interior on November 26, 1947, is hereby designated for the exclusive use of the members of the Chippewa Cree Tribe of the Rocky Boy's Reservation, Montana.

Rocky Boy's Indian Reservation, Mont.
25 USC 465.

Approved August 27, 1958.

Public Law 85-774

AN ACT

To authorize land exchanges for purposes of the George Washington Memorial Parkway in Montgomery County, Maryland, and for other purposes.

August 27, 1958
[S. 3572]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of relocating electric trolley lines, electrical transmission lines, and related facilities of the D. C. Transit System, Inc., and the Potomac Electric Power Company, Inc., in order to eliminate the necessity for crossings between the George Washington Memorial Parkway and the facilities of the aforesaid corporations in Montgomery County, Maryland, and to preserve more effectively the historic properties of the Chesapeake and Ohio Canal, the Secretary of the Interior is authorized to consummate desirable exchanges as hereinafter prescribed.

George Washington Memorial Parkway.
Land exchange.

In furtherance of these purposes, the Secretary is authorized on behalf of the United States to accept, from the aforesaid corporations or their successors or assigns, title to non-Federal land and interests in land adjacent to and situated in the vicinity of the George Washington Memorial Parkway in Montgomery County, Maryland, and in exchange therefor to convey to the aforesaid grantors or their successors or assigns land or interests in land of the United States comprising a part of or located in the vicinity of the George Washington Memorial Parkway in Montgomery County, Maryland: *Provided,* That Federal lands or interests outside the administrative control of said Secretary may be conveyed only with the approval of the administering agency. The aforesaid exchanges are authorized to be made without additional compensation by either party to the exchange when the properties to be exchanged are of approximately equal value. When, however, the properties are not of approximately equal value, as may be determined by the Secretary, an additional payment of funds shall be required by the Secretary or by the grantors of non-Federal properties, as the case may be, in order to make an equal exchange. The Secretary is authorized to use any funds available for the George Washington Memorial Parkway project for such purposes. The Secretary may consummate land exchanges herein authorized upon such terms, conditions, and procedures as he may find to be necessary or desirable in carrying out the purposes of this Act.

Approved August 27, 1958.

Public Law 85-775

August 27, 1958
[H. J. Res. 648]

JOINT RESOLUTION

Providing for a joint session of Congress for commemorating the one hundred and fiftieth anniversary of the birth of Abraham Lincoln.

Whereas Thursday, February 12, 1959, will mark the one hundred and fiftieth anniversary of the birth of Abraham Lincoln, sixteenth President of the United States; and

Whereas Mr. Lincoln is our best example of that personal fulfillment which American institutions permit and encourage; and

Whereas his memory endures in the hearts and minds and strivings of his own people in every generation; and

Whereas his actions, words, and deeds and their meaning bring hope, fortitude, and renewed conviction to the freedom loving people who are in mental and physical agony all over the world; and

Whereas he declared: "I wish all men to be free."; and

Whereas a century ago he said: "Our reliance is in the love of liberty which God has planted in our bosoms. Our defense is in the preservation of the spirit which prizes liberty as the heritage of all men, in all lands, everywhere."; and

Whereas he wrote: "As I would not be a slave, so I would not be a master. This expresses my idea of democracy. Whatever differs from this, to the extent of the differences, is no democracy."; and

Whereas he once admonished us: "The dogmas of the quiet past are inadequate to the stormy present. The occasion is piled high with difficulty, and we must rise with the occasion. As our case is new, so we must think anew, and act anew."; and

Whereas he calls upon us: "Let every American, every lover of liberty, every well wisher to his posterity, swear by the blood of the Revolution, never to violate in the least particular, the laws of the country; and never to tolerate their violation by others. As the patriots of seventy-six did to the support of the Declaration of Independence, so to the support of the Constitution and laws, let every American pledge his life, his property, and his sacred honor; let every man remember that to violate the law, is to trample on the blood of his father, and to tear the charter of his own and his children's liberty. Let reverence for the laws, be breathed by every American mother, to the lisping babe, that prattles on her lap; let it be taught in schools, in seminaries, and in colleges; let it be written in primers, spelling books, and in almanacs; let it be preached from the pulpit, proclaimed in legislative halls, and enforced in courts of justice. And, in short, let it become the political religion of the Nation; and let the old and the young, the rich and the poor, the grave and the gay, of all sexes and tongues, and colors and conditions, sacrifice unceasingly upon its altars."; and

Whereas "it is for us the living . . . to be dedicated here" to the principles of those who, like Mr. Lincoln, "gave the last full measure of devotion"; and

Whereas he was himself once a member of this honorable body; and

Whereas on Monday, February 12, 1866, in the presence of the President of the United States, the members of his Cabinet, the Chief Justice and Associate Justices of the Supreme Court, the diplomatic corps, officers of the Army and Navy, assistant heads of departments, the governors of States and Territories, and others in authority, the two Houses of Congress convened in joint session to hear "an address upon the life and character of Abraham Lincoln, late President of the United States," pronounced by an eminent historian, the Honorable George Bancroft: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That on Thursday, February 12 next, the sesquicentennial of the birth of Abraham Lincoln shall be commemorated by a joint session of the Congress, and to that end the President of the Senate will appoint four Members of the Senate and the Speaker of the House will appoint four Members of the House of Representatives jointly to constitute a Committee on Arrangements.

Abraham Lincoln
Sesquicentennial
commemoration,
1959.

The Committee on Arrangements shall plan the proceedings, issue appropriate invitations and select a distinguished Lincoln scholar to deliver the memorial address; and be it further

Resolved, That the President of the United States, the Vice President of the United States, Secretaries of departments, heads of independent agencies, offices and commissions, the Chief Justice and Associate Justices of the Supreme Court, the diplomatic corps, assistant heads of departments, and the members of the Lincoln Sesquicentennial Commission be invited to join in this commemoration.

Approved August 27, 1958.

Public Law 85-776

AN ACT

To amend Public Law 522, Eighty-fourth Congress (relating to the conveyance of certain lands to the city of Henderson, Nevada).

August 27, 1958
[S. 3723]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to direct the Secretary of the Interior to convey certain public lands in the State of Nevada to the city of Henderson, Nevada," approved May 14, 1956 (70 Stat. 156), is amended by adding at the end thereof the following new section:

Henderson, Nev.
Conveyance.

"SEC. 3. Nothing contained in the preceding provisions of this Act shall be construed to preclude the city of Henderson, Nevada, from purchasing, in accordance with such preceding provisions, only such portion or portions, by legal subdivision of the public land surveys, of the above-described lands as such city elects, nor shall the purchase by such city of only a portion or portions of such lands be construed to constitute a waiver or relinquishment of any of its rights under this Act to purchase, in accordance with such preceding provisions and by legal subdivisions of the public land surveys, the remainder of such lands, or any portion thereof."

Purchase rights.

Approved August 27, 1958.

Public Law 85-777

AN ACT

To extend title VII of the Public Health Service Act (relating to health research facilities) for three years, and for other purposes.

August 27, 1958
[H. R. 12876]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 704 of title VII of the Public Health Service Act is amended by striking out "two" and inserting in lieu thereof "five".

70 Stat. 718.
42 USC 292c.

(b) Subsection (a) of section 705 of title VII of the Public Health Service Act is amended by striking out "1958" and inserting in lieu thereof "1961".

42 USC 292d.

Approved August 27, 1958.

Public Law 85-778

AN ACT

August 27, 1958
[H. R. 13688]

To provide airmail and special delivery postage stamps for Members of the House of Representatives on the basis of regular sessions of Congress, and for other purposes.

House of Representatives.
Airmail and special delivery stamps for members.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Clerk of the House of Representatives is authorized and directed to procure and furnish—

(1) to each Representative and Delegate and the Resident Commissioner of Puerto Rico, upon request by such person, United States airmail and special delivery postage stamps in an amount not exceeding \$400, for the first session of the Eighty-Sixth Congress and for each succeeding regular session of Congress, for the mailing of postal matters arising in connection with his official business; and

(2) to each standing committee of the House of Representatives, upon request of the chairman thereof, United States airmail and special delivery postage stamps in an amount not exceeding \$240, for the first session of the Eighty-sixth Congress and for each succeeding regular session of Congress, for official business of each such committee.

SEC. 2. (1) The Speaker, the majority and minority leaders, and the majority and minority whips of the House of Representatives shall each be allowed, for the first session of the Eighty-sixth Congress and for each succeeding regular session of Congress, United States airmail and special delivery postage stamps in an amount not exceeding \$360.

(2) For the first session of the Eighty-sixth Congress and for each succeeding regular session of Congress, the following officers of the House of Representatives shall each be allowed United States airmail and special delivery postage stamps in the amounts herein specified as follows: The Clerk of the House, \$640; the Sergeant at Arms, \$480; the Doorkeeper, \$400; and the Postmaster, \$320.

SEC. 3. In addition to amounts of United States airmail and special delivery postage stamps made available by this Act for the first session of the Eighty-sixth Congress, each person and committee referred to in this Act shall be entitled to receive, until June 30, 1959, the amount of such stamps to which he would have been entitled but for the enactment of this Act.

SEC. 4. Except as provided in section 3, amounts of United States airmail and special delivery postage stamps made available by the first section and section 2 of this Act shall be in lieu of, and not in addition to, any amounts of such stamps made available under any other provisions of law to persons and committees referred to in such sections.

Approved August 27, 1958.

Public Law 85-779

AN ACT

August 27, 1958
[H. R. 10360]

To amend title V of the Agricultural Act of 1949, as amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 509 of the Agricultural Act of 1949, as amended, is amended by striking out "June 30, 1959" and inserting "June 30, 1961".

Approved August 27, 1958.

Public Law 85-780

AN ACT

Relating to minerals on the Wind River Indian Reservation in Wyoming, and for other purposes.

August 27, 1958
[S. 3203]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, from and after the effective date of this Act, all of the right, title, and interest of the United States in all minerals, including oil and gas, the Indian title, to which was extinguished by the Act of August 15, 1953 (67 Stat. 592; Public Law 284, Eighty-third Congress, first session), entitled "An Act to provide compensation to the Shoshone and Arapahoe Tribes of Indians for certain lands of the Riverton reclamation project within the ceded portion of the Wind River Indian Reservation, and for other purposes", is hereby declared to be held by the United States in trust for the Shoshone and Arapahoe Tribes and, notwithstanding any other provision of law, said minerals, including oil and gas, subject to the provisions of section 2 of this Act, shall be administered and leased in accordance with the provisions of the Act of May 11, 1938 (ch. 198, 52 Stat. 347). The gross proceeds received by the United States from such minerals either before or after the date of this Act shall be deposited to the credit of the Shoshone and Arapahoe Tribes in accordance with the provisions of the Act of May 19, 1947 (61 Stat. 102), as amended, and any of such gross proceeds that have been credited to miscellaneous receipts in the Treasury of the United States in accordance with the provisions of section 5 of the Act of August 15, 1953 (67 Stat. 592), shall be transferred on the books of the Treasury to the credit of such tribes.

SEC. 2. Notwithstanding any other provision of law, (1) all mineral leases, including oil and gas leases, covering any of the minerals referred to in section 1 hereof, which have heretofore been issued by the Secretary of the Interior on a noncompetitive basis, shall be subject to renewal at the end of the primary five-year term thereof for a term that extends to a date that is five years from the date of this Act and shall not be subject to renewal or further extension except in any case where, at the expiration of said extended term, oil or gas is being produced under the lease in paying quantities, and (2) the Secretary of the Interior shall process in accordance with the Mineral Leasing Act of February 25, 1920 (ch. 85, 41 Stat. 437), as amended, and the regulations issued thereunder, all oil and gas lease offers covering any of the oil and gas referred to in section 1 hereof which were filed on or before December 31, 1957: *Provided*, That any oil and gas lease issued pursuant to such lease offers shall be for a single term of five years commencing with the effective date of the lease and shall not be subject to renewal or extension except in any case where at the expiration of said five-year term, oil or gas is being produced under the lease in paying quantities.

Any oil or gas lease referred to in subparagraph (1) of this section and any oil or gas lease which may hereafter be issued pursuant to the lease offers referred to in subparagraph (2) of this section shall be subject to the provisions of section 1 (1) of the Act of July 29, 1954 (ch. 644, 68 Stat. 583), amendatory of the second paragraph of section 17 of the Mineral Leasing Act of February 25, 1920 (ch. 85, 41 Stat. 443), as amended.

Approved August 27, 1958.

Wind River Indian Reservation, Wyo. Minerals.

25 U S C 396a-396f and note.

Leases, renewal.

30 USC 181 et seq.

30 USC 226.

Public Law 85-781

AN ACT

August 27, 1958
[S. 3873]

To amend section 201 of the Federal Property and Administrative Services Act of 1949, as amended, to authorize the interchange of inspection services between executive agencies, and the furnishing of such services by one executive agency to another, without reimbursement or transfer of funds.

Federal property
management.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 201 of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377, as amended; 40 U. S. C. 481) is amended by adding at the end thereof the following new subsection:

Inspection.

“(d) In conformity with policies prescribed by the Administrator under subsection (a), any executive agency may utilize the services, work, materials, and equipment of any other executive agency, with the consent of such other executive agency, for the inspection of personal property incident to the procurement thereof, and notwithstanding section 3678 of the Revised Statutes (31 U. S. C. 628) or any other provision of law such other executive agency may furnish such services, work, materials, and equipment for that purpose without reimbursement or transfer of funds.”

Approved August 27, 1958.

Public Law 85-782

AN ACT

August 27, 1958
[H. R. 3630]

To amend the Veterans' Benefits Act of 1957 to provide that an additional aid and attendance allowance of \$150 per month shall be paid to certain severely service-connected disabled veterans during periods in which they are not hospitalized at Government expense.

Veterans dis-
ability benefits, in-
crease.
71 Stat. 97.
Post, p. 1105.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 315 of the Veterans' Benefits Act of 1957 (38 U. S. C. 2315) is amended by adding at the end thereof the following:

“(r) If any veteran, otherwise entitled to the compensation authorized under subsection (o), or the maximum rate authorized under subsection (p), is in need of regular aid and attendance, he shall be paid, in addition to such compensation, a monthly aid and attendance allowance at the rate of \$150 for all periods during which he is not hospitalized at Government expense. For the purposes of section 335, such allowance shall be considered as additional compensation payable for disability.”

SEC. 2. Effective as of January 1, 1959, section 314 of title 38 of the United States Code is amended by adding at the end thereof the following:

“(r) If any veteran, otherwise entitled to the compensation authorized under subsection (o), or the maximum rate authorized under subsection (p), is in need of regular aid and attendance, he shall be paid, in addition to such compensation, a monthly aid and attendance allowance at the rate of \$150 per month for all periods during which he is not hospitalized at Government expense. For the purposes of section 334 of this title, such allowance shall be considered as additional compensation payable for disability.”

Effective date.

SEC. 3. This Act shall take effect as of the first day of the second calendar month which begins after the date of its enactment.

Approved August 27, 1958.

Public Law 85-783

JOINT RESOLUTION

August 27, 1958
[S. J. Res. 190]

To approve the report of the Department of the Interior on Red Willow Dam and Reservoir in Nebraska.

Whereas the Red Willow Dam and Reservoir in Nebraska was authorized to be constructed by the Corps of Engineers in the 1944 Flood Control Act (58 Stat. 887); and

Whereas, by the Act of May 2, 1956 (70 Stat. 126), the Congress transferred such construction responsibility to the Secretary of the Interior but provided therein that no expenditure of funds shall be made for such construction until the Secretary of the Interior submitted to Congress a report demonstrating the Red Willow project to be economically justified, and Congress approved such report; and

Whereas the Department of the Interior has completed a report on the engineering and economic feasibility of the proposed Red Willow Dam and Reservoir: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the report of the Secretary of the Interior demonstrating economic justification for construction and operation of the Red Willow Dam and Reservoir is hereby approved.

Approved August 27, 1958.

Public Law 85-784

JOINT RESOLUTION

August 27, 1958
[H. J. Res. 585]

Authorizing and directing the Secretary of the Interior to conduct studies and render a report on service to Santa Clara, San Benito, Santa Cruz, and Monterey Counties from the Central Valley project, California.

Whereas, by the Act of October 14, 1949 (63 Stat. 852), the Secretary of the Interior was authorized and directed to conduct certain investigations, surveys, and studies and render reports thereon, including a study to extend Central Valley project service to Santa Clara, San Benito, and Alameda Counties, California; and

Whereas such report has not yet been prepared and submitted; and Whereas the most feasible means of importing water to Santa Clara, San Benito, Santa Cruz, and Monterey Counties from the Central Valley project appears to be by way of the Pacheco Tunnel route: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized and directed to conduct the necessary studies and render a report to the Congress on the feasibility of a plan to provide Central Valley project service, by way of the Pacheco Tunnel route, to lands and municipalities in Santa Clara, San Benito, Santa Cruz, and Monterey Counties: *Provided,* That said studies shall be conducted only under a contract with the Santa Clara-Alameda-San Benito Water Authority, or other public agencies or agency, pursuant to which said Authority, agencies or agency will pay 50 per centum of the cost thereof.

SEC. 2. In conducting the studies authorized herein, the Secretary shall give due consideration to the studies and plans of the California Department of Water Resources and of the Santa Clara-Alameda-San Benito Water Authority.

Approved August 27, 1958.

Central Valley
project, Calif.
Report to Con-
gress.

Public Law 85-785

August 27, 1958
[H. R. 7570]

AN ACT

To amend section 403 of the Social Security Amendments of 1954 to provide social security coverage for certain employees of tax-exempt organizations which erroneously but in good faith failed to file the required waiver certificate in time to provide such coverage.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 403 (a) (1) of the Social Security Amendments of 1954 is amended by striking out "has failed to file prior to the enactment of the Social Security Amendments of 1956" and inserting in lieu thereof "did not have in effect, during the entire period in which the individual was so employed,".

SEC. 2. Section 403 (a) (3) of the Social Security Amendments of 1954 is amended by inserting "performed during the period in which such organization did not have a valid waiver certificate in effect" after "service".

SEC. 3. Section 403 (a) (5) of the Social Security Amendments of 1954 is amended by inserting "without knowledge that a waiver certificate was necessary or" after "in good faith and".

Approved August 27, 1958.

Social Security.
Tax-exempt or-
ganizations.
68 Stat. 1098.
26 USC app. 1426
note.
70 Stat. 807.
42 USC 301 note.

Public Law 85-786

August 27, 1958
[H. R. 8599]

AN ACT

To amend title II of the Social Security Act so as to provide that the exception from "wages" made by section 209 (i) of such Act shall not be applicable to payments to employees of a State or a political subdivision thereof for periods of absence from work on account of sickness.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (i) of section 209 of the Social Security Act is amended by inserting immediately before the semicolon a period and the following: "As used in this subsection, the term 'sick pay' includes remuneration for service in the employ of a State, a political subdivision (as defined in section 218 (b) (2)) of a State, or an instrumentality of two or more States, paid to an employee thereof for a period during which he was absent from work because of sickness."

SEC. 2. The amendment made by section 1 shall be applicable to remuneration paid after the enactment of this Act, except that, in the case of any coverage group which is included under the agreement of a State under section 218 of the Social Security Act, the amendment made by section 1 shall also be applicable to remuneration for any member of such coverage group with respect to services performed after the effective date, specified in such agreement, for such coverage group, if such State has paid or agrees, prior to January 1, 1959, to pay, prior to such date, the amounts which under section 218 (e) would have been payable with respect to remuneration of all members of such coverage group had the amendment made by section 1 been in effect on and after January 1, 1951. Failure by a State to make such payments prior to January 1, 1959, shall be treated the same as failure to make payments when due under section 218 (e).

Approved August 27, 1958.

Social Security
Act, amendment.
49 Stat. 625.
42 USC 409.

42 USC 418.

Public Law 85-787

AN ACT

To amend title II of the Social Security Act to include Massachusetts and Vermont among the States which are permitted to divide their retirement systems into two parts so as to obtain social security coverage, under State agreement, for only those State and local employees who desire such coverage, and to permit individuals who have decided against such coverage to change their decision within a year after the division of the system.

August 27, 1958
[H. R. 11346]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the fourth sentence of section 218 (d) (6) of the Social Security Act is amended by inserting "Massachusetts," before "Minnesota", and by inserting "Vermont," before "Washington".

Social Security
Act, amendments,
70 Stat. 825.
42 USC 418.

SEC. 2. Such section 218 (d) (6) is amended by inserting after the fifth sentence the following new sentence: "In the case of any retirement system divided pursuant to the fourth sentence of this paragraph, the position of any member of the division or part composed of positions of members who do not desire coverage may be transferred to the separate retirement system composed of positions of members who desire such coverage if it is so provided in a modification of such agreement which is mailed, or delivered by other means, to the Secretary prior to 1960 or, if later, the expiration of one year after the date on which such agreement, or the modification thereof making the agreement applicable to such separate retirement system, as the case may be, is agreed to, but only if, prior to such modification or such later modification, as the case may be, the individual occupying such position files with the State a written request for such transfer."

Approved August 27, 1958.

Public Law 85-788

AN ACT

To authorize the Secretary of Agriculture in selling or agreeing to the sale of lands to the State of North Carolina to permit the State to sell or exchange such lands for private purposes.

August 27, 1958
[H. R. 12494]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of subsection (c) of section 32, title III, of the Bankhead-Jones Farm Tenant Act, as amended (7 U. S. C. 1011 (c)), the Secretary of Agriculture, in selling or agreeing to sell to the State of North Carolina the lands comprising the North Carolina land utilization project, NC-LU-21, is authorized to include in the conveyance or agreement of sale a provision permitting the State, after consummation of the sale, to sell to, or exchange for lands of, private parties for private purposes such of the project lands as may be mutually agreed upon by the Secretary and the State: *Provided*, That all proceeds received by the State from the sale of such lands shall be used by the State for the acquisition of lands and any land so acquired or acquired by the State in exchange for project lands shall be within the exterior boundaries of the project and shall become a part of the aforesaid project established on the lands conveyed to the State and shall be subject to the conditions with respect to the use of such lands for public purposes: *Provided further*, That all proceeds from the sale of the project lands shall be maintained by the State in a separate fund and a record of all transactions involving such fund shall be opened in inspection by the Secretary.

North Carolina.
Sale of lands.
50 Stat. 525.

Approved August 27, 1958.

Public Law 85-789

AN ACT

August 27, 1958
[S. 4287]

To amend the Act of July 27, 1956, relating to detention of mail for temporary periods in certain cases.

Postal service.
Mail detention.

39 USC 259c.

Nonapplicabil-
ity.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act entitled "An Act to authorize the Postmaster General to hold and detain mail for temporary periods in certain cases", approved July 27, 1956 (Public Law 821, Eighty-fourth Congress; 70 Stat. 700), is hereby amended to read as follows:

"SEC. 2. The provisions of this Act shall not apply to mail addressed to publishers of publications which have entry as second-class matter under the Act of March 3, 1879, as amended (ch. 180, 20 Stat. 358; 39 U. S. C. 221, and the following), or to mail addressed to the agents of such publishers."

Approved August 27, 1958.

Public Law 85-790

AN ACT

August 28, 1958
[H. R. 7706]

To entitle members of the Army, Navy, Air Force, or Marine Corps retired after thirty years' service to retired pay equal to 75 per centum of the monthly basic pay authorized for the highest enlisted, warrant, or commissioned grade in which they served satisfactorily during World War I, and for other purposes.

Armed Forces.
Retirement ad-
vancement on re-
tired list.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any enlisted member retired with credit for thirty years' service in the Army, Navy, Air Force, or Marine Corps, which service includes double time credit under previous laws for service beyond the continental limits of the United States between 1898-1912, is entitled to retired or retirement pay as follows:

(1) A member retired before June 1, 1958, is entitled to the maximum retired or retirement pay provided at the time of his retirement, as thereafter increased by law, for (A) the grade in which he was first retired; or (B) the highest enlisted, warrant, or commissioned officer grade in which he served satisfactorily during World War I; whichever is greater.

(2) A member first retired after May 31, 1958, is entitled to the maximum retired pay provided by the rates in effect at the time of his retirement for (A) the grade in which he retired; or (B) the highest enlisted, warrant, or commissioned officer grade in which he served satisfactorily during World War I; whichever is greater.

SEC. 2. Members of the Army, Navy, Air Force, or Marine Corps retired before the date of enactment of this Act who were advanced on the retired list to the highest warrant or commissioned grade in which they served satisfactorily during World War I but who were restored on their application to their former enlisted grade on the retired list, are entitled to be advanced on the retired list to the highest warrant or commissioned grade in which they satisfactorily served during World War I.

Application.

SEC. 3. No person is entitled to retired pay or advancement on the retired list under this Act unless he makes application to the Secretary concerned within one year after the date of enactment of this Act.

SEC. 4. No person is entitled to an increase in retired or retirement pay because of this Act for any period before the enactment of this Act.

Approved August 28, 1958.

Public Law 85-791

AN ACT

August 28, 1958
[H. R. 6788]

To authorize the abbreviation of the record on the review or enforcement of orders of administrative agencies by the courts of appeals and the review or enforcement of such orders on the original papers and to make uniform the law relating to the record on review or enforcement of such orders, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the analysis of chapter 133 of title 28 of the United States Code, immediately preceding section 2101 of such title, is amended by inserting at the end thereof the following additional item:

Administrative agencies.
Record on review and enforcement of orders.

"2112. Record on review and enforcement of agency orders."

"SEC. 2. Chapter 133 of title 28 of the United States Code is amended by inserting at the end of such chapter immediately following section 2111 an additional section, as follows:

"§ 2112. Record on review and enforcement of agency orders

Rules for filing.

"(a) The several courts of appeals shall have power to adopt, with the approval of the Judicial Conference of the United States, rules, which so far as practicable shall be uniform in all such courts prescribing the time and manner of filing and the contents of the record in all proceedings instituted in the courts of appeals to enjoin, set aside, suspend, modify, or otherwise review or enforce orders of administrative agencies, boards, commissions, and officers, to the extent that the applicable statute does not specifically prescribe such time or manner of filing or contents of the record. Such rules may authorize the agency, board, commission, or officer to file in the court a certified list of the materials comprising the record and retain and hold for the court all such materials and transmit the same or any part thereof to the court, when and as required by it, at any time prior to the final determination of the proceeding, and such filing of such certified list of the materials comprising the record and such subsequent transmittal of any such materials when and as required shall be deemed full compliance with any provision of law requiring the filing of the record in the court. The record in such proceedings shall be certified and filed in or held for and transmitted to the court of appeals by the agency, board, commission, or officer concerned within the time and in the manner prescribed by such rules. If proceedings have been instituted in two or more courts of appeals with respect to the same order the agency, board, commission, or officer concerned shall file the record in that one of such courts in which a proceeding with respect to such order was first instituted. The other courts in which such proceedings are pending shall thereupon transfer them to the court of appeals in which the record has been filed. For the convenience of the parties in the interest of justice such court may thereafter transfer all the proceedings with respect to such order to any other court of appeals.

"(b) The record to be filed in the court of appeals in such a proceeding shall consist of the order sought to be reviewed or enforced, the findings or report upon which it is based, and the pleadings, evidence, and proceedings before the agency, board, commission, or officer concerned, or such portions thereof (1) as the said rules of the court of appeals may require to be included therein, or (2) as the agency, board, commission, or officer concerned, the petitioner for review or respondent in enforcement, as the case may be, and any intervenor in the court proceeding by written stipulation filed with the agency, board, commission, or officer concerned or in the court in any such proceeding may consistently with the rules of such court

designate to be included therein, or (3) as the court upon motion of a party or, after a prehearing conference, upon its own motion may by order in any such proceeding designate to be included therein. Such a stipulation or order may provide in an appropriate case that no record need be filed in the court of appeals. If, however, the correctness of a finding of fact by the agency, board, commission, or officer is in question all of the evidence before the agency, board, commission, or officer shall be included in the record except such as the agency, board, commission, or officer concerned, the petitioner for review or respondent in enforcement, as the case may be, and any intervenor in the court proceeding by written stipulation filed with the agency, board, commission, or officer concerned or in the court agree to omit as wholly immaterial to the questioned finding. If there is omitted from the record any portion of the proceedings before the agency, board, commission, or officer which the court subsequently determines to be proper for it to consider to enable it to review or enforce the order in question the court may direct that such additional portion of the proceedings be filed as a supplement to the record. The agency, board, commission, or officer concerned may, at its option and without regard to the foregoing provisions of this subsection, and if so requested by the petitioner for review or respondent in enforcement shall, file in the court the entire record of the proceedings before it without abbreviation.

“(c) The agency, board, commission, or officer concerned may transmit to the court of appeals the original papers comprising the whole or any part of the record or any supplemental record, otherwise true copies of such papers certified by an authorized officer or deputy of the agency, board, commission, or officer concerned shall be transmitted. Any original papers thus transmitted to the court of appeals shall be returned to the agency, board, commission, or officer concerned upon the final determination of the review or enforcement proceeding. Pending such final determination any such papers may be returned by the court temporarily to the custody of the agency, board, commission, or officer concerned if needed for the transaction of the public business. Certified copies of any papers included in the record or any supplemental record may also be returned to the agency, board, commission, or officer concerned upon the final determination of review or enforcement proceedings.

Exceptions.

“(d) The provisions of this section are not applicable to proceedings to review decisions of the Tax Court of the United States or to proceedings to review or enforce those orders of administrative agencies, boards, commissions, or officers which are by law reviewable or enforceable by the district courts.”

SEC. 3. (a) The sixth sentence of subsection (b) of section 5 of the Federal Trade Commission Act, as amended (52 Stat. 112), is amended to read as follows: “Until the expiration of the time allowed for filing a petition for review, if no such petition has been duly filed within such time, or, if a petition for review has been filed within such time then until the record in the proceeding has been filed in a court of appeals of the United States, as hereinafter provided, the Commission may at any time, upon such notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any report or any order made or issued by it under this section.”

(b) The second and third sentences of subsection (c) of section 5 of the Federal Trade Commission Act, as amended (52 Stat. 112-113), are amended to read as follows: “A copy of such petition shall be forthwith transmitted by the clerk of the court to the Commission, and thereupon the Commission shall file in the court the record in the proceeding, as provided in section 2112 of title 28, United States

Federal Trade
Commission.
15 USC 45.

15 USC 45.

Code. Upon such filing of the petition the court shall have jurisdiction of the proceeding and of the question determined therein concurrently with the Commission until the filing of the record and shall have power to make and enter a decree affirming, modifying, or setting aside the order of the Commission, and enforcing the same to the extent that such order is affirmed and to issue such writs as are ancillary to its jurisdiction or are necessary in its judgment to prevent injury to the public or to competitors *pendente lite*.”

(c) Subsection (d) of section 5 of the Federal Trade Commission Act, as amended (52 Stat. 113), is amended to read as follows:

15 USC 45.

“(d) Upon the filing of the record with it the jurisdiction of the court of appeals of the United States to affirm, enforce, modify, or set aside orders of the Commission shall be exclusive.”

SEC. 4. (a) The sixth sentence of the second paragraph of section 11 of the Act of October 15, 1914, as amended (64 Stat. 1127), is amended to read as follows: “Until the record in such hearing shall have been filed in a United States court of appeals, as hereinafter provided, the Commission or Board may at any time, upon such notice, and in such manner as it shall deem proper, modify or set aside, in whole or in part, any report or any order made or issued by it under this section.”

ICC, FCC, CAB
and Federal Re-
serve.

15 USC 21.

(b) The first and second sentences of the third paragraph of section 11 of the Act of October 15, 1914, as amended (64 Stat. 1127), are amended to read as follows: “If such person fails or neglects to obey such order of the Commission or Board while the same is in effect, the Commission or Board may apply to the United States court of appeals, within any circuit where the violation complained of was or is being committed or where such person resides or carries on business, for the enforcement of its order, and shall file the record in the proceeding, as provided in section 2112 of title 28, United States Code. Upon such filing of the application the court shall cause notice thereof to be served upon such person, and thereupon shall have jurisdiction of the proceeding and of the question determined therein concurrently with the Commission or Board until the filing of the record, and shall have power to make and enter a decree affirming, modifying, or setting aside the order of the Commission or Board.”

15 USC 21.

(c) The second and third sentences of the fourth paragraph of section 11 of the Act of October 15, 1914, as amended (64 Stat. 1128), are amended to read as follows: “A copy of such petition shall be forthwith transmitted by the clerk of the court to the Commission or Board and thereupon the Commission or Board shall file in the court the record in the proceeding, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition the court shall have the same jurisdiction to affirm, set aside, or modify the order of the Commission or Board as in the case of an application by the Commission or Board for the enforcement of its order, and the findings of the Commission or Board as to the facts, if supported by substantial evidence, determined as provided in section 10 (e) of the Administrative Procedure Act, shall in like manner be conclusive.”

15 USC 21.

(d) The fifth paragraph of section 11 of the Act of October 15, 1914, as amended (64 Stat. 1128), is amended to read as follows:

60 Stat. 243.
5 USC 1009.

“Upon the filing of the record with it the jurisdiction of the United States court of appeals to enforce, set aside, or modify orders of the Commission or Board shall be exclusive.”

15 USC 21.

SEC. 5. The fourth and fifth sentences of the first paragraph of section 2 of the Act of July 28, 1916 (39 Stat. 425), are amended to read as follows: “A copy of such petition shall be forthwith transmitted by the clerk of the court to the Post Office Department and thereupon the said Department shall file in the court the record, as

Post Office.

39 USC 576.

provided in section 2112 of title 28, United States Code. Upon the filing of such petition the court shall have jurisdiction to affirm, set aside or modify the order of the Department."

Agriculture.
7 USC 193.

SEC. 6. (a) Subsection (c) of section 203 of the Packers and Stockyards Act, 1921 (42 Stat. 162), is amended to read as follows:

"(c) Until the record in such hearing has been filed in a court of appeals of the United States, as provided in section 204, the Secretary at any time, upon such notice and in such manner as he deems proper, but only after reasonable opportunity to the packer to be heard, may amend or set aside the report or order, in whole or in part."

7 USC 194.

(b) Subsections (b), (c), and (d) of section 204 of the Packers and Stockyards Act, 1921 (42 Stat. 162), are amended to read as follows:

"(b) The clerk of the court shall immediately cause a copy of the petition to be delivered to the Secretary, and the Secretary shall thereupon file in the court the record in such proceedings, as provided in section 2112 of title 28, United States Code. If before such record is filed the Secretary amends or sets aside his report or order, in whole or in part, the petitioner may amend the petition within such time as the court may determine, on notice to the Secretary.

"(c) At any time after such petition is filed, the court, on application of the Secretary, may issue a temporary injunction, restraining, to the extent it deems proper, the packer and his officers, directors, agents, and employees, from violating any of the provisions of the order pending the final determination of the appeal.

"(d) The evidence so taken or admitted, and filed as aforesaid as a part of the record, shall be considered by the court as the evidence in the case. The proceedings in such cases in the court of appeals shall be made a preferred cause and shall be expedited in every way."

7 USC 194.

(e) The first sentence of subsection (h) of section 204 of the Packers and Stockyards Act, 1921 (42 Stat. 162), is amended to read as follows:

"(h) The court of appeals shall have jurisdiction, which upon the filing of the record with it shall be exclusive, to review, and to affirm, set aside, or modify, such orders of the Secretary, and the decree of such court shall be final except that it shall be subject to review by the Supreme Court of the United States upon certiorari, as provided in section 1254 of title 28, if such writ is duly applied for within sixty days after entry of the decree."

62 Stat. 928.

7 USC 8.

SEC. 7. (a) The third and fourth sentences of paragraph (a) of section 6 of the Commodity Exchange Act (42 Stat. 1001), are amended to read as follows: "The clerk of the court in which such a petition is filed shall immediately cause a copy thereof to be delivered to the Secretary of Agriculture, Chairman of said Commission, or any member thereof, and the said Commission shall thereupon file in the court the record in such proceedings, as provided in section 2112 of title 28, United States Code. The testimony and evidence taken or submitted before the said Commission, duly filed as aforesaid as a part of the record, shall be considered by the court as the evidence in the case."

7 USC 9, 15.

(b) The seventh and eighth sentences of paragraph (b) of section 6 of the Commodity Exchange Act (42 Stat. 1002), as amended, are amended to read as follows: "A copy of such petition shall be forthwith transmitted by the clerk of the court to the Secretary of Agriculture and thereupon the Secretary of Agriculture shall file in the court the record theretofore made, as provided in section 2112 of title 28, United States Code. Upon the filing of the petition the court shall have jurisdiction to affirm, to set aside, or modify the order of the

Secretary of Agriculture, and the findings of the Secretary of Agriculture as to the facts, if supported by the weight of evidence, shall in like manner be conclusive."

SEC. 8. The third and fourth sentences of the second paragraph of subsection (b) of section 641 of the Tariff Act of 1930, as amended (49 Stat. 865), are amended to read as follows: "A copy of such petition shall be forthwith transmitted by the clerk of the court to the Secretary of the Treasury, or any officer designated by him for that purpose, and thereupon the Secretary of the Treasury shall file in the court the record upon which the order complained of was entered, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition such court shall have exclusive jurisdiction to affirm, modify, or set aside such order, in whole or in part."

Treasury.
19 USC 1641.

SEC. 9. The second sentence of subsection (a) of section 9 of the Securities Act of 1933 (48 Stat. 80) is amended to read as follows: "A copy of such petition shall be forthwith transmitted by the clerk of the court to the Commission, and thereupon the Commission shall file in the court the record upon which the order complained of was entered, as provided in section 2112 of title 28, United States Code."

SEC.
15 USC 771.

SEC. 10. The second and third sentences of subsection (a) of section 25 of the Securities Exchange Act of 1934 (48 Stat. 901) are amended to read as follows: "A copy of such petition shall be forthwith transmitted by the clerk of the court to any member of the Commission, and thereupon the Commission shall file in the court the record upon which the order complained of was entered, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition such court shall have jurisdiction, which upon the filing of the record shall be exclusive, to affirm, modify, and enforce or set aside such order, in whole or in part."

15 USC 78y.

SEC. 11. The third sentence of subsection (c) of section 18 of the Act of June 18, 1934 (48 Stat. 1002), is amended to read as follows: "The clerk of the court in which such a petition is filed shall immediately cause a copy thereof to be delivered to the Board and it shall thereupon file in the court the record in the proceedings held before it under this section, as provided in section 2112 of title 28, United States Code."

Federal Trade
Zone Board.
19 USC 81r.

SEC. 12. The second sentence of subsection (d) of section 402 of the Communications Act of 1934, as amended (66 Stat. 719), is amended to read as follows: "Within thirty days after the filing of an appeal, the Commission shall file with the court the record upon which the order complained of was entered, as provided in section 2112 of title 28, United States Code."

FCC.
47 USC 402.

SEC. 13. (a) Subsection (d) of section 10 of the National Labor Relations Act, as amended (61 Stat. 147), is amended to read as follows:

NLRB.
29 USC 160.

"(d) Until the record in a case shall have been filed in a court, as hereinafter provided, the Board may at any time upon reasonable notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any finding or order made or issued by it."

(b) The first, second, fifth and seventh sentences of subsection (e) of section 10 of the National Labor Relations Act, as amended (61 Stat. 147), are amended to read as follows:

29 USC 160.

"(e) The Board shall have power to petition any court of appeals of the United States, or if all the courts of appeals to which application may be made are in vacation, any district court of the United States, within any circuit or district, respectively, wherein the unfair labor practice in question occurred or wherein such person resides or transacts business, for the enforcement of such order and for appropriate temporary relief or restraining order, and shall file in the court

the record in the proceedings, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall cause notice thereof to be served upon such person, and thereupon shall have jurisdiction of the proceeding and of the question determined therein, and shall have power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the Board. * * * If either party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Board, its member, agent, or agency, the court may order such additional evidence to be taken before the Board, its member, agent, or agency, and to be made a part of the record. * * * Upon the filing of the record with it the jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the appropriate United States court of appeals if application was made to the district court as hereinabove provided, and by the Supreme Court of the United States upon writ of certiorari or certification as provided in section 1254 of title 28."

62 Stat. 928.
29 USC 160.

(c) The second and third sentences of subsection (f) of section 10 of the National Labor Relations Act, as amended (61 Stat. 148), are amended to read as follows: "A copy of such petition shall be forthwith transmitted by the clerk of the court to the Board, and thereupon the aggrieved party shall file in the court the record in the proceeding, certified by the Board, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall proceed in the same manner as in the case of an application by the Board under subsection (e) of this section, and shall have the same jurisdiction to grant to the Board such temporary relief or restraining order as it deems just and proper, and in like manner to make and enter a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the Board; the findings of the Board with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall in like manner be conclusive."

Treasury.
27 USC 204.

SEC. 14. The third and fourth sentences of subsection (h) of section 4 of the Federal Alcohol Administration Act (49 Stat. 980), as amended, are amended to read as follows:

"A copy of such petition shall be forthwith transmitted by the clerk of the court to the Secretary, or any officer designated by him for that purpose, and thereupon the Secretary shall file in the court the record upon which the order complained of was entered, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition such court shall have exclusive jurisdiction to affirm, modify, or set aside such order, in whole or in part."

SEC.
15 USC 79x.

SEC. 15. The second and third sentences of subsection (a) of section 24 of the Public Utility Holding Company Act of 1935 (49 Stat. 834), are amended to read as follows: "A copy of such petition shall be forthwith transmitted by the clerk of the court to any member of the Commission, or any officer thereof designated by the Commission for that purpose, and thereupon the Commission shall file in the court the record upon which the order complained of was entered, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition such court shall have jurisdiction, which upon the filing of the record shall be exclusive, to affirm, modify, or set aside such order, in whole or in part."

SEC. 16. (a) Subsection (a) of section 313 of the Federal Power Act, as amended (49 Stat. 860), is amended by inserting at the end thereof an additional sentence reading as follows: "Until the record in a proceeding shall have been filed in a court of appeals, as provided in subsection (b), the Commission may at any time, upon reasonable notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any finding or order made or issued by it under the provisions of this Act."

FPC.
16 USC 825l.

(b) The second and third sentences of subsection (b) of section 313 of the Federal Power Act, as amended (49 Stat. 860), are amended to read as follows: "A copy of such petition shall forthwith be transmitted by the clerk of the court to any member of the Commission and thereupon the Commission shall file with the court the record upon which the order complained of was entered, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition such court shall have jurisdiction, which upon the filing of the record with it shall be exclusive, to affirm, modify, or set aside such order in whole or in part."

16 USC 825l.

SEC. 17. The second and third sentences of subsection (b) of section 611 of the Merchant Marine Act, 1936, as amended (52 Stat. 961), are amended to read as follows: "A copy of such petition shall be forthwith transmitted by the clerk of the court to any member of the Commission, or any officer thereof designated by the Commission for that purpose, and thereupon the Commission shall file in the court the record upon which the order complained of was entered, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition such court shall have exclusive jurisdiction to determine whether such cancellation or default was without just cause, and to affirm or set aside such order."

Commerce.
46 USC 1181.

SEC. 18. Subsection (c) of section 1006 of the Civil Aeronautics Act of 1938 (52 Stat. 1024), is amended to read as follows:

"(c) A copy of the petition shall, upon filing, be forthwith transmitted to the Board by the clerk of the court; and the Board shall thereupon file in the court the record, if any, upon which the order complained of was entered, as provided in section 2112 of title 28, United States Code."

CAB.
49 USC 646.

SEC. 19. (a) Subsection (a) of section 19 of the Natural Gas Act (52 Stat. 831), is amended by inserting at the end thereof an additional sentence reading as follows: "Until the record in a proceeding shall have been filed in a court of appeals, as provided in subsection (b), the Commission may at any time, upon reasonable notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any finding or order made or issued by it under the provisions of this Act."

FPC.
15 USC 717r.

(b) The second and third sentences of subsection (b) of section 19 of the Natural Gas Act (52 Stat. 831), are amended to read as follows: "A copy of such petition shall forthwith be transmitted by the clerk of the court to any member of the Commission and thereupon the Commission shall file with the court the record upon which the order complained of was entered, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition such court shall have jurisdiction, which upon the filing of the record with it shall be exclusive, to affirm, modify, or set aside such order in whole or in part."

15 USC 717r.

SEC. 20. (a) The first and second sentences of paragraph (2) of subsection (1) of section 408 of the Federal Food, Drug, and Cosmetic Act, as added by the Act of July 22, 1954 (ch. 559, 68 Stat. 515), are amended to read as follows:

HEW and Agri-
culture.

21 USC 346a.

“(2) In the case of a petition with respect to an order under subsection (d) (5) or (e), a copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary, or any officer designated by him for that purpose, and thereupon the Secretary shall file in the court the record of the proceedings on which he based his order, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have exclusive jurisdiction to affirm or set aside the order complained of in whole or in part.”

21 USC 346a. (b) The first and second sentences of paragraph (3) of subsection (i) of section 408 of the Federal Food, Drug, and Cosmetic Act, as added by the Act of July 22, 1954 (ch. 559, 68 Stat. 515), are amended to read as follows:

“(3) In the case of a petition with respect to an order under subsection (1), a copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary of Agriculture, or any officer designated by him for that purpose, and thereupon the Secretary shall file in the court the record of the proceedings on which he based his order, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have exclusive jurisdiction to affirm or set aside the order complained of in whole or in part.”

HEW.
21 USC 371. SEC. 21. (a) The second and third sentences of paragraph (1) of subsection (f) of section 701 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1055), as amended, are amended to read as follows: “A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary or other officer designated by him for that purpose. The Secretary thereupon shall file in the court the record of the proceedings on which the Secretary based his order, as provided in section 2112 of title 28, United States Code.”

21 USC 371. (b) The first sentence of paragraph (3) of subsection (f) of section 701 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1055), as amended, is amended to read as follows: “Upon the filing of the petition referred to in paragraph (1) of this subsection, the court shall have jurisdiction to affirm the order, or to set it aside in whole or in part, temporarily or permanently.”

Labor.
29 USC 210. SEC. 22. The second and third sentences of subsection (a) of section 10 of the Fair Labor Standards Act of 1938 (52 Stat. 1065), as amended, are amended to read as follows: “A copy of such petition shall forthwith be transmitted by the clerk of the court to the Secretary, and thereupon the Secretary shall file in the court the record of the industry committee upon which the order complained of was entered, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition such court shall have exclusive jurisdiction to affirm, modify, or set aside such order in whole or in part, so far as it is applicable to the petitioner.”

Railroad Retirement.
60 Stat. 738. SEC. 23. The fourth, fifth, sixth, and eighth sentences of subsection (f) of section 5 of the Railroad Unemployment Insurance Act, as amended (52 Stat. 1100), are amended to read as follows: “Within fifteen days after receipt of service, or within such additional time as the court may allow, the Board shall file with the court in which such petition has been filed the record upon which the findings and decision complained of are based, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition the court shall have exclusive jurisdiction of the proceeding and of the question determined therein, and shall give precedence in the adjudication thereof over all other civil cases not otherwise entitled by law to precedence. It shall have power to enter a decree affirming, modifying, or reversing the decision of the Board, with or without remanding the cause for rehearing. * * * No additional evi-

dence shall be received by the court, but the court may order additional evidence to be taken before the Board, and the Board may, after hearing such additional evidence, modify its findings of fact and conclusions and file such additional or modified findings and conclusions with the court, and the Board shall file with the court the additional record."

SEC. 24. (a) Subsection (c) of section 409 of the Federal Seed Act (53 Stat. 1287), is amended to read as follows:

Agriculture,
7 USC 1599.

"(c) Until the record in such hearing has been filed in a court of appeals as provided in section 410, the Secretary of Agriculture at any time, upon such notice and in such manner as he deems proper, but only after reasonable opportunity to the person to be heard, may amend or set aside the report or order, in whole or in part."

(b) The second, third and fourth paragraphs of section 410 of the Federal Seed Act (53 Stat. 1288), are amended to read as follows:

7 USC 1600.

"The clerk of the court shall immediately cause a copy of the petition to be delivered to the Secretary, and the Secretary shall thereupon file in the court the record in such proceedings, as provided in section 2112 of title 28, United States Code. If before such record is filed, the Secretary amends or sets aside his report or order, in whole or in part, the petitioner may amend the petition within such time as the court may determine, on notice to the Secretary.

"At any time after such petition is filed the court, on application of the Secretary, may issue a temporary injunction restraining, to the extent it deems proper, the person and his officers, directors, agents, and employees from violating any of the provisions of the order pending the final determination of the appeal.

"The evidence so taken or admitted and filed as aforesaid as a part of the record, shall be considered by the court as the evidence in the case. The proceedings in such cases in the court of appeals shall be made a preferred cause and shall be expedited in every way."

(c) The first and second sentences of section 411 of the Federal Seed Act (53 Stat. 1288), are amended to read as follows:

7 USC 1601.

"SEC. 411. If any person against whom an order is issued under section 409 fails to obey the order, the Secretary of Agriculture, or the United States, by its Attorney General, may apply to the court of appeals of the United States, within the circuit where the person against whom the order was issued resides or has his principal place of business, for the enforcement of the order, and shall file the record in such proceedings, as provided in section 2112 of title 28, United States Code. Upon such filing of the application the court shall cause notice thereof to be served upon the person against whom the order was issued."

SEC. 25. The second and third sentences of subsection (a) of section 43 of the Investment Company Act of 1940, as amended (54 Stat. 844), are amended to read as follows: "A copy of such petition shall be forthwith transmitted by the clerk of the court to any member of the Commission or any officer thereof designated by the Commission for that purpose, and thereupon the Commission shall file in the court the record upon which the order complained of was entered, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition such court shall have jurisdiction, which upon the filing of the record shall be exclusive, to affirm, modify, or set aside such order, in whole or in part."

SEC.
15 USC 80a-42.

SEC. 26. The second and third sentences of subsection (a) of section 213 of the Investment Advisers Act of 1940, as amended (54 Stat. 855), are amended to read as follows: "A copy of such petition shall be forthwith transmitted by the clerk of the court to any member of the Commission, or any officer thereof designated by the Com-

SEC.
15 USC 80b-13.

mission for that purpose, and thereupon the Commission shall file in the court the record upon which the order complained of was entered, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition such court shall have jurisdiction, which upon the filing of the record shall be exclusive, to affirm, modify, or set aside such order, in whole or in part."

Public Health.

42 USC 291j.

SEC. 27. (a) Paragraph (1) of subsection (b) of section 632 of the Act of July 1, 1944, as added by the Hospital Survey and Construction Act (60 Stat. 1048), is amended to read as follows:

"(b) (1) If the Surgeon General refuses to approve any application under section 625 or section 654, the State agency through which the application was submitted, or if any State is dissatisfied with the Surgeon General's action under subsection (a) of this section, such State may appeal to the United States court of appeals for the circuit in which such State is located by filing with such court a notice of appeal. The jurisdiction of the court shall attach upon the filing of such notice. A copy of the notice of appeal shall be forthwith transmitted by the clerk of the court to the Surgeon General, or any officer designated by him for that purpose. The Surgeon General shall thereupon file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code."

42 USC 291j.

(b) The first sentence of paragraph (2) of subsection (b) of section 632 of the Act of July 1, 1944, as added by the Hospital Survey and Construction Act (60 Stat. 1048), is amended to read as follows:

"(2) The findings of fact by the Surgeon General, unless substantially contrary to the weight of the evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Surgeon General to take further evidence, and the Surgeon General may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings."

Agriculture.
7 USC 1115.

SEC. 28. The fourth sentence of subsection (c) of section 205 of the Sugar Act of 1948 (61 Stat. 927), is amended to read as follows: "Within thirty days after the filing of said appeal the Secretary shall file with the court the record upon which the decision complained of was entered, as provided in section 2112 of title 28, United States Code, and a list of all interested persons to whom he has mailed or otherwise delivered a copy of said notice of appeal."

50 USC 793.

SEC. 29. The second and third sentences of subsection (a) of section 14 of the Internal Security Act of 1950 (64 Stat. 1001), are amended to read as follows: "A copy of such petition shall be forthwith transmitted by the clerk of the court to the Board, and thereupon the Board shall file in the court the record in the proceeding, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition the court shall have jurisdiction of the proceeding and shall have power to affirm or set aside the order of the Board; but the court may in its discretion and upon its own motion transfer any action so commenced to the United States Court of Appeals for the circuit wherein the petitioner resides."

Subversive ac-
tivities.
50 USC 820.

SEC. 30. (a) Subsection (e) of section 110 of the Internal Security Act of 1950 (64 Stat. 1028), is amended to read as follows:

"(e) Until the record in a case shall have been filed in a court, as hereinafter provided, the Board may at any time, upon reasonable notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any finding or order made or issued by it."

50 USC 821.

(b) The third and fifth sentences of subsection (c) of section 111 of the Internal Security Act of 1950 (64 Stat. 1028), are amended to read as follows: "The Board shall thereupon file in the court the record of the proceedings before the Board with respect to the matter con-

cerning which judicial review is sought, as provided in section 2112 of title 28, United States Code. * * * Upon the filing of such petition the court shall have jurisdiction of the proceeding, which upon the filing of the record with it shall be exclusive, and shall have power to affirm, modify, or set aside, or to enforce or enforce as modified the order of the Board.”

(c) The first sentence of subsection (d) of section 111 of the Internal Security Act of 1950 (60 Stat. 1029), is amended to read as follows:

50 USC 821.

“(d) If either party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Board or its hearing examiner, the court may order such additional evidence to be taken before the Board or its hearing examiner and to be made a part of the record.”

SEC. 31. (a) Section 6 of the Act of December 29, 1950 (64 Stat. 1130), is amended to read as follows:

FCC, Agriculture, Maritime and AEC.

5 USC 1036.

“SEC. 6. Unless the proceeding has been terminated on a motion to dismiss the petition, the agency shall file in the office of the clerk of the court of appeals in which the proceeding is pending the record on review, as provided in section 2112 of title 28, United States Code.”

(b) The second sentence of subsection (c) of section 7 of the Act of December 29, 1950 (64 Stat. 1131), is amended to read as follows: “The agency may modify its findings of fact, or make new findings, by reason of the additional evidence so taken and may modify or set aside its order and shall file in the court such additional evidence, such modified findings or new findings, and such modified order or the order setting aside the original order.”

5 USC 1037.

SEC. 32. Subsection (b) of section 207 of the Act of September 23, 1950, as amended (64 Stat. 974), is amended by adding at the end of that subsection three additional sentences reading as follows: “The local educational agency affected may file with the court a petition to review such action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner, or any officer designated by him for that purpose. Upon the filing of the petition the court shall have jurisdiction to affirm or set aside the action of the Commissioner in whole or in part.”

HEW.
20 USC 277.

SEC. 33. The fifth and sixth sentences of subsection (b) of section 207 of the International Claims Settlement Act of 1949, as amended (69 Stat. 564), are amended to read as follows: “Such petition for review must be filed within sixty days after the date of mailing of the final order of denial by said designee and a copy shall forthwith be transmitted to the said designee by the clerk of the court. Within forty-five days after receipt of such petition for review, or within such further time as the court may grant for good cause shown, said designee shall file an answer thereto, and shall file with the court the record of the proceedings with respect to such claim, as provided in section 2112 of title 28, United States Code.”

Justice.

22 USC 1631f.

SEC. 34. The second and third sentences of section 9 of the Bank Holding Company Act of 1956 (70 Stat. 138) are amended to read as follows: “A copy of such petition shall be forthwith transmitted to the Board by the clerk of the court, and thereupon the Board shall file in the court the record made before the Board, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition the court shall have jurisdiction to affirm, set aside, or modify the order of the Board and to require the Board to take such action with regard to the matter under review as the court deems proper.”

Federal Reserve.
12 USC 1848.

SEC. 35. This Act shall not be construed to repeal or modify any provision of the Administrative Procedure Act.

60 Stat. 237.
5 USC 1001note.

Approved August 28, 1958.

Public Law 85-792

AN ACT

August 28, 1958
[H. R. 13531]

To amend the Act of June 29, 1938, as amended, to increase the insurance coverage required to be carried by cabs for hire in the District of Columbia for the protection of passengers and others, and for other purposes.

District of Columbia Taxicab Insurance Act of 1958.

Bond or liability insurance.
52 Stat. 1233.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of this Act may be cited as the "District of Columbia Taxicab Insurance Act of 1958".

SEC. 2. The Act entitled "An Act to provide that all cabs for hire in the District of Columbia be compelled to carry insurance for the protection of passengers, and for other purposes", approved June 29, 1938, as amended (D. C. Code 44-301), is amended to read as follows:

"That the Public Utilities Commission of the District of Columbia (hereafter referred to in this Act as the 'Commission') is hereby directed to require any and all corporations, companies, associations, joint-stock companies or associations, partnerships, and persons, their lessees, trustees, or receivers, appointed by any court whatsoever, operating, controlling, managing, or renting any passenger motor vehicles for hire in the District of Columbia, except as to operations licensed under paragraph 31 (b) of the Act approved July 1, 1932, known as the 'License Act', and except such common carriers as have been expressly exempted from the jurisdiction of the Commission, to file with the Commission for each such motor vehicle to be operated, evidence, in such form and on such terms and conditions as the Commission may prescribe with the approval of the Superintendent of Insurance of the District of Columbia (hereafter referred to in this Act as the 'Superintendent'), that such motor vehicle is covered by a bond or liability insurance in a surety or insurance company authorized to do business in the District of Columbia, conditioned for the payment to any person of any legal obligation of, or judgment recovered against, such corporations, companies, associations, joint-stock companies or associations, partnerships, and persons, their lessees, trustees, or receivers, appointed by any court whatsoever, or renters of their cabs, for death or for injury to any person or damage to any property, or both, arising out of the ownership, maintenance, or use of such motor vehicle by any person for any purpose within the United States. Such bond or insurance may limit the liability of the surety or insurer on any one judgment to \$10,000, for bodily injuries or death, and \$5,000 for damage to property, and on all judgments recovered upon claims arising out of the same subject of action to \$20,000 for bodily injuries or death, and \$5,000 for damage to property, to be apportioned ratably among the creditors according to the amount of their respective legal obligations. The liability of an insurance company in any policy of insurance or of any indemnity company in a bond issued pursuant to this Act shall, within the limits of coverage required by this Act, become and be absolute for damages adjudged against the insured on account of injuries to or death of persons or damage to or destruction of property resulting from the insured's ownership, maintenance, or use of the motor vehicle or vehicles described in the said policy or bond.

"SEC. 2. (a) Any policy of liability insurance required by this Act shall be issued only by such insurance companies as may have been authorized to do business in the District of Columbia, and any bond or undertaking required by this Act shall be secured by a corporate surety approved by the Superintendent.

"(b) No insurance company or corporate surety shall engage in or conduct the business of insuring or bonding any risk arising out of

47 Stat. 555.
D. C. Code 47-2331.

Limit of liability.

Insurance companies and sureties.

the operation of any passenger motor vehicle for hire required to be insured or bonded under this Act unless the Superintendent shall find that the management of such company is capable, by experience or otherwise, of conducting such business in the public interest and unless such insurance company or corporate surety shall possess a certificate of approval issued by the Superintendent for such business. Every such insurance company or corporate surety, whether or not it shall be a mutual company, shall have and shall at all times maintain reserves for losses, unearned premiums, and all other liabilities as will meet the requirements of any regulation issued by the Superintendent applicable to such company or such classifications of companies. The Superintendent is empowered to make reasonable rules and regulations governing the writing of such insurance, and the making of such bonds, and the business of insuring or bonding such risks, including the expenses of management, administration, and acquisition of business and the rates to be charged.

“(c) The Superintendent is authorized and empowered, after hearing, to withdraw his certificate of approval of the business of insuring or bonding taxicab risks of any insurance company or corporate surety violating any provision of this Act or the rules and regulations promulgated hereunder.

Withdrawal of certificate of approval.

“(d) No bond or policy of insurance required by this Act may be canceled unless not less than twenty days prior to such cancellation or termination, notice of intention so to do has been filed in writing with the Commission, unless such cancellation is for nonpayment of premiums, in which event five days' notice as above provided shall be given.

“SEC. 3. It shall be unlawful to operate any vehicle subject to the provisions of this Act unless such vehicle shall be covered by an approved bond or policy of liability insurance as provided in this Act.

“SEC. 4. The Commission is empowered to make all reasonable rules and regulations which, in its opinion, are necessary to make effective the purposes of this Act.

Rules and regulations.

“SEC. 5. (a) Any owner of a public vehicle required by this Act to file a bond or policy of insurance may, in lieu thereof—

“(1) file with the Commission a blanket bond or a blanket policy of liability insurance, in an amount to be approved by the Commission, but not to exceed \$75,000, conditioned as required by this Act, and covering all vehicles lawfully displaying the trade name or identifying design of any individual, association, company or corporation; or

Blanket bond or policy.

“(2) create and maintain a sinking fund in such amount as the Commission may require, but not to exceed \$75,000, and deposit the same, in trust, for the payment of any judgment recovered against such owner, as provided in this Act, with such person, official, or corporation as the Commission shall designate. Such sinking fund shall not be created unless the Commission is satisfied that such owner is possessed and will continue to be possessed of financial ability to pay judgments obtained against such owner. If such a fund has been created, the Commission shall have authority to require whatever evidence of such owner's financial status may be necessary to satisfy the Commission that such owner is possessed and will continue to be possessed of financial ability to pay judgments obtained against such owner, and may at such time or times as, in its discretion, may be necessary, require such owner to submit in affidavit form detailed information from which such ability may be determined. When upon not less than five days' notice and a hearing pursuant to such notice (unless the right to such hearing is waived in writing by such owner) the Commission

Sinking fund.

finds that any such owner having created and maintained a sinking fund is not possessed or probably will not continue to be possessed of financial ability to pay judgments obtained against such owner the Commission shall require that such owner file with the Commission a bond or policy of insurance as described in this Act in lieu of such sinking fund and shall thereafter return to the owner the amount of such sinking fund when the Commission is satisfied that the maintenance thereof is not needed to assure the payment of any claim or judgment then outstanding against such owner. Failure to pay any judgment within thirty days after such judgment shall have become final shall constitute a reasonable ground for a finding by the Commission that the owner is not possessed of financial ability to pay judgments.

“(b) If any owner elects to comply with paragraph (1) or (2) of subsection (a) of this section, he shall first file with the Commission an admission of liability, in conformity with the principle of respondeat superior, for the tortious acts of the driver or drivers of such vehicle or vehicles displaying the trade name or identifying design of the company or owner.

“(c) Any cash or collateral deposit and/or any sinking fund provided for in this Act shall be exempt from attachment or levy for any obligation or liability of the depositor except as provided in this Act.

“Owner”.

“SEC. 6. Within the meaning of this Act, the word ‘owner’ shall include any corporation, company, association, joint-stock company or association, partnership or person, and the lessees, trustees, or receivers appointed by any court whatsoever, permitting his, their, or its trade name and/or identifying design to be displayed upon vehicles governed by this Act.

Violation of Act.

“SEC. 7. Each violation of this Act or of the regulations lawfully promulgated thereunder shall be deemed a misdemeanor and upon conviction shall be punishable by a fine of not more than \$300 or by imprisonment for not more than ninety days, and/or cancellation of license.”

Review by Commissioners.

SEC. 3. Section 4 of the Motor Vehicle Safety Responsibility Act of the District of Columbia, approved May 25, 1954 (68 Stat. 122; sec. 40-420, D. C. Code, 1951 edition), is amended by striking the second sentence of said section and inserting in lieu thereof the following: “Application for review of any such order or act shall be in writing and shall set out in detail the reasons for such review. Such application shall be filed with the Commissioners within five days after the issuance of the order or occurrence of the Act in question.”

Service of process on nonresident.

SEC. 4. (a) Section 7 of such Act approved May 25, 1954 (D. C. Code, sec. 40-423) is amended by inserting “(a)” immediately after “NON-RESIDENT.—” and by inserting immediately before the colon at the end of the first proviso the following: “, except that nothing contained in this proviso shall be construed to require the United States or the District of Columbia to file the undertaking hereby required”.

(b) The last paragraph of section 7 of such Act approved May 25, 1954 (D. C. Code, sec. 40-423) is amended to read as follows:

“(b) For the purposes of this section—

“(1) The term ‘operation’ as used in connection with a motor vehicle includes any use as well as any operation of such vehicle.

“(2) The term ‘nonresident’ shall include any person who is not a resident of the District of Columbia and who was the owner or operator of a motor vehicle at the time such vehicle was involved in an accident or collision in the District of Columbia, and includes any such person who was a resident of the District of Columbia at the time such motor vehicle was involved in such accident or collision but who subsequently became a nonresident

of the District of Columbia and is a nonresident thereof at the time process is sought to be served on him as a result of such accident or collision.

“(c) The appointment of the Commissioners or their successors in office to be the true and lawful attorney for such nonresident as provided by this section shall be irrevocable and binding upon the executor, administrator, or other personal representative of such nonresident. Where a nonresident has been served in accordance with this section and he dies thereafter, the court must allow the action to be continued against his executor, administrator, or other personal representative upon motion, and with such notice as the court deems proper. Except as otherwise provided in the two preceding sentences, service of process may be made on the executor, administrator, or other personal representative of a nonresident in the same manner as is provided in this section in the case of a nonresident.”

SEC. 5. Subsection (b) of section 12 of such Act, approved May 25, 1954 (sec. 40-428 (b), D. C. Code, 1951), is amended by inserting immediately after “accident report” the following: “, or refuses or neglects to make such report.”

Accident report.

SEC. 6. Paragraph numbered (4) of section 18 of such Act approved May 25, 1954 (sec. 40-434 (4), D. C. Code, 1951), is amended by inserting immediately after “section 79” the following: “of this Act or part II of the Interstate Commerce Act”.

SEC. 7. Section 22 of such Act approved May 25, 1954 (sec. 40-438, D. C. Code, 1951 edition), is amended by adding the following new subsection:

Release from liability.

“(d) In any accident involving property of the United States or the District of Columbia, should it appear upon investigation by or on behalf of the United States or the District that a person involved in such accident may not be liable to the United States or the District for any damage resulting therefrom, such person may submit, and the appropriate United States official and the Commissioners are hereby authorized to give to him, a statement to such effect, and such statement may be in lieu of the release required by this section: *Provided*, That the United States and the Commissioners may withdraw such statement at any time if it should appear that the person to whom it was given may be liable to the United States or the District for damages arising out of such accident, and if such statement be withdrawn, the person to whom it was given shall be required to comply with the provisions of this Act.”

SEC. 8. Section 24 of such Act approved May 25, 1954 (sec. 40-440, D. C. Code, 1951), is amended by adding the following subsection:

Settlement agreement.

“(e) The Commissioners may accept evidence of a payment to the driver or owner of a vehicle involved in any accident by any other person involved in such accident or by the insurance carrier of any other person involved in such accident on account of damage to property or bodily injury as a settlement agreement relieving such driver or owner from the security and suspension provisions of this article in respect to any possible claim by the person on whose behalf such payment has been made might have for property damage or bodily injury arising out of the accident. A payment to the insurance carrier of a driver or owner under the carrier's right of subrogation for the purposes of this article shall be considered the equivalent of a payment to such driver or owner.”

SEC. 9. Section 37 of such Act approved May 25, 1954 (sec. 40-453, D. C. Code, 1951), is amended to read as follows:

Suspension of license, etc.

“SEC. 37. PROOF REQUIRED UPON CERTAIN CONVICTIONS.—(a) The license and registration of all vehicles registered in the name of any person who by a final order or judgment shall have forfeited any bond

or collateral given to secure appearance for trial for a violation of any of the following provisions of law:

“(1) Operating a motor vehicle under the influence of any intoxicating liquor or narcotic drug;

“(2) Any homicide committed by means of a motor vehicle;

“(3) Leaving the scene of an accident in which the motor vehicle driven by him was involved and in which there is personal injury, without giving assistance or making known his identity and address and the identity and address of the owner of said vehicle;

“(4) Reckless driving involving personal injury;

“(5) Any felony in the commission of which a motor vehicle is used; or

“(6) A conviction of, or forfeiture of bail or collateral for an offense in any State which, if committed in the District of Columbia, would be one of the offenses listed in paragraphs (1) through (5) of this subsection (a);

shall be suspended by the Commissioners and shall remain so suspended and shall not at any time thereafter be renewed, nor shall any other motor vehicle be thereafter registered in the name of such person as owner, except that (1) if such owner has previously given or shall immediately give and thereafter maintain proof of financial responsibility for the future with respect to all such vehicles registered by such person as the owner, the Commissioners shall not suspend such registration unless otherwise required or permitted by law, or (2) if a conviction arose out of the operation, with permission, of a vehicle owned by or leased to the United States, the District of Columbia, a State, or a political subdivision of a State or a municipality thereof, the Commissioners shall not suspend the registration of any vehicle so owned or leased. If such person be not a resident of the District of Columbia, the privilege of operating any motor vehicle in the District of Columbia and the privilege of operation within the District of Columbia of any motor vehicle owned by him shall be suspended until he shall have furnished proof of financial responsibility for the future with respect to all such vehicles registered by such person as the owner, and such person shall not be allowed a license, nor shall such owner be allowed to register any vehicle in the District of Columbia, until he has complied with the requirements of this article to the same extent that would be necessary if, at the time of the conviction or forfeiture, he had held a license or had been the owner of a vehicle registered in the District of Columbia.

“(b) Upon receipt of a certification from any State that the operating privilege of a resident of the District of Columbia has been suspended or revoked pursuant to a law providing for such suspension or revocation for a conviction or forfeiture under circumstances which would require the Commissioners to suspend a nonresident's operating privilege had the offense occurred in the District of Columbia, the Commissioners shall suspend the license of such resident and the registration of all vehicles registered in his name.”

SEC. 10. Section 39 of such Act approved May 25, 1954 (sec. 40-455, D. C. Code, 1951), is amended to read as follows:

“SEC. 39. ACTION IN RESPECT TO UNLICENSED PERSON.—(a) If a person by final order or judgment is convicted of or forfeits any bail or collateral deposited to secure an appearance for trial for:

“(1) Driving a motor vehicle upon the highways without being licensed to do so under the laws of the District of Columbia when so required; or

“(2) Driving a vehicle not registered under the laws of the District of Columbia when so required;

the operating privilege of such person shall be suspended and no license shall thereafter be issued to such person, but if such person has obtained a license prior to the time the Commissioners have issued an order precluding the issuance of such license, then such license shall be suspended; and no vehicle shall continue to be registered or thereafter be registered in the name of such person as owner, unless such person shall give and thereafter maintain proof of financial responsibility.

“(b) It shall be the duty of the clerk of the court in which any such conviction or forfeiture is ordered to forward immediately to the Commissioners a certified copy of said order, which certified copy shall be prima facie evidence of the facts stated therein.”

SEC. 11. Section 41 of such Act approved May 25, 1954 (sec. 40-457, D. C. Code, 1951), is amended by striking “a certified copy of such judgment,” and inserting in lieu thereof “a certificate of facts relative to such judgment, upon a form provided by the Commissioners,” and by striking “certified copy” and inserting in lieu thereof “certificate”.

SEC. 12. Section 43 of such Act approved May 25, 1954 (sec. 40-459, D. C. Code, 1951), is amended by striking the word “and” where it first appears and inserting the word “or” in lieu thereof and by striking “, on a form provided by the Commissioners.”

SEC. 13. Section 72 of such Act approved May 25, 1954 (sec. 40-488, D. C. Code, 1951 edition), is amended (a) by inserting the subsection symbol “(a)” immediately before the first sentence; and (b) by adding the following subsection:

“(b) No person shall swear falsely to any affidavit required by the Commissioners under the authority of this Act.”

SEC. 14. Section 73 of such Act approved May 25, 1954 (sec. 40-489, D. C. Code, 1951 edition), is amended (a) by striking “or Registration” in the caption; and (b) by striking “or registration” and “or knowingly permits any vehicle of a type subject to registration under the law of the District of Columbia owned by such person to be operated by another upon any highway”.

SEC. 15. Section 78 of such Act approved May 25, 1954 (D. C. Code, sec. 40-493) is amended to read as follows:

“SEC. 78. EXCEPTION IN RELATION TO VEHICLES INSURED UNDER OTHER LAWS.—Except for sections 7, 8, 10, 11, 12, 13, 14, and 15, this Act shall not apply to any vehicle the owner of which has complied with the requirements of existing laws of the District of Columbia requiring insurance or other security on motor vehicles.”

SEC. 16. Nothing in this Act shall be construed so as to affect the authority vested in the Board of Commissioners of the District of Columbia by Reorganization Plan Numbered 5 of 1952 (66 Stat. 824). The performance of any function vested by this Act in the Board of Commissioners or in any office or agency under the jurisdiction and control of said Board of Commissioners may be delegated by said Board of Commissioners in accordance with section 3 of such plan.

SEC. 17. Section 2 of this Act shall take effect sixty days after its enactment.

Approved August 28, 1958.

D. C. Code, Title
1, appendix.

Effective date.

Public Law 85-793

AN ACT

To amend section 80 of the Hawaiian Organic Act, and for other purposes.

August 28, 1958
[H. R. 5865]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 80 of the Hawaiian Organic Act, as amended (48

Hawaii.
Employees' re-
tirement board.
31 Stat. 156.

U. S. C. 546), is amended further by inserting immediately following the words "boards of a public character that may be created by law" the words " , except for the board of trustees of the employees' retirement system".

SEC. 2. Section 80 of the Hawaiian Organic Act, as amended (48 U. S. C. 546), is further amended by adding the following new paragraph immediately following the first paragraph thereof:

"The manner of appointment of members of the board of trustees of the employees' retirement system shall be as provided for by section 6-61, Revised Laws of Hawaii, 1955."

Ratifications.

SEC. 3. All Acts of the Legislature of Hawaii prior to the effective date of this Act pertaining to the composition and membership of the board of trustees of the employees' retirement system, and all appointments to such board pursuant to such Acts, are hereby ratified and confirmed.

Approved August 28, 1958.

Public Law 85-794

AN ACT

August 28, 1958
[S. 2922]

To authorize per capita payments to members of the Red Lake Band of Chippewa Indians from the proceeds of the sale of timber and lumber on the Red Lake Reservation, and for other purposes.

Red Lake Bank
of Chippewa In-
dians.
Per capita pay-
ments.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to withdraw as much as may be necessary from the fund on deposit in the Treasury of the United States arising from the proceeds of the sale of timber and lumber within the Red Lake Reservation in Minnesota, according to the provisions of the Act of May 18, 1916 (39 Stat. 137), to the credit of the Red Lake Indians in Minnesota, and to pay therefrom \$100 to each member of the Red Lake Band of Chippewa Indians of Minnesota who is living at the date of enactment of this Act. Such payment shall be made under such rules and regulations as the Secretary of the Interior may prescribe.

SEC. 2. No money paid to Indians under this Act shall be subject to any lien or claim of attorneys, or other persons.

49 Stat. 620,
53 Stat. 1379,
1397.

SEC. 3. Payments made under this Act shall not be held to be "other income and resources" as that term is used in sections 2 (a) (7), 402 (a) (7), and 1002 (a) (8) of the Social Security Act, as amended (U. S. C., 1946 edition, title 42, secs. 302 (a) (7), 602 (a) (7), and 1202 (a) (8)).

SEC. 4. The nineteenth paragraph of section 9 of the Act of May 18, 1916 (39 Stat. 123, 138), is amended to read as follows:

Net proceeds.

"After the payment of all expenses connected with the administration of these lands as herein provided, the net proceeds therefrom shall be covered into the Treasury of the United States to the credit of the Red Lake Indians and draw interest at the rate of 4 per centum per annum. Any part of such fund or the interest thereon that is in excess of reserve and operating requirements, as determined by the Secretary of the Interior, may be distributed per capita to the members of the Red Lake Band upon request of the tribal council and approval by the Secretary."

SEC. 5. Paragraph seventeen of section 9 of the Act of May 18, 1916 (39 Stat. 123, 137), as amended by the Act of August 3, 1956 (70 Stat. 982), is amended by deleting from clause (a) thereof " , with the consent of the tribal council,".

Approved August 28, 1958.

Public Law 85-795

AN ACT

To encourage and authorize details and transfers of Federal employees for service with international organizations.

August 28, 1958
[S. 4004]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Employees International Organization Service Act."

Federal Employees International Organization Service Act.

DEFINITIONS

SEC. 2. As used in this Act—

(1) "International organization" means every public international organization or international-organization preparatory commission in which the United States Government participates.

(2) "Federal agency" means any department or agency in the executive branch of the United States Government including independent establishments and Government owned or controlled corporations, and any employing authority in the legislative branch of the United States Government.

(3) "Employee" means any civilian appointive officer or employee in or under the executive or the legislative branch of the United States Government.

(4) "Congressional employee" means those included in the definition of that term contained in the Civil Service Retirement Act.

(5) "Transfer" means the change of position by an employee from a Federal agency to an international organization.

(6) "Detail" means the assignment or loan of an employee to an international organization without the employee's transfer from the Federal agency by which he is employed.

(7) "Reemployment" means either the reemployment of an employee pursuant to section 4 (a) (5), or the reemployment of a Congressional employee within ninety days from the date of his separation from the international organization, following a term of employment not extending beyond the period specified by the head of the Federal agency at the time of consent to transfer or, in the absence of such a specified period, not extending beyond the first three consecutive years of his entering the employ of the international organization.

70 Stat. 743.
5 USC 2251 et seq.

DETAILS

SEC. 3. (a) The head of any Federal agency is authorized to detail for a period not exceeding three years any employee of his department or agency to an international organization requesting services.

(b) Any employee while so detailed shall be considered for the purpose of preserving his allowances, privileges, rights, seniority, and other benefits, to be an employee of the Federal agency from which detailed and he shall continue to receive compensation, allowances, and benefits from funds available to that agency. The authorization of such allowances and other benefits and the payment thereof out of any appropriations available therefor shall be considered as meeting all the requirements of section 1765 of the Revised Statutes.

(c) Details may be made under this section—

(1) without reimbursement to the United States by the international organization; or

(2) with agreement by the international organization to reimburse the United States for compensation, travel expenses, and allowances, or any part thereof, payable during the period of detail in accordance with subsections (a) and (b), and such reim-

5 USC 70.

bursement shall be credited to the appropriation, fund, or account utilized for paying such compensation, travel expenses, or allowances.

62 Stat. 793.

(d) Nothing in section 1914 of title 18, United States Code, relative to augmenting salaries of Government employees shall prevent an employee detailed under this section from being paid or reimbursed by an international organization for allowances or expenses incurred in the performance of duties required by the detail.

TRANSFERS

SEC. 4. (a) Notwithstanding the provisions of any law, Executive order, or regulation, any employee serving under a Federal appointment not limited to one year or less who transfers to an international organization is entitled to the following, if the transfer is made with the consent of the head of his agency, except that the provisions of paragraph (5) relating to reemployment rights, and the provisions of paragraph (6) relating to rates of basic compensation payable upon reemployment shall not apply to Congressional employees:

Retirement.

(1) To retain coverage and all rights and benefits under any system established by law for the retirement of civilian employees of the United States, if all necessary employee deductions and agency contributions in payment for such coverage, rights, and benefits for the period of employment with the international organization are currently deposited in the system's fund or depository, and for such purpose service as an officer or employee of the international organization shall be considered to be creditable service under any such system.

Life insurance.
68 Stat. 736.
5 USC 2091 note.

(2) To retain coverage and all rights and benefits under the Federal Employees' Group Life Insurance Act of 1954, as amended (5 U. S. C., ch. 24), if all necessary employee deductions and agency contributions in payment for such coverage, rights, and benefits for the period of employment with the international organization are currently deposited in the Employees' Life Insurance Fund created by section 5 (c) of the Federal Employees' Group Life Insurance Act of 1954, as amended (5 U. S. C. 2094 (c)), and for such purpose service as an officer or employee of the international organization shall be considered to be service as an officer or employee of the United States.

68 Stat. 738.

Disability compensation.
39 Stat. 742; 63 Stat. 854.
5 USC 751 note.

(3) To retain coverage and all rights and benefits under the Federal Employees' Compensation Act, as amended (5 U. S. C., ch. 15), and for this purpose his employment with the international organization shall be deemed to be employment by the United States. However, in any case in which the injured employee, or his dependents in case of death, receives from the international organization any payment (including any allowance, gratuity, payment under an insurance policy for which the premium is wholly paid by that organization, or other benefit of any kind), on account of the same injury or death, the amount of such payments shall be credited against any benefits payable under the Federal Employees' Compensation Act as follows: (A) payments on account of injury or disability shall be credited against disability compensation payable to the injured employee; and (B) payments on account of death shall be credited against death compensation payable to dependents of the deceased employee.

Annual leave.

(4) To elect to retain to his credit all accumulated and current accrued annual leave to which entitled at the time of transfer to an international organization which would otherwise be liquidated by a lump-sum payment. On the request of an employee at any time prior to reemployment, payment shall be made for all of the leave retained. In any case in which an employee receives a lump-sum payment and reemployment occurs within six months following the date

of the transfer, such employee shall refund to the Federal agency the amount of the lump-sum payment. This subsection shall under no circumstances operate so as to cause a forfeiture of retained leave following reemployment or to deprive an employee of any lump-sum payment to which he would otherwise be entitled.

(5) To be reemployed within thirty days of his application for reemployment in his former position or a position of like seniority, status, and pay in the agency from which he transferred, if he is separated from the international organization within three years after the date on which he entered on duty with the international organization, or within such shorter period as may be specified by the head of the Federal agency at the time of consent to transfer, and he applies for reemployment not later than ninety days after the separation.

Reemployment rights.

(6) Upon reemployment, to the rate of basic compensation to which he would be entitled had he remained in the Federal service. Upon reemployment, the sick leave account of the employee shall be restored by credit or charge to its status at the time he left the Federal service; and the period of separation caused by his employment with the international organization and the period necessary to effect reemployment shall be considered creditable service for all appropriate Federal employment purposes.

Sick leave.

(b) During the employee's period of service with the international organization, the agency contribution for retirement and insurance purposes may be made from the appropriations or funds of the Federal agency from which the employee transferred.

Agency contributions.

(c) All computations under this Act prior to reemployment shall be made in the same manner as if the employee had received basic compensation (or basic compensation plus additional compensation in the case of a congressional employee) at the rate at which it would have been payable had the employee continued in the position in which he was serving at the time of his transfer.

Rate of compensation.

(d) The provisions of this section shall apply only with respect to so much of any period of employment with an international organization as does not exceed three years or such shorter period as may be specified by the head of the Federal agency from which the employee is transferred at the time of consent to transfer, except that for retirement and insurance purposes this section shall continue to apply during the period in which a congressional employee is effecting or could effect a reemployment or an employee other than a congressional employee is properly exercising or could exercise the reemployment right established by subsection (a) (5). During that reemployment period, the employee shall be considered to be on leave without pay for retirement and insurance purposes.

Applicability.

REGULATIONS

SEC. 5. The President is authorized to prescribe the necessary rules and regulations to carry out the provisions of this Act and to protect and assure the retirement, insurance, leave, and reemployment rights and such other similar Federal employment rights as he may find appropriate. These regulations may provide for the exclusion of employees from coverage hereunder on the basis of the nature and type of employment such as, but not limited to, excepted appointments of a confidential or policy-determining character, or conditions pertaining to the employment such as, but not limited to, short-term appointments, seasonal or intermittent employment, and part-time employment.

EFFECTIVE DATE

SEC. 6. This Act shall take effect on the date of its enactment except that any present employee of an international organization who entered on duty with the organization by transfer under Executive Order 9721 of May 10, 1946, as amended by Executive Order 10103 of February 1, 1950, or under the International Atomic Energy Agency Participation Act of 1957, not earlier than three years prior to the date of enactment, may elect to have coverage hereunder for the remainder of the three-year term if the head of the Federal agency from which he transferred consents to that coverage.

3 CFR, 1943-
1948 Comp., p.
528.
3 CFR, 1950
Supp., p. 81.
71 Stat. 453.
22 USC 2021
note.

REPEAL PROVISION

SEC. 7. Section 6 (a) of the International Atomic Energy Agency Participation Act of 1957 (22 U. S. C. 2025 (a)), is repealed except that it shall be considered to remain in effect with respect to any employee subject thereto who is serving as an employee of the International Atomic Energy Agency on the date of enactment of this Act and who does not make the election referred to in section 6, and for the purposes of any rights and benefits vested thereunder prior to such date.

Approved August 28, 1958.

Public Law 85-796

AN ACT

To amend sections 1461 and 1462 of title 18 of the United States Code.

August 28, 1958
[H. R. 6239]

Crimes and of-
fenses.
Obscene and
crime-inciting mat-
ter.
62 Stat. 768.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the eighth paragraph of section 1461 of title 18 of the United States Code is amended to read as follows: "Whoever knowingly uses the mails for the mailing, carriage in the mails, or delivery of anything declared by this section to be nonmailable, or knowingly causes to be delivered by mail according to the direction thereon, or at the place at which it is directed to be delivered by the person to whom it is addressed, or knowingly takes any such thing from the mails for the purpose of circulating or disposing thereof, or of aiding in the circulation or disposition thereof, shall be fined not more than \$5,000 or imprisoned not more than five years, or both; for the first such offense, and shall be fined not more than \$10,000 or imprisoned not more than ten years, or both, for each such offense thereafter."

64 Stat. 194.

SEC. 2. (a) The first paragraph of section 1462 of title 18 of the United States Code is amended to read as follows:

"Whoever brings into the United States, or any place subject to the jurisdiction thereof, or knowingly uses any express company or other common carrier, for carriage in interstate or foreign commerce—"

(b) That paragraph of such section 1462 which begins with the words "Whoever knowingly takes" is amended to read as follows: "Whoever knowingly takes from such express company or other common carrier any matter or thing the carriage of which is herein made unlawful—"

(c) The last paragraph of such section 1462 is amended to read as follows: "Shall be fined not more than \$5,000 or imprisoned not more than five years, or both, for the first such offense and shall be fined not more than \$10,000 or imprisoned not more than ten years, or both, for each such offense thereafter."

Penalty.

Approved August 28, 1958.

Public Law 85-797

AN ACT

To authorize the acquisition and disposition of certain private lands and the establishment of the size of farm units on the Seedskadee reclamation project, Wyoming, and for other purposes.

August 28, 1958
[S. 3448]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of assisting in the permanent settlement of farm families, protecting project land, facilitating project development, and other beneficial purposes the Secretary of the Interior is hereby authorized to acquire in the name of the United States such lands or interests in lands on the Seedskadee reclamation project, Wyoming, authorized by the Act of April 11, 1956 (70 Stat. 105), as he deems appropriate to accomplish the purposes above enumerated. Such lands which cannot practically be acquired by exchange of public lands of equal value outside the irrigable area to be served may be acquired by purchase, at prices satisfactory to the Secretary without reference to increment on account of the construction of the project, or by donation.

Seedskadee reclamation project.
Acquisition of land.

43 USC 620-620o.

SEC. 2. The Secretary is further authorized to administer the public and acquired lands on the Seedskadee reclamation project, to sell, exchange, lease, or otherwise dispose of such lands and any improvements thereon, to establish townsites and to dedicate portions of said lands for public purposes, to the extent, in the manner, and on terms that in his judgment are in keeping with sound project development: *Provided*, That all the lands included in any farm units and made available for settlement, irrespective of whether said farm units are composed of public lands, acquired lands, or both, shall be sold at prices per acre established by the Secretary that in his judgment will, as nearly as practicable, equitably provide for the return in a reasonable period of years of the costs of acquisition and disposition of all settlement lands on the project.

Sale or exchange of lands.

SEC. 3. Beginning at such date or dates and subject to such provisions and limitations as may be fixed or provided by regulations issued by the Secretary under the authority of this Act, any public lands and any lands acquired under this Act shall be, after disposition thereof by the United States by contract of sale and during the time such contract shall remain in effect, (i) subject to the laws of the State of Wyoming relating to the organization, government, and regulation of conservancy and other similar districts, and (ii) subject to legal assessment or taxation by such district and by said State or political subdivisions thereof, and to liens for such assessments and taxes and to all proceedings for the enforcement thereof, in the same manner and to the same extent as privately owned lands: *Provided, however*, That the United States does not assume any obligation for amounts so assessed or taxed: *And provided further*, That any proceedings to enforce said assessments or taxes shall be subject to any title then remaining in the United States, to any prior lien reserved to the United States for unpaid installments under land sale contracts made under this Act, and to any obligation for any other charges, accrued or unaccrued, for special improvements, construction, or operation and maintenance costs of said project.

Assessment and taxation.

SEC. 4. No water shall be furnished from, through, or by means of project works to lands which are held in private ownership by any one owner in excess of the equivalent of one hundred and sixty acres of class 1 lands unless the owner thereof shall have executed a valid recordable contract with respect to the excess in like manner as is provided in the third sentence of section 46 of the Act of May 25, 1926 (44 Stat. 636, 649). In computing "the equivalent of one hundred and sixty acres of class 1 lands" under this section, each acre of class

Irrigation water.

43 USC 423e.

2 land shall be counted as eighty-eight one-hundredths of an acre, each acre of class 3 land shall be counted as seventy-one one-hundredths of an acre, and each acre of class 4 land shall be counted as forty-three one-hundredths of an acre.

Conveyances.

SEC. 5. The Secretary is authorized to perform such acts, to make such rules and regulations, and to include in contracts made under the authority of this Act such provisions as he deems proper for carrying out the provisions of this Act; and in connection with sales or exchanges under this Act, he is authorized, in his discretion, to effect conveyance without regard to the laws governing the patenting of public lands.

43 USC 620-620o.

SEC. 6. This Act shall be deemed a supplement to and part of the Act of April 11, 1956 (70 Stat. 105).

Approved August 28, 1958.

Public Law 85-798

AN ACT

August 28, 1958
[H. R. 5411]

To amend title II of the Social Security Act to provide that a widow or former wife divorced who loses mother's insurance benefits by remarriage may again become entitled if her husband dies within one year of such remarriage, to provide that interstate instrumentalities may secure coverage for policemen and firemen in positions under a retirement system of the instrumentality.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 202 (g) of the Social Security Act (relating to mother's insurance benefits) is hereby amended by adding at the end thereof the following new paragraph:

"(3) In the case of any widow or former wife divorced of an individual—

"(A) who marries another individual, and

"(B) whose marriage to the individual referred to in subparagraph (A) is terminated by his death but she is not his widow as defined in section 216 (c),

the marriage to the individual referred to in clause (A) shall, for the purpose of paragraph (1), be deemed not to have occurred. No benefits shall be payable under this subsection by reason of the preceding sentence for any month prior to whichever of the following is the latest: (i) the month in which the death referred to in subparagraph (B) of the preceding sentence occurs, (ii) the twelfth month before the month in which such widow or former wife divorced files application for purposes of this paragraph, or (iii) the month following the month in which this paragraph is enacted."

SEC. 2. Subsection (k) of section 218 of the Social Security Act is amended by adding at the end thereof the following new paragraph:

"(3) Any agreement with any instrumentality of two or more States entered into pursuant to this Act may, notwithstanding the provisions of subsection (d) (5) (A) and the references thereto in subsections (d) (1) and (d) (3), apply to service performed by employees of such instrumentality in any policeman's or fireman's position covered by a retirement system, but only upon compliance, to the extent practicable, with the requirements of subsection (d) (3). For the purpose of the preceding sentence, a retirement system which covers positions of policemen or firemen or both, and other positions shall, if the instrumentality concerned so desires, be deemed to be a separate retirement system with respect to the positions of such policemen or firemen, or both, as the case may be."

Social Security.
Mother's insur-
ance benefits.
64 Stat. 485; 71
Stat. 519.
42 USC 402.
Widow or di-
vorcee.
Post, p. 1013.

64 Stat. 510.

64 Stat. 514.
42 USC 418.

Policemen and
firemen.

POLICEMEN AND FIREMEN IN STATE OF WASHINGTON

SEC. 3. Section 218 (p) of the Social Security Act (relating to policemen and firemen in certain States) is amended by inserting "Washington," immediately after "Tennessee,".

Approved August 28, 1958.

70 Stat. 826.
42 USC 418.

Public Law 85-799

AN ACT

To provide for the conveyance of certain land of the United States to the State Board of Education of the State of Florida.

August 28, 1958
[H. R. 9932]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Air Force is authorized and directed to convey to the State Board of Education of the State of Florida all of the right, title, and interest of the United States in and to the real property described in section 2 of this Act. The deed effecting the conveyance authorized by this section shall provide—

State Board of
Education, Fla.
Conveyance.

(a) that the State Board of Education of the State of Florida agrees to use the property only for recreational camp or other public purposes and in the event that such lands cease to be used for such purposes, all right, title, and interest therein shall immediately revert to and revest in the United States;

(b) that during any state of war or national emergency and for six months thereafter, if the Secretary of Defense determines that such lands are useful or necessary for national defense purposes the United States may, without payment therefor, reenter such lands and use all or any part thereof (including improvements thereon), but upon the termination of such use such lands shall revert to the State of Florida;

(c) that no structure, the height of which is in excess of 75 feet above the low water level, shall be constructed upon the property;

(d) that the State of Florida shall waive any and all claim for damages which may result to the property from Air Force operations.

SEC. 2. The land referred to in the first section contains approximately 11 acres lying and being in lot 1, section 36, township 1 south, range 22 west, Tallahassee meridian, Okaloosa County, Florida. Beginning at a point which is on the east line of said section 36, 1,883 feet south of the northeast corner of said section, thence south 55 degrees west 800 feet; thence north 35 degrees west 600 feet; thence north 55 degrees east 800 feet; thence south 35 degrees east 600 feet to the point of beginning.

SEC. 3. The conveyance authorized by this Act, shall be conditional upon the State Board of Education of the State of Florida, paying to the Secretary of the Air Force, as consideration for the tract of land conveyed under the provisions of this Act, an amount equal to 50 per centum of its fair market value as determined by the Secretary of the Air Force after appraisal of such tract.

Payment.

SEC. 4. The cost of any surveys and appraisals necessary as an incident to the conveyance authorized herein shall be borne by the State Board of Education of the State of Florida.

Surveys, etc.

SEC. 5. All mineral rights, including gas and oil, in the lands authorized to be conveyed by this Act shall be reserved to the United States.

Mineral rights.

Approved August 28, 1958.

Public Law 85-800

AN ACT

August 28, 1958
[S. 3224]

To improve opportunities for small business concerns to obtain a fair proportion of Government purchases and contracts, to facilitate procurement of property and services by the Government, and for other purposes.

Small business.
Procurement pro-
cedures.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 302 (a) of the Federal Property and Administrative Services Act of 1949 (63 Stat. 393), as amended (41 U. S. C. 252 (a)), is amended further to read as follows:

Applicability.

“(a) The provisions of this title shall be applicable to purchases and contracts for property or services made by—

“(1) The General Services Administration, for the use of such agency or otherwise; or

“(2) any other executive agency (except the departments and activities specified in title 10, United States Code, section 2303 (a)) in conformity with authority to apply such provisions delegated by the Administrator in his discretion. Notice of every such delegation of authority shall be furnished to the General Accounting Office.”

Negotiated con-
tracts.

SEC. 2. Section 302 (c) of the Federal Property and Administrative Services Act of 1949 (63 Stat. 393), as amended (41 U. S. C. 252 (c)), is amended further—

(a) by revising paragraph (3) to read:

“(3) the aggregate amount involved does not exceed \$2,500;”

(b) by renumbering paragraphs (9), (10), (11), (12), (13), and (14), as paragraphs (10), (11), (12), (13), (14), and (15), respectively; and

(c) by adding, immediately after paragraph (8), a new paragraph (9), reading as follows:

“(9) for perishable or nonperishable subsistence supplies;”.

Exceptions.

SEC. 3. Section 302 (e) of the Federal Property and Administrative Services Act of 1949 (63 Stat. 394; 41 U. S. C. 252 (e)) is amended by striking out “(9)”, “(10)”, “(11)”, and “(13)” and substituting therefor “(10)”, “(11)”, “(12)”, and “(14)”, respectively.

Advanced pay-
ments.

SEC. 4. Section 305 of the Federal Property and Administrative Services Act of 1949 (63 Stat. 396), as amended (41 U. S. C. 255), is amended further to read as follows:

“SEC. 305. (a) Any executive agency may—

“(1) make advance, partial, progress or other payments under contracts for property or services made by the agency; and

“(2) insert in bid solicitations for procurement of property or services a provision limiting to small business concerns advance or progress payments.

“(b) Payments made under subsection (a) may not exceed the unpaid contract price.

“(c) Advance payments under subsection (a) may be made only upon adequate security and a determination by the agency head that to do so would be in the public interest. Such security may be in the form of a lien in favor of the Government on the property contracted for, on the balance in an account in which such payments are deposited, and on such of the property acquired for performance of the contract as the parties may agree. This lien shall be paramount to all other liens.”

SEC. 5. Section 307 of the Federal Property and Administrative Services Act of 1949 (63 Stat. 396; 41 U. S. C. 257) is amended—

Administrative determinations.

(a) by striking out “(10)”, “(11)”, “(12)”, and “(13)” wherever they appear therein, and substituting therefor “(11)”, “(12)”, “(13)”, and “(14)”, respectively;

(b) in subsection (b), by striking out “and in section 305 (a)”;

and
(c) in subsection (c), by striking out “305 (a)” and substituting therefor “305 (c)”.

SEC. 6. Section 310 (b) of the Federal Property and Administrative Services Act of 1949 (63 Stat. 397), as amended (41 U. S. C. 260 (b)), is amended further by adding after “thereof” a comma and the following: “or any other executive agency delegated authority pursuant to section 302 (a) (2).”

Laws not applicable.

SEC. 7. Section 3709 of the Revised Statutes, as amended (41 U. S. C. 5), is amended further by striking out “\$500” in the first sentence thereof and substituting therefor “\$2,500”.

Advertisements.
60 Stat. 809.
70A Stat. 128.

SEC. 8. Section 2304 (a) of title 10 of the United States Code is amended—

(a) in clause (3), by striking out “\$1,000” and substituting therefor “\$2,500”; and

(b) in clause (9), by adding “or nonperishable” after “perishable”.

SEC. 9. The text of section 2307 of title 10 of the United States Code is amended to read as follows:

70A Stat. 131.

“(a) The head of any agency may—

“(1) make advance, partial, progress, or other payments under contracts for property or services made by the agency; and

“(2) insert in bid solicitations for procurement of property or services a provision limiting to small business concerns advance or progress payments.

“(b) Payments made under subsection (a) may not exceed the unpaid contract price.

“(c) Advance payments made under subsection (a) may be made only if the contractor gives adequate security and after a determination by the head of the agency that to do so would be in the public interest. Such security may be in the form of a lien in favor of the United States on the property contracted for, on the balance in an account in which such payments are deposited, and on such of the property acquired for performance of the contract as the parties may agree. This lien is paramount to any other liens.”

Advance payments, etc.

SEC. 10. Section 2310 (b) of title 10 of the United States Code is amended by striking out “2307 (a)” and substituting therefor “2307 (c)”.

70A Stat. 132.

SEC. 11. Section 2311 of title 10 of the United States Code is amended by striking out “or section 2307 (a)” and the preceding comma.

70A Stat. 132.

SEC. 12. Section 2 of the Act of June 13, 1934 (48 Stat. 948), as amended (40 U. S. C. 276c), is amended further—

(a) by striking out “sworn affidavit” and substituting therefor “statement”; and

(b) by adding at the end thereof the following sentence: “Section 1001 of title 18 of the United States Code (Criminal Code and Criminal Procedure) shall apply to such statements.”

Approved August 28, 1958.

Public Law 85-801

AN ACT

August 28, 1958
[H. R. 9239]

To provide for the construction of an irrigation distribution system and drainage works for restricted Indian lands within the Coachella Valley County Water District in Riverside County, California, and for other purposes.

Restricted Indian lands.
Irrigation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Act of August 25, 1950 (64 Stat. 470), is amended to read as follows:

“(a) The Secretary of the Interior is hereby authorized and directed to—

“(1) designate the trust or restricted Indian lands on the Cabazon, Augustine, and Torres-Martinez Indian Reservations which may be irrigated from distribution facilities administered by the Coachella Valley County Water District in Riverside County, California;

“(2) construct an irrigation distribution system and drainage works within improvement district numbered 1 of the Coachella Valley County Water District that connect with the distribution system and drainage works now administered by Coachella Valley County Water District and that will irrigate and drain the Indian lands designated therein pursuant to this section: *Provided*, That such irrigation and distribution system and drainage works shall be constructed on the Torres-Martinez Indian Reservation only upon the request of the Indian owners of the lands to be irrigated thereby and a determination by the Secretary of the Interior that the construction of the irrigation distribution system and drainage works is economically feasible;

“(3) contract with the Coachella Valley County Water District, prior to the construction of the irrigation distribution system and drainage works authorized by this section, for engineering and supervision services in connection with such construction, and for the care, operation, and maintenance thereof after construction. Such contract shall provide, among other things, that—

“(i) the irrigation distribution system and drainage works authorized to be constructed by this section, or any major part thereof, when completed and ready for use as determined by the Secretary, shall be turned over to the district for care, operation, and maintenance and the district shall assume the care, operation, and maintenance thereof upon sixty days written request therefor made by the Secretary;

“(ii) water shall be delivered to the lands within improvement district numbered 1 designated pursuant to this section, through the irrigation distribution system authorized to be constructed, under the same rules and regulations, to the same extent, and for the same charges as water is delivered by the district to other lands similarly located within the district. As long as said Indian lands for which an irrigation distribution system is constructed pursuant to this section remain in a trust or restricted status the Secretary shall guarantee payment to the district for all such charges for the delivery of water, including standby charges, as well as payment of an amount of money during each year equal to the amount which would be levied by or on behalf of the district in the form of taxes on said lands if said lands were on the assessment rolls of Riverside County;

“(iii) one-half of all moneys received by the district for the delivery of water to the designated lands (not including gate and other service charges) shall be paid annually by the district to the United States until the United States has been reimbursed in full for the actual costs incurred in the construction of the distribution system and drainage works authorized by this section;

“(iv) article 21 (access to books and records), article 23 (disputes or disagreements), article 35 (remedies under contract not exclusive), article 36 (interest in contract not transferable), article 39 (officials not to benefit), and article 41 (representative of the Secretary), of that certain contract between the United States and the district dated December 22, 1947, entitled ‘Contract for Construction of Distribution System, Protective Works and Drainage Works’, shall be incorporated by reference, *haec verba*, into the contract authorized by this section as a part thereof.

“(b) There are authorized to be appropriated such amounts as may be necessary for the construction of the distribution system and drainage works authorized by this section and for making the payments guaranteed pursuant to this section. There is hereby created a recordable first lien against said Indian lands for any amounts paid by the United States to the district pursuant to such guaranty, and such lien shall be enforced at the time the land passes out of Indian ownership. The provisions of the Act of July 1, 1932, with respect to the assessment and collection of irrigation construction costs shall not apply to such lands.

Appropriation.

Lien.

47 Stat. 564.

“(c) The Secretary of the Interior is authorized to take, use, and convey to the Coachella Valley County Water District, or other governmental agency, such rights-of-way across trust or restricted Indian lands as in his discretion may be needed for the construction, care, operation, and maintenance of the irrigation distribution system and drainage works authorized by this section or the irrigation distribution system and drainage works now administered by the District, and for the construction or improvement of roads necessary to serve the Augustine, Cabazon, and Torres-Martinez Reservations. The Indian landowner shall be paid reasonable compensation for such rights-of-way. The rights-of-way needed for the drainage works now administered by the district shall be taken and conveyed to the district only after the district has paid to the Indian landowner reasonable compensation therefor.”

SEC. 2. Section 7 of the Act of August 25, 1950 (64 Stat. 470), is amended to read as follows: In clause “(a)” delete “within three years from the date of approval of this Act”.

SEC. 3. Subsections (a) and (c) of section 8 of the Act of August 25, 1950 (64 Stat. 470), are amended to read as follows:

“(a) Any trust or restricted Indian land, whether individually or tribally owned, may be leased in accordance with the provisions of the Act of August 9, 1955 (69 Stat. 539).

“(c) If the Secretary of the Interior determines that beneficial use of any trust or restricted lands is not being made by the owner or owners thereof, the Secretary is authorized to lease such lands for the benefit of the owner or owners.”

Approved August 28, 1958.

25 U.S.C. 415-415d.

Public Law 85-802

AN ACT

August 28, 1958
[H. R. 11697]

To amend the Act of June 29, 1888, relating to the prevention of obstructive and injurious deposits in the harbor of New York, to extend the application of that Act to the harbor of Hampton Roads.

Harbors.
Prevention of
obstructive and in-
jurious deposits.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to prevent obstructive and injurious deposits within the harbor and adjacent waters of New York, by dumping or otherwise, and to punish and prevent such offenses", approved June 29, 1888 (25 Stat. 209; 33 U. S. C. 441-451), as amended, is amended as follows:

(1) The first section (33 U. S. C. 441) is amended by striking out "tidal waters of the harbor of New York, or its adjacent or tributary waters, or in those of Long Island Sound," and inserting in lieu thereof "waters of any harbor subject to this Act,".

(2) Section 2 (33 U. S. C. 442) is amended—

(A) by striking out "the harbor of New York, or in its adjacent or tributary waters, or in those of Long Island Sound," and inserting in lieu thereof "any harbor subject to this Act,"; and

(B) by striking out "hereinafter mentioned".

Inspectors.

(3) The fourth paragraph of section 3 (33 U. S. C. 446) is amended by striking out "The supervisor of the harbor of New York, designated as provided in section 5 of the said Act of June twenty-nine, eighteen hundred and eighty-eight, is authorized and directed to appoint inspectors and deputy inspectors, and, for the purpose of enforcing the provisions of this Act and of the Act aforesaid," and inserting in lieu thereof "Each supervisor of a harbor is authorized and directed to appoint inspectors and deputy inspectors, and, for the purposes of enforcing this Act and the Act of August 18, 1894, entitled 'An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes' (28 Stat. 338),".

Bribery.

(4) The fifth full paragraph of section 3 (33 U. S. C. 447) (relating to bribery of employees of the supervisor of the harbor) is amended by striking out "the supervisor of the harbor" and inserting in lieu thereof "any supervisor of a harbor".

(5) Section 4 (33 U. S. C. 449) is amended—

(A) by striking out "the harbor of New York, or the waters adjacent or tributary thereto", and inserting in lieu thereof "any harbor subject to this Act"; and

(B) by striking out "the waters of the harbor of New York", and inserting in lieu thereof "the waters of that harbor".

(6) Section 5 (33 U. S. C. 451) is amended—

(A) by inserting after "That an officer of the Corps of Engineers shall" a comma and the following: "for each harbor subject to this Act,"; and

(B) by striking out "This officer" and inserting in lieu thereof "Each such officer".

25 Stat. 210.

(7) Section 6 is amended to read as follows:

"SEC. 6. That the following harbors shall be subject to this Act:

"(1) The harbor of New York.

"(2) The harbor of Hampton Roads.

"(3) The harbor of Baltimore."

(8) The following new section is added at the end:

“SEC. 7. That for the purposes of this Act—

“(1) The term ‘harbor of New York’ means the tidal waters of the harbor of New York, its adjacent and tributary waters, and those of Long Island Sound.

“Harbor”.

“(2) The term ‘harbor of Hampton Roads’ means the tidal waters of the harbors of Norfolk, Portsmouth, Newport News, Hampton Roads, and their adjacent and tributary waters, so much of the Chesapeake Bay and its tributaries as lies within the State of Virginia, and so much of the Atlantic Ocean and its tributaries as lies within the jurisdiction of the United States within or to the east of the State of Virginia.

“(3) The term ‘harbor of Baltimore’ means the tidal waters of the harbor of Baltimore and its adjacent and tributary waters, and so much of Chesapeake Bay and its tributaries as lie within the State of Maryland.”

SEC. 2. This Act shall take effect on the sixtieth day after the date of its enactment.

Effective date.

Approved August 28, 1958.

Public Law 85-803

AN ACT

To amend the Hawaiian Organic Act, and to approve amendments of the Hawaiian land laws, with respect to leases and other dispositions of land.

August 28, 1958
[H. R. 9445]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 73 (d) of the Hawaiian Organic Act, as amended (48 U. S. C. 665), is further amended (1) by inserting in the first sentence thereof, immediately following the words “No lease of”, the words “the surface of”; (2) by striking out the words “fifteen years” and inserting in lieu thereof the words “sixty-five years”; (3) by striking out from the fourth sentence thereof the words “in which case the rent reserved shall be reduced in proportion to the value of the part so withdrawn” and inserting in lieu thereof the words “upon the payment of just compensation for such withdrawal”; and (4) by striking out the last two sentences therein and inserting in lieu thereof the following: “Every such lease shall contain a provision to that effect: *Provided*, That the Commissioner may, with the approval of the Governor and at least two-thirds of the members of the Land Board, omit such withdrawal provision from, or limit the same in, the lease of any lands whenever he deems it advantageous to the Territory of Hawaii, and land so leased shall not be subject to such right of withdrawal, or shall be subject only to a right of withdrawal as limited in the lease.”

Hawaii.
Public 1 and
leases.
42 Stat. 117.

Right of with-
drawal.

SEC. 2. Section 73 (1) of the Hawaiian Organic Act as amended (48 U. S. C. 673), is further amended by striking out the words “No lease of agricultural lands exceeding forty acres in area, or of pastoral or waste lands exceeding two hundred acres in area, shall be made without the approval of two-thirds of the Board of Public Lands, which is hereby constituted,” and inserting in lieu thereof the words “Leases may be made by the Commissioner of Public Lands, with the approval of two-thirds of the members of the Board of Public Lands, for the occupation of lands for general purposes, or for limited specified purposes (but not including leases of minerals or leases providing for the mining of minerals), for terms up to but not in excess of sixty-five years. There shall be a Board of Public Lands.”

Board of Public
Lands.
70 Stat. 104.

Approved August 28, 1958.

Public Law 85-804

AN ACT

August 28, 1958
[H. R. 12894]

To authorize the making, amendment, and modification of contracts to facilitate the national defense.

National defense.
Contract authorization.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President may authorize any department or agency of the Government which exercises functions in connection with the national defense, acting in accordance with regulations prescribed by the President for the protection of the Government, to enter into contracts or into amendments or modifications of contracts heretofore or hereafter made and to make advance payments thereon, without regard to other provisions of law relating to the making, performance, amendment, or modification of contracts, whenever he deems that such action would facilitate the national defense. The authority conferred by this section shall not be utilized to obligate the United States in an amount in excess of \$50,000 without approval by an official at or above the level of an Assistant Secretary or his Deputy, or an assistant head or his deputy, of such department or agency, or by a Contract Adjustment Board established therein.

Restrictions.

SEC. 2. Nothing in this Act shall be construed to constitute authorization hereunder for—

(a) the use of the cost-plus-a-percentage-of-cost system of contracting;

(b) any contract in violation of existing law relating to limitation of profits;

(c) the negotiation of purchases of or contracts for property or services required by law to be procured by formal advertising and competitive bidding;

(d) the waiver of any bid, payment, performance, or other bond required by law;

(e) the amendment of a contract negotiated under section 2304 (a) (15), title 10, United States Code, or under section 302 (c) (13) of the Federal Property and Administrative Services Act of 1949, as amended (63 Stat. 377, 394), to increase the contract price to an amount higher than the lowest rejected bid of any responsible bidder; or

(f) the formalization of an informal commitment, unless it is found that at the time the commitment was made it was impracticable to use normal procurement procedures.

70A Stat. 128.

41 USC 252.

Public record.

SEC. 3. (a) All actions under the authority of this Act shall be made a matter of public record under regulations prescribed by the President and when deemed by him not to be detrimental to the national security.

Examination of records by Comptroller General.

(b) All contracts entered into, amended, or modified pursuant to authority contained in this Act shall include a clause to the effect that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of three years after final payment, have access to and the right to examine any directly pertinent books, documents, papers, and records of the contractor or any of his subcontractors engaged in the performance of and involving transactions related to such contracts or subcontracts.

Report to Congress.

SEC. 4. (a) Every department and agency acting under authority of this Act shall, by March 15 of each year, report to Congress all such actions taken by that department or agency during the preceding calendar year. With respect to actions which involve actual or

potential cost to the United States in excess of \$50,000, the report shall—

- (1) name the contractor;
- (2) state the actual cost or estimated potential cost involved;
- (3) describe the property or services involved; and
- (4) state further the circumstances justifying the action taken.

With respect to (1), (2), (3), and (4), above, and under regulations prescribed by the President, there may be omitted any information the disclosure of which would be detrimental to the national security.

(b) The Clerk of the House and the Secretary of the Senate shall cause to be published in the Congressional Record all reports submitted pursuant to this section.

SEC. 5. This Act shall be effective only during a national emergency declared by Congress or the President and for six months after the termination thereof or until such earlier time as Congress, by concurrent resolution, may designate.

Approved August 28, 1958.

Effective period.

Public Law 85-805

AN ACT

To authorize the Secretary of the Army to convey approximately 181 acres of land at Fort Crowder Military Reservation to the city of Neosho, Missouri.

August 28, 1958
[S. 3534]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That within one year from the date of enactment hereof the Secretary of the Army shall, upon payment of fair value as determined by him, convey to the city of Neosho, Missouri, all right, title, and interest of the United States in and to that portion of the Fort Crowder Military Reservation consisting of approximately 181 acres of land in the northwest portion of the reservation bounded on one side by United States Highway numbered 71 to a depth of approximately 5,817 feet along the reservation boundary to the right-of-way of the Kansas City Southern Railroad and shown on sheet 2 of Kansas City District Engineer drawing numbered 18-02-02, dated October 1954, titled "Fort Crowder, Missouri Master Plan Basic Information Maps Reservation Boundary and Land Use Map" on file with the Chief of Engineers, United States Army, and more particularly described as follows:

Fort Crowder.
Military Reservation.
Conveyance.

Starting point northwest corner section 4, township 24, north, range 32 west described as follows: South 89 degrees 17 minutes east 1313.47 feet, south 89 degrees 17 minutes east 1313.47 feet, south 89 degrees 28 minutes 15 seconds east 1320.03 feet, south 89 degrees 28 minutes 15 seconds east 1320.03 feet, and that part of the northwest corner, section 3, south 89 degrees 05 minutes 15 seconds east 550 feet thence south 02 degrees 44 minutes 45 seconds west 1356 feet, thence north 89 degrees 05 minutes 15 seconds west 550 feet, through section four north 89 degrees 28 minutes 15 seconds west 1320.03 feet, north 89 degrees 28 minutes 15 seconds west 1320.03 feet, north 89 degrees 17 minutes west 1313.47 feet, north 89 degrees 17 minutes west 1313.47 feet, thence north 02 degrees 44 minutes 45 seconds east 1356 feet, to the point of beginning, in all containing 180.9 acres more or less, all in Newton County, State of Missouri.

SEC. 2. All mineral rights, including gas and oil in the lands authorized to be conveyed by this Act shall be reserved to the United States.

Approved August 28, 1958.

Public Law 85-806

AN ACT

To transfer certain property and functions of the Housing and Home Finance Administrator to the Secretary of the Interior, and for other purposes.

August 28, 1958
[S. 2594]

Certain Indian housing.
Authority of Department of Interior.

5 USC 133y-16
note.

12 USC 1701g-5.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all right, title, and interest, including contractual rights and reversionary interests, held by the Federal Government in and with respect to project ALAS-50080 heretofore administered by the Housing and Home Finance Administrator, are hereby transferred to the Secretary of the Interior. All of the powers, duties, and responsibilities of the Housing and Home Finance Administrator under the purchase and sale contract executed on October 1, 1946, by the United States, represented by the Acting Commissioner of the Federal Public Housing Authority, and by the Hoonah Indian Association, and transferred to the Housing and Home Finance Administrator by Reorganization Plan Numbered 3 of 1947 (61 Stat. 954), are hereby transferred to the Secretary of the Interior. There is also hereby transferred out of the fund entitled "Office of the Administrator revolving fund (liquidating programs)" established in the Office of the Administrator, Housing and Home Finance Agency, under title II of the Independent Offices Appropriation Act, 1955 (68 Stat. 272, 295), as amended, an amount equal to gross receipts from the project transferred by this section.

SEC. 2. For the purpose of liquidating such project the Secretary of the Interior is authorized, within the limits of funds available under section 3 of this Act:

(a) To make any surveys of the land on which the project is located that may be needed to vest titles in the individual purchasers of housing units, or to bring the housing project within the Hoonah townsite.

(b) To finance transfers to the individual purchasers of housing units of any interests in the lands on which the housing units are located that may be vested in others.

(c) To refund to individual Indians any payments made by them for housing accommodations which they did not receive.

(d) To pay to individual Indians the fair value, as determined by the Secretary of the Interior, of any land which they conveyed to the Hoonah Indian Association for the use of the project in return for housing accommodations which they did not receive.

(e) To make any repairs or improvements to individual housing units that may be needed to permit the disposition of such units to individual Indians.

(f) To acquire by purchase or eminent domain any lands or interests in lands that are needed for streets and alleys within the project, and to dedicate such lands for public use; and to acquire by eminent domain any interests in land the acquisition of which is authorized to be financed under subsection (b) of this section, and to convey such interests to the purchaser of the individual housing units involved.

(g) To allocate equally to the individual housing units the \$240,000 purchase price which the Hoonah Indian Association agreed to pay to the United States, to credit against the allocated purchase price for each unit all payments on principal heretofore made with respect to such unit, and to cancel any portion of the remainder of the debt on any unit that exceeds the value of the unit (as determined by the Secretary) decreased by the sum of all payments on principal heretofore made with respect to such unit.

(h) To release from the mortgage securing the debt of the Hoonah Indian Association any individual housing unit upon payment of the uncanceled portion of the debt allocated to it.

SEC. 3. All funds transferred to the Secretary of the Interior pursuant to section 1 of this Act and all funds hereafter collected from the project transferred by section 1 shall be established in a revolving fund in the Department of the Interior and may be used to carry out the purposes of this Act, including administrative expenses.

Approved August 28, 1958.

Revolving fund.

Public Law 85-807

AN ACT

To amend the laws granting education and training benefits to certain veterans so as to extend, with respect to certain individuals, the period during which such benefits may be offered.

August 28, 1958
[S. 166]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph 1 of part VIII of Veterans Regulations Numbered 1 (a) is amended by adding at the end thereof the following new sentence: "Notwithstanding the provisions of the first and second provisos of the preceding sentence any otherwise eligible person whom the Administrator determines to have been prevented from initiating a course of education or training under this part within the period provided by the first of such provisos because such person had not met the nature of discharge requirements of this paragraph or of section 1503 of the Servicemen's Readjustment Act of 1944 (38 U. S. C. 697c) prior to a change, correction, or modification of a discharge or dismissal made pursuant to section 301 of the Servicemen's Readjustment Act of 1944, as amended (38 U. S. C. 693h), or the correction of a military or naval record made pursuant to title 10, United States Code, section 1552, or other corrective action by competent authority shall be permitted (a) to initiate a course of education or training under this part within four years after the date his discharge or dismissal was so changed, corrected, or modified, or within four years after the date of enactment of this sentence, whichever is later, and (b) to pursue, subject to the other provisions of this part, such course for a period of not more than five years after the date of initiation thereof; however, in no event may education or training be furnished to any such person after January 31, 1965."

Veterans.
Education and
training benefits.
38 USC ch. 12A.
World War II vet-
erans.

58 Stat. 301.

58 Stat. 286.

70A Stat. 116.

SEC. 2. (a) Section 212 (a) of the Veterans' Readjustment Assistance Act of 1952 is amended by adding at the end thereof the following new sentence: "Notwithstanding the preceding sentence any otherwise eligible veteran whom the Administrator determines to have been prevented from initiating a program of education or training under this title within such period because such veteran had not met the nature of discharge requirements of section 201 (2) (B) of this title prior to a change, correction, or modification of a discharge or dismissal made pursuant to section 301 of the Servicemen's Readjustment Act of 1944, as amended (38 U. S. C. 693h), or the correction of a military or naval record made pursuant to title 10, United States Code, section 1552, or other corrective action by competent authority shall be permitted to initiate a program of education or training under this title within three years after the date his discharge or dismissal was so changed, corrected, or modified, or within three years after the date of enactment of this sentence, whichever is later."

Korean veterans.
66 Stat. 664.
38 USC 917.

58 Stat. 286.

70A Stat. 116.

Expiration.
66 Stat. 665.
38 USC 918.

(b) Section 213 of the Veterans' Readjustment Act of 1952 is amended by striking out "and" and inserting in lieu thereof the following: "except that any veteran who is eligible to initiate a program of education or training by reason of the provisions of the second sentence of section 212 (a) of this title shall be permitted to pursue, subject to the other provisions of this title, such program for a period of not more than five years after the date of initiation thereof; but".

Approved August 28, 1958.

Public Law 85-808

August 28, 1958
[H. R. 6894]

AN ACT

To amend the Tariff Act of 1930 as it relates to unmanufactured mica and mica films and splittings.

Mica.
46 Stat. 603.
19 USC 1001,
par. 208.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph 208 (a) of the Tariff Act of 1930 is amended by striking out "Mica, unmanufactured: Valued at not above 15 cents per pound, 4 cents per pound; valued at above 15 cents per pound, 4 cents per pound and 25 per centum ad valorem." and inserting in lieu thereof the following: "Mica, unmanufactured, 4 cents per pound."

Repeal.

SEC. 2. Paragraph 208 (c) of the Tariff Act of 1930 is hereby repealed.

SEC. 3. Subparagraphs (d), (e), (f), (g), and (h) of paragraph 208 of the Tariff Act of 1930 are redesignated as subparagraphs (c), (d), (e), (f), and (g), respectively.

19 USC 1201.

SEC. 4. Title II (free list) of the Tariff Act of 1930 is amended by adding at the end thereof a new paragraph as follows:

"PAR. 1821. Mica films and splittings, not cut or stamped to dimensions."

Approved August 28, 1958.

Public Law 85-809

August 28, 1958
[H. R. 7738]

AN ACT

For the relief of the State of New York.

68A Stat. 415.
26 USC 3101-
3125.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the State of New York, the sum of \$432.07, in full settlement of its claims against the United States for a refund of employment tax under the Federal Insurance Contributions Act erroneously paid by the State of New York during the period of September 30, 1946, through September 30, 1947, which refund was refused since the time during which a claim for refund could be filed had expired: *Provided,* That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved August 28, 1958.

Public Law 85-810

AN ACT

To amend the Intercoastal Shipping Act, 1933 (47 Stat. 1425), as amended, to authorize incorporation of contract terms by reference in short-form documents.

August 28, 1958
[S. 4196]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first paragraph of section 2 of the Intercoastal Shipping Act, 1933 (47 Stat. 1425), as amended (U. S. C., title 46, section 844) is amended to read as follows:

Intercoastal
shipping.

Rate schedules.

"SEC. 2. That every common carrier by water in intercoastal commerce shall file with the Federal Maritime Board and keep open to public inspection schedules showing all the rates, fares, and charges for or in connection with transportation between intercoastal points on its own route; and, if a through route has been established, all the rates, fares, and charges for or in connection with transportation between intercoastal points on its own route and points on the route of any other carrier by water. The schedules filed, and kept open to public inspection as aforesaid by any such carrier shall plainly show the places between which passengers and/or freight will be carried, and shall contain the classification of freight and of passenger accommodations in force, and shall also state separately each terminal or other charge, privilege, or facility, granted or allowed, and any rules or regulations which in anywise change, affect, or determine any part of the aggregate of such aforesaid rates, fares, or charges, or the value of the service rendered to the passenger consignor, or consignee, and shall include the terms and conditions of any passenger ticket, bill of lading, contract of affreightment, or other document evidencing the transportation agreement. The terms and conditions as filed with the Federal Maritime Board shall be framed under glass and posted in a conspicuous place on board each vessel where they may be seen by passengers and others at all times. Such carriers in establishing and fixing rates, fares, or charges may make equal rates, fares, or charges for similar service between all ports of origin and all ports of destination, and it shall be unlawful for any such carrier, either directly or indirectly, through the medium of any agreement, conference, association, understanding, or otherwise, to prevent or attempt to prevent any such carrier from extending service to any publicly owned terminal located on any improvement project authorized by the Congress at the same rates which it charges at its nearest regular port of call. Such schedules shall be plainly printed, and copies shall be kept posted in a public and conspicuous place at every wharf, dock, and office of such carrier where passengers or freight are received for transportation, in such manner that they shall be readily accessible to the public and can be conveniently inspected. In the event that any such schedule includes the terms and conditions of any passenger ticket, bill of lading, contract of affreightment or other document evidencing the transportation agreement, as herein provided, copies of such terms and conditions shall be made available to any shipper, consignee, or passenger upon request. Such terms and conditions, if filed as permitted by this section and framed under glass and posted in a conspicuous place on board each vessel where they may be seen by passengers and others at all times, may be incorporated by reference in a short form of same actually issued for the transportation, or in a dock receipt or other document issued in connection therewith, by notice printed on the back of each document that all parties to the contract are bound by the terms and conditions as filed with the Federal Maritime Board and posted on board each vessel, and when so incorporated by refer-

ence every carrier and any other person having any interest or duty in respect of such transportation shall be deemed to have such notice thereof as if all such terms and conditions had been set forth in the short form document."

Approved August 28, 1958.

Public Law 85-811

AN ACT

August 28, 1958
[S. 3882]

To amend the Act of July 1, 1948, chapter 791 (24 U. S. C. 279a), providing for the procurement and supply of Government headstones and markers.

Government
headstones.
Procurement.
62 Stat. 1215.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of the first section of the Act of July 1, 1948, chapter 791 (24 U. S. C. 279a), is amended to read as follows:

"That the Secretary of the Army is authorized and directed to furnish, when requested, appropriate Government headstones or markers at the expense of the United States for the unmarked graves of the following:

"(1) Soldiers of the Union and Confederate Armies of the Civil War.

"(2) Members of the Armed Forces of the United States dying in the service and former members whose last service terminated honorably.

"(3) Persons buried in post and national cemeteries.

"(4) Members of a reserve component of the Armed Forces of the United States, and members of the Army National Guard or the Air National Guard, whose death occurred under honorable conditions while they were—

"(A) on active duty for training, or performing full-time service under section 316, 503, 504, or 505 of title 32, United States Code;

"(B) performing authorized travel to or from that duty or service;

"(C) on authorized inactive duty training, including training performed as members of the Army National Guard or the Air National Guard; or

"(D) hospitalized or undergoing treatment, at the expense of the United States, for injury or disease contracted or incurred under honorable conditions while they were—

"(i) on that duty or service;

"(ii) performing that travel or inactive duty training; or

"(iii) undergoing that hospitalization or treatment at the expense of the United States.

"(5) Members of the Reserve Officers Training Corps of the Army, Navy, or Air Force whose death occurred under honorable conditions while they were—

"(A) attending an authorized training camp or on an authorized practice cruise;

"(B) performing authorized travel to or from that camp or cruise; or

"(C) hospitalized or undergoing treatment, at the expense of the United States, for injury or disease contracted or incurred under honorable conditions while they were—

"(i) attending that camp or on that cruise;

"(ii) performing that travel; or

"(iii) undergoing that hospitalization or treatment at the expense of the United States."

Approved August 28, 1958.

Public Law 85-812

AN ACT

August 28, 1958
[S. 3682]

To authorize the sale or exchange of certain lands of the United States situated in Pima County, Arizona, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all or any part of the national-forest lands comprised of 349 acres, more or less, and being situated in sections 10 and 15, township 14 south, range 13 east, Gila and Salt River base and meridian, together with the improvements thereon, may be conveyed to the board of regents of the university and State colleges of Arizona, hereinafter called "board", a body corporate of the State of Arizona, for the use of the University of Arizona, by the Secretary of Agriculture, hereinafter called "Secretary", either (a) in exchange for lands to be conveyed to the United States by the board or by the State of Arizona, within any of the national forests in the State of Arizona, having a value at least equal to the lands and improvements to be conveyed to the board: *Provided*, That any lands conveyed to the United States under the provisions of this Act shall thereupon become parts of the national forests in which they are situated and shall be subject to all laws, rules, and regulations applicable to lands acquired under the Act of March 1, 1911 (36 Stat. 961), as amended, or (b) for a sum of money equal to 50 per centum of the appraised value thereof, as determined by the Secretary, the conveyance to be made upon the condition that the described property shall be used for research or educational purposes and that if it ceases to be so used the title thereto shall revert to the United States, which shall have the immediate right of reentry thereon, and upon the further condition that the board shall enter into such agreement as may be satisfactory to the Secretary to continue to provide suitable space and other facilities for the work of the Department of Agriculture as may be agreed upon. The lands conveyed by either party under (a) or by the Secretary under (b) may be subject to such other reservations, exceptions, and conditions as the Secretary and the board may approve.

Approved August 28, 1958.

Pima County,
Ariz.
Exchange of
lands.

16 USC 480-563,
passim.

Public Law 85-813

AN ACT

August 28, 1958
[H. R. 8249]

To provide for the adjustment by the Secretary of the Army of the legislative jurisdiction exercised by the United States over lands within the Fort Custer Military Reservations, Michigan.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any other provision of law, the Secretary of the Army may at such times as he may deem desirable, relinquish to the State of Michigan all, or such portion as he may deem desirable for relinquishment, of the jurisdiction heretofore acquired by the United States over any lands within the Fort Custer Military Reservation, Michigan, reserving to the United States such concurrent or partial jurisdiction as he may deem necessary. Relinquishment of jurisdiction under the authority of this Act may be made by filing with the Governor of the State of Michigan a notice of such relinquishment, which shall take effect upon acceptance thereof by the State of Michigan, in such manner as its laws may prescribe.

Approved August 28, 1958.

Public Law 85-814

AN ACT

August 28, 1958
[H. R. 9371]

To provide for the relief of certain members and former members of the Army and the Air Force, and for other purposes.

Army and Air
Force.
Transportation
payments.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any member or former member of the Army or Air Force, who, after August 31, 1952, and before February 1, 1954, was transferred from the United States to a restricted area where his dependents were not permitted to accompany him, and whose dependents were transported at the expense of the United States to Hawaii, is entitled to transportation of his household goods from the San Francisco port of embarkation to Hawaii.

SEC. 2. Any payments for transportation of those shipments made by the Department of the Army and the Department of the Air Force to the Military Sea Transport Service for which a person described in section 1 was charged are validated.

SEC. 3. Any person described in section 1 who has repaid the United States the amount charged for that transportation may be paid the amount involved, if otherwise proper under this Act.

SEC. 4. The Comptroller General of the United States, or his designee, shall relieve disbursing officers, including special disbursing agents, of the Army and Air Force from accountability or responsibility for any payments described in this Act, and shall allow credits in the settlement of the accounts of those officers or agents for payments which appear to be free from fraud and collusion.

SEC. 5. Appropriations available to the military departments concerned for the travel and transportation of military personnel are available for payments under this Act.

Approved August 28, 1958.

Public Law 85-815

AN ACT

August 28, 1958
[H. R. 13861]

To repeal certain provisions of law relating to messengers for the Committee on Ways and Means of the House of Representatives.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the provisions of House Resolution 42 of the Eightieth Congress relating to messengers for the Committee on Ways and Means of the House of Representatives which were made permanent law by section 105 of the Legislative Branch Appropriation Act, 1948, are hereby repealed.

(b) The provisions of House Resolution 45 of the Eighty-first Congress relating to messengers for the Committee on Ways and Means of the House of Representatives which were made permanent law by section 105 of the Legislative Branch Appropriation Act, 1950, are hereby repealed.

(c) The provisions of House Resolution 118 and House Resolution 486 of the Eighty-third Congress relating to messengers for the Committee on Ways and Means of the House of Representatives which were made permanent law by section 103 of the Legislative Appropriation Act, 1955, are hereby repealed.

Approved August 28, 1958.

Public Law 85-816

AN ACT

To authorize the lease of Papago tribal land to the National Science Foundation, and for other purposes.

August 28, 1958
[S. 4167]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Papago Indian Tribe, with the approval of the Secretary of the Interior, is authorized to lease to the National Science Foundation, for the construction of an astronomical observatory, approximately two thousand and four hundred acres, more or less, of tribal land on the Papago Indian Reservation, and to grant to the National Science Foundation, or to an agency designated by it, permanent rights of way across the Papago Indian Reservation for roads and utilities needed in connection with such observatory. The term of the lease shall be for as long as the property is used for scientific purposes and may provide for an initial payment of not to exceed \$25,000 in addition to annual rental fees. The lease shall also prescribe the terms and conditions under which the tribe may jointly use that portion of the leased area not specifically needed for the observatory.

National Science
Foundation.
Lease of Papago
tribal land.

Limitation.

SEC. 2. The National Science Foundation is hereby authorized to expend appropriated funds for construction on the leased land described above, on behalf of the Federal Government, an optical astronomical observatory, including telescopes, administration buildings and other structures deemed necessary and desirable by the Foundation for creation of a scientific facility appropriate for use by the Nation's astronomers.

Approved August 28, 1958.

Public Law 85-817

AN ACT

To amend the Communications Act of 1934 to authorize, in certain cases, the issuance of licenses to noncitizens for radio stations on aircraft and for the operation thereof.

August 28, 1958
[H. R. 8543]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 303 (1) of the Communications Act of 1934 is amended by inserting immediately before the semicolon at the end thereof the following: "except that in issuing licenses for the operation of radio stations on aircraft the Commission may, if it finds that the public interest will be served thereby, waive the requirement of citizenship in the case of persons holding United States pilot certificates or in the case of persons holding foreign aircraft pilot certificates which are valid in the United States on the basis of reciprocal agreements entered into with foreign governments".

Licenses for ra-
dio stations.
48 Stat. 1082.
47 USC 303.

SEC. 2. Subsection (a) of section 310 of the Communications Act of 1934 is amended by adding at the end thereof the following new paragraph:

47 USC 310.

"Notwithstanding paragraph (1) of this subsection, a license for a radio station on an aircraft may be granted to and held by a person who is an alien or a representative of an alien if such person holds a United States pilot certificate or a foreign aircraft pilot certificate which is valid in the United States on the basis of reciprocal agreements entered into with foreign governments."

Approved August 28, 1958.

Public Law 85-818

August 28, 1958
[H. R. 11125]

AN ACT

To provide for the conveyance of certain real property of the United States to the city of Valparaiso, Florida.

Valparaiso, Fla.
Conveyance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, subject to section 3, and section 4 of this Act, the Secretary of the Air Force shall convey to the city of Valparaiso, Florida, all right, title, and interest of the United States in and to the real property described in section 2 of this Act for use as a public cemetery.

SEC. 2. The real property referred to in the first section of this Act is more particularly described as follows:

"Lots 1 through 8, 10 through 14, 16, and 17, block 16, plat 3, Valparaiso, Okaloosa County, Florida, all lying within the northwest quarter, section 13, township 1 south, range 23 west, Tallahassee meridian, comprising a total of 3.67 acres, more or less."

SEC. 3. The conveyance authorized by the first section of this Act shall be subject to the condition that the real property so conveyed shall be used by the city of Valparaiso, Florida, for public cemetery purposes only, and if such city shall not use such real property, or shall use it for other than cemetery purposes the title thereto shall revert to the United States, which shall have the right of immediate entry thereon.

Payment.

SEC. 4. Conveyance authorized by this Act shall be conditional upon the city of Valparaiso, Florida, paying to the Secretary of the Air Force as consideration for the tract of land conveyed under the provisions of this Act, an amount equal to the fair market value as determined by the Secretary of the Air Force after appraisal of such tract. The cost of any surveys and appraisals necessary as an incident to the conveyance authorized herein shall be borne by the city of Valparaiso, Florida.

Approved August 28, 1958.

Public Law 85-819

August 28, 1958
[H. J. Res. 704]

JOINT RESOLUTION

Establishing that the first session of the Eighty-sixth Congress convene at noon on Wednesday, January 7, 1959.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Eighty-sixth Congress shall assemble at noon on Wednesday, January 7, 1959.

Approved August 28, 1958.

Public Law 85-820

August 28, 1958
[H. R. 8652]

AN ACT

To rescind the authorization for the Waldo Lake Tunnel and regulating works, Willamette River, Oregon.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the authorization for the Waldo Lake Tunnel and regulating works, Middle Fork-North Fork, Willamette River, Oregon, contained in the Flood Control Act of 1950 (64 Stat. 163) under the heading "Columbia River Basin", is hereby rescinded.

Approved August 28, 1958.

Public Law 85-821

JOINT RESOLUTION

To authorize the Commissioners of the District of Columbia to use certain real property in the District of Columbia for the proposed Southwest Freeway and for the redevelopment of the Southwest area in the District of Columbia.

August 28, 1958
[H. J. Res. 630]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioners of the District of Columbia are hereby authorized to use the land in squares 354 and 355 in the District of Columbia, and the water frontage on the Washington Channel of the Potomac River lying south of Maine Avenue between Eleventh and Twelfth Streets, including the buildings and wharves thereon, for the proposed Southwest Freeway and Washington Channel approaches thereto, and for the redevelopment of the Southwest area of the District of Columbia pursuant to authority contained in the District of Columbia Redevelopment Act of 1945 (60 Stat. 790), as amended.

D. C. Southwest Freeway.

D. C. Code 5-701 note.

Approved August 28, 1958.

Public Law 85-822

AN ACT

Authorizing a survey of the Tensaw River, Alabama, in the interest of navigation and allied purposes.

August 28, 1958
[H. R. 8160]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army is hereby authorized and directed to cause a survey to be made of the Tensaw River, Alabama, with a view to providing improvements in the interest of deep draft navigation.

Tensaw River, Ala.

SEC. 2. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

Appropriation.

Approved August 28, 1958.

Public Law 85-823

AN ACT

To extend the time for making certain reports under the Highway Revenue Act of 1956 and the Federal-Aid Highway Act of 1956.

August 28, 1958
[H. R. 12489]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 210 (d) of the Highway Revenue Act of 1956 (23 U. S. C. 174 (d)) is amended by striking out the second and third sentences and inserting in lieu thereof the following: "The final report shall be made as soon as possible, but in no event later than January 3, 1961. On or before March 1, 1957, March 1, 1958, March 1, 1959, and March 1, 1960, the Secretary of Commerce shall report to the Congress the progress that has been made in carrying out the study and investigation required by this section."

Highway acts.
Reports to Congress.
70 Stat. 401.

SEC. 2. Section 108 (k) of the Federal-Aid Highway Act of 1956 (23 U. S. C. 158 (k)) is amended by striking out "March 1, 1959," and inserting in lieu thereof "January 3, 1961,".

70 Stat. 381.

Approved August 28, 1958.

Public Law 85-824

AN ACT

August 28, 1958
[H. R. 12217]

To amend paragraph (2) of subdivision (c) of section 77 of the Bankruptcy Act, as amended.

Bankruptcy.
49 Stat. 914.

Railroads.
Track safety,
etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (2) of subdivision (c) of section 77 of the Bankruptcy Act, as amended (11 U. S. C. 205 (c) (2)), is amended by inserting in said paragraph, immediately preceding the last sentence thereof, the following: "In operating the business of the debtor with respect to safety, location of tracks, and terminal facilities, the trustee or trustees shall be subject to lawful orders of State regulatory bodies of statewide jurisdiction to the same extent as would the debtor if a petition respecting it had not been filed under subsection (a) of this section except that (A) any such order which would require the expenditure, or the incurring of an obligation for the expenditure, of money from the debtor's estate shall not become effective (a) unless the trustee or trustees, with the approval of the court, shall consent thereto, or (b) unless the Commission, upon appropriate application or applications by an interested party or interested parties, shall find that compliance with the order will not impair the ability of the trustee or trustees to perform his or their duties to the public, will not constitute an undue burden upon interstate commerce, will be compatible with the public interest, and will not interfere with the formulation and approval of a satisfactory plan of reorganization for the debtor, and (B) compliance shall be made with any applicable provision of the Interstate Commerce Act."

24 Stat. 379.
49 USC 27 note.

Approved August 28, 1958.

Public Law 85-825

AN ACT

August 28, 1958
[H. R. 10045]

To provide for the sale of all of the real property acquired by the Secretary of Commerce for the construction of the Burke Airport, Virginia.

Burke Airport,
Va.
Sale of property.

58 Stat. 770.
63 Stat. 387.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) no tract of real property acquired by the Secretary of Commerce under the Act of September 7, 1950 (64 Stat. 770), for the construction of the Burke Airport, Fairfax County, Virginia, shall, during the ninety-day period which begins on the date of enactment of this Act, be disposed of except pursuant to section 13 (h) of the Surplus Property Act of 1944 (50 App. U. S. C. 1622 (h)) or section 203 (k) of the Federal Property and Administrative Services Act of 1949 (40 U. S. C. 484 (k)).

(b) Where arrangements satisfactory to the Administrator of General Services have not been made within the ninety-day period provided in subsection (a) for the disposal of any tract of real property, or part thereof, pursuant to such section 13 (h) or 203 (k), then within the next ninety days the former owner of such tract (or if he is dead, his spouse, or if there is no surviving spouse, his children) shall have the right to repurchase such tract, or part thereof, from the United States at a price determined by the Administrator of General Services Administration to be equal to the current fair market value.

Approved August 28, 1958.

Public Law 85-826

JOINT RESOLUTION

To authorize the chairman of the Joint Committee on Atomic Energy to confer a medal on Rear Admiral Hyman George Rickover, United States Navy.

August 28, 1958
[S. J. Res. 201]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in recognition of the achievements of Rear Admiral Hyman George Rickover, United States Navy, in successfully directing the development and construction of the world's first nuclear-powered ships and the first large-scale nuclear power reactor devoted exclusively to production of electricity, the chairman of the Joint Committee on Atomic Energy, on behalf of the Congress, is authorized to present to Admiral Hyman George Rickover, United States Navy, an appropriate gold medal for such purpose, the Secretary of the Treasury is authorized and directed to cause to be struck a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary and Chairman of the Joint Committee on Atomic Energy. There is hereby authorized to be appropriated the sum of \$2,500 for this purpose.

Rear Adm. H. G.
Rickover.
Medal.

Appropriation.

Duplicates.

SEC. 2. The Secretary of the Treasury shall cause duplicates in bronze of such medal to be coined and sold, under such regulations as he may prescribe, at a price sufficient to cover the cost thereof (including labor), and the appropriations used for carrying out the provisions of this section shall be reimbursed out of the proceeds of such sale.

Approved August 28, 1958.

Public Law 85-827

AN ACT

To accord coverage under the Civil Service Retirement Act to certain temporary rural carriers.

August 28, 1958
[S. 3564]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Civil Service Retirement Act, as in effect prior to, on, or after the date of enactment of this Act, if retirement deductions were made from the basic salary of a temporary rural carrier in the field service of the Post Office Department at any time within the period from October 23, 1943, to March 5, 1946, both dates inclusive, such person shall be held and considered to have received an indefinite war service appointment as of the first date on which any such deduction was made.

Postal Service.
Rural carriers,
retirement.
70 Stat. 743.
5 USC 2251 et
seq.

Approved August 28, 1958.

Public Law 85-828

AN ACT

To increase the authorization for the appropriation of funds to complete the International Peace Garden, North Dakota.

August 28, 1958
[S. 765]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act entitled "An Act to authorize an appropriation to complete the International Peace Garden, North Dakota", approved October 25, 1949 (63 Stat. 888), as amended, is amended by striking out "\$200,000" and by inserting in lieu thereof "\$400,000".

68 Stat. 300.

Approved August 28, 1958.

Public Law 85-829

August 28, 1958
[H. R. 8481]

AN ACT

To amend title IV of the Agricultural Act of 1956 to provide that the provisions of such title shall apply in Hawaii.

70 Stat. 207.
16 USC 568e,f.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title IV of the Agricultural Act of 1956 is amended by adding at the end thereof the following:

"EXTENSION OF TITLE TO HAWAII

"SEC. 403. As used in this title, the term 'State' includes the Territory of Hawaii."

Approved August 28, 1958.

Public Law 85-830

August 28, 1958
[S. J. Res. 178]

JOINT RESOLUTION

Authorizing the President of the United States of America to proclaim February 8-14, 1959, as National Children's Dental Health Week.

National children's
Dental Health Week,
1959. Proclamation.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is hereby authorized to issue a proclamation setting aside February 8-14, 1959, as National Children's Dental Health Week and to invite all agencies and organizations interested in child welfare to unite during that week in the observance of such exercises as will call to the attention of the people of the United States the fundamental necessity of a continuous program for the protection and development of the dental health of the Nation's children.

Approved August 28, 1958.

Public Law 85-831

August 28, 1958
[S. 3139]

AN ACT

To repeal the Act of July 2, 1956, concerning the conveyance of certain property of the United States to the village of Carey, Ohio.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of July 2, 1956 (70 Stat. 486, ch. 496), is hereby repealed.

Approved August 28, 1958.

Public Law 85-832

August 28, 1958
[H. R. 13342]

AN ACT

To provide for a survey of Parish Line Canal, Louisiana.

Parish Line
Canal, La.
Survey.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army, acting through the Chief of Engineers is authorized and directed to cause a survey to be made of the Parish Line Canal, Louisiana, with a view to determining the feasibility of a navigation channel in the Parish Line Canal lying west of and contiguous to the Upper Protection Levee of Jefferson Parish, Louisiana, and running parallel

to the boundary line between Jefferson Parish and Saint Charles Parish, Louisiana, and running northward from the rights-of-way of the Illinois Central Railroad to Lake Pontchartrain.

Approved August 28, 1958.

Public Law 85-833

AN ACT

To extend the boundaries of the Siskiyou National Forest in the State of Oregon, and for other purposes.

August 28, 1958
[S. 4053]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the boundaries of the Siskiyou National Forest in the State of Oregon are hereby extended to include sections 31 through 36, township 35 south, range 13 west, Willamette meridian, and to include all lands not presently included within the boundaries thereof in township 35 south, ranges 11 and 12 west and township 34 south, range 11 west, Willamette meridian. Subject to valid and existing claims, all lands of the United States within the area to which such boundaries are extended are hereby made parts of the Siskiyou National Forest and hereafter shall be subject to the laws, rules and regulations relating thereto: *Provided,* That the Secretaries of the Interior and Agriculture are authorized to exchange administrative jurisdiction of lots 4 and 11, section 19, T. 34 S., R. 11 W., Willamette Meridian, which are revested Oregon and California Railroad grant lands, and national forest lands in the State of Oregon of approximately equal aggregate value under the provisions of section 2 of the Act of June 24, 1954 (68 Stat. 271), and said lots 4 and 11 upon completion of such exchange of jurisdiction, but not before, shall be subject to all provisions of this Act.

Siskiyou National Forest, Oreg.
Extension of boundaries.

43 USC 1181h.

Approved August 28, 1958.

Public Law 85-834

AN ACT

To permit certain sales and exchanges of public lands of the Territory of Hawaii to certain persons who suffered a substantial loss of real property by reason of the tidal wave of March 9, 1957.

August 28, 1958
[H. R. 9500]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any other provision of law, the Commissioner of Public Lands of the Territory of Hawaii may (1) sell, with the approval of the Governor and not less than two-thirds of the members of the Board of Public Lands, public lands on any island of the Territory, without recourse to auction, at fair market value, to persons who have suffered a substantial loss of real property by reason of the tidal wave of March 9, 1957, and (2) with the approval of the Governor and not less than two-thirds of the members of the Board of Public Lands, exchange public lands for such damaged lands of such persons, such public lands to be equal in value to the value, immediately prior to March 9, 1957, of the lands to be exchanged therefor without regard to improvements thereon.

Hawaii.
Lands, sale and exchange.

Approved August 28, 1958.

Public Law 85-835

August 28, 1958
[S. 4071]

AN ACT

To provide more effective price, production adjustment, and marketing programs for various agricultural commodities.

Agricultural Act
of 1958.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Agricultural Act of 1958."

TITLE I—COTTON

PROGRAM FOR 1959 AND 1960

63 Stat. 1051.
7 USC 1421 note.

SEC. 101. The Agricultural Act of 1949, as amended, is amended by adding the following new section:

"SEC. 102. Notwithstanding any other provisions of law—

"(a) for each of the 1959 and 1960 crops of upland cotton the Secretary of Agriculture is authorized and directed to offer the operator of each farm for which an allotment is established under section 344 of the Agricultural Adjustment Act of 1938, as amended, a choice of (A) the farm acreage allotment determined pursuant to section 344 of the Agricultural Adjustment Act of 1938, as amended, and price support determined pursuant to section 101 of this Act (the amount of cotton estimated to be produced on the additional acres allotted to producers selecting choice (B) for such year being taken into account in computing such support), except that for the 1959 crop the level of support shall be not less than 80 per centum of parity, or (B) the farm acreage allotment determined pursuant to section 344 of the Agricultural Adjustment Act of 1938, as amended, increased by not to exceed 40 per centum (such increased acreage allotment to be the acreage allotment for the farm for all purposes) and price support at a level which is 15 per centum of parity below the level of support established for producers who elect choice (A). Any person operating more than one farm, in order to be eligible for choice (B), must elect choice (B) for all farms for which he is operator. Not later than January 31 the Secretary shall determine and announce on the basis of his estimate of the supply percentage and the parity price as of the following August 1, the price support level for producers who elect choice (A) and choice (B) respectively, and such price support levels shall be final. As soon as practicable after such announcement, the Secretary shall cause the operator (as shown on the records of the county committee) of each farm for which an allotment is established under section 344 of the Agricultural Adjustment Act of 1938, as amended, to be notified of the alternative levels of price support and the alternative acreage allotments available for his farm. The operator of each farm shall, within the time prescribed by the Secretary, notify the county committee in writing whether he desires the increased acreage allotment and the level of price support prescribed in choice (B) to be effective for the farm. If the operator fails to so notify the county committee within the time prescribed, he shall be deemed to have chosen the acreage allotment and the price support level prescribed in choice (A). The choice elected by the operator shall apply to all the producers on the farm. Notwithstanding the foregoing provisions of this subsection, the Secretary may permit the operator of a farm for which choice (B) is in effect to change to choice (A) where conditions beyond the control of

52 Stat. 57.
7 USC 1344.

the farm operator, such as excessive rain, flood, or drought, prevented the planting of acreage to cotton or having cotton acreage available for harvest on the farm in accordance with the plans of such operator in selecting choice (B). The additional acreage required to be allotted to farms under this section shall be in addition to the county, State, and national acreage allotments and the production from such acreage shall be in addition to the national marketing quota. The additional acreage authorized by this section shall not be taken into account in establishing future State, county, and farm acreage allotments. Notwithstanding any other provision of law, no farm participating in any cotton acreage reserve program established for 1959 under the Soil Bank Act shall receive an increased acreage allotment under the provisions of this section for 1959. Notwithstanding the provisions of section 344 (m) (2) any farm cotton acreage allotment increased as the result of the selection of choice (B) may not be released and reapportioned to any other farm. Price support shall be made available under this paragraph only to cooperators and only if producers have not disapproved marketing quotas for the crop.

70 Stat. 188.
7 USC 1801 note.

68 Stat. 4,904.
7 USC 1344.

“(b) for each of the 1959 and 1960 crops of upland cotton, price support shall be made available to producers who elect choice (A) through a purchase program. Price support shall be made available to producers who elect choice (B) through loans, purchases, or other operations.

“(c) the Commodity Credit Corporation is directed, during the period beginning August 1, 1959, and ending July 31, 1961, to offer any upland cotton owned by it for sale for unrestricted use at not less than 10 per centum above the current level of price support prescribed in choice (B).”

PRICE SUPPORT FOR 1961 AND SUBSEQUENT YEARS

SEC. 102. (a) The Agricultural Act of 1949, as amended, is amended by adding a new section 103 as follows:

7 USC 1421 note.

“SEC. 103. Notwithstanding the provisions of section 101 of this Act, price support to cooperators for each crop of upland cotton, beginning with the 1961 crop, for which producers have not disapproved marketing quotas shall be at such level not more than 90 per centum of the parity price therefor nor less than the minimum level prescribed below as the Secretary determines appropriate after consideration of the factors specified in section 401 (b) of this Act. For the 1961 crop the minimum level shall be 70 per centum of the parity price therefor, and for each subsequent crop the minimum level shall be 65 per centum of the parity price therefor. Price support in the case of noncooperators and in case marketing quotas are disapproved shall be as provided in section 101 (d) (3) and (5).”

ACREAGE ALLOTMENTS AND MARKETING QUOTAS

SEC. 103. The Agricultural Adjustment Act of 1938, as amended, is amended as follows:

(1) Section 342 is amended by striking out the third sentence and by changing the period at the end of the second sentence to a colon and adding the following: “*Provided*, That beginning with the 1961 crop, the national marketing quota shall be not less than a number of bales equal to the estimated domestic consumption and estimated exports (less estimated imports) for the marketing year for which the quota is proclaimed, except that the Secretary shall make such adjustment in the amount of such quota as he determines necessary

7 USC 1342.

after taking into consideration the estimated stocks of cotton in the United States (including the qualities of such stocks) and stocks in foreign countries which would be available for the marketing year for which the quota is being proclaimed if no adjustment of such quota is made hereunder, to assure the maintenance of adequate but not excessive stocks in the United States to provide a continuous and stable supply of the different qualities of cotton needed in the United States and in foreign cotton consuming countries, and for purposes of national security; but the Secretary, in making such adjustments, may not reduce the national marketing quota for any year below (i) one million bales less than the estimated domestic consumption and estimated exports for the marketing year for which such quota is being proclaimed, or (ii) ten million bales, whichever is larger."

7 USC 1342.

(2) Section 342 is further amended by adding at the end thereof the following: "Notwithstanding any other provision of this Act, the national marketing quota for upland cotton for 1959 and subsequent years shall be not less than the number of bales required to provide a national acreage allotment for each such year of sixteen million acres."

7 USC 1347.

(3) Section 347 (b) is amended by changing the period at the end of the second sentence to a colon and adding the following: "*Provided*, That beginning with the 1961 crop of extra long staple cotton, such national marketing quota shall be an amount equal to (1) the estimated domestic consumption plus exports for the marketing year which begins in the next calendar year, less (2) the estimated imports, plus (3) such additional number of bales, if any, as the Secretary determines is necessary to assure adequate working stocks in trade channels until cotton from the next crop becomes readily available without resort to Commodity Credit Corporation stocks."

7 USC 1344.

(4) The second sentence of section 344 (a) is amended by striking the word "five" and substituting the word "four".

MINIMUM FARM ALLOTMENTS

7 USC 1344.

SEC. 104. (a) Section 344 (b) of the Agricultural Adjustment Act of 1938, as amended, is amended by inserting before the period at the end thereof a colon and the following: "*Provided*, That there is hereby established a national acreage reserve consisting of three hundred and ten thousand acres which shall be in addition to the national acreage allotment; and such reserve shall be apportioned to the States on the basis of their needs for additional acreage for establishing minimum farm allotments under subsection (f) (1), as determined by the Secretary without regard to State and county acreage reserves (except that the amount apportioned to Nevada shall be one thousand acres). For the 1960 and succeeding crops of cotton, the needs of States (other than Nevada) for such additional acreage for such purpose may be estimated by the Secretary, after taking into consideration such needs as determined or estimated for the preceding crop of cotton and the size of the national acreage allotment for such crop. The additional acreage so apportioned to the State shall be apportioned to the counties on the basis of the needs of the counties for such additional acreage for such purpose, and added to the county acreage allotment for apportionment to farms pursuant to subsection (f) of this section (except that no part of such additional acreage shall be used to increase the county reserve above 15 per centum of the county allotment determined without regard to such additional acreage). Additional acreage apportioned to a State for any year under the foregoing proviso shall not be taken into account in establishing future State acreage allotments. Needs for additional acreage under the foregoing provisions and under the last proviso in subsection (e)

shall be determined or estimated as though allotments were first computed without regard to subsection (f) (1).”

(b) Section 344 (e) of the Agricultural Adjustment Act of 1938, as amended, is amended by inserting before the period at the end thereof a colon and the following: “*Provided further*, That if the additional acreage allocated to a State under the proviso in subsection (b) is less than the requirements as determined or estimated by the Secretary for establishing minimum farm allotments for the State under subsection (f) (1), the acreage reserved under this subsection shall not be less than the smaller of (1) the remaining acreage so determined or estimated to be required for establishing minimum farm allotments or (2) 3 per centum of the State acreage allotment; and the acreage which is required to be reserved under this proviso shall be allocated to counties on the basis of their needs for additional acreage for establishing minimum farm allotments under subsection (f) (1), and added to the county acreage allotment for apportionment to farms pursuant to subsection (f) of this section (except that no part of such additional acreage shall be used to increase the county reserve above 15 per centum of the county allotment determined without regard to such additional acreages).”

7 USC 1344.

(c) Section 344 (f) of the Agricultural Adjustment Act of 1938, as amended, is amended by changing paragraph (1) to read as follows:

7 USC 1344.

“(1) Insofar as such acreage is available, there shall be allotted the smaller of the following: (A) ten acres; or (B) the acreage allotment established for the farm for the 1958 crop.”

(d) The first sentence of section 344 (f) (6) of such Act is amended to read as follows: “Notwithstanding the provisions of paragraph (2) of the subsection, if the county committee recommends such action and the Secretary determines that such action will result in a more equitable distribution of the county allotment among farms in the county, the remainder of the county acreage allotment (after making allotments as provided in paragraph (1) of this subsection) shall be allotted to farms other than farms to which an allotment has been made under paragraph (1) (B) of this subsection so that the allotment to each farm under this paragraph together with the amount of the allotment of such farm under paragraph (1) (A) of this subsection shall be a prescribed percentage (which percentage shall be the same for all such farms in the county) of the average acreage planted to cotton on the farm during the three years immediately preceding the year for which such allotment is determined, adjusted as may be necessary for abnormal conditions affecting plantings during such three-year period: *Provided*, That the county committee may in its discretion limit any farm acreage allotment established under the provisions of this paragraph for any year to an acreage not in excess of 50 per centum of the cropland on the farm, as determined pursuant to the provisions of paragraph (2) of this subsection: *Provided further*, That any part of the county acreage allotment not apportioned under this paragraph by reason of the initial application of such 50 per centum limitation shall be added to the county acreage reserve under paragraph (3) of this subsection and shall be available for the purposes specified therein.”

68 Stat. 6, 904.
7 USC 1344.

(e) The amendments made by this section shall be effective beginning with the 1959 crop.

SEC. 105. Effective beginning with the 1959 crop, section 344 (f) of the Agricultural Adjustment Act of 1938, as amended, is amended by adding at the end thereof the following new paragraph:

7 USC 1344.

“(7) (A) In the event that any farm acreage allotment is less than that prescribed by paragraph (1), such acreage allotment shall be increased to the acreage prescribed by paragraph (1). The additional

acreage required to be allotted to farms under this paragraph shall be in addition to the county, State, and national acreage allotments and the production from such acreage shall be in addition to the national marketing quota.

“(B) Notwithstanding any other provision of law—

“(i) the acreage by which any farm acreage allotment for 1959 or any subsequent crop established under paragraph (1) exceeds the acreage which would have been allotted to such farm if its allotment had been computed on the basis of the same percentage factor applied to other farms in the county under paragraph (2), (6), or (8) shall not be taken into account in establishing the acreage allotment for such farm for any crop for which acreage is allotted to such farm under paragraph (2), (6), or (8); and acreage shall be allotted under paragraph (2), (6), or (8) to farms which did not receive 1958 crop allotments in excess of ten acres if and only if the Secretary determines (after considering the allotments to other farms in the county for such crop compared with their 1958 allotments and other relevant factors) that equity and justice require the allotment of additional acreage to such farm under paragraph (2), (6), or (8),

“(ii) the acreage by which any county acreage allotment for 1959 or any subsequent crop is increased from the national or State reserve on the basis of its needs for additional acreage for establishing minimum farm allotments shall not be taken into account in establishing future county acreage allotments, and

“(iii) the additional acreage allotted pursuant to subparagraph (A) of this paragraph (7) shall not be taken into account in establishing future State, county, or farm acreage allotments.”

METHOD OF DETERMINING FARM ALLOTMENTS

7 USC 1344.

SEC. 106. Section 344 (f) of the Agricultural Adjustment Act of 1938, as amended, is amended by adding at the end thereof the following new paragraph:

“(8) Notwithstanding the foregoing provisions of paragraphs (2) and (6) of this subsection, the Secretary may, if he determines that such action will facilitate the effective administration of the provisions of the Act, provide for the county acreage allotment for the 1959 and succeeding crops of cotton, less the acreage reserved under paragraph (3) of this subsection, to be apportioned to farms on which cotton has been planted in any one of the three years immediately preceding the year for which such allotment is determined, on the basis of the farm acreage allotment for the year immediately preceding the year for which such apportionment is made, adjusted as may be necessary (i) for any change in the acreage of cropland available for the production of cotton, or (ii) to meet the requirements of any provision (other than those contained in paragraphs (2) and (6)) with respect to the counting of acreage for history purposes.”

RETENTION OF SURRENDERED ACREAGE IN COUNTY

7 USC 1344.

SEC. 107 Paragraph (2) of section 344 (m) of the Agricultural Adjustment Act of 1938, as amended, is amended by striking out the period at the end of the second sentence of such paragraph and inserting in lieu thereof the following: “; but no such acreage shall be surrendered to the State committee so long as any farmer receiving a cotton acreage allotment in such county desires additional cotton acreage.”

STANDARD GRADE

SEC. 108. Section 3 (a) of the Act of August 29, 1949, Public Law 272, 81st Congress, and the last sentence of section 403 of the Agricultural Act of 1949, as amended, are hereby repealed. This section shall become effective with the 1961 crop.

63 Stat. 676.
7 USC 1301b.
7 USC 1423.

CCC SALES RESTRICTIONS

SEC. 109. Section 407 of the Agricultural Act of 1949, as amended, is amended by substituting a colon for the period at the end of the third sentence and adding at the end thereof the following: "*Provided*, That effective with the beginning of the marketing year for the 1961 crop, the Corporation shall not sell any upland or extra long staple cotton for unrestricted use at less than 15 per centum above the current support price for cotton plus reasonable carrying charges, except that the Corporation may, in an orderly manner and so as not to affect market prices unduly, sell for unrestricted use at the market price at the time of sale a number of bales of cotton equal to the number of bales by which the national marketing quota for such marketing year is reduced below the estimated domestic consumption and exports for such marketing year pursuant to the provisions of section 342 of the Agricultural Adjustment Act of 1938, as amended."

7 USC 1427.

7 USC 1342.

COTTON EXPORT PROGRAM

SEC. 110. Nothing in this Act shall be construed to affect or modify the provisions of section 203 of the Agricultural Act of 1956, and any cotton owned or acquired by the Commodity Credit Corporation under any price support program may be used for the purpose of carrying out the cotton export program provided for in section 203 of the Agricultural Act of 1956.

70 Stat. 199.
7 USC 1853.

SPLIT GRADES

SEC. 111. Section 403 of the Agricultural Act of 1949, as amended, is amended by adding at the end thereof the following sentence: "Beginning with the 1959 crop, in adjusting the support price for cotton on the basis of grade, the Secretary shall establish separate price support rates for split grades and for full grades substantially reflecting relative values."

7 USC 1423.

TITLE II—CORN AND FEED GRAINS

REFERENDUM

SEC. 201. Title I of the Agricultural Act of 1949, as amended, is further amended by adding at the end of such title the following:

7 USC 1441.

"SEC. 104. (a) Not later than December 15, 1958, the Secretary shall conduct a referendum of producers of corn in 1958 in the commercial corn-producing area for 1958 to determine whether such producers favor a price support program as provided in subsection (b) of this section for the 1959 and subsequent crops in lieu of acreage allotments as provided in the Agricultural Adjustment Act of 1938, as amended, and price support as provided in section 101 of the Agricultural Act of 1949, as amended.

7 USC 1281.

7 USC 1441.

"(b) Notwithstanding any other provision of law, if less than a majority of the producers voting in the referendum conducted pursuant to subsection (a) hereof favor a price support program as provided in this subsection (b), the following provisions of law shall become inoperative:

"DISCONTINUANCE OF ACREAGE ALLOTMENTS ON CORN

7 USC 1281.

"(1) The Agricultural Adjustment Act of 1938, as amended, is amended by adding the following new section:

"SEC. 330. Notwithstanding any other provision of law, acreage allotments and a commercial corn-producing area shall not be established for the 1959 and subsequent crops of corn."

"PRICE SUPPORT

7 USC 1421 note.

"(2) The Agricultural Act of 1949, as amended, is amended by adding the following new section:

"SEC. 105. (a) Notwithstanding the provisions of section 101 of this Act, beginning with the 1959 crop, price support shall be made available to producers for each crop of corn at 90 per centum of the average price received by farmers during the three calendar years immediately preceding the calendar year in which the marketing year for such crop begins, adjusted to offset the effect on such price of any abnormal quantities of low-grade corn marketed during any of such year: *Provided*, That the level of price support for any crop of corn shall not be less than 65 per centum of the parity price therefor.

"(b) Beginning with the 1959 crop, price support shall be made available to producers for each crop of oats, rye, barley, and grain sorghums at such level of the parity price therefor as the Secretary of Agriculture determines is fair and reasonable in relation to the level at which price support is made available for corn, taking into consideration the feeding value of such commodity in relation to corn, and the other factors set forth in section 401 (b) hereof."

7 USC 1441.

"(3) Section 101 (d) (4) of the Agricultural Act of 1949, as amended, is repealed effective with the 1959 crop."

TITLE III—RICE

MINIMUM NATIONAL AND STATE ACREAGE ALLOTMENTS

7 USC 1353.

SEC. 301. Section 353 (c) (6) of the Agricultural Adjustment Act of 1938, as amended, is amended by striking out "1957 and 1958" in each place it occurs therein, and inserting "1957 and subsequent years".

PRICE SUPPORT

7 USC 1441.

SEC. 302. (a) Section 101 (a) of the Agricultural Act of 1949, as amended, is amended, effective beginning with the 1959 crop—

(1) by striking out "wheat, and rice" and inserting "and wheat"; and

(2) by adding at the end thereof the following new paragraph: "For rice of the 1959 and 1960 crops, the level of support shall be not less than 75 per centum of the parity price. For rice of the 1961 crop the level of support shall be not less than 70 per centum of the parity price. For the 1962 and subsequent crops of rice the level of support shall be not less than 65 per centum of the parity price."

TITLE IV—WOOL

7 USC 1782.

SEC. 401. Section 703 of the National Wool Act of 1954 (68 Stat. 910) is amended by striking out "March 31, 1959" and inserting in lieu thereof "March 31, 1962".

SEC. 402. The first proviso in section 704 of such Act (68 Stat. 911) is amended by striking out "specific" the first time it appears therein, and by striking out "(whether or not such specific duties are parts of compound rates)".

7 USC 1783.

SEC. 403. The proviso in section 705 of such Act (68 Stat. 911) is amended by striking out "specific" the first time it appears therein, and by striking out "(whether or not such specific duties are parts of compound rates)".

7 USC 1784.

TITLE V—MISCELLANEOUS

SEC. 501. The Agricultural Adjustment Act of 1938, as amended, is amended by adding after section 377 the following new section:

70 Stat. 206.
7 USC 1377.

"SEC. 378. (a) Notwithstanding any other provision of this Act, the allotment determined for any commodity for any land from which the owner is displaced because of acquisition of the land for any purpose, other than for the continued production of allotted crops, by any Federal, State, or other agency having the right of eminent domain shall be placed in an allotment pool and shall be available only for use in providing allotments for other farms owned by the owner so displaced. Upon application to the county committee, within three years after the date of such displacement, or three years after the enactment of this section, whichever period is longer, any owner so displaced shall be entitled to have established for other farms owned by him allotments which are comparable with allotments determined for other farms in the same area which are similar except for the past acreage of the commodity, taking into consideration the land, labor, and equipment available for the production of the commodity, crop-rotation practices, and the soil and other physical factors affecting the production of the commodity: *Provided*, That the acreage used to establish or increase the allotments for such farms shall be transferred from the pool and shall not exceed the allotment most recently established for the farm acquired from the applicant and placed in the pool. During the period of eligibility for the making of allotments under this section for a displaced owner, acreage allotments for the farm from which the owner was so displaced shall be established in accordance with the procedure applicable to other farms, and such allotments shall be considered to have been fully planted. After such allotment is made under this section, the proportionate part, or all, as the case may be, of the past acreage used in establishing the allotment most recently placed in the pool for the farm from which the owner was so displaced shall be transferred to and considered for the purposes of future State, county, and farm acreage allotments to have been planted on the farm to which allotment is made under this section. Except where paragraph (c) requires the transfer of allotment to another portion of the same farm, for the purpose of this section (1) that part of any farm from which the owner is so displaced and that part from which he is not so displaced shall be considered as separate farms; and (2) an owner who voluntarily relinquishes possession of the land subsequent to its acquisition by an agency having the right of eminent domain shall be considered as having been displaced because of such acquisition.

"(b) The provisions of this section shall not be applicable if (1) there is any marketing quota penalty due with respect to the marketing of the commodity from the farm acquired by the Federal, State, or other agency or by the owner of the farm; (2) any of the commodity

produced on such farm has not been accounted for as required by the Secretary; or (3) the allotment next established for the farm acquired by the Federal, State, or other agency would have been reduced because of false or improper identification of the commodity produced on or marketed from such farm or due to a false acreage report.

“(c) This section shall not be applicable, in the case of cotton, tobacco, and peanuts, to any farm from which the owner was displaced prior to 1950, in the case of wheat and corn, to any farm from which the owner was displaced prior to 1954, and in the case of rice, to any farm from which the owner was displaced prior to 1955. In any case where the cropland acquired for nonfarming purposes from an owner by an agency having the right of eminent domain represents less than 15 per centum of the total cropland on the farm, the allotment attributable to that portion of the farm so acquired shall be transferred to that portion of the farm not so acquired.

“(d) Sections 313 (h), 334 (d), 344 (h), 353 (f), and 358 (h) of the Agricultural Adjustment Act of 1938, as amended, are repealed, but any transfer or reassignment of allotment heretofore made under the provisions of these sections shall remain in effect, and any displaced farm owner for whom an allotment has been established under such repealed sections shall not be eligible for additional allotment under subsection (a) of this section because of such displacement.”

SEC. 502. Section 405 of the Agricultural Act of 1949 is amended by adding at the end thereof the following: “There is authorized to be included in the terms and conditions of any such nonrecourse loan a provision whereby on and after the maturity of the loan or any extension thereof Commodity Credit Corporation shall have the right to acquire title to the unredeemed collateral without obligation to pay for any market value which such collateral may have in excess of the loan indebtedness.”

SEC. 503. Section 201 (b) of the Agricultural Act of 1949, as amended, is amended by changing the semicolon at the end thereof to a colon and adding the following: “*Provided*, That in any crop year in which the Secretary determines that the domestic production of tung oil will be less than the anticipated domestic demand for such oil, the price of tung nuts shall be supported at not less than 65 per centum of the parity price therefor;”.

EXTEND VETERANS AND ARMED SERVICES MILK PROGRAM

SEC. 504. (a) The first sentence of section 202 (a) of the Agricultural Act of 1949, as amended (7 U. S. C. 1446a), is amended by striking out “1958” and inserting in lieu thereof “1961”.

(b) Subsection (b) of section 202 of the Agricultural Act of 1949 (7 U. S. C. 1446a) is amended by striking out “1958” and inserting in lieu thereof “1961”, by striking out “of the Army, Navy, or Air Force, and as a part of the ration” and inserting in lieu thereof “(1) of the Army, Navy, Air Force, or Coast Guard, (2)”, and by inserting before the period at the end of the first sentence of such subsection the following: “, and (3) of cadets and midshipmen at, and other personnel assigned to, the United States Merchant Marine Academy”.

SEC. 505. Commodity Credit Corporation is authorized, on such terms as the Secretary of Agriculture may approve, to donate cotton acquired through its price support operations to educational institutions for use in the training of students in the processing and manufacture of cotton into textiles.

Approved August 28, 1958.

Repeals.
7 U S C 1313,
1334, 1344, 1353,
1358.

7 USC 1425.

7 USC 1446.

68 Stat. 900.

68 Stat. 900.

Cotton donation.

Public Law 85-836

AN ACT

To provide for registration, reporting, and disclosure of employee welfare and pension benefit plans.

August 28, 1958
[S. 2888]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Welfare and Pension Plans Disclosure Act".

Welfare and Pension
Plans Disclosure Act.

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FINDINGS AND POLICY

SEC. 2. (a) The Congress finds that the growth in size, scope, and numbers of employee welfare and pension benefit plans in recent years has been rapid and substantial; that the continued well-being and security of millions of employees and their dependents are directly affected by these plans; that they are affected with a national public interest; that they have become an important factor affecting the stability of employment and the successful development of industrial relations; that they have become an important factor in commerce because of the interstate character of their activities, and of the activities of their participants, and the employers, employee organizations, and other entities by which they are established or maintained; that owing to the lack of employee information concerning their operation, it is desirable in the interests of employees and their beneficiaries, and to provide for the general welfare and the free flow of commerce, that disclosure be made with respect to the operation and administration of such plans.

(b) It is hereby declared to be the policy of this Act to protect interstate commerce and the interests of participants in employee welfare and pension benefit plans and their beneficiaries, by requiring the disclosure and reporting to participants and beneficiaries of financial and other information with respect thereto.

DEFINITIONS

SEC. 3. (a) When used in this Act—

(1) The term "employee welfare benefit plan" means any plan, fund, or program which is communicated to or its benefits described in writing to the employees, and which was heretofore or is hereafter established by an employer or by an employee organization, or by both, for the purpose of providing for its participants or their beneficiaries, through the purchase of insurance or otherwise, medical, surgical, or hospital care or benefits, or benefits in the event of sickness, accident, disability, death, or unemployment.

(2) The term "employee pension benefit plan" means any plan, fund, or program which is communicated or its benefits described in writing to the employees, and which was heretofore or is hereafter established

by an employer or by an employee organization, or by both, for the purpose of providing for its participants or their beneficiaries, by the purchase of insurance or annuity contracts or otherwise, retirement benefits, and includes any profit-sharing plan which provides benefits at or after retirement.

(3) The term "employee organization" means any labor union or any organization of any kind, or any agency or employee representation committee, association, group, or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning an employee welfare or pension benefit plan, or other matters incidental to employment relationships; or any employees' beneficiary association organized for the purpose, in whole or in part, of establishing such a plan.

(4) The term "employer" means any person acting directly as an employer or indirectly in the interest of an employer in relation to an employee welfare or pension benefit plan, and includes a group or association of employers acting for an employer in such capacity.

(5) The term "employee" means any individual employed by an employer.

(6) The term "participant" means any employee or former employee of an employer or any member of an employee organization who is or may become eligible to receive a benefit of any type from an employee welfare or pension benefit plan, or whose beneficiaries may be eligible to receive any such benefit.

(7) The term "beneficiary" means a person designated by a participant or by the terms of an employee welfare or pension benefit plan who is or may become entitled to a benefit thereunder.

(8) The term "person" means an individual, partnership, corporation, mutual company, joint-stock company, trust, unincorporated organization, association, or employee organization.

(9) The term "State" means any State of the United States, the District of Columbia, Hawaii, Puerto Rico, the Virgin Islands, and the Canal Zone.

(10) The term "commerce" means trade, commerce, transportation, or communication among the several States, or between any foreign country and any State, or between any State and any place outside thereof.

(11) The term "affecting commerce" means in commerce, or burdening or obstructing commerce or the free flow of commerce.

COVERAGE

SEC. 4. (a) Except as provided in subsection (b), this Act shall apply to any employee welfare or pension benefit plan if it is established or maintained by any employer or employers engaged in commerce or in any industry or activity affecting commerce or by any employee organization or organizations representing employees engaged in commerce or in any industry or activity affecting commerce or by both.

(b) This Act shall not apply to an employee welfare or pension benefit plan if—

(1) such plan is administered by the Federal Government or by the government of a State, by a political subdivision of a State, or by an agency or instrumentality of any of the foregoing;

(2) such plan was established and is maintained solely for the purpose of complying with applicable workmen's compensation laws or unemployment compensation disability insurance laws;

(3) such plan is exempt from taxation under section 501 (a) of the Internal Revenue Code of 1954 and is administered as a corol-

lary to membership in a fraternal benefit society described in section 501 (c) (8) of such Code or by organizations described in sections 501 (c) (3) and 501 (c) (4) of such Code; or (4) such plan covers not more than twenty-five employees.

68A Stat. 164,
163.

DUTY OF DISCLOSURE AND REPORTING

SEC. 5. (a) The administrator of an employee welfare benefit plan or an employee pension benefit plan shall publish in accordance with section 8 to each participant or beneficiary covered thereunder (1) a description of the plan and (2) an annual financial report. Such description and such report shall contain information required by sections 6 and 7 of this Act and shall be published in accordance with the provisions of this Act.

(b) The term "administrator" whenever used in this Act, refers to—

(1) the person or persons designated by the terms of the plan or the collective bargaining agreement with responsibility for the ultimate control, disposition, or management of the money received or contributed; or

(2) in the absence of such designation, the person or persons actually responsible for the control, disposition, or management of the money received or contributed, irrespective of whether such control, disposition, or management is exercised directly or through an agent or trustee designated by such person or persons.

DESCRIPTION OF THE PLAN

SEC. 6. (a) Except as provided in section 4, the description of any employee welfare or pension benefit plan shall be published as required herein within ninety days of the effective date of this Act or within ninety days after the establishment of such plan, whichever is later.

(b) The description of the plan shall be published, signed, and sworn to by the person or persons defined as the "administrator" in section 5, and shall include their names and addresses, their official positions with respect to the plan, and their relationship, if any, to the employer or to any employee organizations, and any other offices, positions, or employment held by them; the name, address, and description of the plan and the type of administration; the schedule of benefits; the names, titles, and addresses of any trustee or trustees (if such persons are different from those persons defined as the "administrator"); whether the plan is mentioned in a collective bargaining agreement; copies of the plan or of the bargaining agreement, trust agreement, contract, or other instrument, if any, under which the plan was established and is operated; the source of the financing of the plan and the identity of any organization through which benefits are provided; whether the records of the plan are kept on a calendar year basis, or on a policy or other fiscal year basis, and if on the latter basis, the date of the end of such policy or fiscal year; the procedures to be followed in presenting claims for benefits under the plan and the remedies available under the plan for the redress of claims which are denied in whole or in part. Amendments to the plan reflecting changes in the data and information included in the original plan, other than data and information also required to be included in annual reports under section 7, shall be included in the description on and after the effective date of such amendments.

ANNUAL REPORTS

SEC. 7. (a) The administrator of any employee welfare or pension benefit plan, a description of which is required to be published under section 6, shall also publish an annual report with respect to such plan. Such report shall be published as required under section 8, within one hundred and twenty days after the end of the calendar year (or, if the records of the plan are kept on a policy or other fiscal year basis, within one hundred and twenty days after the end of such policy or fiscal year).

(b) A report under this section shall be signed by the administrator and such report shall include the following:

The amount contributed by the employer or employers; the amount contributed by the employees; the amount of benefits paid or otherwise furnished; the number of employees covered; a summary statement of assets, liabilities, receipts and disbursements of the plan; a detailed statement of the salaries and fees and commissions charged to the plan, to whom paid, in what amount, and for what purposes. The information required by this section shall be sworn to by the administrator, or certified to by an independent certified or licensed public accountant, based upon a comprehensive audit conducted in accordance with accepted standards of auditing, but nothing herein shall be construed to require such an audit of the books or records of any bank, insurance company, or other institution providing an insurance, investment, or related function for the plan, if such books or records are subject to examination by any agency of the Federal Government or the government of any State.

(c) If the plan is unfunded, the report shall include only the total benefits paid and the average number of employees eligible for participation, during the past five years, broken down by years; and a statement, if applicable, that the only assets from which claims against the plan may be paid are the general assets of the employer.

(d) If some or all of the benefits under the plan are provided by an insurance carrier or service or other organization such report shall include with respect to such plan (in addition to the information required by subsection (b)) the following:

(1) The premium rate or subscription charge and the total premium or subscription charges paid to each such carrier or organization and the approximate number of persons covered by each class of such benefits.

(2) The total amount of premiums received, the approximate number of persons covered by each class of benefits, and the total claims paid by such carrier or other organization; dividends or retroactive rate adjustments, commissions, and administrative service or other fees or other specific acquisition costs, paid by such carrier or other organization; any amounts held to provide benefits after retirement; the remainder of such premiums; and the names and addresses of the brokers, agents, or other persons to whom commissions or fees were paid, the amount paid to each, and for what purpose: *Provided*, That if any such carrier or other organization does not maintain separate experience records covering the specific groups it serves, the report shall include in lieu of the information required by the foregoing provisions of this paragraph (A) a statement as to the basis of its premium rate or subscription charge, the total amount of premiums or subscription charges received from the plan, and a copy of the financial report of the carrier or other organization and (B), if such carrier or organization incurs specific costs in connection with the acquisition or retention of any particular plan or plans, a detailed statement of such costs.

(e) Details relative to the manner in which any funds held by an employee welfare benefit plan are held or invested shall be reported as provided under paragraphs (B), (C), and (D) of subsection (f) (1).

(f) Reports on employee pension benefit plans shall include, in addition to the applicable information required by the foregoing provisions of this section, the following:

(1) If the plan is funded through the medium of a trust, the report shall include—

Plan funded through trust.

(A) the type and basis of funding, actuarial assumptions used, the amount of current and past service liabilities, and the number of employees, both retired and nonretired covered by the plan;

(B) a summary statement showing the assets of the fund broken down by types, such as cash investments in governmental obligations, investments in nongovernmental bonds, and investments in corporate stocks. Such assets shall be valued on the basis regularly used in valuing investments held in the fund and reported to the United States Treasury Department, or shall be valued at their aggregate cost or present value, whichever is lower, if such a statement is not so required to be filed with the United States Treasury Department;

(C) a detailed list, including information as to cost, present value, and percentage of total fund, of all investments in securities or properties of the employer or employee organization, or any other party in interest by reason of being an officer, trustee, or employee of such fund, but the identity of all securities and the detail of brokerage fees and commissions incidental to the purchase or sale of such securities need not be revealed if such securities are listed and traded on an exchange subject to regulation by the Securities and Exchange Commission or securities in an investment company registered under the Investment Company Act of 1940, or securities of a public utility holding company registered under the Public Utility Holding Company Act of 1935, and the statement of assets contains a statement of the total investments in common stock, preferred stock, bonds and debentures, respectively, listed at their aggregate cost or present value, whichever is lower.

54 Stat. 789.
15 USC 80a-51.

49 Stat. 838.
15 USC 79.

(D) a detailed list of all loans made to the employer, employee organization, or other party in interest by reason of being an officer, trustee, or employee of such fund, including the terms and conditions of the loan and the name and address of the borrower: *Provided*, That if the plan is funded through the medium of a trust invested, in whole or in part, in one or more insurance or annuity contracts with an insurance carrier, the report shall include, as to the portion of the funds so invested, only the information required by paragraph (2) below.

(2) If the plan is funded through the medium of a contract with an insurance carrier, the report shall include—

Plan funded through contract.

(A) the type and basis of funding, actuarial assumptions used in determining the payments under the contract, and the number of employees, both retired and nonretired, covered by the contract; and

(B) except for benefits completely guaranteed by the carrier, the amount of current and past service liabilities, based on those assumptions, and the amount of all reserves accumulated under the plan.

(3) If the plan is unfunded, the report shall include the total benefits paid to retired employees for the past five years, broken down by year.

PUBLICATION

SEC. 8. (a) Publication of the description of the plan and the latest annual report required under this Act shall be made to the participants and to the beneficiaries covered by the particular plan as follows:

(1) The administrator shall make copies of such description of the plan (including all amendments or modifications thereto upon their effective date) and of the latest annual report available for examination by any participant or beneficiary in the principal office of the plan.

(2) The administrator shall deliver upon written request to such participant or beneficiary a copy of the description of the plan (including all amendments or modifications thereto upon their effective date) and a summary of the latest annual report, by mailing such documents to the last known address of the participant or beneficiary making such request.

(b) The administrator of any plan subject to the provisions of this Act shall file with the Secretary of Labor two copies of the description of the plan and each annual report thereon. The Secretary of Labor shall make available for examination in the public document room of the Department of Labor copies of descriptions of plans and annual reports filed under this subsection.

(c) The Secretary of Labor shall prepare forms for the descriptions of plans and the annual reports required by the provisions of this Act, and shall make such forms available to the administrators of such plans on request.

ENFORCEMENT

SEC. 9. (a) Any person who willfully violates any provision of sections 5 or 8 of this Act shall be fined not more than \$1,000, or imprisoned not more than six months.

(b) Any administrator of a plan who fails or refuses, upon the written request of a participant or beneficiary covered by such plan, to make publication to him within thirty days of such request, in accordance with the provisions of section 8, of a description of the plan or an annual report containing the information required by sections 6 and 7, may in the court's discretion become liable to any such participant or beneficiary making such request in the amount of \$50 a day from the date of such failure or refusal.

(c) Action to recover such liability may be maintained in any court of competent jurisdiction by any participant or beneficiary. The court in such action may in its discretion, in addition to any judgment awarded to the plaintiff or plaintiffs, allow a reasonable attorney's fee to be paid by the defendant, and costs of the action.

(d) The district courts of the United States and the United States courts of the Territories and possessions shall have jurisdiction, for cause shown, and subject to the provisions of Rule 65 (relating to notice to adverse party) of the rules of civil procedure for the United States district courts, as amended (U. S. C., 1952 edition, title 28, section 2072), to restrain violations of section 8.

(e) The provisions of section 1001 of title 18 of the United States Code shall be applicable to any description of a plan or any annual report which is sworn to under this Act.

62 Stat. 961.

62 Stat. 749.

EFFECT OF OTHER LAWS

SEC. 10. (a) In the case of an employee welfare or pension benefit plan providing benefits to employees employed in two or more States, no person shall be required by reason of any law of any such State to file with any State agency (other than an agency of the State in

which such plan has its principal office) any information included within a description of the plan or an annual report published and filed pursuant to the provisions of this Act if copies of such description of the plan and of such annual report are filed with the State agency, and if copies of such portion of the description of the plan and annual report, as may be required by the State agency, are distributed to participants and beneficiaries in accordance with the requirements of such State law with respect to scope of distribution. Nothing contained in this subsection shall be construed to prevent any State from obtaining such additional information relating to any such plan as it may desire, or from otherwise regulating such plan.

(b) The provisions of this Act, except subsection (a) of this section, and any action taken thereunder, shall not be held to exempt or relieve any person from any liability, duty, penalty, or punishment provided by any present or future law of the United States or of any State affecting the operation or administration of employee welfare or pension benefit plans, or in any manner to authorize the operation or administration of any such plan contrary to any such law.

SEPARABILITY OF PROVISIONS

SEC. 11. If any provision of this Act or the application of such provision to any person or circumstance is held invalid, the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected.

EFFECTIVE DATE

SEC. 12. The provisions of this Act shall become effective January 1, 1959.

Approved August 28, 1958.

Public Law 85-837

AN ACT

To provide for the disposal of federally owned property of the Hanson, Company, and Houma Canals, Louisiana, and for other purposes.

August 28, 1958
[H. R. 13500]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, whenever the Secretary of the Army, upon recommendation of the Chief of Engineers, determines that any of the federally owned property of Hanson Canal and Lock in Saint Mary Parish, Louisiana, and the Company and Houma Canals in Lafourche and Terrebonne Parishes, Louisiana, no longer economically serve the purposes for which they were constructed or acquired, the structures and appurtenances including real property acquired in connection therewith may be eliminated as features of existing Federal navigation projects.

Hanson, Com-
pany, and Houma
Canals, La.
Disposal of prop-
erty.

SEC. 2. The Secretary of the Army is authorized to transfer or convey the property described above to the State of Louisiana or any of its political subdivisions, any local interests, or others, upon such terms and conditions as the Secretary may determine to be in the public interest: *Provided*, That the foregoing shall not be construed to preclude action under the Federal Property and Administrative Services Act of 1949 (63 Stat. 377) if the Secretary of the Army reports the property to the Administrator of General Services for reassignment or disposal as excess real property.

40 Stat. 471 note.

Approved August 28, 1958.

Public Law 85-838

AN ACT

To amend the District of Columbia Teachers' Salary Act of 1955.

August 28, 1958
[H. R. 13132]District of Columbia Teachers' Salary Act of 1955, amendment.
D. C. Code 31-659a note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to fix and regulate the salaries of teachers, school officers, and other employees of the Board of Education of the District of Columbia, and for other purposes", approved August 5, 1955 (69 Stat. ch. 569), is amended as follows:

Section 1 is amended by striking everything after the first sentence and inserting in lieu thereof the following salary schedules:

"Salary class and position"	Service step 1 (minimum)	Service step 2	Service step 3	Service step 4	Service step 5	Service step 6
Class 1: Superintendent of Schools.....	\$19,000					
Class 2: Deputy superintendent.....	14,200	\$14,425	\$14,650	\$14,875	\$15,100	\$15,325
Class 3: Assistant superintendent; president, teachers college.....	12,400	12,625	12,850	13,075	13,300	13,525
Class 4: Dean, teachers college.....	11,300	11,525	11,750	11,975	12,200	12,425
Class 5: Group B, master's degree.....	9,900	10,125	10,350	10,575	10,800	11,025
Group C, master's degree plus 30 credit hours.....	10,100	10,325	10,550	10,775	11,000	11,225
Dean of students, teachers college. Executive assistant to superintendent. Psychiatrist.						
Class 6: Group A, bachelor's degree.....	9,100	9,325	9,550	9,775	10,000	10,225
Group B, master's degree.....	9,600	9,825	10,050	10,275	10,500	10,725
Group C, master's degree plus 30 credit hours.....	9,800	10,025	10,250	10,475	10,700	10,925
Director, Department of Food Services.						
Class 7: Group B, master's degree.....	8,800	9,025	9,250	9,475	9,700	9,925
Group C, master's degree plus 30 credit hours.....	9,000	9,225	9,450	9,675	9,900	10,125
Administrative assistant to deputy superintendent. Director. Principal, senior high school. Chief examiner. Registrar, teachers college. Principal, Vocational High School.						
Class 8: Group B, master's degree.....	8,500	8,725	8,950	9,175	9,400	9,625
Group C, master's degree plus 30 credit hours.....	8,700	8,925	9,150	9,375	9,600	9,825
Professor, teachers college. Principal, junior high school. Principal, Americanization school. Supervising director.						
Class 9: Group B, master's degree.....	8,100	8,325	8,550	8,775	9,000	9,225
Group C, master's degree plus 30 credit hours.....	8,300	8,525	8,750	8,975	9,200	9,425
Director, Department of School Attendance and Work Permits. Principal, elementary school. Principal, Capitol Page School.						
Class 10: Group B, master's degree.....	8,000	8,225	8,450	8,675	8,900	9,125
Group C, master's degree plus 30 credit hours.....	8,200	8,425	8,650	8,875	9,100	9,325
Assistant principal, senior high school. Assistant principal, vocational high school.						
Class 11: Group A, bachelor's degree.....	7,300	7,525	7,750	7,975	8,200	8,425
Group B, master's degree.....	7,800	8,025	8,250	8,475	8,700	8,925
Group C, master's degree plus 30 credit hours.....	8,000	8,225	8,450	8,675	8,900	9,125
Assistant Director, Department of Food Services.						
Class 12: Group B, master's degree.....	7,700	7,925	8,150	8,375	8,600	8,825
Group C, master's degree plus 30 credit hours.....	7,900	8,125	8,350	8,575	8,800	9,025
Assistant principal, junior high school. Assistant principal, Americanization school.						

"Salary class and position"	Service step 1 (minimum)	Service step 2	Service step 3	Service step 4	Service step 5	Service step 6
Class 13:						
Group B, master's degree.....	\$7,400	\$7,625	\$7,850	\$8,075	\$8,300	\$8,525
Group C, master's degree plus 30 credit hours.....	7,600	7,825	8,050	8,275	8,500	8,725
Associate professor, teachers college.						
Class 14:						
Group B, master's degree.....	7,300	7,525	7,750	7,975	8,200	8,425
Group C, master's degree plus 30 credit hours.....	7,500	7,725	7,950	8,175	8,400	8,625
Assistant principal, elementary school.						
Class 15:						
Group B, master's degree.....	7,100	7,325	7,550	7,775	8,000	8,225
Group C, master's degree plus 30 credit hours.....	7,300	7,525	7,750	7,975	8,200	8,425
Assistant director. Statistician.						
Class 16:						
Group B, master's degree.....	6,400	6,625	6,850	7,075	7,300	7,525
Group C, master's degree plus 30 credit hours.....	6,600	6,825	7,050	7,275	7,500	7,725
Assistant professor, teachers college. Chief librarian, teachers college. Assistant. Supervisor. Chief attendance officer. Clinical psychologist.						
Class 17:						
Group B, master's degree.....	5,700	5,925	6,150	6,375	6,600	6,825
Group C, master's degree plus 30 credit hours.....	5,900	6,125	6,350	6,575	6,800	7,025
Psychiatric social worker.						
Class 18:						
Group A, bachelor's degree.....	4,500	4,675	4,850	5,025	5,200	5,375
Group B, master's degree.....	5,000	5,175	5,350	5,525	5,700	5,875
Group C, master's degree plus 30 credit hours.....	5,200	5,375	5,550	5,725	5,900	6,075
Attendance officer. Census supervisor. Child labor inspector. Counselor. Instructor, teachers college. Librarian. Research assistant. School psychologist. School social worker. Teacher, elementary and secondary schools.						

"Salary class and position"	Service step 7	Service step 8	Service step 9	Service step 10	Service step 11	Service step 12	Service step 13
Class 1:							
Superintendent of Schools.....							
Class 2:							
Deputy superintendent.....	\$15,550	\$15,775	\$16,000				
Class 3:							
Assistant superintendent; president; teachers college.....	13,750	13,975	14,200				
Class 4:							
Dean, teachers college.....	12,650	12,875	13,100				
Class 5:							
Group B, master's degree.....	11,250	11,475	11,700				
Group C, master's degree plus 30 credit hours.....	11,450	11,675	11,900				
Dean of students, teachers college. Executive assistant to superintendent. Psychiatrist.							
Class 6:							
Group A, bachelor's degree.....	10,450	10,675	10,900				
Group B, master's degree.....	10,950	11,175	11,400				
Group C, master's degree plus 30 credit hours.....	11,150	11,375	11,600				
Director, Department of Food Services.							
Class 7:							
Group B, master's degree.....	10,150	10,375	10,600				
Group C, master's degree plus 30 credit hours.....	10,350	10,575	10,800				
Administrative assistant to deputy superintendent. Director. Principal, senior high school. Chief examiner. Registrar, teachers college. Principal, Vocational High School.							

"Salary class and position	Service step 7	Service step 8	Service step 9	Service step 10	Service step 11	Service step 12	Service step 13
Class 8:							
Group B, master's degree.....	\$9,850	\$10,075	\$10,300				
Group C, master's degree plus 30 credit hours.....	10,050	10,275	10,500				
Professor, teachers college. Principal, junior high school. Principal, Americanization school. Supervising director.							
Class 9:							
Group B, master's degree.....	9,450	9,675	9,900				
Group C, master's degree plus 30 credit hours.....	9,650	9,875	10,100				
Director, Department of School At- tendance and Work Permits. Principal, elementary school. Principal, Capitol Page School.							
Class 10:							
Group B, master's degree.....	9,350	9,575	9,800				
Group C, master's degree plus 30 credit hours.....	9,550	9,775	10,000				
Assistant principal, senior high school. Assistant principal, vocational high school.							
Class 11:							
Group A, bachelor's degree.....	8,650	8,875	9,100				
Group B, master's degree.....	9,150	9,375	9,600				
Group C, master's degree plus 30 credit hours.....	9,350	9,575	9,800				
Assistant Director, Department of Food Services.							
Class 12:							
Group B, master's degree.....	9,050	9,275	9,500				
Group C, master's degree plus 30 credit hours.....	9,250	9,475	9,700				
Assistant principal, junior high school. Assistant principal, Americanization school.							
Class 13:							
Group B, master's degree.....	8,750	8,975	9,200				
Group C, master's degree plus 30 credit hours.....	8,950	9,175	9,400				
Associate professor, teachers college.							
Class 14:							
Group B, master's degree.....	8,650	8,875	9,100				
Group C, master's degree plus 30 credit hours.....	8,850	9,075	9,300				
Assistant principal, elementary school.							
Class 15:							
Group B, master's degree.....	8,450	8,675	8,900				
Group C, master's degree plus 30 credit hours.....	8,650	8,875	9,100				
Assistant director. Statistician.							
Class 16:							
Group B, master's degree.....	7,750	7,975	8,200				
Group C, master's degree plus 30 credit hours.....	7,950	8,175	8,400				
Assistant professor, teachers college. Chief librarian, teachers college. Assistant. Supervisor. Chief attendance officer. Clinical psychologist.							
Class 17:							
Group B, master's degree.....	7,050	7,275	7,500				
Group C, master's degree plus 30 credit hours.....	7,250	7,475	7,700				
Psychiatric social worker.							
Class 18:							
Group A, bachelor's degree.....	5,550	5,725	5,900	\$6,075	\$6,250	\$6,425	\$6,600
Group B, master's degree.....	6,050	6,225	6,400	6,575	6,750	6,925	7,100
Group C, master's degree plus 30 credit hours.....	6,250	6,425	6,600	6,775	6,950	7,125	7,300
Attendance officer. Census supervisor. Child labor inspector. Counselor. Instructor, teachers college. Librarian. Research assistant. School psychologist. School social worker. Teacher, elementary and secondary schools."							

Section 2, subsection (a) is amended by striking from the third sentence "June 30, 1955" and inserting in lieu thereof "December 31, 1957"; by striking from the fourth sentence all that follows the words "master's degree" and inserting in lieu thereof "except that a person possessing a bachelor's degree may be appointed on probationary or permanent status as Director of Food Services, Assistant Director of Food Services, Supervising Director of Military Science and Tactics, teacher of military science and tactics, teacher of driver training, shop teacher in the vocational education program, teacher in the junior high schools, counselor in the vocational high schools, counselor in the junior high schools, teacher in the elementary schools, school social worker, research assistant, attendance officer, child labor inspector, or census supervisor, and a person not possessing a bachelor's degree may be appointed on probationary or permanent status as shop teacher in the vocational education program if he submits acceptable evidence of equivalent training and experience in accordance with the rules of the Board"; and by striking from the fifth sentence "June 30, 1955" and inserting in lieu thereof "December 31, 1957".

D.C. Code 31-660a.
Eligibility requirements; appointment; promotion.

Section 2, subsection (b) is amended to read as follows: "Notwithstanding any provision of this Act the Board is authorized, on the written recommendation of the Superintendent of Schools, to appoint or promote shop teachers in the vocational education program to salary class 18, group B, without a master's degree if they submit acceptable evidence of equivalent training and experience in accordance with the rules of the Board, and to appoint or promote such teachers to salary class 18, group C, without a master's degree if they submit acceptable evidence of equivalent training and experience in accordance with the rules of the Board, plus thirty credit hours. The Board is further authorized, on the written recommendation of the Superintendent of Schools, to appoint or promote vocational shop teachers with the training and experience required for placement in salary class 18, group B, to administrative or supervisory positions in the vocational education program."

Section 2, subsection (c) is amended by striking paragraph (1) and inserting in lieu thereof the following: "(1) The term 'master's degree' means a master's degree granted in course by an accredited higher educational institution."; and by striking the first sentence in paragraph (2) and inserting in lieu thereof the following: "The term 'plus thirty credit hours' means the equivalent of not less than thirty graduate semester hours in academic, vocational, or professional courses beyond a master's degree, representing a definite educational program satisfactory to the Board, except that in the case of a shop teacher in the vocational education program the thirty semester hours need not be graduate semester hours."

Section 4 is amended to read as follows: "Each teacher, school officer, and other employee in the service of the Board on January 1, 1958, who occupies a position held by him on December 31, 1957, under the provisions of this Act shall be placed in a salary class covered by section 1 of this Act as indicated at the end of this section. Any employee in group A, B, or C of his salary class on December 31, 1957, shall be assigned to the same letter group of the class to which he is transferred on January 1, 1958, except that an employee in group B on December 31, 1957, who possesses a master's degree or its equivalent as determined by the Board in accordance with subsection (b) of section 2 of this Act, plus thirty credit hours, shall be transferred to group C. Teachers college employees in salary classes 8, 13, and 16 on January 1, 1958, shall be assigned to group C.

D.C. Code 31-662a.
Salary class.

"TITLE AND CLASS OF POSITION ON DECEMBER 31, 1957		TITLE AND CLASS OF POSITION ON JANUARY 1, 1958	
TITLE	Class	TITLE	Class
Superintendent of schools.....	1	Superintendent of schools.....	1
Deputy superintendent.....	2	Deputy superintendent.....	2
Assistant superintendent.....	3	Assistant superintendent.....	3
President, teachers college.....	3	President, teachers college.....	3
Dean, teachers college.....	4	Dean, teachers college.....	4
Executive assistant to superintend- ent.....	5	Executive assistant to superintend- ent.....	5
Dean of students, teachers college...	5	Dean of students, teachers college...	5
Director, Department of Food Serv- ices.....	6	Director, Department of Food Serv- ices.....	6
Director.....	7	Director.....	7
Administrative assistant to deputy superintendent.....	7	Administrative assistant to deputy superintendent.....	7
Registrar, teachers college.....	7	Registrar, teachers college.....	7
Chief examiner.....	7	Chief examiner.....	7
Principal, senior high school.....	7	Principal, senior high school.....	7
Professor, teachers college.....	8	Professor, teachers college.....	8
Principal, vocational high school...	9	Principal, vocational high school...	7
Principal, junior high school.....	9	Principal, junior high school.....	8
Principal, Americanization school...	9	Principal, Americanization school...	8
Supervising director.....	10	Supervising director.....	8
Director, Department of School At- tendance and Work Permits.....	10	Director, Department of School Attendance and Work Permits.....	9
Principal, elementary school.....	10	Principal, elementary school.....	9
Principal, laboratory school.....	10	Principal, elementary school.....	9
Associate professor, teachers col- lege.....	11	Associate professor, teachers col- lege.....	13
Assistant director, Department of Food Services.....	12	Assistant director, Department of Food Services.....	11
Assistant director.....	13	Assistant director.....	15
Principal, Capitol Page School.....	13	Principal, Capitol Page School.....	9
Assistant principal, senior high school.....	13	Assistant principal, senior high school.....	10
Statistician.....	13	Statistician.....	15
Assistant professor, teachers col- lege.....	14	Assistant professor, teachers col- lege.....	16
Chief librarian, teachers college...	14	Chief librarian, teachers college...	16
Assistant principal, vocational high school.....	15	Assistant principal, vocational high school.....	10
Assistant principal, junior high school.....	15	Assistant principal, junior high school.....	12
Assistant principal, Americaniza- tion school.....	15	Assistant principal, Americaniza- tion school.....	12
Assistant principal, elementary school.....	16	Assistant principal, elementary school.....	14
Assistant.....	17	Assistant.....	16
Chief attendance officer.....	17	Chief attendance officer.....	16
Supervisor.....	17	Supervisor.....	16
Clinical psychologist.....	17	Clinical psychologist.....	16
Instructor, teachers college.....	18	Instructor, teachers college.....	18
Librarian, teachers college.....	18	Librarian.....	18
Teacher, senior high school.....	18	Teacher, elementary and secondary school.....	18
Teacher, vocational high school....	18	Teacher, elementary and secondary school.....	18
Teacher, junior high school.....	18	Teacher, elementary and secondary school.....	18
Teacher, elementary school.....	18	Teacher, elementary and secondary school.....	18
School librarian.....	18	Librarian.....	18
Counselor.....	18	Counselor.....	18
Research assistant.....	18	Research assistant.....	18
School psychologist.....	18	School psychologist.....	18
School social worker.....	18	School social worker.....	18
Attendance officer.....	19	Attendance officer.....	18
Child labor inspector.....	19	Child labor inspector.....	18
Census supervisor.....	19	Census supervisor.....	18

Section 5, subsection (b) is amended by adding the following sentences at the end of the subsection: "The Board of Education of the District of Columbia, with the cooperation of the Board of Commissioners of the District of Columbia, is authorized to make a study of the classification of the positions covered under this Act for the purpose of determining what classification adjustments may be necessary or desirable to provide a classification alignment based on the difficulty, responsibility, and qualification requirements of the positions and to take such appropriate corrective action as is concurred in by the Board of Commissioners: *Provided*, That any such adjustments shall be made within the classes established by this Act: *Provided further*, That no adjustment resulting from this study shall decrease the existing rate of compensation of any present employee, but when a position becomes vacant any subsequent appointee to such position shall be compensated in accordance with the rate of pay determined to be applicable to such position. If a position is placed in a lower salary class and the present salary of the incumbent falls between two step rates for the newly assigned class, he shall receive the higher of such rates. If a position is placed in a higher salary class, placement for salary purposes shall be made in accordance with section 11 of this Act."

D.C. Code 31-663a.
Authority of Board to determine positions, etc.

Section 6 is amended to read as follows:

"(a) As of January 1, 1958, each employee assigned to a salary class in accordance with section 1 and section 4 of this Act shall be assigned to the same numerical service step on the schedule for his class, or class and group, under this Act as he occupied on December 31, 1957. On July 1, 1958, each permanent employee in the service of the Board who on June 30, 1958, was in such service but was not yet at the highest numerical service step for his salary class, or class and group, in section 1 of this Act shall be assigned to the numerical service step for his class, or class and group, in section 1 of this Act next above the step occupied by him on June 30, 1958. As soon as possible thereafter, and not later than June 30, 1959, the Board shall re-evaluate the previous service of each probationary and permanent employee under this Act who served in the public schools of the District of Columbia prior to July 1, 1955, who also was in service in such schools on July 1, 1958, and who on July 1, 1958, was not assigned to the highest numerical service step of the salary schedule for his class, or class and group, to determine the number of years of service with which the employee shall be newly credited for the purpose of salary placement. All such employees shall be given placement credit for previous service in accordance with the provisions of this Act governing the placement, advancement, and promotion of employees who are newly appointed, reappointed or reassigned to positions in the District of Columbia public schools.

D.C. Code 31-664a.
Assignment to numerical service step.

"(b) As soon as such reevaluation is completed for all employees involved, each such employee shall be assigned to the numerical service step for his salary class, or class and group, under this Act next above the step corresponding to the number of his years of creditable service rendered prior to July 1, 1958, as determined by such reevaluation, but no employee shall receive a salary above the top step for his class, or class and group, or below the step already occupied by him. If such reevaluation places the employee on a higher numerical service step than the one already occupied by him, he shall receive the full annual salary at the higher step for the year beginning July 1, 1958. Beginning on July 1, 1959, each permanent employee who has not yet reached the highest service step for his salary class, or class and group, under this Act shall advance one such step each year until he reaches the highest step for his class, or class and group.

“(c) The Superintendent of Schools, salary class 1, shall be assigned as of the date of his appointment as Superintendent to the salary step provided for that position in section 1 of this Act.

“(d) Any permanent employee serving in a position which is not covered by this Act but which may later be established under section 5 of this Act shall be given service credit for the purpose of salary placement under this Act equivalent to the number of years of satisfactory service rendered within the school system in the position then occupied by the employee, and shall be assigned to the numerical service step on the schedule for his class, or class and group, under this Act next above the numerical service step corresponding to his years of creditable service in such position. If the employee has already attained a service step in such position which is numerically as high or higher than the top service step provided for his salary class, or class and group, under this Act, he shall be assigned to the highest service step provided for his class, or class and group, under this Act.”

D.C. Code 31-
665a.
New appointees,
etc.

Service credit.

Section 7, subsection (a) is amended to read as follows: “Each employee who is newly appointed or reappointed to a position under section 1 of this Act, except the Superintendent of Schools, shall be assigned to the service step numbered next above the number of years of service with which he is credited for the purpose of salary placement. The Board, on the written recommendation of the Superintendent of Schools, is authorized to evaluate the previous experience of each such employee to determine the number of years with which he may be so credited. Employees newly appointed, reappointed, or reassigned to any position in salary class 18 shall receive one year of such placement credit for each year of satisfactory service, not in excess of five years, in the same type of position regardless of school level, in an educational system or institution of recognized standing outside the District of Columbia public schools, as determined by the Board: *Provided*, That employees appointed to the positions of attendance officer, census supervisor, child labor inspector, counselor, librarian, research assistant, school psychologist, and school social worker shall also receive one year of placement credit for each year of satisfactory service in a teaching position, but not in excess of five years for all types of service rendered outside the school system, and persons appointed to the position of shop teacher in the vocational education program shall receive one year of placement credit for each year of approved experience in the trades, as determined by the Board, but not in excess of five years for any combination of trade experience and educational service outside the school system. Employees newly appointed or reappointed to the positions of chief librarian and assistant professor (class 16), associate professor (class 13), and professor (class 8) shall receive one year of placement credit for each year of satisfactory service, not in excess of five years, in a position of the same or higher rank in a college or university of recognized standing outside the District of Columbia public schools, as determined by the Board. Employees newly appointed, reappointed, or reassigned to any position in salary classes 1 to 17 inclusive, except the positions of chief librarian and assistant professor, associate professor and professor, shall receive no placement credit for educational service or trade experience outside the District of Columbia public schools. Employees reappointed or reassigned to positions in classes 2 to 18 inclusive shall receive one year of placement credit for each year of satisfactory service in the same salary class or in a position of equivalent or higher rank within the District of Columbia public schools, except that no employee shall receive more than five years of placement credit for previous service in any

combination of the following: (1) service rendered outside the public school system, (2) service rendered as a temporary employee within such system, and (3) service rendered prior to reappointment after resignation from such system. Credit for service rendered either inside or outside the District of Columbia public schools shall be effective on the date of the regular Board meeting immediately preceding the date of approval by the Board or on the date of appointment, whichever is later."

Section 13 is amended to read as follows:

"(a) The Board is hereby authorized to conduct as parts of the public school system, summer schools, evening schools, and an Americanization School, under and within appropriations made by Congress. The pay rates for teachers, officers, and other educational employees in the summer and evening schools shall be as follows:

Evening schools,
etc.

"Classification	Step 1	Step 2	Step 3
Per diem			
SUMMER SCHOOLS (REGULAR)			
Teacher, elementary and secondary schools.....	\$16.37	\$18.38	\$20.39
Instructor, teachers college.....	20.33	21.79	24.10
Assistant professor, teachers college.....	22.59	25.36	28.14
Assistant principal, senior high school.....	22.67	24.63	27.25
Associate professor, teachers college.....	23.74	26.65	29.56
Supervising director.....	22.92	25.73	28.55
Principal, elementary school.....	23.74	26.65	29.56
Principal, junior high school.....	25.67	27.48	30.39
Professor, teachers college.....	24.55	27.57	30.58
Principal, senior high school.....			
Per diem			
VETERANS SUMMER HIGH-SCHOOL CENTERS			
Teacher.....	\$24.55	\$27.57	\$30.58
Per period			
EVENING SCHOOLS			
Teacher.....	\$4.69	\$5.01	\$5.34
Assistant principal, secondary school.....	5.85	6.55	7.29
Principal, elementary school.....	5.94	6.66	7.39
Principal, secondary school.....	6.36	7.14	7.92

"(b) Beginning on January 1, 1958, each teacher, officer, and other educational employee serving in the summer or evening schools shall be paid at the rate specified for his position under step 1 of the schedule in subsection (a) of this section while serving his first, second, and third years in such position; he shall be paid at the rate specified under step 2 while serving his fourth, fifth, and sixth years in such position; and he shall be paid at the rate specified in step 3 while serving his seventh and any subsequent years in such position.

"(c) When an employee covered by the pay schedule in subsection (a) of this section is promoted to a higher paid position in this same schedule, he shall be paid during his first three years of service in such position at the scheduled rate for such position which is next above the rate he would have received if continued in his previous position; he shall be paid at the next higher scheduled rate for his position during his second three years of service in such position; and he shall be paid at the scheduled rate above that (if any) during his subsequent years in such position."

Section 14 is amended to read as follows: "Each employee assigned to salary class 18 in the schedule provided in section 1 of this Act, each chief librarian and each assistant professor in salary class 16, each associate professor in class 13, and each professor in class 8 shall

D.C. Code 31-
672a.
Classification of
certain employees
as teachers.

be classified as a teacher for payroll purposes and his annual salary shall be paid in ten monthly installments in accordance with existing law."

D.C. Code 31-
673a.
Leave.

Section 15 is amended by striking from the first sentence the phrase "the effective date of this Act" and inserting in lieu thereof "January 1, 1958" and by striking the second sentence and inserting immediately before the period at the end of the first sentence ", except the following: Chief examiner, administrative assistant to deputy superintendent, and registrar, teachers college, in class 7; professor, in class 8; Director, Department of School Attendance and Work Permits, in class 9; Assistant Director, Department of Food Services, in class 11; associate professor, in class 13; statistician, in class 15; assistant professor and chief librarian, in class 16."

Section 16 is amended by striking the phrase "the effective date of this Act" and inserting in lieu thereof "January 1, 1958"; by striking the phrase ", and the position of attendance officer, salary class 19".

Retroactive sal-
ary.

SEC. 2. Retroactive compensation or salary shall be paid by reason of this Act only in the case of an individual in the service of the Board of Education of the District of Columbia (including service in the Armed Forces of the United States) on the date of enactment of this Act, except that such retroactive compensation or salary shall be paid (1) to any employee covered in section 1 of this Act who retired during the period beginning on the day following the first day of the first pay period which began on or after January 1, 1958, and ending on the date of enactment of this Act for services rendered during such period and (2) in accordance with the provisions of the Act of August 3, 1950 (Public Law 636, Eighty-first Congress), as amended, for services rendered during the period beginning on the first day of the first pay period which began on or after January 1, 1958, and ending on the date of enactment of this Act by any such employee who dies during such period.

64 Stat. 395.

Departments.

SEC. 3. From and after ten days following the approval of this Act there shall be only one person in charge of the following departments in the public school system of the District of Columbia: Art, Business Education, English, Foreign Languages, Guidance and Placement, History, Home Economics, Industrial Arts, Mathematics, Military Science and Tactics, Music, Science, Trade and Industrial Education, and Health, Physical Education, Athletics, and Safety; except that in the case of persons reassigned pursuant to this section, nothing contained herein shall be construed to decrease the rate of compensation that any such person is receiving on the effective date of this section. If such person is placed in a lower salary class and the present salary of the incumbent falls between two step rates for the newly assigned class, he shall receive the higher of such rates. Whenever a department is established hereafter in the public school system of the District of Columbia there shall be but one person in charge of such department.

Effective date.

SEC. 4. (a) The effective date of this Act shall be January 1, 1958. (b) For the purpose of determining the amount of insurance for which an individual is eligible under the Federal Employees' Group Life Insurance Act of 1954, as amended, all changes in rates of compensation or salary which result from the enactment of this Act shall be held and considered to be effective as of the first day of the first pay period which begins on or after the date of such enactment.

68 Stat. 736.
5 USC 2091 note.

Approved August 28, 1958.

Public Law 85-839

AN ACT

To prohibit trading in onion futures on commodity exchanges.

August 28, 1958
[H. R. 376]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) no contract for the sale of onions for future delivery shall be made on or subject to the rules of any board of trade in the United States. The terms used in this Act shall have the same meaning as when used in the Commodity Exchange Act.

Onions.

(b) Any person who shall violate the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof be fined not more than \$5,000.

Penalty.

SEC. 2. This Act shall take effect thirty days after its enactment.

Effective date.

Approved August 28, 1958.

Public Law 85-840

AN ACT

To increase benefits under the Federal Old-Age, Survivors, and Disability Insurance System, to improve the actuarial status of the Trust Funds of such System, and otherwise improve such System; to amend the public assistance and maternal and child health and welfare provisions of the Social Security Act; and for other purposes.

August 28, 1958
[H. R. 13549]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Social Security Amendments of 1958".

Social Security
Amendments of
1958.
Ante, p. 964.

TITLE I—INCREASE IN BENEFITS UNDER TITLE II OF THE SOCIAL SECURITY ACT

INCREASE IN BENEFIT AMOUNTS

Primary Insurance Amount

SEC. 101. (a) Subsection (a) of section 215 of the Social Security Act is amended to read as follows:

64 Stat. 506.
42 USC 415.

"Primary Insurance Amount

"(a) Subject to the conditions specified in subsections (b), (c), and (d) of this section, the primary insurance amount of an insured individual shall be whichever of the following is the largest:

"(1) The amount in column IV on the line on which in column III of the following table appears his average monthly wage (as determined under subsection (b));

"(2) The amount in column IV on the line on which in column II of the following table appears his primary insurance amount (as determined under subsection (c));

"(3) The amount in column IV on the line on which in column I of the following table appears his primary insurance benefit (as determined under subsection (d)); or

"(4) In the case of an individual who was entitled to a disability insurance benefit for the month before the month in which he became entitled to old-age insurance benefits or died, the amount in column IV which is equal to his disability insurance benefit.

“TABLE FOR DETERMINING PRIMARY INSURANCE AMOUNT AND MAXIMUM FAMILY BENEFITS

“I “(Primary insurance benefit under 1939 Act, as modified)		II (Primary insurance amount under 1954 Act)		III (Average monthly wage)		IV (Primary insurance amount)	V (Maximum family benefits)
“If an individual’s primary insurance benefit (as determined under subsec. (d)) is—		Or his primary insurance amount (as determined under subsec. (c)) is—		Or his average monthly wage (as determined under subsec. (b)) is—		The amount referred to in the preceding paragraphs of this subsection shall be—	And the maximum amount of benefits payable (as provided in sec. 203 (a)) on the basis of his wages and self-employment income shall be—
“At least—	But not more than—	At least—	But not more than—	At least—	But not more than—		
	\$10.00		\$30.00		\$54	\$33	\$53.00
10.01	10.48	\$30.10	31.00	\$55	56	34	54.00
10.49	11.00	31.10	32.00	57	58	35	55.00
11.01	11.48	32.10	33.00	59	60	36	56.00
11.49	12.00	33.10	34.00	61	61	37	57.00
12.01	12.48	34.10	35.00	62	63	38	58.00
12.49	13.00	35.10	36.00	64	65	39	59.00
13.01	13.48	36.10	37.00	66	67	40	60.00
13.49	14.00	37.10	38.00	68	69	41	61.50
14.01	14.48	38.10	39.00	70	70	42	63.00
14.49	15.00	39.10	40.00	71	72	43	64.50
15.01	15.60	40.10	41.00	73	74	44	66.00
15.61	16.20	41.10	42.00	75	76	45	67.50
16.21	16.84	42.10	43.00	77	78	46	69.00
16.85	17.60	43.10	44.00	79	80	47	70.50
17.61	18.40	44.10	45.00	81	81	48	72.00
18.41	19.24	45.10	46.00	82	83	49	73.50
19.25	20.00	46.10	47.00	84	85	50	75.00
20.01	20.64	47.10	48.00	86	87	51	76.50
20.65	21.28	48.10	49.00	88	89	52	78.00
21.29	21.88	49.10	50.00	90	90	53	79.50
21.89	22.28	50.10	50.90	91	92	54	81.00
22.29	22.68	51.00	51.80	93	94	55	82.50
22.69	23.08	51.90	52.80	95	96	56	84.00
23.09	23.44	52.90	53.70	97	97	57	85.50
23.45	23.76	53.80	54.60	98	99	58	87.00
23.77	24.20	54.70	55.60	100	101	59	88.50
24.21	24.60	55.70	56.50	102	102	60	90.00
24.61	25.00	56.60	57.40	103	104	61	91.50
25.01	25.48	57.50	58.40	105	106	62	93.00
25.49	25.92	58.50	59.30	107	107	63	94.50
25.93	26.40	59.40	60.20	108	109	64	96.00
26.41	26.94	60.30	61.20	110	113	65	97.50
26.95	27.46	61.30	62.10	114	118	66	99.00
27.47	28.00	62.20	63.00	119	122	67	100.50
28.01	28.68	63.10	64.00	123	127	68	102.00
28.69	29.25	64.10	64.90	128	132	69	105.60
29.26	29.68	65.00	65.80	133	136	70	108.80
29.69	30.36	65.90	66.80	137	141	71	112.80
30.37	30.92	66.90	67.70	142	146	72	116.80
30.93	31.36	67.80	68.60	147	150	73	120.00
31.37	32.00	68.70	69.60	151	155	74	124.00
32.01	32.60	69.70	70.50	156	160	75	128.00
32.61	33.20	70.60	71.40	161	164	76	131.20
33.21	33.88	71.50	72.40	165	169	77	135.20
33.89	34.50	72.50	73.30	170	174	78	139.20
34.51	35.00	73.40	74.20	175	178	79	142.40
35.01	35.80	74.30	75.20	179	183	80	146.40
35.81	36.40	75.30	76.10	184	188	81	150.40
36.41	37.08	76.20	77.10	189	193	82	154.40
37.09	37.60	77.20	78.00	194	197	83	157.60
37.61	38.20	78.10	78.90	198	202	84	161.60
38.21	39.12	79.00	79.90	203	207	85	165.60
39.13	39.68	80.00	80.80	208	211	86	168.80
39.69	40.33	80.90	81.70	212	216	87	172.80
40.34	41.12	81.80	82.70	217	221	88	176.80
41.13	41.76	82.80	83.60	222	225	89	180.00
41.77	42.44	83.70	84.50	226	230	90	184.00
42.45	43.20	84.60	85.50	231	235	91	188.00
43.21	43.76	85.60	86.40	236	239	92	191.20
43.77	44.44	86.50	87.30	240	244	93	195.20
44.45	44.88	87.40	88.30	245	249	94	199.20
44.89	45.60	88.40	89.20	250	253	95	202.40
		89.30	90.10	254	258	96	206.40
		90.20	91.10	259	263	97	210.40
		91.20	92.00	264	267	98	213.60
		92.10	92.90	268	272	99	217.60
		93.00	93.90	273	277	100	221.60
		94.00	94.80	278	281	101	224.80
		94.90	95.80	282	286	102	228.80

“TABLE FOR DETERMINING PRIMARY INSURANCE AMOUNT AND MAXIMUM FAMILY BENEFITS—Continued

I “(Primary insurance benefit under 1939 Act, as modified)		II (Primary insurance amount under 1954 Act)		III (Average monthly wage)		IV (Primary insurance amount)	V (Maximum family benefits)
“If an individual’s primary insurance benefit (as determined under subsec. (d)) is—		Or his primary insurance amount (as determined under subsec. (c)) is—		Or his average monthly wage (as determined under subsec. (b)) is—		The amount referred to in the preceding paragraphs of this subsection shall be—	And the maximum amount of benefits payable (as provided in sec. 203 (a)) on the basis of his wages and self-employment income shall be—
“At least—	But not more than—	At least—	But not more than—	At least—	But not more than—		
		\$95.90	\$96.70	\$287	\$291	\$103	\$232.80
		96.80	97.60	292	295	104	236.00
		97.70	98.60	296	300	105	240.00
		98.70	99.50	301	305	106	244.00
		99.60	100.40	306	309	107	247.20
		100.50	101.40	310	314	108	251.20
		101.50	102.30	315	319	109	254.00
		102.40	103.20	320	323	110	254.00
		103.30	104.20	324	328	111	254.00
		104.30	105.10	329	333	112	254.00
		105.20	106.00	334	337	113	254.00
		106.10	107.00	338	342	114	254.00
		107.10	107.90	343	347	115	254.00
		108.00	108.50	348	351	116	254.00
				352	356	117	254.00
				357	361	118	254.00
				362	365	119	254.00
				366	370	120	254.00
				371	375	121	254.00
				376	379	122	254.00
				380	384	123	254.00
				385	389	124	254.00
				390	393	125	254.00
				394	398	126	254.00
				399	400	127	254.00”

Average Monthly Wage

(b) (1) Section 215 (b) (1) of such Act is amended by striking out “An” and inserting in lieu thereof the following: “For the purposes of column III of the table appearing in subsection (a) of this section, an”.

42 USC 415.

(2) Such section 215 (b) is further amended by adding at the end thereof the following paragraph:

“(5) The provisions of this subsection shall be applicable only in the case of an individual with respect to whom not less than six of the quarters elapsing after 1950 are quarters of coverage, and—

“(A) who becomes entitled to benefits under section 202 (a) or section 223 after December 1958, or

42 USC 402, 423. Post, pp. 1020, 1021.

“(B) who dies after such month without being entitled to benefits under such section 202 (a) or section 223, or

“(C) who files an application for a recomputation under section 215 (f) (2) (A) after such month and is (or would, but for the provisions of section 215 (f) (6), be) entitled to have his primary insurance amount recomputed under such section, or

“(D) who dies after such month and whose survivors are (or would, but for the provisions of section 215 (f) (6), be) entitled to a recomputation of his primary insurance amount under section 215 (f) (4); or

“(E) who files an application for a recomputation under subparagraph (B) of section 102 (f) (2) of the Social Security Amendments of 1954 after such month and is (or would, but for the fact that such recomputation would not result in a higher primary insurance amount for such individual, be) entitled to have his primary insurance amount recomputed under such subparagraph.”

68 Stat. 1062. 42 USC 415 note.

Primary Insurance Amount Under 1954 Act

42 USC 415.

(c) Section 215 (c) of such Act is amended to read as follows:

"Primary Insurance Amount Under 1954 Act

"(c) (1) For the purposes of column II of the table appearing in subsection (a) of this section, an individual's primary insurance amount shall be computed as provided in, and subject to the limitations specified in, (A) this section as in effect prior to the enactment of the Social Security Amendments of 1958, and (B) the applicable provisions of the Social Security Amendments of 1954.

68 Stat. 1052.

"(2) The provisions of this subsection shall be applicable only in the case of an individual—

42 USC 402, 423.
Post, pp. 1020,
1021.

"(A) who became entitled to benefits under section 202 (a) or section 223 or died prior to January 1959, and

"(B) to whom the provisions of paragraph (5) of subsection (b) are not applicable."

Primary Insurance Benefit Under 1939 Act

(d) Section 215 (d) of such Act is amended to read as follows:

"Primary Insurance Benefit Under 1939 Act

"(d) (1) For the purposes of column I of the table appearing in subsection (a) of this section, an individual's primary insurance benefit shall be computed as provided in this title as in effect prior to the enactment of the Social Security Act Amendments of 1950, except that—

64 Stat. 477.
42 USC 301 note.
Post, p. 1051.
42 USC 409.

"(A) In the computation of such benefit, such individual's average monthly wage shall (in lieu of being determined under section 209 (f) of such title as in effect prior to the enactment of such amendments) be determined as provided in subsection (b) of this section (but without regard to paragraph (5) thereof), except that his starting date shall be December 31, 1936.

"(B) For purposes of such computation, the date he became entitled to old-age insurance benefits shall be deemed to be the date he became entitled to primary insurance benefits.

"(C) The 1 per centum addition provided for in section 209 (e) (2) of this Act as in effect prior to the enactment of the Social Security Act Amendments of 1950 shall be applicable only with respect to calendar years prior to 1951, except that any wages paid in any year prior to such year any part of which was included in a period of disability shall not be counted. Notwithstanding the preceding sentence, the wages paid in the year in which such period of disability began shall be counted if the counting of such wages would result in a higher primary insurance amount.

"(D) The provisions of subsection (e) shall be applicable to such computation.

"(2) The provisions of this subsection shall be applicable only in the case of an individual—

"(A) with respect to whom at least one of the quarters elapsing prior to 1951 is a quarter of coverage;

"(B) who meets the requirements of any of the subparagraphs of paragraph (5) of subsection (b) of this section; and

"(C) who attained age 22 after 1950 and with respect to whom less than six of the quarters elapsing after 1950 are quarters of coverage, or who attained such age before 1951."

Minimum Survivors or Dependents Benefit

(e) Section 202 (m) of the Social Security Act is amended by striking out "\$30" wherever it occurs and inserting in lieu thereof "the first figure in column IV of the table in section 215 (a)".

68 Stat. 1073.
42 USC 402.

Maximum Benefits

(f) Subsection (a) of section 203 of the Social Security Act is amended to read as follows:

42 USC 403.

"Maximum Benefits

"(a) Whenever the total of monthly benefits to which individuals are entitled under sections 202 and 223 for a month on the basis of the wages and self-employment income of an insured individual is greater than the amount appearing in column V of the table in section 215 (a) on the line on which appears in column IV such insured individual's primary insurance amount, such total of benefits shall be reduced to such amount; except that—

42 USC 402, 423.
Post, pp. 1020-1024.

Ante, pp. 1013, 1015, 1016.
Post, pp. 1020, 1025.

"(1) when any of such individuals so entitled would (but for the provisions of section 202 (k) (2) (A)) be entitled to child's insurance benefits on the basis of the wages and self-employment income of one or more other insured individuals, such total of benefits shall not be reduced to less than the smaller of: (A) the sum of the maximum amounts of benefits payable on the basis of the wages and self-employment income of all such insured individuals, or (B) the last figure in column V of the table appearing in section 215 (a), or

"(2) when any of such individuals was entitled (without the application of section 202 (j) (1) and section 223 (b)) to monthly benefits under section 202 or section 223 for December 1958, and the primary insurance amount of the insured individual on the basis of whose wages and self-employment income such monthly benefits are payable is determined under the provisions of section 215 (a) (2), then such total benefits shall not be reduced to less than the larger of—

"(A) the amount determined under this subsection without regard to this paragraph, or

"(B) the amount determined under this subsection as in effect prior to the enactment of the Social Security Amendments of 1958 or the amount determined under section 102 (h) of the Social Security Amendments of 1954, as the case may be, plus the excess of—

68 Stat. 1072.
42 USC 403 note.

"(i) the primary insurance amount of such insured individual in column IV of the table appearing in section 215 (a), over

Ante, p. 1016.

"(ii) his primary insurance amount determined under section 215 (c), or

"(3) when any of such individuals is entitled (without the application of section 202 (j) (1) and section 223 (b)) to monthly benefits based on the wages and self-employment income of an insured individual with respect to whom a period of disability (as defined in section 216 (i)) began prior to January 1959 and continued until—

42 USC 416.
Post, pp. 1020, 1021.

"(A) he became entitled to benefits under section 202 or 223, or

“(B) he died, which ever first occurred, and the primary insurance amount of such insured individual is determined under the provisions of section 215 (a) (1) or (3) and is not less than \$68, then such total of benefits shall not be reduced to less than the smaller of—

“(C) the last figure in column V of the table appearing in section 215 (a), or

“(D) the amount in column V of such table on the same line on which, in column IV, appears his primary insurance amount, plus the excess of—

“(i) such primary insurance amount, over

“(ii) the smaller amount in column II of the table on the line on which appears such primary insurance amount.

In any case in which benefits are reduced pursuant to the preceding provisions of this subsection, such reduction shall be made after any deductions under this section and after any deductions under section 222 (b). Whenever a reduction is made under this subsection, each benefit, except the old-age or disability insurance benefit, shall be proportionately decreased.”

Effective Date

(g) The amendments made by this section shall be applicable in the case of monthly benefits under title II of the Social Security Act, for months after December 1958, and in the case of the lump-sum death payments under such title, with respect to deaths occurring after such month.

Primary Insurance Amount for Certain Disability Insurance Beneficiaries

(h) If an individual was entitled to a disability insurance benefit under section 223 of the Social Security Act for December 1958, and became entitled to old-age insurance benefits under section 202 (a) of such Act, or died, in January 1959, then, for purposes of paragraph (4) of section 215 (a) of the Social Security Act, as amended by this Act, the amount in column IV of the table appearing in such section 215 (a) for such individual shall be the amount in such column on the line on which in column II appears his primary insurance amount (as determined under subsection (c) of such section 215) instead of the amount in column IV equal to his disability insurance benefit.

Saving Provision

(i) In the case of any individual to whom the provisions of subsection (b) (5) of section 215 of the Social Security Act, as amended by this Act, are applicable and on the basis of whose wages and self-employment income benefits are payable for months prior to January 1959, his primary insurance amount for purposes of benefits for such prior months shall, if based on an application for such benefits or for a recomputation of such amount, as the case may be, filed after December 1958, be determined under such section 215, as in effect prior to the enactment of this Act, and, if such individual's primary insurance amount as so determined is larger than the primary insurance amount determined for him under section 215 as amended by this Act, such larger primary insurance amount (increased to the next higher dollar if it is not a multiple of a dollar) shall, for months after December 1958, be his primary insurance amount for purposes of such section

42 USC 415.
Ante, p. 1013.

42 USC 422.
Post, pp. 1025,
1032.

42 USC 401-425.

Post, pp. 1020,
1021.

42 USC 402.

42 USC 415.

215 (and of the other provisions) of the Social Security Act as amended by this Act in lieu of the amount determined without regard to this subsection.

INCREASE IN EARNINGS BASE FROM \$4,200 TO \$4,800

Definition of Wages

SEC. 102. (a) (1) Paragraph (2) of section 209 (a) of the Social Security Act is amended to read as follows:

42 USC 409.

“(2) That part of remuneration which, after remuneration (other than remuneration referred to in the succeeding subsections of this section) equal to \$4,200 with respect to employment has been paid to an individual during any calendar year after 1954 and prior to 1959, is paid to such individual during such calendar year;”.

(2) Section 209 (a) of such Act is further amended by adding at the end thereof the following new paragraph:

“(3) That part of remuneration which, after remuneration (other than remuneration referred to in the succeeding subsections of this section) equal to \$4,800 with respect to employment has been paid to an individual during any calendar year after 1958, is paid to such individual during such calendar year;”.

Definition of Self-Employment Income

(b) Paragraph (1) of section 211 (b) of the Social Security Act is amended to read as follows:

42 USC 411.

“(1) That part of the net earnings from self-employment which is in excess of—

“(A) For any taxable year ending prior to 1955, (i) \$3,600, minus (ii) the amount of the wages paid to such individual during the taxable year; and

“(B) For any taxable year ending after 1954 and prior to 1959, (i) \$4,200, minus (ii) the amount of the wages paid to such individual during the taxable year; and

“(C) For any taxable year ending after 1958, (i) \$4,800, minus (ii) the amount of the wages paid to such individual during the taxable year; or”.

Definitions of Quarter and Quarter of Coverage

(c) Clauses (ii) and (iii) of section 213 (a) (2) (B) of the Social Security Act are amended to read as follows:

42 USC 413.

“(ii) if the wages paid to any individual in any calendar year equal \$3,600 in the case of a calendar year after 1950 and before 1955, or \$4,200 in the case of a calendar year after 1954 and before 1959, or \$4,800 in the case of a calendar year after 1958, each quarter of such year shall (subject to clause (i)) be a quarter of coverage;

“(iii) if an individual has self-employment income for a taxable year, and if the sum of such income and the wages paid to him during such year equals \$3,600 in the case of a taxable year beginning after 1950 and ending before 1955, or \$4,200 in the case of a taxable year ending after 1954 and before 1959, or \$4,800 in the case of a taxable year ending after 1958, each quarter any part of which falls in such year shall (subject to clause (i)) be a quarter of coverage;”.

Average Monthly Wage

42 USC 415.

(d) (1) Paragraph (1) of section 215 (e) of such Act is amended to read as follows:

“(1) in computing an individual's average monthly wage there shall not be counted the excess over \$3,600 in the case of any calendar year after 1950 and before 1955, the excess over \$4,200 in the case of any calendar year after 1954 and before 1959, and the excess over \$4,800 in the case of any calendar year after 1958, of (A) the wages paid to him in such year, plus (B) the self-employment income credited to such year (as determined under section 212);”.

(2) Section 215 (e) of such Act is further amended by striking out “(d) (4)” each place it appears and inserting in lieu thereof “(d)”.

TITLE II—AMENDMENTS RELATING TO DISABILITY FREEZE AND DISABILITY INSURANCE BENEFITS

APPLICATION FOR DISABILITY DETERMINATION

42 USC 416.

SEC. 201. Section 216 (i) (2) of the Social Security Act is amended—

(1) by striking out “while under a disability,” in the second sentence and inserting in lieu thereof “while under such disability;” and

(2) by striking out “one-year” in clause (ii) of subparagraph (A) and inserting in lieu thereof “eighteen-month”.

RETROACTIVE PAYMENT OF DISABILITY INSURANCE BENEFITS

42 USC 423.

SEC. 202. (a) Section 223 (b) of such Act is amended by adding at the end thereof the following new sentence: “An individual who would have been entitled to a disability insurance benefit for any month after June 1957 had he filed application therefor prior to the end of such month shall be entitled to such benefit for such month if he files application therefor prior to the end of the twelfth month immediately succeeding such month.”

(b) The first sentence of section 223 (c) (3) of such Act (defining the term “waiting period” for purposes of applications for disability insurance benefits) is amended to read as follows:

“(3) The term ‘waiting period’ means, in the case of any application for disability insurance benefits, the earliest period of six consecutive calendar months—

“(A) throughout which the individual who files such application has been under a disability which continues until such application is filed, and

“(B) (i) which begins not earlier than with the first day of the eighteenth month before the month in which such application is filed if such individual is insured for disability insurance benefits in such eighteenth month, or (ii) if he is not so insured in such month, which begins not earlier than with the first day of the first month after such eighteenth month in which he is so insured.”

RETROACTIVE EFFECT OF APPLICATIONS FOR DISABILITY DETERMINATION

SEC. 203. Paragraph (4) of section 216 (i) of such Act is amended by striking out "July 1957" and inserting in lieu thereof "July 1960", by striking out "July 1958" and inserting in lieu thereof "July 1961", and by striking out " , if such individual does not die prior to July 1, 1955," 42 USC 416.

INSURED STATUS REQUIREMENTS

Disability Freeze

SEC. 204. (a) Paragraph (3) of section 216 (i) of such Act is amended to read as follows:

"(3) The requirements referred to in clauses (A) and (B) of paragraphs (2) and (4) are satisfied by an individual with respect to any quarter only if—

"(A) he would have been a fully insured individual (as defined in section 214) had he attained retirement age and filed application for benefits under section 202 (a) on the first day of such quarter; and 42 USC 414.
42 USC 402.

"(B) he had not less than twenty quarters of coverage during the forty-quarter period which ends with such quarter, not counting as part of such forty-quarter period any quarter any part of which was included in a prior period of disability unless such quarter was a quarter of coverage;

except that the provisions of subparagraph (A) of this paragraph shall not apply in the case of any individual with respect to whom a period of disability would, but for such subparagraph, begin prior to 1951."

Disability Insurance Benefits

(b) Section 223 (c) (1) (A) of such Act is amended by striking out "fully and currently insured" and inserting in lieu thereof "fully insured" 42 USC 423.

BENEFITS FOR THE DEPENDENTS OF DISABILITY INSURANCE BENEFICIARIES

Payments from Disability Insurance Trust Fund

SEC. 205. (a) The first sentence of section 201 (h) of such Act is amended by inserting " , and benefit payments required to be made under subsection (b), (c), or (d) of section 202 to individuals entitled to benefits on the basis of the wages and self-employment income of an individual entitled to disability insurance benefits," after "section 223". 42 USC 401.
42 USC 402,423.

Wife's Insurance Benefits

(b) (1) Subsection (b) of section 202 of such Act is amended by inserting "or disability" after "old-age" wherever it appears therein. 42 USC 402.

(2) So much of paragraph (1) of such subsection as follows the colon is amended by striking out "or" the first time it appears and inserting immediately before the period at the end of such paragraph " , or her husband is not entitled to disability insurance benefits and is not entitled to old-age insurance benefits".

Husband's Insurance Benefits

42 USC 402.

(c) (1) Subparagraph (C) of subsection (c) (1) of such section 202 is amended to read as follows:

"(C) was receiving at least one-half of his support, as determined in accordance with regulations prescribed by the Secretary, from such individual—

"(i) if she had a period of disability which did not end prior to the month in which she became entitled to old-age or disability insurance benefits, at the beginning of such period or at the time she became entitled to such benefits, or

"(ii) if she did not have such a period of disability, at the time she became entitled to such benefits, and filed proof of such support within two years after the month in which she filed application with respect to such period of disability or after the month in which she became entitled to such benefits, as the case may be, or, if she did not have such a period, two years after the month in which she became entitled to such benefits, and"

(2) The remainder of such subsection (c) (1) is amended by inserting "or disability" after "old-age" wherever it appears therein.

(3) So much of such subsection (c) (1) as follows the colon is further amended by striking out "or" the first time it appears and inserting immediately before the period at the end thereof "or his wife is not entitled to disability insurance benefits and is not entitled to old-age insurance benefits".

Child's Insurance Benefits

42 USC 402.
Post, p. 1028.

(d) Section 202 (d) (1) of such Act is amended to read as follows:
"(d) (1) Every child (as defined in section 216 (e)) of an individual entitled to old-age or disability insurance benefits, or of an individual who dies a fully or currently insured individual after 1939, if such child—

"(A) has filed application for child's insurance benefits,

"(B) at the time such application was filed was unmarried and either (i) had not attained the age of eighteen or (ii) was under a disability (as defined in section 223 (c)) which began before he attained the age of eighteen, and

Ante, p. 1020.

"(C) was dependent upon such individual—

"(i) if such individual had a period of disability which did not end prior to the month in which he became entitled to old-age or disability insurance benefits or (if he has died) prior to the month in which he died, at the beginning of such period or at the time he became entitled to such benefits or died,

"(ii) if such individual did not have such a period and is living, at the time such application was filed, or

"(iii) if such individual did not have such a period and has died, at the time of such death,

shall be entitled to a child's insurance benefit for each month, beginning with the first month after August 1950 in which such child becomes so entitled to such insurance benefits and ending with the month preceding the first month in which any of the following occurs: such child dies, marries, is adopted (except for adoption by a step-parent, grandparent, aunt, or uncle subsequent to the death of such fully or currently insured individual), attains the age of eighteen and is not under a disability (as defined in section 223 (c)) which began before he attained such age, or ceases to be under a disability (as so defined) on or after the day on which he attains age eighteen.

Entitlement of any child to benefits under this subsection on the basis of the wages and self-employment income of an individual entitled to disability insurance benefits shall also end with the month before the first month for which such individual is not entitled to such benefits unless such individual is, for such later month, entitled to old-age insurance benefits or unless he dies in such month."

Widower's Insurance Benefits

(e) Subparagraph (D) of section 202 (f) (1) of such Act is amended to read as follows: 42 USC 402.

"(D) (i) was receiving at least one-half of his support, as determined in accordance with regulations prescribed by the Secretary, from such individual at the time of her death or, if such individual had a period of disability which did not end prior to the month in which she died, at the time such period began or at the time of her death, and filed proof of such support within two years after the date of such death, or, if she had such a period of disability, within two years after the month in which she filed application with respect to such period of disability or two years after the date of such death, as the case may be, or (ii) was receiving at least one-half of his support, as determined in accordance with regulations prescribed by the Secretary, from such individual, and she was a currently insured individual, at the time she became entitled to old-age or disability insurance benefits or, if such individual had a period of disability which did not end prior to the month in which she became so entitled, at the time such period began or at the time she became entitled to such benefits, and filed proof of such support within two years after the month in which she became entitled to such benefits, or, if she had such a period of disability, within two years after the month in which she filed application with respect to such period of disability or two years after the month in which she became entitled to such benefits, as the case may be, and".

Mother's Insurance Benefits

(f) Section 202 (g) (1) (F) of such Act is amended by inserting "or, if such individual had a period of disability which did not end prior to the month in which he died, at the time such period began or at the time of such death" after "death". 42 USC 402.

Parent's Insurance Benefits

(g) Subparagraph (B) of section 202 (h) (1) of such Act is amended to read as follows: 42 USC 402.

"(B) (i) was receiving at least one-half of his support from such individual at the time of such individual's death or, if such individual had a period of disability which did not end prior to the month in which he died, at the time such period began or at the time of such death, and (ii) filed proof of such support within two years after the date of such death, or, if such individual had such a period of disability, within two years after the month in which such individual filed application with respect to such period of disability or two years after the date of such death, as the case may be,".

Simultaneous Entitlement to Benefits

(h) Section 202 (k) of such Act is amended by inserting "or disability" after "old-age" each time it appears therein. 42 USC 402.

Adjustment of Benefits of Female Beneficiaries

42 USC 402.

(i) (1) Subparagraph (B) of paragraph (5) of section 202 (q) of such Act is amended to read as follows:

“(B) the number equal to the number of months for which the wife’s insurance benefit was reduced under such paragraph (2), but for which such benefit was subject to deductions under paragraph (1) or (2) of section 203 (b), under section 203 (c), or under section 222 (b).”

42 USC 403,
Post, pp. 1025,
1032.

(2) Such paragraph is further amended by striking out the period at the end of subparagraph (C) and inserting in lieu thereof “, and”, by striking out “(A), (B), and (C)” in the material following subparagraph (C) and inserting in lieu thereof “(A), (B), (C), and (D)”, and by adding after subparagraph (C) the following new subparagraph:

“(D) the number equal to the number of months for which such wife’s insurance benefit was reduced under such paragraph (2), but in or after which her entitlement to wife’s insurance benefits was terminated because her husband ceased to be under a disability, not including in such number of months any month after such termination in which she was entitled to wife’s insurance benefits.”

(3) Subparagraph (A) of paragraph (6) of such section 202 (q) is amended to read as follows:

“(A) the number equal to the number of months for which such benefit was reduced under such paragraph, but for which such benefit was subject to deductions under section 203 (b) (1) or (2), under section 203 (c), or under section 222 (b).”

(4) Such paragraph is further amended by striking out “(A), (B), and (C)” in the material following subparagraph (C) and inserting in lieu thereof “(A), (B), (C), and (D)”, by redesignating subparagraph (C) as subparagraph (D), by inserting “and” at the end of subparagraph (B) and by adding after such subparagraph (B) the following new subparagraph:

“(C) the number equal to the number of months for which such benefit was reduced under such paragraph, but in or after which her entitlement to wife’s insurance benefits was terminated because her husband ceased to be under a disability, not including in such number of months any month after such termination in which she was entitled to wife’s insurance benefits.”

Deduction Provision

42 USC 403.

(j) Section 203 (c) of such Act is amended by inserting a comma and “based on the wages and self-employment income of an individual entitled to old-age insurance benefits,” after “child’s insurance benefit” the first time it appears therein.

Circumstances Under Which Deductions Not Required

(k) Section 203 (h) of such Act is amended to read as follows:

“Circumstances Under Which Deductions Not Required

Post, pp. 1025,
1032.

“(h) In the case of any individual, deductions by reason of the provisions of subsection (b), (f), or (g) of this section, or the provisions of section 222 (b), shall, notwithstanding such provisions, be made from the benefits to which such individual is entitled only to the extent that such deductions reduce the total amount which would otherwise be paid, on the basis of the same wages and self-employment income, to such individual and the other individuals living in the same household.”

Currently Insured Individual

(1) Section 214 (b) of such Act is amended by striking out "or" immediately preceding "(3)" and by inserting "or (4) in the case of any individual entitled to disability insurance benefits, the quarter in which he most recently became entitled to disability insurance benefits," immediately after "section,".

42 USC 414.

Rounding of Benefits

(m) Section 215 (g) of such Act is amended by striking out "sections 203 (a) and 224" and inserting in lieu thereof "section 203 (a)".

42 USC 415.

Deductions on Account of Refusal To Accept Rehabilitation Services

(n) Section 222 (b) of such Act is amended by inserting after paragraph (2) (added by section 307 (g) of this Act) the following new paragraph:

Post, p. 1032.

"(3) Deductions shall be made from any wife's, husband's, or child's insurance benefit, based on the wages and self-employment income of an individual entitled to disability insurance benefits, to which a wife, husband, or child is entitled, until the total of such deductions equal such wife's, husband's, or child's insurance benefit or benefits under section 202 for any month in which the individual, on the basis of whose wages and self-employment income such benefit was payable, refuses to accept rehabilitation services and deductions, on account of such refusal, are imposed under paragraph (1)."

Ante, pp. 1017,
1021, 1022-1024.
Post, pp. 1026,
1027, 1029-1032.

Suspension of Benefits Based on Disability

(o) Section 225 of such Act is amended by adding at the end thereof the following new sentence: "Whenever the benefits of an individual entitled to a disability insurance benefit are suspended for any month, the benefits of any individual entitled thereto under subsection (b), (c), or (d) of section 202, on the basis of the wages and self-employment income of such individual, shall be suspended for such month."

42 USC 425.

42 USC 402.

REPEAL OF REDUCTION OF BENEFITS BASED ON DISABILITY

SEC. 206. Section 224 of such Act is hereby repealed.

42 USC 424.

EFFECTIVE DATES

SEC. 207. (a) The amendments made by section 201 shall apply with respect to applications for a disability determination under section 216 (i) of the Social Security Act filed after June 1961. The amendments made by section 202 shall apply with respect to applications for disability insurance benefits under section 223 of such Act filed after December 1957. The amendments made by section 203 shall apply with respect to applications for a disability determination under such section 216 (i) filed after June 1958. The amendments made by section 204 shall apply with respect to (1) applications for disability insurance benefits under such section 223 or for a disability determination under such section 216 (i) filed on or after the date of enactment of this Act, and (2) applications for such benefits or for such a determination filed after 1957 and prior to such date of enactment if the applicant has not died prior to such date of enactment and if notice to the applicant of the Secretary's decision with respect thereto has not been given to him on or prior to such date, except that (A) no benefits under title II of the Social Security Act for the month in which this Act is enacted or any prior month shall be payable or

Ante, pp. 1020,
1021.

Ante, pp. 1017,
1020-1024.
Post, pp. 1026,
1027, 1029-1032.

42 USC 401-425.

42 USC 415, 402.

42 USC 401-425.

increased by reason of the amendments made by section 204 of this Act, and (B) the provisions of section 215 (f) (1) of the Social Security Act shall not prevent recomputation of monthly benefits under section 202 of such Act (but no such recomputation shall be regarded as a recomputation for purposes of section 215 (f) of such Act). The amendments made by section 205 (other than by subsections (k) and (m)) shall apply with respect to monthly benefits under title II of the Social Security Act for months after the month in which this Act is enacted, but only if an application for such benefits is filed on or after the date of enactment of this Act. The amendments made by section 206 and by subsections (k) and (m) of section 205 shall apply with respect to monthly benefits under title II of the Social Security Act for the month in which this Act is enacted and succeeding months.

(b) In the case of any husband, widower, or parent who would not be entitled to benefits under section 202 (c), section 202 (f), and section 202 (h), respectively, of the Social Security Act except for the enactment of section 205 of this Act, the requirement in such section 202 (c), section 202 (f), or section 202 (h), as the case may be, that proof of support be filed within a two-year period shall not apply if such proof is filed within two years after the month in which this Act is enacted.

Ante, pp. 1022,
1023.
Post, 1027, 1029,
1031, 1032.

TITLE III—PROVISIONS RELATING TO ELIGIBILITY OF CLAIMANTS FOR SOCIAL SECURITY BENEFITS, AND MISCELLANEOUS PROVISIONS

ELIGIBILITY OF SPOUSE FOR DEPENDENTS OR SURVIVORS BENEFITS

Husband's Insurance Benefits

Ante, p. 1022.

SEC. 301. (a) (1) Section 202 (c) of the Social Security Act is amended by redesignating paragraph (2) as paragraph (3) and adding after paragraph (1) the following new paragraph:

"(2) The requirement in paragraph (1) that the individual entitled to old-age or disability insurance benefits be a currently insured individual, and the provisions of subparagraph (C) of such paragraph, shall not be applicable in the case of any husband who—

"(A) in the month prior to the month of his marriage to such individual was entitled to, or on application therefor and attainment of retirement age in such prior month would have been entitled to, benefits under subsection (f) or (h); or

"(B) in the month prior to the month of his marriage to such individual had attained age eighteen and was entitled to, or on application therefor would have been entitled to, benefits under subsection (d)."

42 USC 416.

(2) Section 216 (f) of such Act is amended to read as follows:

"(f) The term 'husband' means the husband of an individual, but only if (1) he is the father of her son or daughter, (2) he was married to her for a period of not less than three years immediately preceding the day on which his application is filed, or (3) in the month prior to the month of his marriage to her (A) he was entitled to, or on application therefor and attainment of retirement age in such prior month would have been entitled to, benefits under subsection (f) or (h) of section 202, or (B) he had attained age eighteen and was entitled to, or on application therefor would have been entitled to, benefits under subsection (d) of such section."

Ante, p. 1023.
Post, pp. 1027,
1029, 1031, 1032.

Widow's Insurance Benefits

(b) (1) Subparagraph (B) of section 202 (e) (3) of such Act is amended by striking out "but she is not his widow (as defined in section 216 (c))" and inserting in lieu thereof "which occurs within one year after such marriage and he did not die a fully insured individual".

42 USC 402.

42 USC 416.

(2) Section 216 (c) of such Act is amended to read as follows:

"(c) The term 'widow' (except when used in section 202 (i)) means the surviving wife of an individual, but only if (1) she is the mother of his son or daughter, (2) she legally adopted his son or daughter while she was married to him and while such son or daughter was under the age of eighteen, (3) he legally adopted her son or daughter while she was married to him and while such son or daughter was under the age of eighteen, (4) she was married to him at the time both of them legally adopted a child under the age of eighteen, (5) she was married to him for a period of not less than one year immediately prior to the day on which he died, or (6) in the month prior to the month of her marriage to him (A) she was entitled to, or on application therefor and attainment of retirement age in such prior month would have been entitled to, benefits under subsection (e) or (h) of section 202, or (B) she had attained age eighteen and was entitled to, or on application therefor would have been entitled to, benefits under subsection (d) of such section."

Post, p. 1030.

Ante, p. 1023.
Post, pp. 1029,
1031, 1032.

Widower's Insurance Benefits

(c) (1) Section 202 (f) of such Act is amended by redesignating paragraph (2) as paragraph (3) and by adding after paragraph (1) the following new paragraph:

Ante, p. 1023.
Post, p. 1031.

"(2) The requirement in paragraph (1) that the deceased fully insured individual also be a currently insured individual, and the provisions of subparagraph (D) of such paragraph, shall not be applicable in the case of any individual who—

"(A) in the month prior to the month of his marriage to such individual was entitled to, or on application therefor and attainment of retirement age in such prior month would have been entitled to, benefits under this subsection or subsection (h); or

"(B) in the month prior to the month of his marriage to such individual had attained age eighteen and was entitled to, or on application therefor would have been entitled to, benefits under subsection (d)."

(2) Section 216 (g) of such Act is amended to read as follows:

"(g) The term 'widower' (except when used in section 202 (i)) means the surviving husband of an individual, but only if (1) he is the father of her son or daughter, (2) he legally adopted her son or daughter while he was married to her and while such son or daughter was under the age of eighteen, (3) she legally adopted his son or daughter while he was married to her and while such son or daughter was under the age of eighteen, (4) he was married to her at the time both of them legally adopted a child under the age of eighteen, (5) he was married to her for a period of not less than one year immediately prior to the day on which she died, or (6) in the month before the month of his marriage to her (A) he was entitled to, or on application therefor and attainment of retirement age in such prior month would have been entitled to, benefits under subsection (f) or (h) of section 202, or (B) he had attained age eighteen and was entitled to, or on application therefor would have been entitled to, benefits under subsection (d) of such section."

42 USC 416.

Definition of Wife

42 USC 416.

(d) Section 216 (b) of such Act is amended by striking out "or" at the end of the clause (1), and by inserting before the period at the end thereof: ", or (3) in the month prior to the month of her marriage to him (A) was entitled to, or on application therefor and attainment of retirement age in such prior month would have been entitled to, benefits under subsection (e) or (h) of section 202, or (B) had attained age eighteen and was entitled to, or on application therefor would have been entitled to, benefits under subsection (d) of such section".

Ante, pp. 1023,
1027.
Post, pp. 1029,
1031, 1032.

Definition of Former Wife Divorced

42 USC 416.

(e) Section 216 (d) of such Act is amended to read as follows:
“(d) The term ‘former wife divorced’ means a woman divorced from an individual, but only if (1) she is the mother of his son or daughter, (2) she legally adopted his son or daughter while she was married to him and while such son or daughter was under the age of eighteen, (3) he legally adopted her son or daughter while she was married to him and while such son or daughter was under the age of eighteen, or (4) she was married to him at the time both of them legally adopted a child under the age of eighteen.”

Effective Date

Ante, pp. 1017,
1021-1024, 1026,
1027.
Post, pp. 1029-
1032.

(f) The amendments made by this section shall apply with respect to monthly benefits under section 202 of the Social Security Act for months beginning after the date of enactment of this Act, but only if an application for such benefits is filed on or after such date.

ELIGIBILITY OF CHILD FOR DEPENDENTS OR SURVIVORS BENEFITS

Definition of Child

42 USC 416.

SEC. 302. (a) Section 216 (e) of such Act is amended to read as follows:

“(e) The term ‘child’ means (1) the child or legally adopted child of an individual, and (2) in the case of a living individual, a stepchild who has been such stepchild for not less than three years immediately preceding the day on which application for child’s benefits is filed, and (3) in the case of a deceased individual, a stepchild who has been such stepchild for not less than one year immediately preceding the day on which such individual died. For purposes of clause (1), a person shall be deemed, as of the date of death of an individual, to be the legally adopted child of such individual if such person was at the time of such individual’s death living in such individual’s household and was legally adopted by such individual’s surviving spouse after such individual’s death but before the end of two years after the day on which such individual died or the date of enactment of this Act; except that this sentence shall not apply if at the time of such individual’s death such person was receiving regular contributions toward his support from someone other than such individual or his spouse, or from any public or private welfare organization which furnishes services or assistance for children.”

Effective Date

Ante, pp. 1017,
1021-1024, 1026,
1027.
Post, 1029-1032.

(b) The amendment made by this section shall apply with respect to monthly benefits under section 202 of the Social Security Act for months beginning after the date of enactment of this Act, but only if an application for such benefits is filed on or after such date.

ELIGIBILITY OF REMARRIED WIDOWS FOR MOTHER'S INSURANCE BENEFITS

SEC. 303. (a) Section 202 (g) of the Social Security Act is amended by adding at the end thereof the following new paragraph:
 “(3) In the case of any widow or former wife divorced of an individual—

42 USC 402.

“(A) who marries another individual, and

“(B) whose marriage to the individual referred to in subparagraph (A) is terminated by his death but she is not, and upon filing application therefor in the month in which he died would not be, entitled to benefits for such month on the basis of his wages and self-employment income,

the marriage to the individual referred to in clause (A) shall, for the purpose of paragraph (1), be deemed not to have occurred. No benefits shall be payable under this subsection by reason of the preceding sentence for any month prior to whichever of the following is the latest: (i) the month in which the death referred to in subparagraph (B) of the preceding sentence occurs, (ii) the twelfth month before the month in which such widow or former wife divorced files application for purposes of this paragraph, or (iii) the month following the month in which this paragraph is enacted.”

(b) The paragraph (3) added to such section 202 (g) by H. R. 5411, Eighty-fifth Congress, is hereby repealed effective with respect to benefits payable for any month following the month in which this Act is enacted.

ELIGIBILITY FOR PARENT'S INSURANCE BENEFITS

Provisions Relating to Eligibility

SEC. 304. (a) (1) So much of section 202 (h) (1) of the Social Security Act as precedes subparagraph (A) is amended to read as follows:

42 USC 402.

“(1) Every parent (as defined in this subsection) of an individual who died a fully insured individual after 1939, if such parent—”

(2) The amendment made by this subsection shall apply with respect to monthly benefits under section 202 of the Social Security Act for months beginning after the date of enactment of this Act, but only if an application for such benefits is filed on or after such date.

Deaths Before Effective Date

(b) Where—

(1) one or more persons were entitled (without the application of section 202 (j) (1) of the Social Security Act) to monthly benefits under section 202 of such Act for the month in which this Act is enacted on the basis of the wages and self-employment income of an individual; and

42 USC 402.
Ante, pp. 1017,
 1021-1024, 1026,
 1027,
Post, pp. 1030-
 1032.
Ante, p. 1023.
Post, p. 1032.

(2) a person is entitled to a parent's insurance benefit under section 202 (h) of the Social Security Act for any subsequent month on the basis of such wages and self-employment income and such person would not be entitled to such benefit but for the enactment of this section; and

(3) the total of the benefits to which all persons are entitled under section 202 of the Social Security Act on the basis of such wages and self-employment income for such subsequent month are reduced by reason of the application of section 203 (a) of such Act,

42 USC 403.

then the amount of the benefit to which each such person referred to in paragraph (1) of this subsection is entitled for such subsequent month shall be increased, after the application of such section 203 (a),

Ante, p. 1017.

to the amount it would have been if no person referred to in paragraph (2) of this subsection was entitled to a parent's insurance benefit for such subsequent month on the basis of such wages and self-employment income.

Proof of Support in Cases of Deaths Before Effective Date

Ante, pp. 1023, 1029.
Post, p. 1032.

(c) In the case of any parent who would not be entitled to parent's benefits under section 202 (h) of the Social Security Act except for the enactment of this section, the requirement in such section 202 (h) that proof of support be filed within two years of the date of death of the insured individual referred to therein shall not apply if such proof is filed within the two-year period beginning with the first day of the month after the month in which this Act is enacted.

ELIGIBILITY FOR LUMP-SUM DEATH PAYMENTS

42 USC 402. Requirement That Surviving Spouse Be a Member of Deceased's Household

SEC. 305. (a) The first sentence of section 202 (i) of the Social Security Act is amended by inserting "in the same household" after "living".

Provisions Relating to Widows and Widowers

42 USC 416. (b) Section 216 (h) of such Act is amended by striking out paragraph (3).

Effective Date

42 USC 402. (c) The amendments made by this section shall apply in the case of lump-sum death payments under such section 202 (i) on the basis of the wages and self-employment income of any individual who dies after the month in which this Act is enacted.

ELIGIBILITY OF DISABLED PERSONS FOR CHILD'S INSURANCE BENEFITS

Provisions Relating to Dependency

42 USC 402. SEC. 306. (a) Section 202 (d) of the Social Security Act is amended by striking out "who has not attained the age of eighteen" each place it appears in paragraphs (3), (4), and (5) thereof, and by striking out paragraph (6).

Effective Date

Ante, pp. 1017, 1021-1024, 1026, 1027, 1029.
Post, pp. 1030-1032.

(b) The amendments made by this section shall apply with respect to monthly benefits under section 202 of the Social Security Act for months beginning after the date of enactment of this Act, but only if an application for such benefits is filed on or after such date.

ELIMINATION OF MARRIAGE AS BASIS FOR TERMINATING CERTAIN SURVIVORS BENEFITS

Child's Insurance Benefits

Ante, p. 1022.

SEC. 307. (a) Section 202 (d) of the Social Security Act is amended by inserting immediately after paragraph (5) thereof the following new paragraph:

"(6) In the case of a child who has attained the age of eighteen and who marries—

42 USC 423. "(A) an individual entitled to benefits under subsection (a), (e), (f), (g), or (h) of this section or under section 223 (a), or

“(B) another individual who has attained the age of eighteen and is entitled to benefits under this subsection, such child’s entitlement to benefits under this subsection shall, notwithstanding the provisions of paragraph (1), not be terminated by reason of such marriage; except that, in the case of such a marriage to a male individual entitled to benefits under section 223 (a) or this subsection, the preceding provisions of this paragraph shall not apply with respect to benefits for months after the last month for which such individual is entitled to such benefits under section 223 (a) or this subsection unless (i) he ceases to be so entitled by reason of his death, or (ii) in the case of an individual who was entitled to benefits under section 223 (a), he is entitled, for the month following such last month, to benefits under subsection (a) of this section.”

Widow’s Insurance Benefits

(b) Section 202 (e) of such Act is amended by inserting at the end thereof the following new paragraph:

Ante, p. 1027.

“(4) In the case of a widow who marries—

“(A) an individual entitled to benefits under subsection (f) or (h) of this section, or

“(B) an individual who has attained the age of eighteen and is entitled to benefits under subsection (d), such widow’s entitlement to benefits under this subsection shall, notwithstanding the provisions of paragraph (1), not be terminated by reason of such marriage; except that, in the case of such a marriage to an individual entitled to benefits under subsection (d), the preceding provisions of this paragraph shall not apply with respect to benefits for months after the last month for which such individual is entitled to such benefits under subsection (d) unless he ceases to be so entitled by reason of his death.”

Widower’s Insurance Benefits

(c) Section 202 (f) of such Act is amended by adding at the end thereof the following new paragraph:

Ante, pp. 1023, 1027.

“(4) In the case of a widower who marries—

“(A) an individual entitled to benefits under subsection (e), (g), or (h), or

“(B) an individual who has attained the age of eighteen and is entitled to benefits under subsection (d), such widower’s entitlement to benefits under this subsection shall, notwithstanding the provisions of paragraph (1), not be terminated by reason of such marriage.”

Mother’s Insurance Benefits

(d) Section 202 (g) of such Act is amended by adding after paragraph (3) (added by section 303 of this Act) the following new paragraph:

Ante, pp. 1023, 1029.

“(4) In the case of a widow or former wife divorced who marries—

“(A) an individual entitled to benefits under subsection (a), (f), or (h), or under section 223 (a), or

42 USC 423.

“(B) an individual who has attained the age of eighteen and is entitled to benefits under subsection (d),

the entitlement of such widow or former wife divorced to benefits under this subsection shall, notwithstanding the provisions of paragraph (1), not be terminated by reason of such marriage; except that, in the case of such a marriage to an individual entitled to benefits under section 223 (a) or subsection (d) of this section, the preceding pro-

visions of this paragraph shall not apply with respect to benefits for months after the last month for which such individual is entitled to such benefits under section 223 (a) or subsection (d) of this section unless (i) he ceases to be so entitled by reason of his death, or (ii) in the case of an individual who was entitled to benefits under section 223 (a), he is entitled, for the month following such last month, to benefits under subsection (a) of this section."

Parent's Insurance Benefits

Ante, pp. 1023,
1029.

(e) Section 202 (h) of such Act is amended by adding at the end thereof the following new paragraph:

"(4) In the case of a parent who marries—

"(A) an individual entitled to benefits under this subsection or subsection (e), (f), or (g), or

"(B) an individual who has attained the age of eighteen and is entitled to benefits under subsection (d),

such parent's entitlement to benefits under this subsection shall, notwithstanding the provisions of paragraph (1), not be terminated by reason of such marriage; except that, in the case of such a marriage to a male individual entitled to benefits under subsection (d), the preceding provisions of this paragraph shall not apply with respect to benefits for months after the last month for which such individual is entitled to such benefits under subsection (d) unless he ceases to be so entitled by reason of his death."

Deduction Provisions

42 USC 403.

(f) Subsection (c) of section 203 of such Act is amended by inserting "(1)" after "(c)", by redesignating subparagraphs (1) and (2) as subparagraphs (A) and (B), respectively, by striking out "paragraph (1)" and inserting in lieu thereof "subparagraph (A)", and by adding at the end of such subsection the following new paragraph:

"(2) Deductions shall be made from any child's insurance benefit to which a child who has attained the age of eighteen is entitled or from any mother's insurance benefit to which a person is entitled, until the total of such deductions equals such child's insurance benefit or benefits or mother's insurance benefit or benefits under section 202 for any month—

Ante, pp. 1017,
1021-1024, 1026,
1027, 1029-1031.

"(A) in which such child or person entitled to mother's insurance benefit is married to an individual entitled to old-age insurance benefits under section 202 (a) who is under the age of seventy-two and for which month such individual is charged with any earnings under the provisions of subsection (e) of this section, or

"(B) in which such child or person entitled to mother's insurance benefits is married to the individual referred to in subparagraph (A) and on seven or more different calendar days of which such individual engaged in noncovered remunerative activity outside the United States."

Post, p. 1033.

Deductions on Account of Refusal To Accept Rehabilitation Services

Ante, p. 1025.

(g) Section 222 (b) of such Act is amended by inserting "(1)" after "(b)", and by adding at the end thereof the following new paragraph:

"(2) Deductions shall be made from any child's insurance benefit to which a child who has attained the age of eighteen is entitled or from any mother's insurance benefit to which a person is entitled, until the total of such deductions equals such child's insurance benefit or benefits or such mother's insurance benefit or benefits under section 202

Ante, pp. 1017,
1021-1024, 1026,
1027, 1029-1031.

for any month in which such child or person entitled to mother's insurance benefits is married to an individual who is entitled to disability insurance benefits and in which such individual refuses to accept rehabilitation services and a deduction, on account of such refusal, is imposed under paragraph (1). If both this paragraph and paragraph (3) are applicable to a child's insurance benefit for any month, only an amount equal to such benefit shall be deducted."

Effective Date

(h) (1) The amendments made by this section (other than by subsections (f) and (g)) shall apply with respect to monthly benefits under section 202 of the Social Security Act for months following the month in which this Act is enacted; except that in any case in which benefits were terminated with the close of the month in which this Act is enacted or any prior month and, if the amendments made by this section had been in effect for such month, such benefits would not have been terminated, the amendments made by this section shall apply with respect to monthly benefits under section 202 of the Social Security Act for months beginning after the date of enactment of this Act, but only if an application for such benefits is filed after such date.

Ante, pp. 1017,
1022-1024, 1026,
1027, 1029-1032.

(2) The amendments made by subsection (f) shall apply with respect to monthly benefits under subsection (d) or (g) of section 202 of the Social Security Act for months in any taxable year, of the individual to whom the person entitled to such benefits is married, beginning after the month in which this Act is enacted.

(3) The amendments made by subsection (g) shall apply with respect to monthly benefits under section 202 of the Social Security Act for months, occurring after the month in which this Act is enacted, in which a deduction is incurred under paragraph (1) of section 222 (b) of the Social Security Act.

Ante, pp. 1025,
1032.

AMOUNT WHICH MAY BE EARNED WITHOUT LOSS OF BENEFITS

SEC. 308. (a) Section 203 (e) (2) of such Act is amended by striking out "last month" and "preceding month" wherever they appear and substituting in lieu thereof "first month" and "succeeding month", respectively.

42 USC 403.

(b) Section 203 (e) (3) (A) of such Act is amended by striking out "the term 'last month of such taxable year' means the latest month" and substituting in lieu thereof "the term 'first month of such taxable year' means the earliest month".

(c) Subsections (e) (2) (D) and (e) (3) (B) (ii) of section 203 of such Act are each amended by striking out "\$80" and inserting in lieu thereof "\$100".

(d) Section 203 (g) (1) of such Act is amended to read as follows:

"(g) (1) (A) If an individual is entitled to any monthly insurance benefit under section 202 during any taxable year in which he has earnings or wages, as computed pursuant to paragraph (4) of subsection (e), in excess of the product of \$100 times the number of months in such year, such individual (or the individual who is in receipt of such benefit on his behalf) shall make a report to the Secretary of his earnings (or wages) for such taxable year. Such report shall be made on or before the fifteenth day of the fourth month following the close of such year, and shall contain such information and be made in such manner as the Secretary may by regulations prescribe. Such report need not be made for any taxable year (i) beginning with or after the month in which such individual attained the age of 72, or (ii) if benefit payments for all months (in such taxable

Ante, pp. 1017,
1022-1024, 1026,
1029-1032.

year) in which such individual is under age 72 have been suspended under the provisions of the first sentence of paragraph (3) of this subsection.

“(B) If the benefit payments of an individual have been suspended for all months in any taxable year under the provisions of the first sentence of paragraph (3) of subsection (g), no benefit payment shall be made to such individual for any such month in such taxable year after the expiration of the period of three years, three months, and fifteen days following the close of such taxable year unless within such period the individual, or some other person entitled to benefits under this title on the basis of the same wages and self-employment income, files with the Secretary information showing that a benefit for such month is payable to such individual.”

42 USC 403.

(e) Section 203 (1) of such Act is amended by striking out “(g)” and inserting in lieu thereof “(g) (1) (A)”.

(f) The amendments made by this section shall be applicable with respect to taxable years beginning after the month in which this Act is enacted.

REPRESENTATION OF CLAIMANTS BEFORE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE

42 USC 406.

SEC. 309. The second sentence of section 206 of the Social Security Act is amended by striking out “upon filing with the Administrator a certificate of his right to so practice from the presiding judge or clerk of any such court”.

OFFENSES UNDER TITLE II OF THE SOCIAL SECURITY ACT

42 USC 408.

SEC. 310. Section 208 of the Social Security Act is amended to read as follows:

“PENALTIES

“SEC. 208. Whoever—

“(a) for the purpose of causing an increase in any payment authorized to be made under this title, or for the purpose of causing any payment to be made where no payment is authorized under this title, shall make or cause to be made any false statement or representation (including any false statement or representation in connection with any matter arising under subchapter E of chapter 1, or subchapter A or E of chapter 9 of the Internal Revenue Code of 1939, or chapter 2 or 21 or subtitle F of the Internal Revenue Code of 1954) as to—

26 USC app.
1400-1426.26 USC 1401-
1403; 3101-3125;
6001-7852.
Post, pp. 1041-
1044; 1046, 1047.

“(1) whether wages were paid or received for employment (as said terms are defined in this title and the Internal Revenue Code), or the amount of wages or the period during which paid or the person to whom paid; or

“(2) whether net earnings from self-employment (as such term is defined in this title and in the Internal Revenue Code) were derived, or as to the amount of such net earnings or the period during which or the person by whom derived; or

“(3) whether a person entitled to benefits under this title had earnings in or for a particular period (as determined under section 203 (e) of this title for purposes of deductions from benefits), or as to the amount thereof; or

“(b) makes or causes to be made any false statement or representation of a material fact in any application for any payment or for a disability determination under this title; or

“(c) at any time makes or causes to be made any false statement or representation of a material fact for use in determining rights to payment under this title; or

“(d) having knowledge of the occurrence of any event affecting (1) his initial or continued right to any payment under this title, or (2) the initial or continued right to any payment of any other individual in whose behalf he has applied for or is receiving such payment, conceals or fails to disclose such event with an intent fraudulently to secure payment either in a greater amount than is due or when no payment is authorized; or

“(e) having made application to receive payment under this title for the use and benefit of another and having received such a payment, knowingly and willfully converts such a payment, or any part thereof, to a use other than for the use and benefit of such other person;

shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$1,000 or imprisoned for not more than one year, or both.”

EXTENSION OF COVERAGE IN CONNECTION WITH GUM RESIN PRODUCTS

SEC. 311. (a) Section 210 (a) (1) of the Social Security Act is amended to read as follows:

42 USC 410.

“(1) Service performed by foreign agricultural workers (A) under contracts entered into in accordance with title V of the Agricultural Act of 1949, as amended, or (B) lawfully admitted to the United States from the Bahamas, Jamaica, and the other British West Indies, or from any other foreign country or possession thereof, on a temporary basis to perform agricultural labor;”.

65 Stat. 119,
7 USC 1461-
1468.

(b) The amendment made by subsection (a) shall apply with respect to service performed after 1958.

EMPLOYMENT FOR NONPROFIT ORGANIZATION

SEC. 312. (a) Section 210 (a) (8) (B) of title II of the Social Security Act is amended to read as follows:

42 USC 410.

“(B) Service performed in the employ of a religious, charitable, educational, or other organization described in section 501 (c) (3) of the Internal Revenue Code of 1954, which is exempt from income tax under section 501 (a) of such Code, but this subparagraph shall not apply to service performed during the period for which a certificate, filed pursuant to section 3121 (k) of the Internal Revenue Code of 1954, is in effect if such service is performed by an employee—

68A Stat. 163.
26 USC 501.

“(i) whose signature appears on the list filed by such organization under such section 3121 (k),

“(ii) who became an employee of such organization after the calendar quarter in which the certificate (other than a certificate referred to in clause (iii)) was filed, or

“(iii) who, after the calendar quarter in which the certificate was filed with respect to a group described in paragraph (1) (E) of such section 3121 (k), became a member of such group,

Post, p. 1044.

except that this subparagraph shall apply with respect to service performed by an employee as a member of a group described in such paragraph (1) (E) with respect to which no certificate is in effect;”.

(b) The amendment made by subsection (a) shall apply with respect to certificates filed under section 3121 (k) (1) of the Internal Revenue Code of 1954 after the date of enactment of this Act.

PARTNER'S TAXABLE YEAR ENDING AS RESULT OF DEATH

Ante, p. 1019.

SEC. 313. (a) Section 211 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"Partner's Taxable Year Ending as Result of Death

"(f) In computing a partner's net earnings from self-employment for his taxable year which ends as a result of his death (but only if such taxable year ends within, and not with, the taxable year of the partnership), there shall be included so much of the deceased partner's distributive share of the partnership's ordinary income or loss for the partnership taxable year as is not attributable to an interest in the partnership during any period beginning on or after the first day of the first calendar month following the month in which such partner died. For purposes of this subsection—

"(1) in determining the portion of the distributive share which is attributable to any period specified in the preceding sentence, the ordinary income or loss of the partnership shall be treated as having been realized or sustained ratably over the partnership taxable year; and

"(2) the term 'deceased partner's distributive share' includes the share of his estate or of any other person succeeding, by reason of his death, to rights with respect to his partnership interest."

(b) The amendment made by subsection (a) shall apply—

(1) with respect to individuals who die after the date of the enactment of this Act, and

(2) with respect to any individual who died after 1955 and on or before the date of the enactment of this Act, but only if the requirements of section 403 (b) (2) of this Act are met.

42 USC 603.

GRATUITOUS WAGE CREDITS FOR AMERICAN CITIZENS WHO SERVED IN THE ARMED FORCES OF ALLIED COUNTRIES

General Rule

Post, p. 1037.

SEC. 314. (a) Section 217 of such Act is amended by adding at the end thereof the following new subsection:

"(h) (1) For the purposes of this section, any individual who the Secretary finds—

"(A) served during World War II (as defined in subsection (d) (1)) in the active military or naval service of a country which was on September 16, 1940, at war with a country with which the United States was at war during World War II;

"(B) entered into such active service on or before December 8, 1941;

"(C) was a citizen of the United States throughout such period of service or lost his United States citizenship solely because of his entrance into such service;

"(D) had resided in the United States for a period or periods aggregating four years during the five-year period ending on the day of, and was domiciled in the United States on the day of, such entrance into such active service; and

"(E) (i) was discharged or released from such service under conditions other than dishonorable after active service of ninety days or more or by reason of a disability or injury incurred or aggravated in service in line of duty, or

"(ii) died while in such service,

shall be considered a World War II veteran (as defined in subsection (d) (2)) and such service shall be considered to have been performed in the active military or naval service of the United States.

“(2) In the case of any individual to whom paragraph (1) applies, proof of support required under section 202 (f) or (h) may be filed at any time prior to the expiration of two years after the date of such individual's death or the date of the enactment of this subsection, whichever is the later.”

Ante, pp. 1023,
1027, 1029, 1031,
1032.

Reimbursement to Disability Insurance Trust Fund

(b) (1) Section 217 (g) (1) of the Social Security Act is amended by deleting “Trust Fund” and inserting in lieu thereof “Trust Funds”.

42 USC 417.

(2) Section 217 (g) (2) of the Social Security Act is amended by deleting “the Trust Fund” each time it appears therein and inserting in lieu thereof “the Federal Old-Age and Survivors Insurance Trust Fund” the first time and “such Trust Fund” the other times.

Effective Date

(c) (1) The amendment made by subsection (a) shall apply only with respect to (A) monthly benefits under sections 202 and 223 of the Social Security Act for months after the month in which this Act is enacted, (B) lump-sum death payments under such section 202 in the case of deaths occurring after the month in which this Act is enacted, and (C) periods of disability under section 216 (i) in the case of applications for a disability determination filed after the month in which this Act is enacted.

Ante, pp. 1017,
1020, 1021, 1024,
1026, 1027, 1029-
1032.

Ante, pp. 1020,
1021.

(2) In the case of any individual—

(A) who is a World War II veteran (as defined in section 217 (d) (2) of the Social Security Act) wholly or partly by reason of service described in section 217 (h) (1) (A) of such Act; and

42 USC 417.

Ante, p. 1036.

(B) who (i) became entitled to old-age insurance benefits under section 202 (a) of the Social Security Act or to disability insurance benefits under section 223 of such Act prior to the first day of the month following the month in which this Act is enacted, or (ii) died prior to such first day, and whose widow, former wife divorced, widower, child, or parent is entitled for the month in which this Act is enacted, on the basis of his wages and self-employment income, to a monthly benefit under section 202 of such Act; and

(C) any part of whose service described in section 217 (h) (1) (A) of the Social Security Act was not included in the computation of his primary insurance amount under section 215 of such Act but would have been included in such computation if the amendment made by subsection (a) of this section had been effective prior to the date of such computation,

Ante, pp. 1017,
1021, 1022-1024,
1026, 1027, 1029-
1032.

Ante, pp. 1013,
1015, 1016, 1020,
1025.

the Secretary of Health, Education, and Welfare shall, notwithstanding the provisions of section 215 (f) (1) of the Social Security Act, recompute the primary insurance amount of such individual upon the filing of an application, after the month in which this Act is enacted, by him or (if he has died without filing such an application) by any person entitled to monthly benefits under section 202 of the Social Security Act on the basis of his wages and self-employment income. Such recomputation shall be made only in the manner provided in title II of the Social Security Act as in effect at the time of the last previous computation or recomputation of such individual's primary insurance amount, and as though application therefor was filed in the month in which application for such last previous computation or recomputation was filed. No recomputation made under this subsection shall be regarded as a recomputation under section 215 (f) of the Social Security Act. Any such recomputation shall be effective for

42 USC 401-425.

and after the twelfth month before the month in which the application is filed, but in no case for the month in which this Act is enacted or any prior month.

POSITIONS COVERED BY STATE AND LOCAL RETIREMENT SYSTEMS

Division of Retirement Systems

42 USC 418.

SEC. 315. (a) (1) Section 218 (d) (6) of the Social Security Act is amended to read as follows:

“(6) (A) If a retirement system covers positions of employees of the State and positions of employees of one or more political subdivisions of the State, or covers positions of employees of two or more political subdivisions of the State, then, for purposes of the preceding paragraphs of this subsection, there shall, if the State so desires, be deemed to be a separate retirement system with respect to any one or more of the political subdivisions concerned and, where the retirement system covers positions of employees of the State, a separate retirement system with respect to the State or with respect to the State and any one or more of the political subdivisions concerned.

“(B) If a retirement system covers positions of employees of one or more institutions of higher learning, then, for purposes of such preceding paragraphs there shall, if the State so desires, be deemed to be a separate retirement system for the employees of each such institution of higher learning. For the purposes of this subparagraph, the term ‘institutions of higher learning’ includes junior colleges and teachers colleges.

“(C) For the purposes of this subsection, any retirement system established by the State of California, Connecticut, Florida, Georgia, Massachusetts, Minnesota, New York, North Dakota, Pennsylvania, Rhode Island, Tennessee, Vermont, Washington, Wisconsin, or the Territory of Hawaii, or any political subdivision of any such State or Territory, which, on, before, or after the date of enactment of this subparagraph, is divided into two divisions or parts, one of which is composed of positions of members of such system who desire coverage under an agreement under this section and the other of which is composed of positions of members of such system who do not desire such coverage, shall, if the State or Territory so desires and if it is provided that there shall be included in such division or part composed of members desiring such coverage the positions of individuals who become members of such system after such coverage is extended, be deemed to be a separate retirement system with respect to each such division or part.

“(D) The position of any individual which is covered by any retirement system to which subparagraph (C) is applicable shall, if such individual is ineligible to become a member of such system on August 1, 1956, or, if later, the day he first occupies such position, be deemed to be covered by the separate retirement system consisting of the positions of members of the division or part who do not desire coverage under the insurance system established under this title.

“(E) An individual who is in a position covered by a retirement system to which subparagraph (C) is applicable and who is not a member of such system but is eligible to become a member thereof shall, for purposes of this subsection (other than paragraph (8)), be regarded as a member of such system; except that, in the case of any retirement system a division or part of which is covered under the agreement (either in the original agreement or by a modification thereof), which coverage is agreed to prior to 1960, the preceding provisions of this subparagraph shall apply only if the State so requests and any such individual referred to in such preceding pro-

visions shall, if the State so requests, be treated, after division of the retirement system pursuant to such subparagraph (C), the same as individuals in positions referred to in subparagraph (F).

“(F) In the case of any retirement system divided pursuant to subparagraph (C), the position of any member of the division or part composed of positions of members who do not desire coverage may be transferred to the separate retirement system composed of positions of members who desire such coverage if it is so provided in a modification of such agreement which is mailed, or delivered by other means, to the Secretary prior to 1960 or, if later, the expiration of one year after the date on which such agreement, or the modification thereof making the agreement applicable to such separate retirement system, as the case may be, is agreed to, but only if, prior to such modification or such later modification, as the case may be, the individual occupying such position files with the State a written request for such transfer.

“(G) For the purposes of this subsection, in the case of any retirement system of the State of Florida, Georgia, Minnesota, North Dakota, Pennsylvania, Washington, or the Territory of Hawaii which covers positions of employees of such State or Territory who are compensated in whole or in part from grants made to such State or Territory under title III, there shall be deemed to be, if such State or Territory so desires, a separate retirement system with respect to any of the following:

“(i) the positions of such employees;

“(ii) the positions of all employees of such State or Territory covered by such retirement system who are employed in the department of such State or Territory in which the employees referred to in clause (i) are employed; or

“(iii) employees of such State or Territory covered by such retirement system who are employed in such department of such State or Territory in positions other than those referred to in clause (i).”

(2) Paragraph (7) of section 218 (d) of such Act is amended by striking out “(created under the fourth sentence of paragraph (6))” and inserting in lieu thereof “(created under subparagraph (C) of paragraph (6) or the corresponding provision of prior law)”; and by striking out “the fourth and fifth sentences of paragraph (6)” and inserting in lieu thereof “subparagraphs (C) and (D) of paragraph (6) or the corresponding provision of prior law”.

42 USC 418.

(3) The second sentence of paragraph (2) of section 218 (k) of such Act is amended by striking out “the preceding sentence” and inserting in lieu thereof “the first sentence of this paragraph”. The last sentence of such paragraph is amended by striking out “the fourth sentence of subsection (d) (6)” and inserting in lieu thereof “subparagraph (C) of subsection (d) (6) or the corresponding provision of prior law”. Such paragraph is further amended by inserting after the first sentence the following new sentence: “An individual who is in a position covered by a retirement system divided pursuant to the preceding sentence and who is not a member of such system but is eligible to become a member thereof shall, for purposes of this subsection, be regarded as a member of such system. Coverage under the agreement of any such individual shall be provided under the same conditions, to the extent practicable, as are applicable in the case of the States to which the provisions of subsection (d) (6) (C) apply.”

42 USC 418.

Coverage Under Other Retirement Systems

Ante, pp. 1038,
1039.

(b) Section 218 (d) of such Act is amended by adding at the end thereof the following new paragraph:

"(8) (A) Notwithstanding paragraph (1), if under the provisions of this subsection an agreement is, after December 31, 1958, made applicable to service performed in positions covered by a retirement system, service performed by an individual in a position covered by such a system may not be excluded from the agreement because such position is also covered under another retirement system.

"(B) Subparagraph (A) shall not apply to service performed by an individual in a position covered under a retirement system if such individual, on the day the agreement is made applicable to service performed in positions covered by such retirement system, is not a member of such system and is a member of another system.

"(C) If an agreement is made applicable, prior to 1959, to service in positions covered by any retirement system, the preceding provisions of this paragraph shall be applicable in the case of such system if the agreement is modified to so provide.

"(D) Except in the case of agreements with the States named in subsection (p) and agreements with interstate instrumentalities, nothing in this paragraph shall authorize the application of an agreement to service in any policeman's or fireman's position."

Retroactive Coverage

42 USC 418.

(c) (1) Section 218 (f) of such Act is amended by inserting "(1)" immediately after "(f)", by redesignating clauses (1), (2), (3), and (4) thereof as clauses (A), (B), (C), and (D), respectively, and by adding at the end thereof the following new paragraph:

"(2) In the case of service performed by members of any coverage group—

"(A) to which an agreement under this section is made applicable, and

"(B) with respect to which the agreement, or modification thereof making the agreement so applicable, specifies an effective date earlier than the date of execution of such agreement and such modification, respectively,

the agreement shall, if so requested by the State, be applicable to such services (to the extent the agreement was not already applicable) performed before such date of execution and after such effective date by any individual as a member of such coverage group if he is such a member on a date, specified by the State, which is earlier than such date of execution, except that in no case may the date so specified be earlier than the date such agreement or such modification, as the case may be, is mailed, or delivered by other means, to the Secretary."

(2) The amendment made by this subsection shall apply in the case of any agreement, or modification of an agreement, under section 218 of the Social Security Act, which is executed after the date of enactment of this Act.

Ante, pp. 1038-
1040.

TEACHERS IN THE STATE OF MAINE

SEC. 316. For the purposes of any modification which might be made after the date of enactment of this Act and prior to July 1, 1960, by the State of Maine of its existing agreement made under section 218 of the Social Security Act, any retirement system of such State which covers positions of teachers and positions of other employees shall, if such State so desires, be deemed (notwithstanding the provi-

Ante, pp. 1038-
1040.

sions of subsection (d) of such section) to consist of a separate retirement system with respect to the positions of such teachers and a separate retirement system with respect to the positions of such other employees; and for the purposes of this sentence, the term "teacher" shall mean any teacher, principal, supervisor, school nurse, school dietitian, school secretary or superintendent employed in any public school, including teachers in unorganized territory.

TITLE IV—AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1954

CHANGES IN TAX SCHEDULES

Self-Employment Income Tax

SEC. 401. (a) Section 1401 of the Internal Revenue Code of 1954 (relating to rate of tax on self-employment income) is amended to read as follows:

68A Stat. 353,
26 USC 1401.

"SEC. 1401. RATE OF TAX.

"In addition to other taxes, there shall be imposed for each taxable year, on the self-employment income of every individual, a tax as follows:

"(1) in the case of any taxable year beginning after December 31, 1958, and before January 1, 1960, the tax shall be equal to $3\frac{3}{4}$ percent of the amount of the self-employment income for such taxable year;

"(2) in the case of any taxable year beginning after December 31, 1959, and before January 1, 1963, the tax shall be equal to $4\frac{1}{2}$ percent of the amount of the self-employment income for such taxable year;

"(3) in the case of any taxable year beginning after December 31, 1962, and before January 1, 1966, the tax shall be equal to $5\frac{1}{4}$ percent of the amount of the self-employment income for such taxable year;

"(4) in the case of any taxable year beginning after December 31, 1965, and before January 1, 1969, the tax shall be equal to 6 percent of the amount of the self-employment income for such taxable year; and

"(5) in the case of any taxable year beginning after December 31, 1968, the tax shall be equal to $6\frac{3}{4}$ percent of the amount of the self-employment income for such taxable year."

Tax on Employees

(b) Section 3101 of such Code (relating to rate of tax on employees under the Federal Insurance Contributions Act) is amended to read as follows:

26 USC 3101.

"SEC. 3101. RATE OF TAX.

"In addition to other taxes, there is hereby imposed on the income of every individual a tax equal to the following percentages of the wages (as defined in section 3121 (a)) received by him with respect to employment (as defined in section 3121 (b))—

Post, p. 1042.

Post, pp. 1044-1046.

"(1) with respect to wages received during the calendar year 1959, the rate shall be $2\frac{1}{2}$ percent;

"(2) with respect to wages received during the calendar years 1960 to 1962, both inclusive, the rate shall be 3 percent;

"(3) with respect to wages received during the calendar years 1963 to 1965, both inclusive, the rate shall be $3\frac{1}{2}$ percent;

- “(4) with respect to wages received during the calendar years 1966 to 1968, both inclusive, the rate shall be 4 percent; and
 “(5) with respect to wages received after December 31, 1968, the rate shall be 4½ percent.”

Tax on Employers

26 USC 3111.

(c) Section 3111 of such Code (relating to rate of tax on employers under the Federal Insurance Contributions Act) is amended to read as follows:

“SEC. 3111. RATE OF TAX.

“In addition to other taxes, there is hereby imposed on every employer an excise tax, with respect to having individuals in his employ, equal to the following percentages of the wages (as defined in section 3121 (a)) paid by him with respect to employment (as defined in section 3121 (b))—

Post, pp. 1044,
1046.

- “(1) with respect to wages paid during the calendar year 1959, the rate shall be 2½ percent;
 “(2) with respect to wages paid during the calendar years 1960 to 1962, both inclusive, the rate shall be 3 percent;
 “(3) with respect to wages paid during the calendar years 1963 to 1965, both inclusive, the rate shall be 3½ percent;
 “(4) with respect to wages paid during the calendar years 1966 to 1968, both inclusive, the rate shall be 4 percent; and
 “(5) with respect to wages paid after December 31, 1968, the rate shall be 4½ percent.”

Effective Dates

(d) The amendment made by subsection (a) shall apply with respect to taxable years beginning after December 31, 1958. The amendments made by subsections (b) and (c) shall apply with respect to remuneration paid after December 31, 1958.

INCREASE IN TAX BASE

Definition of Self-Employment Income

26 USC 1402.

SEC. 402. (a) (1) Subparagraph (B) of section 1402 (b) (1) of the Internal Revenue Code of 1954 is amended to read as follows:

“(B) for any taxable year ending after 1954 and before 1959, (i) \$4,200, minus (ii) the amount of the wages paid to such individual during the taxable year; and”.

(2) Paragraph (1) of section 1402 (b) of such Code is further amended by adding at the end thereof the following new subparagraph:

“(C) for any taxable year ending after 1958, (i) \$4,800, minus (ii) the amount of the wages paid to such individual during the taxable year; or”.

Definition of Wages

26 USC 3121.

(b) Section 3121 (a) of such Code (relating to the definition of wages) is amended by striking out “\$4,200” wherever it appears and inserting in lieu thereof “\$4,800”.

Federal Service

26 USC 3122.

(c) Section 3122 of such Code (relating to Federal service) is amended by striking out “\$4,200” wherever it appears and inserting in lieu thereof “\$4,800”.

Refunds

(d) (1) Paragraph (1) of section 6413 (c) of such Code is amended to read as follows:

26 USC 6413.

“(1) **IN GENERAL.**—If by reason of an employee receiving wages from more than one employer during a calendar year after the calendar year 1950 and prior to the calendar year 1955, the wages received by him during such year exceed \$3,600, the employee shall be entitled (subject to the provisions of section 31 (b)) to a credit or refund of any amount of tax, with respect to such wages, imposed by section 1400 of the Internal Revenue Code of 1939 and deducted from the employee's wages (whether or not paid to the Secretary or his delegate), which exceeds the tax with respect to the first \$3,600 of such wages received; or if by reason of an employee receiving wages from more than one employer (A) during any calendar year after the calendar year 1954 and prior to the calendar year 1959, the wages received by him during such year exceed \$4,200, or (B) during any calendar year after the calendar year 1958, the wages received by him during such year exceed \$4,800, the employee shall be entitled (subject to the provisions of section 31 (b)) to a credit or refund of any amount of tax, with respect to such wages, imposed by section 3101 and deducted from the employee's wages (whether or not paid to the Secretary or his delegate), which exceeds the tax with respect to the first \$4,200 of such wages received in such calendar year after 1954 and before 1959, or which exceeds the tax with respect to the first \$4,800 of such wages received in such calendar year after 1958.”

26 USC app.
1400.

26 USC 3101.

(2) Subparagraph (A) of section 6413 (c) (2) of such Code is amended to read as follows:

26 USC 6413.

“(A) **FEDERAL EMPLOYEES.**—In the case of remuneration received from the United States or a wholly owned instrumentality thereof during any calendar year, each head of a Federal agency or instrumentality who makes a return pursuant to section 3122 and each agent, designated by the head of a Federal agency or instrumentality, who makes a return pursuant to such section shall, for purposes of this subsection, be deemed a separate employer, and the term ‘wages’ includes for purposes of this subsection the amount, not to exceed \$3,600 for the calendar year 1951, 1952, 1953, or 1954, \$4,200 for the calendar year 1955, 1956, 1957, or 1958, or \$4,800 for any calendar year after 1958, determined by each such head or agent as constituting wages paid to an employee.”

Ante, p. 1042.

Effective Date

(e) The amendments made by subsections (b) and (c) shall be applicable only with respect to remuneration paid after 1958.

PARTNER'S TAXABLE YEAR ENDING AS RESULT OF DEATH

General Rule

SEC. 403. (a) Section 1402 of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new subsection:

Ante, p. 1042.

“(f) **PARTNER'S TAXABLE YEAR ENDING AS THE RESULT OF DEATH.**—In computing a partner's net earnings from self-employment for his taxable year which ends as a result of his death (but only if such taxable year ends within, and not with, the taxable year of the partnership), there shall be included so much of the deceased partner's

distributive share of the partnership's ordinary income or loss for the partnership taxable year as is not attributable to an interest in the partnership during any period beginning on or after the first day of the first calendar month following the month in which such partner died. For purposes of this subsection—

“(1) in determining the portion of the distributive share which is attributable to any period specified in the preceding sentence, the ordinary income or loss of the partnership shall be treated as having been realized or sustained ratably over the partnership taxable year; and

“(2) the term ‘deceased partner's distributive share’ includes the share of his estate or of any other person succeeding, by reason of his death, to rights with respect to his partnership interest.”

Effective Date

(b) (1) Except as provided in paragraph (2), the amendment made by subsection (a) shall apply only with respect to individuals who die after the date of the enactment of this Act.

(2) In the case of an individual who died after 1955 and on or before the date of the enactment of this Act, the amendment made by subsection (a) shall apply only if—

(A) before January 1, 1960, there is filed a return (or amended return) of the tax imposed by chapter 2 of the Internal Revenue Code of 1954 for the taxable year ending as a result of his death, and

(B) in any case where the return is filed solely for the purpose of reporting net earnings from self-employment resulting from the amendment made by subsection (a), the return is accompanied by the amount of tax attributable to such net earnings.

In any case described in the preceding sentence, no interest or penalty shall be assessed or collected on the amount of any tax due under chapter 2 of such Code solely by reason of the operation of section 1402 (f) of such Code.

Ante, pp. 1041-1043.

Ante, p. 1043.

SERVICE IN CONNECTION WITH GUM RESIN PRODUCTS

26 USC 3121.

SEC. 404. (a) Section 3121 (b) (1) of the Internal Revenue Code of 1954 (relating to definition of employment) is amended to read as follows:

“(1) service performed by foreign agricultural workers (A) under contracts entered into in accordance with title V of the Agricultural Act of 1949, as amended (65 Stat. 119; 7 U. S. C. 1461-1468), or (B) lawfully admitted to the United States from the Bahamas, Jamaica, and the other British West Indies, or from any other foreign country or possession thereof, on a temporary basis to perform agricultural labor;”

(b) The amendment made by subsection (a) shall apply with respect to service performed after 1958.

NONPROFIT ORGANIZATION'S WAIVER CERTIFICATES

26 USC 3121.

SEC. 405. (a) Section 3121 (k) (1) of the Internal Revenue Code of 1954 is amended to read as follows:

“(1) WAIVER OF EXEMPTION BY ORGANIZATION.—

26 USC 501.

“(A) An organization described in section 501 (c) (3) which is exempt from income tax under section 501 (a) may file a certificate (in such form and manner, and with such official, as may be prescribed by regulations made under this chapter) certifying that it desires to have the insurance sys-

tem established by title II of the Social Security Act extended to service performed by its employees and that at least two-thirds of its employees concur in the filing of the certificate. Such certificate may be filed only if it is accompanied by a list containing the signature, address, and social security account number (if any) of each employee who concurs in the filing of the certificate. Such list may be amended at any time prior to the expiration of the twenty-fourth month following the calendar quarter in which the certificate is filed by filing with the prescribed official a supplemental list or lists containing the signature, address, and social security account number (if any) of each additional employee who concurs in the filing of the certificate. The list and any supplemental list shall be filed in such form and manner as may be prescribed by regulations made under this chapter.

“(B) The certificate shall be in effect (for purposes of subsection (b) (8) (B) and for purposes of section 210 (a) (8) (B) of the Social Security Act) for the period beginning with whichever of the following may be designated by the organization:

“(i) the first day of the calendar quarter in which the certificate is filed,

“(ii) the first day of the calendar quarter succeeding such quarter, or

“(iii) the first day of any calendar quarter preceding the calendar quarter in which the certificate is filed, except that, in the case of a certificate filed prior to January 1, 1960, such date may not be earlier than January 1, 1956, and in the case of a certificate filed after 1959, such date may not be earlier than the first day of the fourth calendar quarter preceding the quarter in which such certificate is filed.

“(C) In the case of service performed by an employee whose name appears on a supplemental list filed after the first month following the calendar quarter in which the certificate is filed, the certificate shall be in effect (for purposes of subsection (b) (8) (B) and for purposes of section 210 (a) (8) (B) of the Social Security Act) only with respect to service performed by such individual for the period beginning with the first day of the calendar quarter in which such supplemental list is filed.

“(D) The period for which a certificate filed pursuant to this subsection or the corresponding subsection of prior law is effective may be terminated by the organization, effective at the end of a calendar quarter, upon giving 2 years' advance notice in writing, but only if, at the time of the receipt of such notice, the certificate has been in effect for a period of not less than 8 years. The notice of termination may be revoked by the organization by giving, prior to the close of the calendar quarter specified in the notice of termination, a written notice of such revocation. Notice of termination or revocation thereof shall be filed in such form and manner, and with such official, as may be prescribed by regulations made under this chapter.

“(E) If an organization described in subparagraph (A) employs both individuals who are in positions covered by a pension, annuity, retirement, or similar fund or system established by a State or by a political subdivision thereof and

Post, p. 1046.

Ante, p. 1035.

individuals who are not in such positions, the organization shall divide its employees into two separate groups. One group shall consist of all employees who are in positions covered by such a fund or system and (i) are members of such fund or system, or (ii) are not members of such fund or system but are eligible to become members thereof; and the other group shall consist of all remaining employees. An organization which has so divided its employees into two groups may file a certificate pursuant to subparagraph (A) with respect to the employees in one of the groups if at least two-thirds of the employees in such group concur in the filing of the certificate. The organization may also file such a certificate with respect to the employees in the other group if at least two-thirds of the employees in such other group concur in the filing of such certificate.

“(F) An organization which filed a certificate under this subsection after 1955 but prior to the enactment of this subparagraph may file a request at any time before 1960 to have such certificate effective, with respect to the service of individuals who concurred in the filing of such certificate (initially or through the filing of a supplemental list) prior to enactment of this subparagraph and who concur in the filing of such new request, for the period beginning with the first day of any calendar quarter preceding the first calendar quarter for which it was effective and following the last calendar quarter of 1955. Such request shall be filed with such official and in such form and manner as may be prescribed by regulations made under this chapter. If a request is filed pursuant to this subparagraph—

26 USC 6651.

“(i) for purposes of computing interest and for purposes of section 6651 (relating to addition to tax for failure to file tax return), the due date for the return and payment of the tax for any calendar quarter resulting from the filing of such request shall be the last day of the calendar month following the calendar quarter in which the request is filed; and

“(ii) the statutory period for the assessment of such tax shall not expire before the expiration of 3 years from such due date.

“(G) If a certificate filed pursuant to this paragraph is effective for one or more calendar quarters prior to the quarter in which the certificate is filed, then—

26 USC 6651.

“(i) for purposes of computing interest and for purposes of section 6651 (relating to addition to tax for failure to file tax return), the due date for the return and payment of the tax for such prior calendar quarters resulting from the filing of such certificate shall be the last day of the calendar month following the calendar quarter in which the certificate is filed; and

“(ii) the statutory period for the assessment of such tax shall not expire before the expiration of 3 years from such due date.”

26 USC 3121.

(b) Section 3121 (b) (8) (B) of the Internal Revenue Code of 1954 is amended to read as follows:

26 USC 501.

“(B) service performed in the employ of a religious, charitable, educational, or other organization described in section 501 (c) (3) which is exempt from income tax under section 501 (a), but this subparagraph shall not apply to service performed during the period for which a certificate, filed

pursuant to subsection (k) (or the corresponding subsection of prior law), is in effect if such service is performed by an employee—

“(i) whose signature appears on the list filed by such organization under subsection (k) (or the corresponding subsection of prior law),

“(ii) who became an employee of such organization after the calendar quarter in which the certificate (other than a certificate referred to in clause (iii)) was filed, or

“(iii) who, after the calendar quarter in which the certificate was filed with respect to a group described in section 3121 (k) (1) (E), became a member of such group,

Ante, p. 1044.

except that this subparagraph shall apply with respect to service performed by an employee as a member of a group described in section 3121 (k) (1) (E) with respect to which no certificate is in effect;”.

(c) The amendments made by subsections (a) and (b) shall apply with respect to certificates filed under section 3121 (k) (1) of the Internal Revenue Code of 1954 after the date of enactment of this Act and requests filed under subparagraph (F) of such section after such date.

EXEMPTION OF UNEMPLOYMENT BENEFITS FROM LEVY

SEC. 406. Section 6334 (a) of the Internal Revenue Code of 1954 (relating to enumeration of property exempt from levy) is amended by adding at the end thereof the following new paragraph:

26 USC 6334.

“(4) UNEMPLOYMENT BENEFITS.—Any amount payable to an individual with respect to his unemployment (including any portion thereof payable with respect to dependents) under an unemployment compensation law of the United States, of any State or Territory, or of the District of Columbia or of the Commonwealth of Puerto Rico.”

TITLE V—AMENDMENTS RELATING TO PUBLIC ASSISTANCE

OLD-AGE ASSISTANCE

SEC. 501. Subsection (a) of section 3 of the Social Security Act is amended to read as follows:

42 USC 303.

“(a) From the sums appropriated therefor, the Secretary of the Treasury shall pay to each State which has an approved plan for old-age assistance, for each quarter, beginning with the quarter commencing October 1, 1958, (1) in the case of any State other than Puerto Rico, the Virgin Islands, and Guam, an amount equal to the sum of the following proportions of the total amounts expended during such quarter as old-age assistance under the State plan (including expenditures for insurance premiums for medical or any other type of remedial care or the cost thereof)—

“(A) four-fifths of such expenditures, not counting so much of any expenditure with respect to any month as exceeds the product of \$30 multiplied by the total number of recipients of old-age assistance for such month (which total number, for purposes of this subsection, means (i) the number of individuals who received old-age assistance in the form of money payments for such month, plus (ii) the number of other individuals with respect to whom expenditures were made in such month as old-age assistance in the form of medical or any other type of remedial care); plus

“(B) the Federal percentage of the amount by which such expenditures exceed the maximum which may be counted under clause (A), not counting so much of any expenditure with respect to any month as exceeds the product of \$65 multiplied by the total number of such recipients of old-age assistance for such month; and (2) in the case of Puerto Rico, the Virgin Islands, and Guam, an amount equal to one-half of the total of the sums expended during such quarter as old-age assistance under the State plan (including expenditures for insurance premiums for medical or any other type of remedial care or the cost thereof), not counting so much of any expenditure with respect to any month as exceeds \$35 multiplied by the total number of recipients of old-age assistance for such month; and (3) in the case of any State, an amount equal to one-half of the total of the sums expended during such quarter as found necessary by the Secretary of Health, Education, and Welfare for the proper and efficient administration of the State plan, including services which are provided by the staff of the State agency (or of the local agency administering the State plan in the political subdivision) to applicants for and recipients of old-age assistance to help them attain self-care.”

AID TO DEPENDENT CHILDREN

42 USC 603.

SEC. 502. Subsection (a) of section 403 of the Social Security Act is amended to read as follows:

“(a) From the sums appropriated therefor, the Secretary of the Treasury shall pay to each State which has an approved plan for aid to dependent children, for each quarter, beginning with the quarter commencing October 1, 1958, (1) in the case of any State other than Puerto Rico, the Virgin Islands, and Guam, an amount equal to the sum of the following proportions of the total amounts expended during such quarter as aid to dependent children under the State plan (including expenditures for insurance premiums for medical or any other type of remedial care or the cost thereof)—

“(A) fourteen-seventeenths of such expenditures, not counting so much of any expenditure with respect to any month as exceeds the product of \$17 multiplied by the total number of recipients of aid to dependent children for such month (which total number, for purposes of this subsection, means (i) the number of individuals with respect to whom aid to dependent children in the form of money payments is paid for such month, plus (ii) the number of other individuals with respect to whom expenditures were made in such month as aid to dependent children in the form of medical or any other type of remedial care); plus

“(B) the Federal percentage of the amount by which such expenditures exceed the maximum which may be counted under clause (A), not counting so much of any expenditure with respect to any month as exceeds the product of \$30 multiplied by the total number of recipients of aid to dependent children for such month;

and (2) in the case of Puerto Rico, the Virgin Islands, and Guam, an amount equal to one-half of the total of the sums expended during such quarter as aid to dependent children under the State plan (including expenditures for insurance premiums for medical or any other type of remedial care or the cost thereof), not counting so much of any expenditure with respect to any month as exceeds \$18 multiplied by the total number of recipients of aid to dependent children for such month; and (3) in the case of any State, an amount equal to one-half of the total of the sums expended during such quarter as found necessary by the Secretary of Health, Education, and Wel-

fare for the proper and efficient administration of the State plan, including services which are provided by the staff of the State agency (or of the local agency administering the State plan in the political subdivision) to relatives with whom such children (applying for or receiving such aid) are living, in order to help such relatives attain self-support or self-care, or which are provided to maintain and strengthen family life for such children."

AID TO THE BLIND

SEC. 503. Subsection (a) of section 1003 of the Social Security Act is amended to read as follows:

42 USC 1203.

"(a) From the sums appropriated therefor, the Secretary of the Treasury shall pay to each State which has an approved plan for aid to the blind, for each quarter, beginning with the quarter commencing October 1, 1958, (1) in the case of any State other than Puerto Rico, the Virgin Islands, and Guam, an amount equal to the sum of the following proportions of the total amounts expended during such quarter as aid to the blind under the State plan (including expenditures for insurance premiums for medical or any other type of remedial care or the cost thereof) —

"(A) four-fifths of such expenditures, not counting so much of any expenditure with respect to any month as exceeds the product of \$30 multiplied by the total number of recipients of aid to the blind for such month (which total number, for purposes of this subsection, means (i) the number of individuals who received aid to the blind in the form of money payments for such month, plus (ii) the number of other individuals with respect to whom expenditures were made in such month as aid to the blind in the form of medical or any other type of remedial care); plus

"(B) the Federal percentage of the amount by which such expenditures exceed the maximum which may be counted under clause (A), not counting so much of any expenditure with respect to any month as exceeds the product of \$65 multiplied by the total number of such recipients of aid to the blind for such month;

and (2) in the case of Puerto Rico, the Virgin Islands, and Guam, an amount equal to one-half of the total of the sums expended during such quarter as aid to the blind under the State plan (including expenditures for insurance premiums for medical or any other type of remedial care or the cost thereof), not counting so much of any expenditure with respect to any month as exceeds \$35 multiplied by the total number of recipients of aid to the blind for such month; and (3) in the case of any State, an amount equal to one-half of the total of the sums expended during such quarter as found necessary by the Secretary of Health, Education, and Welfare for the proper and efficient administration of the State plan, including services which are provided by the staff of the State agency (or of the local agency administering the State plan in the political subdivision) to applicants for and recipients of aid to the blind to help them attain self-support or self-care."

AID TO THE PERMANENTLY AND TOTALLY DISABLED

SEC. 504. Subsection (a) of section 1403 of the Social Security Act is amended to read as follows:

42 USC 1353.

"(a) From the sums appropriated therefor, the Secretary of the Treasury shall pay to each State which has an approved plan for aid to the permanently and totally disabled, for each quarter, beginning with the quarter commencing October 1, 1958, (1) in the case of any State other than Puerto Rico, the Virgin Islands, and Guam, an

amount equal to the sum of the following proportions of the total amounts expended during such quarter as aid to the permanently and totally disabled under the State plan (including expenditures for insurance premiums for medical or any other type of remedial care or the cost thereof)—

“(A) four-fifths of such expenditures, not counting so much of any expenditure with respect to any month as exceeds the product of \$30 multiplied by the total number of recipients of aid to the permanently and totally disabled for such month (which total number, for purposes of this subsection, means (i) the number of individuals who received aid to the permanently and totally disabled in the form of money payments for such month, plus (ii) the number of other individuals with respect to whom expenditures were made in such month as aid to the permanently and totally disabled in the form of medical or any other type of remedial care); plus

“(B) the Federal percentage of the amount by which such expenditures exceed the maximum which may be counted under clause (A), not counting so much of any expenditure with respect to any month as exceeds the product of \$65 multiplied by the total number of such recipients of aid to the permanently and totally disabled for such month;

and (2) in the case of Puerto Rico, the Virgin Islands, and Guam, an amount equal to one-half of the total of the sums expended during such quarter as aid to the permanently and totally disabled under the State plan (including expenditures for insurance premiums for medical or any other type of remedial care or the cost thereof), not counting so much of any expenditure with respect to any month as exceeds \$35 multiplied by the total number of recipients of aid to the permanently and totally disabled for such month; and (3) in the case of any State, an amount equal to one-half of the total of the sums expended during such quarter as found necessary by the Secretary of Health, Education, and Welfare for the proper and efficient administration of the State plan, including services which are provided by the staff of the State agency (or of the local agency administering the State plan in the political subdivision) to applicants for and recipients of aid to the permanently and totally disabled to help them attain self-support or self-care.”

FEDERAL MATCHING PERCENTAGE

42 USC 1301.

SEC. 505. Subsection (a) of section 1101 of the Social Security Act is amended by adding at the end thereof the following new paragraph:

“(8) (A) The ‘Federal percentage’ for any State (other than Puerto Rico, the Virgin Islands, and Guam) shall be 100 per centum less the State percentage; and the State percentage shall be that percentage which bears the same ratio to 50 per centum as the square of the per capita income of such State bears to the square of the per capita income of the continental United States (excluding Alaska); except that (i) the Federal percentage shall in no case be less than 50 per centum or more than 65 per centum, and (ii) the Federal percentage shall be 50 per centum for Alaska and Hawaii.

“(B) The Federal percentage for each State (other than Puerto Rico, the Virgin Islands, and Guam) shall be promulgated by the Secretary between July 1 and August 31 of each even-numbered year, on the basis of the average per capita income of each State and of the continental United States (excluding Alaska) for the three most recent calendar years for which satisfactory data are available from the Department of Commerce. Such

promulgation shall be conclusive for each of the eight quarters in the period beginning July 1 next succeeding such promulgation: *Provided*, That the Secretary shall promulgate such percentages as soon as possible after the enactment of the Social Security Amendments of 1958, which promulgation shall be conclusive for each of the eleven quarters in the period beginning October 1, 1958, and ending with the close of June 30, 1961."

EXTENSION TO GUAM

SEC. 506. Section 1101 (a) (1) of the Social Security Act is amended by striking out "Puerto Rico and the Virgin Islands" and inserting in lieu thereof "Puerto Rico, the Virgin Islands, and Guam".

Ante, p. 1050.

INCREASE IN LIMITATIONS ON PUBLIC ASSISTANCE PAYMENTS TO PUERTO RICO AND THE VIRGIN ISLANDS

SEC. 507. (a) Section 1108 of the Social Security Act is amended by striking out "\$5,312,500" and "\$200,000" and inserting in lieu thereof "\$8,500,000" and "\$300,000", respectively, by striking out "and" immediately following the semicolon, and by adding immediately before the period at the end thereof "; and the total amount certified by the Secretary under such titles for payment to Guam with respect to any fiscal year shall not exceed \$400,000".

70 Stat. 855.
42 USC 1308.

(b) The heading of such section is amended to read

"LIMITATION ON PAYMENTS TO PUERTO RICO, THE VIRGIN ISLANDS, AND GUAM".

MATERNAL AND CHILD WELFARE GRANTS FOR GUAM

SEC. 508. Such section 1108 is further amended by adding at the end thereof the following new sentence: "Notwithstanding the provisions of sections 502 (a) (2), 512 (a) (2), and 522 (a), and until such time as the Congress may by appropriation or other law otherwise provide, the Secretary shall, in lieu of the \$60,000, \$60,000, and \$60,000, respectively, specified in such sections, allot such smaller amounts to Guam as he may deem appropriate."

42 USC 1308.

Post, pp. 1055,
1053.

TEMPORARY EXTENSION OF CERTAIN SPECIAL PROVISIONS RELATING TO STATE PLANS FOR AID TO THE BLIND

SEC. 509. Section 344 (b) of the Social Security Act Amendments of 1950 (Public Law 734, Eighty-first Congress), as amended, is amended by striking out "June 30, 1959" and inserting in lieu thereof "June 30, 1961".

64 Stat. 554.
42 USC 1202a
note.

TECHNICAL AMENDMENT

SEC. 510. Section 2 (a) (11) of the Social Security Act is amended by inserting before the period at the end thereof "including a description of the steps taken to assure, in the provision of such services, maximum utilization of other agencies providing similar or related services".

42 USC 302.

PAYMENTS TO LEGAL REPRESENTATIVES

SEC. 511. (a) Title XI of the Social Security Act is amended by adding after section 1110 the following new section:

42 USC 1310.

"PUBLIC ASSISTANCE PAYMENTS TO LEGAL REPRESENTATIVES

42 USC 301-306,
601-606, 1201-
1206, 1351-1355.

"SEC. 1111. For purposes of titles I, IV, X, and XIV, payments on behalf of an individual, made to another person who has been judicially appointed, under the law of the State in which such individual resides, as legal representative of such individual for the purpose of receiving and managing such payments (whether or not he is such individual's legal representative for other purposes), shall be regarded as money payments to such individual."

(b) The amendment made by subsection (a) shall be applicable in the case of payments to legal representatives by any State made after June 30, 1958; and to such payments by any State made after December 31, 1955, and prior to July 1, 1958, if certifications for payment to such State have been made by the Secretary of Health, Education, and Welfare with respect thereto, or such State has presented to the Secretary a claim (and such other data as the Secretary may require) with respect thereto, prior to July 1, 1959.

EFFECTIVE DATES

70 Stat. 848,854.
42 USC 303 note.

SEC. 512. Notwithstanding the provisions of sections 305 and 345 of the Social Security Amendments of 1956, as amended, the amendments made by sections 501, 502, 503, 504, 505, and 506 shall be effective—

42 USC 301-306,
601-606, 1201-
1206, 1351-1355.

(1) in the case of money payments, under a State plan approved under title I, IV, X, or XIV of the Social Security Act, for months after September 1958, and

(2) in the case of assistance in the form of medical or any other type of remedial care, under such a plan, with respect to expenditures made after September 1958.

42 USC 701-731.

The amendment made by section 506 shall also become effective, for purposes of title V of the Social Security Act, for fiscal years ending after June 30, 1959. The amendments made by section 507 shall be effective for fiscal years ending after June 30, 1958. The amendment made by section 508 shall be effective for fiscal years ending after June 30, 1959. The amendment made by section 510 shall become effective October 1, 1958.

TITLE VI—MATERNAL AND CHILD WELFARE

CHILD WELFARE SERVICES

64 Stat. 551.
42 USC 701 et
seq.

SEC. 601. Part 3 of title V of the Social Security Act is amended to read as follows:

"PART 3—CHILD-WELFARE SERVICES

"APPROPRIATION

"SEC. 521. For the purpose of enabling the United States, through the Secretary, to cooperate with State public-welfare agencies in establishing, extending, and strengthening public-welfare services (hereinafter in this title referred to as 'child-welfare services') for the protection and care of homeless, dependent, and neglected children, and children in danger of becoming delinquent, there is hereby authorized to be appropriated for each fiscal year, beginning with the fiscal year ending June 30, 1959, the sum of \$17,000,000.

"ALLOTMENTS TO STATES

"SEC. 522. (a) The sums appropriated for each fiscal year under section 521 shall be allotted by the Secretary for use by cooperating State public-welfare agencies which have plans developed jointly by the State agency and the Secretary, as follows: He shall allot to each State such portion of \$60,000 as the amount appropriated under section 521 for such year bears to the amount authorized to be so appropriated; and he shall allot to each State an amount which bears the same ratio to the remainder of the sums so appropriated for such year as the product of (1) the population of such State under the age of 21 and (2) the allotment percentage of such State (as determined under section 524) bears to the sum of the corresponding products of all the States.

"(b) (1) If the amount allotted to a State under subsection (a) for any fiscal year is less than such State's base allotment, it shall be increased to such base allotment, the total of the increases thereby required being derived by proportionately reducing the amount allotted under subsection (a) to each of the remaining States, but with such adjustments as may be necessary to prevent the allotment of any such remaining State under subsection (a) from being thereby reduced to less than its base allotment.

"(2) For purposes of paragraph (1) the base allotment of any State for any fiscal year means the amount which would be allotted to such State for such year under the provisions of section 521, as in effect prior to the enactment of the Social Security Amendments of 1958, as applied to an appropriation of \$12,000,000.

"PAYMENT TO STATES

"SEC. 523. (a) From the sums appropriated therefor and the allotment available under this part, the Secretary shall from time to time pay to each State with a plan for child-welfare services developed as provided in this part an amount equal to the Federal share (as determined under section 524) of the total sum expended under such plan (including the cost of administration of the plan) in meeting the costs of district, county, or other local child-welfare services, in developing State services for the encouragement and assistance of adequate methods of community child-welfare organization, in paying the costs of returning any runaway child who has not attained the age of eighteen to his own community in another State, and of maintaining such child until such return (for a period not exceeding fifteen days), in cases in which such costs cannot be met by the parents of such child or by any person, agency, or institution legally responsible for the support of such child: *Provided*, That in developing such services for children the facilities and experience of voluntary agencies shall be utilized in accordance with child-care programs and arrangements in the States and local communities as may be authorized by the State.

"(b) The method of computing and paying such amounts shall be as follows:

"(1) The Secretary shall, prior to the beginning of each period for which a payment is to be made, estimate the amount to be paid to the State for such period under the provisions of subsection (a).

"(2) From the allotment available therefor, the Secretary shall pay the amount so estimated, reduced or increased, as the case may be, by any sum (not previously adjusted under this section) by which he finds that his estimate of the amount to be paid the State for any prior period under this section was greater or less than the amount which should have been paid thereunder to the State for such prior period.

"ALLOTMENT PERCENTAGE AND FEDERAL SHARE

"SEC. 524. (a) The 'allotment percentage' for any State shall be 100 per centum less the State percentage; and the State percentage shall be that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of the continental United States (excluding Alaska); except that (A) the allotment percentage shall in no case be less than 30 per centum or more than 70 per centum, and (B) the allotment percentage shall be 50 per centum in the case of Alaska and 70 per centum in the case of Puerto Rico, the Virgin Islands, and Guam.

"(b) For the fiscal year ending June 30, 1960, and each year thereafter, the 'Federal share' for any State shall be 100 per centum less that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of the continental United States (excluding Alaska), except that (1) in no case shall the Federal share be less than $33\frac{1}{3}$ per centum or more than $66\frac{2}{3}$ per centum, and (2) the Federal share shall be 50 per centum in the case of Alaska and $66\frac{2}{3}$ per centum in the case of Puerto Rico, the Virgin Islands, and Guam. For the fiscal year ending June 30, 1959, the Federal share shall be determined pursuant to the provisions of section 521 as in effect prior to the enactment of the Social Security Amendments of 1958.

"(c) The Federal share and the allotment percentage for each State shall be promulgated by the Secretary between July 1 and August 31 of each even-numbered year, on the basis of the average per capita income of each State and of the continental United States (excluding Alaska) for the three most recent calendar years for which satisfactory data are available from the Department of Commerce. Such promulgation shall be conclusive for each of the two fiscal years in the period beginning July 1 next succeeding such promulgation: *Provided*, That the Secretary shall promulgate such Federal shares and allotment percentages as soon as possible after the enactment of the Social Security Amendments of 1958, which promulgation shall be conclusive for each of the 3 fiscal years in the period ending June 30, 1961.

"REALLOTMENT

"SEC. 525. The amount of any allotment to a State under section 522 for any fiscal year which the State certifies to the Secretary will not be required for carrying out the State plan developed as provided in such section shall be available for reallocation from time to time, on such dates as the Secretary may fix, to other States which the Secretary determines (1) have need in carrying out their State plans so developed for sums in excess of those previously allotted to them under that section and (2) will be able to use such excess amounts during such fiscal year. Such reallocations shall be made on the basis of the State plans so developed, after taking into consideration the population under the age of twenty-one, and the per capita income of each such State as compared with the population under the age of twenty-one, and the per capita income of all such States with respect to which such a determination by the Secretary has been made. Any amount so reallocated to a State shall be deemed part of its allotment under section 522."

MATERNAL AND CHILD HEALTH

42 USC 701.

SEC. 602. (a) Section 501 of such Act is amended by striking out "for the fiscal year ending June 30, 1951, the sum of \$15,000,000, and for each fiscal year beginning after June 30, 1951, the sum of \$16,500,000" and inserting in lieu thereof "for each fiscal year beginning after June 30, 1958, the sum of \$21,500,000".

(b) Section 502 (a) (2) of such Act is amended by striking out “for each fiscal year beginning after June 30, 1951, the Federal Security Administrator shall allot \$8,250,000 as follows: He shall allot to each State \$60,000 and shall allot to each State such part of the remainder of the \$8,250,000” and inserting in lieu thereof “for each fiscal year beginning after June 30, 1958, the Secretary shall allot \$10,750,000 as follows: He shall allot to each State \$60,000 (even though the amount appropriated for such year is less than \$21,500,000), and shall allot each State such part of the remainder of the \$10,750,000”.

42 USC 702.

(c) Section 502 (b) of such Act is amended by striking out “the fiscal year ending June 30, 1951, the sum of \$7,500,000, and for each fiscal year beginning after June 30, 1951, the sum of \$8,250,000” and inserting in lieu thereof “each fiscal year beginning after June 30, 1958, the sum of \$10,750,000”.

CRIPPLED CHILDREN'S SERVICES

SEC. 603. (a) Section 511 of such Act is amended by striking out “for the fiscal year ending June 30, 1951, the sum of \$12,000,000, and for each fiscal year beginning after June 30, 1951, the sum of \$15,000,000” and inserting in lieu thereof “for each fiscal year beginning after June 30, 1958, the sum of \$20,000,000”.

42 USC 711.

(b) Section 512 (a) (2) of such Act is amended by striking out “for each fiscal year beginning after June 30, 1951, the Federal Security Administrator shall allot \$7,500,000 as follows: He shall allot to each State \$60,000, and shall allot the remainder of the \$7,500,000” and inserting in lieu thereof “for each fiscal year beginning after June 30, 1958, the Secretary shall allot \$10,000,000 as follows: He shall allot to each State \$60,000 (even though the amount appropriated for such year is less than \$20,000,000) and shall allot the remainder of the \$10,000,000”.

42 USC 712.

(c) Section 512 (b) of such Act is amended by striking out “the fiscal year ending June 30, 1951, the sum of \$6,000,000, and for each fiscal year beginning after June 30, 1951, the sum of \$7,500,000” and inserting in lieu thereof “each fiscal year beginning after June 30, 1958, the sum of \$10,000,000”.

TITLE VII—MISCELLANEOUS PROVISIONS

FURNISHING OF SERVICES BY DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SEC. 701. Section 1106 (b) of the Social Security Act is amended to read as follows:

42 USC 1306.

“(b) Requests for information, disclosure of which is authorized by regulations prescribed pursuant to subsection (a) of this section, and requests for services, may, subject to such limitations as may be prescribed by the Secretary to avoid undue interference with his functions under this Act, be complied with if the agency, person, or organization making the request agrees to pay for the information or services requested in such amount, if any (not exceeding the cost of furnishing the information or services), as may be determined by the Secretary. Payments for information or services furnished pursuant to this section shall be made in advance or by way of reimbursement, as may be requested by the Secretary, and shall be deposited in the Treasury as a special deposit to be used to reimburse the appropriations (including authorizations to make expenditures from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability

Insurance Trust Fund) for the unit or units of the Department of Health, Education, and Welfare which furnished the information or services.”

MEANING OF TERM “SECRETARY”

SEC. 702. As used in the provisions of the Social Security Act amended by this Act, the term “Secretary”, unless the context otherwise requires, means the Secretary of Health, Education, and Welfare.

AMENDMENT PRESERVING RELATIONSHIP BETWEEN RAILROAD RETIREMENT AND OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE

71 Stat. 520.
45 USC 228a.

SEC. 703. Section 1 (q) of the Railroad Retirement Act of 1937, as amended, is amended by striking out “1957” and inserting in lieu thereof “1958”.

ADVISORY COUNCIL ON PUBLIC ASSISTANCE

SEC. 704. (a) There is hereby established an Advisory Council on Public Assistance for the purpose of reviewing the status of the public assistance program in relation to the old-age, survivors, and disability insurance program, the fiscal capacities of the States and the Federal Government, and any other factors bearing on the amount and proportion of the Federal and State shares in the public assistance program.

(b) The Council shall be appointed by the Secretary before January 1959 without regard to the civil-service laws and shall consist of the Commissioner of Social Security, as chairman, and of twelve other persons who shall, to the extent possible, represent employers and employees in equal numbers, persons concerned with the administration or financing of the State and Federal programs, other persons with special knowledge, experience, or qualifications with respect to the program, and the public.

(c) (1) The Council is authorized to engage such technical assistance, as may be required to carry out its functions, and the Secretary shall, in addition, make available to the Council such secretarial, clerical, and other assistance and such other pertinent data prepared by the Department of Health, Education, and Welfare as it may require to carry out such functions.

(2) Members of the Council, while serving on business of the Council (inclusive of travel time), shall receive compensation at rates fixed by the Secretary, but not exceeding \$50 per day; and shall be entitled to receive actual and necessary traveling expenses and per diem in lieu of subsistence while so serving away from their places of residence.

(d) The Council shall make a report of its findings and recommendations (including recommendations for changes in the provisions of sections 3, 403, 1003, and 1403 of the Social Security Act) to the Secretary and the Congress, such report to be submitted not later than January 1, 1960, after which date such Council shall cease to exist.

Report to Congress.

42 USC 303, 603,
1203, 1353.

ADVISORY COUNCIL ON CHILD WELFARE SERVICES

SEC. 705. (a) There is hereby established an Advisory Council on Child-Welfare Services for the purpose of making recommendations and advising the Secretary of Health, Education, and Welfare in connection with the effectuation of the provisions of part 3 of title V of the Social Security Act, as amended by the Social Security Amendments of 1958.

Ante, p. 1052.

(b) The Council shall be appointed by the Secretary before January 1959, without regard to the civil-service laws, and shall consist of twelve persons representative of public, voluntary, civic, religious, and professional welfare organizations and groups, or other persons with special knowledge, experience, or qualifications with respect to child-welfare services, and the public.

(c) (1) The Secretary shall make available to the Council such secretarial, clerical, and other assistance and such other pertinent data prepared by the Department of Health, Education, and Welfare as it may require to carry out such functions.

(2) Members of the Council, while serving on business of the Council (inclusive of travel time), shall receive compensation at rates fixed by the Secretary, but not exceeding \$50 per day; and shall be entitled to receive actual and necessary traveling expenses and per diem in lieu of subsistence while so serving away from their places of residence.

(d) The Council shall make a report of its findings and recommendations (including recommendations for changes in the provisions of part 3 of title V of the Social Security Act) to the Secretary and to the Congress on or before January 1, 1960, after which date such Council shall cease to exist.

Approved August 28, 1958.

Final report.

Ante, p. 1052.

Public Law 85-841

AN ACT

Authorizing Gus A Guerra, his heirs, legal representatives and assigns, to construct, maintain, and operate a toll bridge across the Rio Grande, at or near Rio Grande City, Texas.

August 28, 1958
[H. R. 12632]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act authorizing Gus A Guerra, his heirs, legal representatives, and assigns, to construct, maintain, and operate a toll bridge across the Rio Grande, at or near Rio Grande City, Texas," approved June 28, 1955 (69 Stat. 186), is revived and reenacted, except that this Act shall be null and void unless the actual construction of the bridge authorized in such Act of June 28, 1955, is commenced within one year and completed within two years from the date of enactment of this Act.

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

Approved August 28, 1958.

Public Law 85-842

AN ACT

To extend the time for the collection of tolls to amortize the cost, including reasonable interest and financing cost, of the construction of a bridge across the Missouri River at or near Miami, Missouri.

August 28, 1958
[S. 3776]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 2 of the Act of January 16, 1936 (49 Stat. 1093), as amended, is hereby amended by striking out "twenty years" and inserting in lieu thereof "thirty-five years".

Approved August 28, 1958.

Public Law 85-843

AN ACT

August 28, 1958
[H. R. 12216]

To designate the dam and reservoir to be constructed on the Cumberland River near Carthage, Tennessee, as the "Cordell Hull Dam and Reservoir" and to establish the United States Study Commission on the Neches, Trinity, Brazos, Colorado, Guadalupe-San Antonio, Nueces, and San Jacinto River Basins, and intervening areas.

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

TITLE I

Cordell Hull Dam
and Reservoir.
Designation.

SECTION 101. That the dam and reservoir to be constructed on the Cumberland River near Carthage, Tennessee, authorized by the first section of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved July 24, 1946 (60 Stat. 634; Public Law 525, Seventy-ninth Congress), shall be known and designated hereafter as the "Cordell Hull Dam and Reservoir". Any law, regulation, map, document, record, or other paper of the United States in which such dam and reservoir are referred to shall be held to refer to such dam and reservoir as the "Cordell Hull Dam and Reservoir".

TITLE II

SEC. 201. That the purpose of this title is—

Commission.
Survey.

(a) to provide for an integrated and cooperative investigation, study, and survey by a commission created pursuant to this title and composed of representatives of certain departments and agencies of the United States, and of the State of Texas, in connection with, and in promotion of, the conservation, utilization, and development of the land and water resources of the Neches, Trinity, Brazos, Colorado, Guadalupe-San Antonio, Nueces and San Jacinto River Basins (and intervening areas) in the State of Texas in order to formulate a comprehensive and coordinated plan for—

- (1) flood control and prevention;
- (2) domestic and municipal water supplies;
- (3) the improvement and safeguarding of navigation;
- (4) the reclamation and irrigation of land, including drainage;
- (5) possibilities of hydroelectric power and industrial development and utilization;
- (6) soil conservation and utilization;
- (7) forest conservation and utilization;
- (8) preservation, protection, and enhancement of fish and wildlife resources;
- (9) the development of recreation;
- (10) salinity and sediment control;
- (11) pollution abatement and the protection of public health; and
- (12) such other beneficial and useful purposes not herein enumerated; and

(b) to formulate, within the time provided for in section 209 of this title, a basic, comprehensive and integrated plan of development of the land water resources within the area described in this section for submission to, and consideration by, the President and the Congress, and to make recommendations, after adequate

study, for executing and keeping current such plan. It is not the purpose of this title to create any continuing or permanent instrumentality of the Federal Government or to take from, or reassign, the duties and powers of any department or agency of the United States represented on the Commission, except as herein provided in this title.

SEC. 202. In carrying out the purposes of this title it shall be the policy of Congress to—

(1) recognize and protect the rights and interests of the State of Texas in determining the development of the watersheds of the rivers herein mentioned and its interests and rights in water utilization and control, as well as the preservation and protection of established uses;

(2) protect existing and authorized projects and projects under construction whether public or private;

(3) utilize the services, studies, surveys, and continuing investigational programs of the departments, bureaus, and agencies of the United States;

(4) recognize an important body of existing Federal law affecting the public lands, irrigation, reclamation, flood control, grazing, geological survey, national parks, mines, and minerals; and

(5) to recognize the primary responsibilities of the State of Texas and local interests in such State in developing water supplies for domestic, municipal, industrial, and other purposes and that the Federal Government should participate and cooperate with such State and local interests in developing such water supplies in connection with the construction, maintenance, and operation of Federal navigation, flood control, irrigation, or multiple purpose projects.

SEC. 203. (a) In order to carry out the purposes of this title, there is hereby established a commission to be known as the United States Study Commission on the Neches, Trinity, Brazos, Colorado, Guadalupe-San Antonio, Nueces, and San Jacinto River Basins and intervening areas (hereinafter referred to as the "Commission").

(b) The Commission shall be composed of fourteen members appointed by the President as follows:

(1) One member, who shall serve as Chairman, and who shall be a resident from the area comprising the Neches, Trinity, Brazos, Colorado, Guadalupe-San Antonio, Nueces and San Jacinto River Basins (and intervening areas) embraced within the State of Texas and who shall not, during the period of his service on the Commission, hold any other position as an officer or employee of the United States, except that a retired military officer or a retired Federal civilian officer or employee may be appointed under this title without prejudice to his retired status, and he shall receive compensation as authorized herein in addition to his retired pay or annuity, but the sum of his retired pay or annuity and such compensation as may be payable hereunder shall not exceed \$12,000 in any one calendar year;

(2) Six members, of whom one shall be from the Department of the Army, one from the Department of Commerce, one from the Department of Health, Education, and Welfare, one from the Department of Agriculture, one from the Department of Interior, and one from the Federal Power Commission; and

(3) Seven members, nominated by the Governor of Texas subject to the provisions of subsection (c) of this section, each of

which shall be a resident of a different one of the following geographical areas of Texas:

- (A) Neches River Basin;
- (B) Trinity River Basin;
- (C) Brazos River Basin;
- (D) Colorado River Basin;
- (E) Guadalupe-San Antonio River Basin;
- (F) Nueces River Basin; and
- (G) San Jacinto River Basin.

(c) In the event of the failure of the Governor of the State of Texas to nominate a person or persons in accordance with the provisions of paragraph (3) of subsection (b) of this section satisfactory to the President within sixty days after a request by the President for such nomination, the President shall then select and appoint a qualified resident from the State of Texas.

(d) Any vacancy in the Commission shall not affect its powers but shall be filled in the same manner in which the original appointment was made.

(e) Within thirty days after the appointment of the members of the Commission by the President, and funds have been made available by the Congress as provided for in this title, the Commission shall organize for the performance of its functions.

(f) The Commission shall elect a Vice Chairman from among its members.

(g) Eight members of the Commission, of whom at least four shall have been appointed pursuant to subsection (b) (3) or (c) of this section, shall constitute a quorum for the transaction of business.

(h) Members of the Commission shall report from time to time to their respective departments or agencies, or to the Governor of the State of Texas if appointed pursuant to subsection (b) (3) or (c) of this section, on the work of the Commission, and any comments and suggestions pertaining to such work from such departments, agencies, or governor shall be placed before the Commission for its consideration.

(i) The Commission shall cease to exist within three months from the date of its submission to the President of its final report as provided for in section 209 of this title. All property, assets, and records of the Commission shall thereupon be turned over for liquidation and disposition to such agency or agencies in the executive branch as the President shall designate.

SEC. 204. The Commission may, for the purpose of carrying out the provisions of this title, hold such hearings, sit and act at such times and places, take such testimony, administer such oaths, and publish so much of its proceedings and the reports thereon as it may deem advisable; lease, furnish, and equip such office space in the District of Columbia and elsewhere as it may deem necessary; use the United States mails in the same manner and upon the same conditions as departments and agencies of the United States Government; have printing and binding done in its discretion by establishments other than the Government Printing Office; employ and fix the compensation of such personnel as it deems advisable, without regard to the provisions of the civil service laws and the Classification Act of 1949, as amended; purchase or hire, operate, maintain, and dispose of such vehicles as it may require; secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality, information, suggestions, estimates, and statistics for the purpose of this title; and each such department, bureau, agency, board, commission, office, establishment, or instrumentality is authorized to furnish such information, suggestions, esti-

mates, and statistics directly to the Commission, upon request made by the Chairman or Vice Chairman, and employees of the departments or agencies from which persons have been appointed to the Commission pursuant to section 203 (b) (2) of this title may be assigned upon request by the Chairman of the Commission to temporary duty with the Commission without loss of seniority, pay, or other employee status; pay travel in accordance with standardized Government Travel Regulations and other necessary expenses incurred by it, or any of its officers or employees, in the performance of duties vested in such Commission; and exercise such other powers as are consistent with and reasonably required to perform the functions vested in such Commission under this title.

SEC. 205. Responsibility shall be vested in the Chairman for (1) the appointment and supervision of personnel employed under the Commission, (2) the distribution of business among such personnel, and (3) the use and expenditure of funds: *Provided*, That in carrying out his functions under the provisions of this section, the Chairman shall be governed by the general policies of the Commission.

Chairman.

SEC. 206. (a) Members of the Commission appointed pursuant to section 203 (b) (2) of this title shall receive no additional compensation by virtue of their membership on the Commission, but shall continue to receive the salary of their regular position when engaged in the performance of the duties vested in the Commission. Such members shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

Members of the
Commission.

(b) Members of the Commission, other than those appointed pursuant to section 203 (b) (2) of this title, shall each receive compensation at the rate of \$50 per day when engaged in the performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of such duties, but the aggregate compensation received by the members of the Commission pursuant to this subsection shall not exceed \$12,000 per annum in the case of the Chairman, and \$7,500 per annum in the case of members of the Commission other than those members appointed pursuant to section 203 (b) (2) of this title.

SEC. 207. In the formulation of a comprehensive and coordinated plan or plans for (a) the control, conservation, and utilization of the waters of the Neches, Trinity, Brazos, Colorado, Guadalupe-San Antonio, Nueces, and San Jacinto River Basins (and intervening areas), (b) conservation and development of the land resources of such area; (c) flood control, navigation, reclamation, agriculture purposes, power, recreation, fish and wildlife, and (d) such other needs as are set forth in paragraph (a) of the first section of this title, the Commission shall—

(1) seek to secure maximum public benefits for the State of Texas and the Nation consistent with the specific directions contained in section 208 and elsewhere in this title;

(2) utilize the services, studies, surveys, and reports of existing Government agencies and shall encourage the completion of such current and additional studies and investigations by such agencies as will further the purposes of this title, and such agencies are authorized to cooperate within the limits of available funds and personnel to the end that the Commission may carry out its functions as expeditiously as possible;

(3) take into consideration the financial, physical, and economic benefits of existing and prospective Federal works constructed or to be constructed consistent with the purposes of this title:

(4) include in its plan or plans estimated costs and benefits; recommendations relating to the establishment of pay-out schedules (areawide or otherwise) taking into account the Federal Government's present and prospective investment in the area; costs reimbursable and nonreimbursable; sources for reimbursement; returns heretofore made from existing projects and estimates of returns from recommended projects; repayment schedules for water, irrigation, industrial, and other uses; power rates and recommendations for the marketing thereof in such manner as to encourage its most widespread use at the lowest possible rates consistent with the return of capital investment and interest thereon; and

(5) offer in its plan or plans proposals for the construction and operation of the projects contained therein, and designate the functions and activities of the various Federal departments and agencies in connection therewith consistent with existing law, except that no such plan or plans shall include final project designs and estimates.

Report to President.

SEC. 208. In the formulation of its plan or plans and in the preparation of its report to the President, the Commission shall comply with the following directives:

(1) The report shall contain the basic comprehensive plan for the development of the water and land resources of the Neches, Trinity, Brazos, Colorado, Guadalupe-San Antonio, Nueces, and San Jacinto River Basins (and intervening areas) formulated by the Commission in accordance with the provisions of, and to accomplish the purposes of, this title;

(2) The Commission and the participating Federal departments and agencies shall comply substantially with the intent, purposes, and procedure set forth in the first section of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control and other purposes", approved December 22, 1944 (58 Stat. 887).

Final report.

SEC. 209. (a) The Commission is authorized and directed to prepare a final report, within the time provided for in this section, for submission to the President. Before the Commission takes final action on the approval of such report for submission to the President, it shall transmit a copy of such report to each department, agency, and to the Governor of the State of Texas referred to in subsection (b) of section 203 of this title. Within ninety days from the date of receipt by each such department and agency, and by the Governor of the State of Texas of such proposed report, the written views, comments, and recommendations of such department, agency, and Governor shall be submitted to the Commission. The Commission may adopt in its report to the President any views, comments, and recommendations so submitted and change its report accordingly. The Commission shall transmit to the President, with its final report, the submitted views, comments, and recommendations of each such department and agency, and of the Governor of the State of Texas whether or not adopted by such Commission.

(c) The President shall, within ninety days after the receipt by him of the final report of the Commission, transmit it to Congress with his views, comments, and recommendations.

(d) The final report of the Commission and its attachments shall be printed as a House or Senate document.

Report by the President to Congress.

Appropriation.

SEC. 210. There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be required to carry out the purposes of this title.

Approved August 28, 1958.

Public Law 85-844

AN ACT

Making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1959, and for other purposes.

August 28, 1958
[H. R. 13856]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1959, namely:

Independent Offices Appropriation Act, 1959.

TITLE I—INDEPENDENT OFFICES

CIVIL SERVICE COMMISSION

SALARIES AND EXPENSES

For necessary expenses, including not to exceed \$22,000 for services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); not to exceed \$10,000 for medical examinations performed for veterans by private physicians on a fee basis; not to exceed \$100 for the purchase of newspapers and periodicals (excluding scientific, technical, trade or traffic periodicals, for official use); payment in advance for library membership in societies whose publications are available to members only or to members at a price lower than to the general public; not to exceed \$70,000 for performing the duties imposed upon the Commission by the Act of July 19, 1940 (54 Stat. 767); reimbursement of the General Services Administration for security guard services for protection of confidential files; not to exceed \$472,000 for expenses of travel; and not to exceed \$5,000 for actuarial services by contract, without regard to section 3709, Revised Statutes, as amended; \$18,200,000.

60 Stat. 810.

5 USC 1181,
118k-118n.

41 USC 5.

No part of the appropriations herein made to the Civil Service Commission shall be available for the salaries and expenses of the Legal Examining Unit in the Examining and Personnel Utilization Division of the Commission, established pursuant to Executive Order 9358 of July 1, 1943.

Legal Examining Unit.

3 CFR 1943
Supp., p. 30.

INVESTIGATION OF UNITED STATES CITIZENS FOR EMPLOYMENT BY INTERNATIONAL ORGANIZATIONS

For expenses necessary to carry out the provisions of Executive Order No. 10422 of January 9, 1953, as amended, prescribing procedures for making available to the Secretary General of the United Nations, and the executive heads of other international organizations, certain information concerning United States citizens employed, or being considered for employment by such organizations, including services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), \$350,000: *Provided*, That this appropriation shall be available for advances or reimbursements to the applicable appropriations or funds of the Civil Service Commission and the Federal Bureau of Investigation for expenses incurred by such agencies under said Executive order: *Provided further*, That members of the International Organizations Employees Loyalty Board may be paid actual transportation expenses, and per diem in lieu of subsistence authorized by the Travel Expense Act of 1949, as amended, while traveling on official business away from their homes or regular places of business,

22 USC 287 note.

60 Stat. 810.

63 Stat. 166.
5 USC 835 note.

including periods while en route to and from and at the place where their services are to be performed: *Provided further*, That nothing in sections 281 or 283 of title 18, United States Code, or in section 190 of the Revised Statutes (5 U. S. C. 99) shall be deemed to apply to any person because of appointment for part-time or intermittent service as a member of the International Organizations Employees Loyalty Board in the Civil Service Commission as established by Executive Order 10422, dated January 9, 1953, as amended.

62 Stat. 697.

3 CFR 1949-1953
Comp., pp. 921,
945.
23 FR 2767.

CIVIL SERVICE RETIREMENT AND DISABILITY FUND

No part of the moneys now or hereafter contained in the civil-service retirement and disability fund shall be applied toward the payment of any increase in annuity benefits or any new annuity benefits under the Act approved May 22, 1920, and Acts amendatory thereof (5 U. S. C., ch. 30) which may be authorized by amendment to said Acts after the enactment of this Act until and unless an appropriation is made to such fund in an amount estimated by the Civil Service Commission to be sufficient to prevent an immediate increase in the unfunded accrued liability of said fund.

ANNUITIES, PANAMA CANAL CONSTRUCTION EMPLOYEES AND LIGHTHOUSE SERVICE WIDOWS

For payment of annuities authorized by the Act of May 29, 1944, as amended (48 U. S. C. 1373a), and the Act of August 19, 1950 (64 Stat. 465), \$2,300,000.

58 Stat. 258.
33 USC 771-775.

LIMITATION ON ADMINISTRATIVE EXPENSES, EMPLOYEES' LIFE INSURANCE FUND

Not to exceed \$123,800 of the funds in the "Employees' Life Insurance Fund" shall be available for reimbursement to the Civil Service Commission for administrative expenses incurred by the Commission during the current fiscal year in the administration of the Federal Employees' Group Life Insurance Act.

68 Stat. 736.
5 USC 2091 note.

FEDERAL CIVIL DEFENSE ADMINISTRATION

OPERATIONS

For necessary expenses, not otherwise provided for, in carrying out the provisions of the Federal Civil Defense Act of 1950, as amended (50 U. S. C., App. 2251-2297), including services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); reimbursement of the Civil Service Commission for full field investigations of employees occupying positions of critical importance from the standpoint of national security; expenses of attendance at meetings concerned with civil defense functions; reimbursement of the General Services Administration for security guard services; not to exceed \$8,000 for the purchase of newspapers, periodicals, and teletype news services; not to exceed \$932,500 for expenses of travel; and not to exceed \$6,000 for emergency and extraordinary expenses to be expended under the direction of the Administrator for such purposes as he deems proper, and his determination thereon shall be final and conclusive; \$18,500,000: *Provided*, That \$500,000 of the foregoing amount shall be available to discharge civil defense responsibilities delegated to other Federal agencies under the authority of section 201 (b) of the Federal Civil Defense Act of 1950, as amended.

64 Stat. 1245.
60 Stat. 810.

50 USC 2281.

EMERGENCY SUPPLIES AND EQUIPMENT

For expenses necessary for warehousing and maintenance of emergency civil defense materials as authorized by subsection (h) of section 201 of the Federal Civil Defense Act of 1950, as amended, \$18,000,000.

50 USC 2281.

RESEARCH AND DEVELOPMENT

For expenses, not otherwise provided for, necessary for studies and research to develop measures and plans for evacuation, shelter, and the protection of life and property, as authorized by section 201 (d) of the Federal Civil Defense Act of 1950, as amended, including services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), \$2,000,000, to remain available until expended.

50 USC 2281.

60 Stat. 810.

No part of any appropriation in this Act shall be available for the construction of warehouses or for the lease of warehouse space in any building which is to be constructed specifically for the use of the Federal Civil Defense Administration.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses in performing the duties of the Commission as authorized by law, including newspapers (not to exceed \$200), land and structures (not to exceed \$120,000), special counsel fees, improvement and care of grounds and repairs to buildings (not to exceed \$15,400), services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), purchase of not to exceed three passenger motor vehicles for replacement only, and not to exceed \$107,470 for expenses of travel, \$8,900,000.

60 Stat. 810.

FEDERAL POWER COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the work of the Commission, as authorized by law, including not to exceed \$375,000 for expenses of travel; hire of passenger motor vehicles; and not to exceed \$500 for newspapers; \$6,385,000, of which not to exceed \$10,000 shall be available for special counsel and services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), but at rates not exceeding \$50 per diem for individuals: *Provided*, That not to exceed \$321,400 shall be available for investigations relating to Federal river development projects.

60 Stat. 810.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by law (5 U. S. C. 2131), not to exceed \$700 for newspapers, services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), and not to exceed \$255,250 for expenses of travel, \$5,975,000: *Provided*, That no part of the foregoing appropriation shall be expended upon any investigation hereafter provided by concurrent resolution of the Congress until funds are appropriated subsequently to the enactment of such resolution to finance the cost of such investigation.

68 Stat. 1114.

60 Stat. 810.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

For necessary expenses of the General Accounting Office, including newspapers and periodicals (not exceeding \$500); rental or lease of office space in foreign countries without regard to the provisions of section 3648 of the Revised Statutes, as amended (31 U. S. C. 529); not to exceed \$2,000,000 for expenses of travel; and services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); \$37,000,000.

60 Stat. 809.

60 Stat. 810.

GENERAL SERVICES ADMINISTRATION

OPERATING EXPENSES, PUBLIC BUILDINGS SERVICE

For necessary expenses of real property management and related activities as provided by law; furnishings and equipment; rental of buildings in the District of Columbia; restoration of leased premises; moving Government agencies (including space adjustments) in connection with the assignment, allocation, and transfer of building space; acquisition by purchase or otherwise and disposal by sale or otherwise of real estate and interests therein; payments in lieu of taxes pursuant to the Act of August 12, 1955 (40 U. S. C. 521); and not to exceed \$247,000 for expenses of travel; \$136,539,000: *Provided*, That this appropriation shall be available, without regard to section 322 of the Act of June 30, 1932, as amended (40 U. S. C. 278a), with respect to buildings or parts thereof, heretofore leased under the appropriation for "Emergency operating expenses".

69 Stat. 722.

47 Stat. 412.

REPAIR AND IMPROVEMENT, FEDERALLY OWNED BUILDINGS

For expenses necessary for the repair, alteration, preservation, renovation, improvement, extension, equipment, and demolition of federally owned buildings and buildings occupied pursuant to the Public Buildings Purchase Contract Act of 1954 (40 U. S. C. 356), not otherwise provided for, including grounds, approaches and appurtenances, wharves and piers, together with the necessary dredging adjacent thereto; acquisition of land as authorized by title III of the Act of June 16, 1949 (40 U. S. C. 297); not to exceed \$300,000 for expenses of travel; and care and safeguarding of sites acquired for Federal buildings; \$75,000,000, to remain available until expended.

68 Stat. 518.

63 Stat. 198.
40 U. S. C. 297,
297a.

SITES AND EXPENSES, PUBLIC BUILDINGS PROJECTS

For expenses necessary in connection with construction of approved public buildings projects not otherwise provided for, including preparation of drawings and specifications, by contract or otherwise; acquisition of sites, including soil investigations and tests; not to exceed \$200,000 for expenses of travel; administrative expenses; and for preliminary planning of public buildings projects; \$39,915,000, to remain available until expended, and not to exceed \$500,000 of this amount shall be available for construction of small public buildings projects outside the District of Columbia pursuant to the Public Buildings Act of May 25, 1926, as amended (40 U. S. C. 341): *Provided*, That any unexpended balances of funds heretofore appropriated to the General Services Administration for sites and expenses or sites and planning shall be available for the purposes hereinabove set forth and may be consolidated with this appropriation: *Provided further*, That not to exceed \$100,000 of such funds may be deposited to the Administrative Operations Fund in addition to the amount included in the budget estimates for that purpose.

44 Stat. 630.

CONSTRUCTION, PUBLIC BUILDINGS PROJECTS

For construction of public buildings projects outside the District of Columbia pursuant to the Public Buildings Act of May 25, 1926, as amended (40 U. S. C. 341), \$152,810,000, to remain available until expended, of which amount not to exceed \$700,000 shall be available for site and construction costs for the project at Milledgeville, Georgia.

44 Stat. 630.

PAYMENTS, PUBLIC BUILDINGS PURCHASE CONTRACTS

For payments of principal, interest, taxes, and any other obligations under contracts entered into pursuant to the Public Buildings Purchase Contract Act of 1954 (40 U. S. C. 356), \$310,900: *Provided*, That hereafter, except for projects located at Atlanta, Georgia; Rock Island, Illinois; Council Bluffs, Iowa; Kansas City, Kansas; Burlington, Iowa; Albuquerque, New Mexico; Sacramento, California; Brunswick, Georgia; Sedan, Kansas; Jonesboro, Louisiana; Lake Charles, Louisiana; Redwood Falls, Minnesota; Biloxi, Mississippi; Greenville, Mississippi; Laurel, Mississippi; Omaha, Nebraska; Durham, New Hampshire; Manning, South Carolina; Sisseton, South Dakota; Kingsport, Tennessee; Gainesville, Texas; McKinney, Texas; Huntington, West Virginia; Green Bay, Wisconsin; Marshfield, Missouri; Terrell, Texas; Mount Hope, West Virginia; Benton, Illinois; Burlington, Vermont; St. Marys, Ohio; West Memphis, Arkansas; Newkirk, Oklahoma; Point Pleasant, New Jersey; and Denver, Colorado; no part of any funds in this or any other Act shall be used for payment for sites, planning or construction of any buildings by lease-purchase contracts: *Provided further*, That the Administrator of General Services may enter into a 10-year contract for the project at Sacramento, California, during the fiscal year 1959, for which the annual payment for amortization of principal and interest thereon shall not exceed \$1,250,600.

68 Stat. 518.

Sites.

CONSTRUCTION, FEDERAL OFFICE BUILDING NUMBERED SIX, WASHINGTON, DISTRICT OF COLUMBIA

For construction of Federal Office Building Numbered Six in Washington, District of Columbia, pursuant to the provisions of the Public Buildings Act of May 25, 1926, as amended (40 U. S. C. 341), \$14,000,000, to remain available until expended.

44 Stat. 630.

CONSTRUCTION, UNITED STATES COURT OF CLAIMS AND FEDERAL OFFICE BUILDING, WASHINGTON, DISTRICT OF COLUMBIA

For expenses necessary for preparation of plans and specifications for a building in Washington, District of Columbia, for use of the United States Court of Claims, and agencies of the executive branch of the Government, pursuant to the provisions of the Public Buildings Act of May 25, 1926, as amended (40 U. S. C. 341), \$1,200,000, to remain available until expended.

44 Stat. 630.

CONSTRUCTION, UNITED STATES MISSION BUILDING, NEW YORK, NEW YORK

For construction of a building in New York, New York, for use as the headquarters of the United States Mission to the United Nations, pursuant to the provisions of the Public Buildings Act of May 25, 1926, as amended (40 U. S. C. 341), \$3,750,000, to remain available until expended.

44 Stat. 630.

OPERATING EXPENSES, FEDERAL SUPPLY SERVICE

For necessary expenses of personal property management and related activities as authorized by law and not otherwise provided for; including not to exceed \$300 for the purchase of newspapers and periodicals; and not to exceed \$85,700 for expenses of travel; \$3,460,000: *Provided*, That not to exceed \$1,865,000 of any funds received during the current or preceding fiscal year for deposit under section 204 (a) of the Federal Property and Administrative Services Act of 1949, as amended, and not otherwise disposed of by law, shall be deposited to the credit of this appropriation and shall be available for necessary expenses in carrying out the functions of the General Services Administration under the said Act, with respect to the utilization and disposal of excess and surplus personal property, including not to exceed \$145,000 for expenses for travel.

63 Stat. 388.
40 USC 485.

EXPENSES, SUPPLY DISTRIBUTION

For expenses, not otherwise provided, necessary for operation of the stores depot system and other procurement services, including contractual services incident to receiving, handling, and shipping warehouse items; not to exceed \$250 for purchase of newspapers and periodicals; and not to exceed \$132,500 for expenses of travel; \$18,765,000.

GENERAL SUPPLY FUND

To increase the general supply fund established by the Federal Property and Administrative Services Act of 1949, as amended (5 U. S. C. 630g), \$6,250,000.

63 Stat. 382.

OPERATING EXPENSES, NATIONAL ARCHIVES AND RECORDS SERVICE

For necessary expenses in connection with Federal records management and related activities as provided by law; and not to exceed \$54,500 for expenses of travel; \$7,443,000.

OPERATING EXPENSES, TRANSPORTATION AND PUBLIC UTILITIES SERVICE

For necessary expenses of transportation and public utilities management and related activities, as provided by law, including not to exceed \$62,750 for expenses of travel; and services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), at rates not to exceed \$75 per diem for individuals; \$1,850,000.

60 Stat. 810.

STRATEGIC AND CRITICAL MATERIALS

For necessary expenses in carrying out the provisions of the Strategic and Critical Materials Stock Piling Act of July 23, 1946, including services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), not to exceed \$3,362,000 for operating expenses, not to exceed \$96,000 for expenses of travel, and necessary expenses for transportation and handling, within the United States (including charges at United States ports), storage, security, and maintenance of strategic and critical materials acquired for or transferred to the supplemental stockpile established pursuant to section 104 (b) of the Agricultural Trade Development and Assistance Act of 1954 (7 U. S. C. 1704 (b)) \$3,000,000, to remain available until expended: *Provided*, That any funds received as proceeds from sale or other disposition of materials on account of the rotation of stocks under

60 Stat. 596.

60 Stat. 810.

68 Stat. 456.

said Act shall be deposited to the credit, and be available for expenditure for the purposes, of this appropriation: *Provided further*, That during the current fiscal year, there shall be no limitation on the value of surplus strategic and critical materials which, in accordance with subsection 6 (a) of the Act of July 23, 1946 (50 U. S. C. 98e (a)), may be transferred to stockpiles established in accordance with said Act: *Provided further*, That no part of funds available shall be used for construction of warehouses or tank storage facilities.

60 Stat. 598.

SALARIES AND EXPENSES, OFFICE OF ADMINISTRATOR

For expenses of executive direction for activities under the control of the General Services Administration, including not to exceed \$7,000 for expenses of travel, and not to exceed \$250 for purchase of newspapers and periodicals; \$200,000, and in addition, \$100,000, which shall be available for carrying out the provisions of Public Law 85- (S. 607): *Provided*, That the Administrator shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of sections (a) and (e) of such Act.

Ante, p. 838.

ADMINISTRATIVE OPERATIONS FUND

Funds available to General Services Administration for administrative operations, in support of program activities, shall be expended and accounted for, as a whole, through a single fund, which is hereby authorized: *Provided*, That costs and obligations for such administrative operations for the respective program activities shall be accounted for in accordance with systems approved by the General Accounting Office: *Provided further*, That the total amount deposited into said account for the fiscal year 1959 from funds made available to General Services Administration in this Act shall not exceed \$11,043,000, of which not to exceed \$184,000 may be used for travel expenses: *Provided further*, That amounts deposited into said account for administrative operations for each program shall not exceed the amounts included in the respective program appropriations for such purposes.

The appropriate appropriation or fund available to the General Services Administration shall be credited with (1) cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U. S. C. 129); (2) reimbursements for services performed in respect to bonds and other obligations under the jurisdiction of the General Services Administration, issued by public authorities, States, or other public bodies, and such services in respect to such bonds or obligations as the Administrator deems necessary and in the public interest may, upon the request and at the expense of the issuing agencies, be provided from the appropriate foregoing appropriation; and (3) appropriations or funds available to other agencies, and transferred to the General Services Administration, in connection with property transferred to the General Services Administration pursuant to the Act of July 2, 1948 (50 U. S. C. 451ff), and such appropriations or funds may, with the approval of the Bureau of the Budget, be so transferred.

61 Stat. 584.

Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

62 Stat. 1225.
50 USC 451 note.

Motor vehicles.

No part of any money appropriated by this or any other Act for any agency of the executive branch of the Government shall be used during the current fiscal year for the purchase within the continental

Typewriting machines.

limits of the United States of any typewriting machines except in accordance with regulations issued pursuant to the provisions of the Federal Property and Administrative Services Act of 1949, as amended.

63 Stat. 377.
40 USC 471 note.

Transfers of
funds.

Not to exceed 2 per centum of any appropriation made available to the General Services Administration for the current fiscal year by this Act may be transferred to any other such appropriation, but no such appropriation shall be thereby increased more than 2 per centum: *Provided*, That such transfers shall apply only to operating expenses, and shall not exceed in the aggregate the amount of \$2,000,000.

HOUSING AND HOME FINANCE AGENCY

OFFICE OF THE ADMINISTRATOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Administrator, including rent in the District of Columbia; services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); not to exceed \$425,000 for expenses of travel; and expenses of attendance at meetings of organizations concerned with the work of the Agency; \$8,000,000: *Provided*, That necessary expenses of inspections and of providing representatives at the site of projects being planned or undertaken by local public agencies pursuant to title I of the Housing Act of 1949, as amended, projects financed through loans to educational institutions authorized by title IV of the Housing Act of 1950, as amended, and projects and facilities financed by loans to public agencies pursuant to title II of the Housing Amendments of 1955, as amended, shall be compensated by such agencies or institutions by the payment of fixed fees which in the aggregate will cover the costs of rendering such services, and expenses for such purpose shall be considered nonadministrative; and for the purpose of providing such inspections, the Administrator may utilize any agency and such agency may accept reimbursement or payment for such services from such institutions, or the Administrator, and shall credit such amounts to the appropriations or funds against which such charges have been made, but such nonadministrative expenses shall not exceed \$2,500,000.

60 Stat. 810.

63 Stat. 414.
42 U S C 1451-
1460.
64 Stat. 77.
12 U S C 1749-
1749c.
69 Stat. 642.
42 U S C 1491-
1495.

URBAN PLANNING GRANTS

For grants in accordance with the provisions of section 701 of the Housing Act of 1954, as amended, \$3,250,000.

68 Stat. 640.
40 USC 461.

RESERVE OF PLANNED PUBLIC WORKS (PAYMENT TO REVOLVING FUND)

For payment to the revolving fund established pursuant to section 702 of the Housing Act of 1954, as amended (40 U. S. C. 462), \$7,000,000.

69 Stat. 641.

CAPITAL GRANTS FOR SLUM CLEARANCE AND URBAN RENEWAL

For an additional amount for payment of capital grants as authorized by title I of the Housing Act of 1949, as amended (42 U. S. C. 1453, 1456), \$50,000,000.

63 Stat. 414.

PUBLIC HOUSING ADMINISTRATION

ANNUAL CONTRIBUTIONS

For the payment of annual contributions to public housing agencies in accordance with section 10 of the United States Housing Act of 1937, as amended (42 U. S. C. 1410), \$107,500,000.

50 Stat. 891; 70 Stat. 1103, 1104.

ADMINISTRATIVE EXPENSES

For administrative expenses of the Public Housing Administration, \$11,800,000, to be expended under the authorization for such expenses contained in title II of this Act.

INTERSTATE COMMERCE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Interstate Commerce Commission, including not to exceed \$5,000 for the employment of special counsel; services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), at rates not to exceed \$50 per diem for individuals; newspapers (not to exceed \$300); purchase of not to exceed thirty-four passenger motor vehicles of which fourteen shall be for replacement only; and not to exceed \$1,225,000 for expenses of travel; \$17,000,000, of which not less than \$1,405,100 shall be available for expenses necessary to carry out railroad safety activities and not less than \$966,300 shall be available for expenses necessary to carry out locomotive inspection activities: *Provided*, That Joint Board members and cooperating State commissioners may use Government transportation requests when traveling in connection with their duties as such.

60 Stat. 810.

NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS

SALARIES AND EXPENSES

For necessary expenses of the Committee, including contracts for the making of special investigations and reports (not to exceed \$1,000,000) and for engineering, drafting and computing services; not to exceed \$412,500 for expenses of travel; maintenance and operation of aircraft; purchase of fifteen passenger motor vehicles, of which fourteen shall be for replacement only; not to exceed \$100 for newspapers and periodicals; uniforms or allowances therefor, as authorized by the Act of September 1, 1954 (68 Stat. 1114), as amended; and services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); \$78,100,000.

5 USC 2131.

60 Stat. 810.

CONSTRUCTION AND EQUIPMENT

For construction and equipment at laboratories and research stations of the Committee, \$23,000,000, to remain available until expended.

NATIONAL CAPITAL HOUSING AUTHORITY

OPERATION AND MAINTENANCE OF PROPERTIES

52 Stat. 1186.
D.C. Code 5-103
to 5-111.

For the operation and maintenance of properties under title I of the District of Columbia Alley Dwelling Act, \$38,000: *Provided*, That all receipts derived from sales, leases, or other sources shall be covered into the Treasury of the United States monthly: *Provided further*, That so long as funds are available from appropriations for the foregoing purposes, the provisions of section 507 of the Housing Act of 1950 (Public Law 475, Eighty-first Congress), shall not be effective.

64 Stat. 81.

NATIONAL SCIENCE FOUNDATION

SALARIES AND EXPENSES

64 Stat. 149.

60 Stat. 810.

For expenses necessary to carry out the purposes of the National Science Foundation Act of 1950, as amended (42 U. S. C. 1861-1875), including award of graduate fellowships; services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), at rates not to exceed \$50 per diem for individuals; hire of passenger motor vehicles; not to exceed \$300,000 for expenses of travel; not to exceed \$350 for the purchase of newspapers and periodicals; and reimbursement of the General Services Administration for security guard services; \$130,000,000, to remain available until expended, of which \$1,000,000 shall be transferred to the Bureau of Public Roads, Department of Commerce, for construction of a secondary road to the Optical Astronomy Observatory on Kitt Peak in Arizona: *Provided*, That of the foregoing amount not less than \$30,250,000 shall be available for tuition, grants, and allowances in connection with a program of supplementary training for high school science and mathematics teachers.

RENEGOTIATION BOARD

SALARIES AND EXPENSES

60 Stat. 810.

For necessary expenses of the Renegotiation Board, including expenses of attendance at meetings concerned with the purposes of this appropriation; hire of passenger motor vehicles; not to exceed \$40,000 for expenses of travel; and services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), at rates not to exceed \$50 per diem for individuals; \$2,850,000.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

60 Stat. 810.

For necessary expenses, including not to exceed \$1,125 for the purchase of newspapers; not to exceed \$245,000 for expenses of travel; uniforms or allowances therefor, as authorized by law (5 U. S. C. 2131); and services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); \$7,100,000.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For expenses necessary for the operation and maintenance of the Selective Service System, as authorized by title I of the Universal Military Training and Service Act (62 Stat. 604), as amended, including services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); travel expenses; not to exceed \$250 for the purchase of newspapers and periodicals; not to exceed \$72,000 for the National Selective Service Appeal Board; and \$19,000 for the National Advisory Committee on the Selection of Physicians, Dentists, and Allied Specialists; \$27,500,000: *Provided*, That during the current fiscal year, the President may exempt this appropriation from the provisions of subsection (c) of section 3679 of the Revised Statutes, as amended, whenever he deems such action to be necessary in the interest of national defense.

50 USC app. 451.

60 Stat. 810.

64 Stat. 765.
31 USC 665.

Appropriations for the Selective Service System may hereafter be used for the destruction of records accumulated under the Selective Training and Service Act of 1940, as amended, by the Director of Selective Service after compliance with the procedures for the destruction of records prescribed pursuant to the Records Disposal Act of 1943, as amended (44 U. S. C. 366-380): *Provided*, That no records may be transferred to any other agency without the approval of the Director of Selective Service.

Destruction of
records.
54 Stat. 885.
50 USC app. 318.

57 Stat. 380.

VETERANS ADMINISTRATION

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Veterans Administration, not otherwise provided for, including expenses incidental to securing employment for war veterans; uniforms or allowances therefor, as authorized by law; not to exceed \$3,500 for newspapers and periodicals; not to exceed \$45,000 for preparation, shipment, installation, and display of exhibits, photographic displays, moving pictures, and other visual education information and descriptive material, including purchase or rental of equipment; and not to exceed \$2,700,000 for expenses of travel of employees; \$147,500,000: *Provided*, That no part of this appropriation shall be used to pay in excess of twenty-two persons engaged in public relations work: *Provided further*, That no part of this appropriation shall be used to pay educational institutions for reports and certifications of attendance at such institutions an allowance at a rate in excess of \$1 per month for each eligible veteran enrolled in and attending such institution.

Public relations
work.Educational at-
tendance reports.

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

For expenses necessary for administration of the medical, hospital, domiciliary, special service, construction and supply, research, and employee education and training activities; expenses necessary for carrying out programs of medical research and of education and training of employees, as authorized by law; not to exceed \$1,100,000 for expenses of travel of employees paid from this appropriation, and those engaged in training programs; and not to exceed \$2,700 for newspapers and periodicals; \$26,000,000, of which \$15,344,000 shall be available for medical research: *Provided*, That \$1,000,000 of the foregoing appropriation shall remain available until expended for prosthetic testing and development.

INPATIENT CARE

For expenses necessary for the maintenance and operation of hospitals and domiciliary facilities and for the care and treatment of beneficiaries of the Veterans Administration in facilities not under the jurisdiction of the Veterans Administration as authorized by law, including the furnishing of recreational articles and facilities; maintenance and operation of farms; repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the Veterans Administration, not otherwise provided for, either by contract, or by the hire of temporary employees and purchase of materials; purchase of seventy passenger motor vehicles for replacement only; not to exceed \$375,000 for expenses of travel of employees; uniforms or allowances therefor as authorized by the Act of September 1, 1954, as amended (5 U. S. C. 2131); and aid to State or Territorial homes in conformity with the Act approved August 27, 1888, as amended (24 U. S. C. 134) for the support of veterans eligible for admission to Veterans Administration facilities for hospital or domiciliary care; \$715,465,000: *Provided*, That allotments and transfers may be made from this appropriation to the Department of Health, Education, and Welfare (Public Health Service), the Army, Navy, and Air Force Departments, for disbursement by them under the various headings of their applicable appropriations, of such amounts as are necessary for the care and treatment of beneficiaries of the Veterans Administration: *Provided further*, That the foregoing appropriation is predicated on furnishing inpatient care and treatment to an average of 140,490 beneficiaries during the fiscal year 1959 including members in State or Territorial homes, and if a lesser number is experienced such appropriation shall be expended only in proportion to the average number of beneficiaries furnished such care and treatment.

68 Stat. 1114.

25 Stat. 450.

OUTPATIENT CARE

For expenses necessary for furnishing outpatient care to beneficiaries of the Veterans Administration, as authorized by law; purchase of two passenger motor vehicles for replacement only; uniforms or allowances therefor, as authorized by law; and not to exceed \$206,400 for expenses of travel of employees; \$75,399,000.

MAINTENANCE AND OPERATION OF SUPPLY DEPOTS

For expenses necessary for maintenance and operation of supply depots, including purchase of one passenger motor vehicle for replacement only, uniforms or allowance therefor, as authorized by law, and not to exceed \$7,400 for expenses of travel of employees, \$2,055,000.

COMPENSATION AND PENSIONS

For the payment of compensation, pensions, gratuities, and allowances (including burial awards authorized by title VIII of the Veterans' Benefits Act of 1957 (71 Stat. 117), and subsistence allowances authorized by part VII of Veterans Regulation 1 (a), as amended), authorized under any Act of Congress, or regulation of the President based thereon, including emergency officers' retirement pay and annuities, the administration of which is now or may hereafter be placed in the Veterans Administration, and for the payment of adjusted-service credits as provided in sections 401 and 601 of the Act of May 19, 1924, as amended (38 U. S. C. 631 and 661), \$3,200,000,000, to remain available until expended.

38 U S C 2801-2805.
38 USC ch. 12A.

43 Stat. 125, 128.

READJUSTMENT BENEFITS

For the payment of benefits to or on behalf of veterans as authorized by titles II, III, and V, of the Servicemen's Readjustment Act of 1944, as amended, and title II of the Veterans Readjustment Assistance Act of 1952, as amended, and for supplies, equipment, and tuition authorized by part VII of Veterans Regulation Numbered 1 (a), as amended, payments authorized by titles VI and VII of the Veterans' Benefits Act of 1957 (71 Stat. 114-116), and for benefits authorized by the War Orphans' Educational Assistance Act of 1956, \$700,000,000, to remain available until expended: *Provided*, That the unexpended balance as of June 30, 1958, in the appropriation for "Automobiles and other conveyances for disabled veterans", shall be merged with this appropriation.

58 Stat. 287.
38 USC 701, 694-
694n, ch. 12A.
66 Stat. 563.
38 USC 911-984.
38 U S C 2601-
2705.
70 Stat. 411.
38 U S C 1031
note.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance; for the payment of benefits and for transfer to the national service life insurance fund, in accordance with the National Service Life Insurance Act of 1940, as amended; and for payment of liabilities under the Servicemen's Indemnity Act of 1951; \$51,100,000, to remain available until expended: *Provided*, That the unexpended balances as of June 30, 1958, in the appropriations for "Military and naval insurance", "National service life insurance", and "Servicemen's indemnities" shall be merged with this appropriation: *Provided further*, That certain premiums provided by law to be credited to any of the above appropriations shall be credited to this appropriation: *Provided further*, That this appropriation shall be subject to same statutory provisions and shall be available for the same purpose as formerly applied to the aforementioned appropriations.

54 Stat. 1008.
38 USC 818.

GRANTS TO THE REPUBLIC OF THE PHILIPPINES

For payment to the Republic of the Philippines of grants in accordance with the Act of July 1, 1948, as amended (50 U. S. C. App. 1991-1996) or in accordance with part D of title V of the Veterans' Benefits Act of 1957, for expenses incident to medical care and treatment of veterans, \$1,250,000.

62 Stat. 1210.
Ante, p. 201.

CONSTRUCTION OF HOSPITAL AND DOMICILIARY FACILITIES

For hospital and domiciliary facilities, for planning and for major alterations, improvements, and repairs and extending any of the facilities under the jurisdiction of the Veterans Administration or for any of the purposes set forth in sections 1701-1703 of the Veterans' Benefits Act of 1957 (71 Stat. 141), \$19,295,000, to remain available until expended: *Provided*, That the unexpended balance as of June 30, 1958, in the appropriation for "Major alterations, improvements, and repairs" shall be merged with this appropriation.

38 U S C 3701-
3703.

ADMINISTRATIVE PROVISIONS

Not to exceed 5 per centum of any appropriation for the current fiscal year for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" may be transferred to any other of the mentioned appropriations, but not to exceed 10 per centum of the appropriations so augmented, and not to exceed \$500,000 of the appropriation "Veterans insurance and indemnities" for the current year may be transferred to "Service-disabled veterans insurance fund".

Appropriations available to the Veterans Administration for the current fiscal year for salaries and expenses shall be available for services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a).

60 Stat. 810.

Appropriations available to the Veterans Administration for the current fiscal year for "Inpatient care" and "Outpatient care" shall be available for funeral, burial, and other expenses incidental thereto (except burial awards authorized by title VIII, Veterans' Benefits Act of 1957 (71 Stat. 117) (38 U. S. C., ch. 12A)), for beneficiaries of the Veterans Administration receiving care under such appropriations.

38 U.S.C. 2801-2805.

No part of the appropriations in this Act for the Veterans Administration (except the appropriation for "Construction of hospital and domiciliary facilities") shall be available for the purchase of any site for or toward the construction of any new hospital or home.

No part of the foregoing appropriations shall be available for hospitalization or examination of any persons except beneficiaries entitled under the laws bestowing such benefits to veterans, unless reimbursement of cost is made to the appropriation at such rates as may be fixed by the Administrator of Veterans Affairs.

INDEPENDENT OFFICES—GENERAL PROVISIONS

Travel expenses.

SEC. 102. Where appropriations in this title are expendable for travel expenses of employees and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amounts set forth therefor in the budget estimates submitted for the appropriations: *Provided*, That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System.

Newspaper and periodical purchases.

SEC. 103. Where appropriations in this title are expendable for the purchase of newspapers and periodicals and no specific limitation has been placed thereon, the expenditures therefor under each such appropriation may not exceed the amount of \$50: *Provided*, That this limitation shall not apply to the purchase of scientific, technical, trade, or traffic periodicals necessary in connection with the performance of the authorized functions of the agencies for which funds are herein provided, nor to the purchase of newspapers and periodicals necessary for the care and welfare of patients and members in Veterans Administration hospitals and domiciliary facilities.

Positions formerly held by persons entering Armed Forces.

SEC. 104. No part of any appropriation contained in this title shall be available to pay the salary of any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service and has within ninety days after his release from such service or from hospitalization continuing after discharge for a period of not more than one year made application for restoration to his former position and has been certified by the Civil Service Commission as still qualified to perform the duties of his former position and has not been restored thereto.

Attendance at meetings.

SEC. 105. Appropriations contained in this title, available for expenses of travel shall be available, when specifically authorized by the head of the activity or establishment concerned, for expenses of attendance at meetings of organizations concerned with the function or activity for which the appropriation concerned is made.

Real estate sales, etc.

SEC. 106. No part of any appropriations made available by the provisions of this title shall be used for the purchase or sale of real estate or for the purpose of establishing new offices outside the District of Columbia: *Provided*, That this limitation shall not apply to programs which have been approved by the Congress and appropriations made therefor.

SEC. 107. No part of any appropriation contained in this title shall be used to pay the compensation of any employee engaged in personnel work in excess of the number that would be provided by a ratio of one such employee to one hundred and thirty-five, or a part thereof, full-time, part-time, and intermittent employees of the agency concerned: *Provided*, That for purposes of this section employees shall be considered as engaged in personnel work if they spend half time or more in personnel administration consisting of direction and administration of the personnel program; employment, placement, and separation; job evaluation and classification; employee relations and services; training; wage administration; and processing, recording, and reporting.

Personnel work.

SEC. 108. None of the sections under the head "Independent Offices—General Provisions" in this title shall apply to the Housing and Home Finance Agency.

Nonapplicability.

TITLE II—CORPORATIONS

The following corporations and agencies, respectively, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Budget for the fiscal year 1959 for each such corporation or agency, except as hereinafter provided:

61 Stat. 584.
31 USC 849.

FEDERAL HOME LOAN BANK BOARD

LIMITATION ON ADMINISTRATIVE AND EXAMINATION EXPENSES, FEDERAL HOME LOAN BANK BOARD

Not to exceed a total of \$1,600,000 shall be available for administrative expenses of the Federal Home Loan Bank Board, and shall be derived from funds available to the Federal Home Loan Bank Board, including those in the Federal Home Loan Bank Board revolving fund and receipts of the Federal Home Loan Bank Administration, the Federal Home Loan Bank Board, or the Home Loan Bank Board for the current fiscal year and prior fiscal years, and the Board may utilize and may make payment for services and facilities of the Federal home-loan banks, the Federal Reserve banks, the Federal Savings and Loan Insurance Corporation, and other agencies of the Government (including payment for office space): *Provided*, That all necessary expenses in connection with the conservatorship of institutions insured by the Federal Savings and Loan Insurance Corporation or preparation for or conduct of proceedings under section 5 (d) of the Home Owners' Loan Act of 1933 or section 407 of the National Housing Act and all necessary expenses (including services performed on a contract or fee basis, but not including other personal services) in connection with the handling, including the purchase, sale, and exchange, of securities on behalf of Federal home-loan banks, and the sale, issuance, and retirement of, or payment of interest on, debentures or bonds, under the Federal Home Loan Bank Act, as amended, shall be considered as nonadministrative expenses for the purposes hereof: *Provided further*, That not to exceed \$55,000 shall be available for expenses of travel: *Provided further*, That members and alternates of the Federal Savings and Loan Advisory Council shall be entitled to reimbursement from the Board as approved by the Board

68 Stat. 634; 64
Stat. 259.
12 U S C 1464
note, 1730.47 Stat. 725.
12 U S C 1421-
1449.

for transportation expenses incurred in attendance at meetings of or concerned with the work of such Council and may be paid not to exceed \$25 per diem in lieu of subsistence: *Provided further*, That notwithstanding any other provisions of this Act, except for the limitation in amount hereinbefore specified, the administrative expenses and other obligations of the Board shall be incurred, allowed, and paid in accordance with the provisions of the Federal Home Loan Bank Act of July 22, 1932, as amended (12 U. S. C. 1421-1449): *Provided further*, That the nonadministrative expenses for the examination of Federal and State chartered institutions (other than special examinations determined by the Board to be necessary) shall not exceed \$6,343,000.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

Not to exceed \$720,000 shall be available for administrative expenses, which shall be on an accrual basis and shall be exclusive of interest paid, depreciation, properly capitalized expenditures, expenses in connection with liquidation of insured institutions or preparation for or conduct of proceedings under section 407 of the National Housing Act, liquidation or handling of assets of or derived from insured institutions, payment of insurance, and action for or toward the avoidance, termination, or minimizing of losses in the case of insured institutions, legal fees and expenses, and payments for administrative expenses of the Federal Home Loan Bank Board determined by said Board to be properly allocable to said Corporation, and said Corporation may utilize and may make payment for services and facilities of the Federal home-loan banks, the Federal Reserve banks, the Federal Home Loan Bank Board, and other agencies of the Government: *Provided*, That not to exceed \$15,400 shall be available for expenses of travel: *Provided further*, That notwithstanding any other provisions of this Act, except for the limitation in amount hereinbefore specified, the administrative expenses and other obligations of said Corporation shall be incurred, allowed and paid in accordance with title IV of the Act of June 27, 1934, as amended (12 U. S. C. 1724-1730).

12 USC 1730.

48 Stat. 1255.

GENERAL SERVICES ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES, ABACA FIBER PROGRAM

Not to exceed \$47,000 of funds available to the General Services Administration for the abaca fiber program shall be available for administrative expenses incident to the abaca fiber program, to be computed on an accrual basis, and to be exclusive of the interest paid, depreciation, capitalized expenditures, expenses in connection with the acquisition, protection, operation, maintenance, improvement, or disposition of real or personal property relating to the abaca fiber program, and expenses of services performed on a contract or fee basis in connection with the performance of legal services.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL FACILITIES CORPORATION

Not to exceed \$25,000 shall be available during the fiscal year 1959 for all administrative expenses of the Corporation (including use of the services and facilities of Federal Reserve banks), to be computed on an accrual basis, and to be exclusive of interest paid, depreciation, capitalized expenditures, expenses in connection with the acquisition,

protection, operation, maintenance, improvement, or disposition of real or personal property belonging to the Corporation or in which it has an interest, expenses of services performed on a contract or fee basis in connection with the performance of legal services, and all administrative expenses reimbursable from other Government agencies.

LIMITATION ON ADMINISTRATIVE EXPENSES, RECONSTRUCTION FINANCE CORPORATION LIQUIDATION FUND

Not to exceed \$50,000 (to be computed on an accrual basis) of the funds derived from liquidation of functions of Reconstruction Finance Corporation transferred to General Services Administration under Reorganization Plan No. 1 of 1957 (22 F. R. 4633), shall be available during the current fiscal year for administrative expenses incident to the liquidation of said functions: *Provided*, That as used herein the term "administrative expenses" shall be construed to include all salaries and wages, services performed on a contract or fee basis, and travel and other expenses, including the purchase of equipment and supplies, of administrative offices, but this amount shall be exclusive of costs of services performed on a contract or fee basis in connection with the termination of contracts or in the performance of legal services: *Provided further*, That the distribution of administrative expenses to the accounts shall be made in accordance with generally recognized accounting principles and practices.

71 Stat. 647.

HOUSING AND HOME FINANCE AGENCY

LIMITATION ON ADMINISTRATIVE EXPENSES, OFFICE OF THE ADMINISTRATOR, COLLEGE HOUSING LOANS

Not to exceed \$1,675,000 shall be available for all administrative expenses, which shall be on an accrual basis, of carrying out the functions of the Office of the Administrator under the program of housing loans to educational institutions (title IV of the Housing Act of 1950, as amended, 12 U. S. C. 1749-1749d), but this amount shall be exclusive of payment for services and facilities of the Federal Reserve banks or any member thereof, the Federal home-loan banks, and any insured bank within the meaning of the Act creating the Federal Deposit Insurance Corporation (Act of August 23, 1935, as amended, 12 U. S. C. 264) which has been designated by the Secretary of the Treasury as a depository of public money of the United States: *Provided*, That not to exceed \$65,000 shall be available for expenses of travel.

64 Stat. 77.

64 Stat. 873.
12 U S C 1811
note.

LIMITATION ON ADMINISTRATIVE EXPENSES, OFFICE OF THE ADMINISTRATOR, PUBLIC FACILITY LOANS

Not to exceed \$400,000 of funds in the revolving fund established pursuant to title II of the Housing Amendments of 1955, as amended, shall be available for administrative expenses, but this amount shall be exclusive of payment for services and facilities of the Federal Reserve banks or any member thereof, the Federal home-loan banks, and any insured bank within the meaning of the Act creating the Federal Deposit Insurance Corporation (Act of August 23, 1935, as amended, 12 U. S. C. 264) which has been designated by the Secretary of the Treasury as a depository of public money of the United States.

69 Stat. 642.
42 U S C 1491-
1495.12 U S C 1811
note.

LIMITATION ON ADMINISTRATIVE EXPENSES, OFFICE OF THE ADMINISTRATOR, REVOLVING FUND (LIQUIDATING PROGRAMS)

During the current fiscal year not to exceed \$600,000 shall be available for administrative expenses (including not to exceed \$38,000 for travel), but this amount shall be exclusive of expenses necessary in the case of defaulted obligations to protect the interests of the Government and legal services on a contract or fee basis and of payment for services and facilities of the Federal Reserve banks or any member thereof, any servicer approved by the Federal National Mortgage Association, the Federal home-loan banks, and any insured bank within the meaning of the Act of August 23, 1935, as amended, creating the Federal Deposit Insurance Corporation (12 U. S. C. 264) which has been designated by the Secretary of the Treasury as a depository of public money of the United States.

12 USC 811 note.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL NATIONAL MORTGAGE ASSOCIATION

Not to exceed \$4,750,000 shall be available for administrative expenses, which shall be on an accrual basis, and shall be exclusive of interest paid, expenses (including expenses for fiscal agency services performed on a contract or fee basis) in connection with the issuance and servicing of securities, depreciation, properly capitalized expenditures, fees for servicing mortgages, expenses (including services performed on a force account, contract, or fee basis, but not including other personal services) in connection with the acquisition, protection, operation, maintenance, improvement, or disposition of real or personal property belonging to said Association or in which it has an interest, cost of salaries, wages, travel, and other expenses of persons employed outside of the continental United States, expenses of services performed on a contract or fee basis in connection with the performance of legal services, and all administrative expenses reimbursable from other Government agencies, and said Association may utilize and may make payment for services and facilities of the Federal Reserve banks and other agencies of the Government: *Provided*, That the distribution of administrative expenses to the accounts of the Association shall be made in accordance with generally recognized accounting principles and practices: *Provided further*, That not to exceed \$137,500 shall be available for expenses of travel.

LIMITATION ON ADMINISTRATIVE AND NONADMINISTRATIVE EXPENSES, FEDERAL HOUSING ADMINISTRATION

For administrative expenses in carrying out duties imposed by or pursuant to law, not to exceed \$7,300,000 of the various funds of the Federal Housing Administration shall be available, in accordance with the National Housing Act, as amended (12 U. S. C. 1701), including uniforms or allowances therefor, as authorized by the Act of September 1, 1954, as amended (5 U. S. C. 2131): *Provided*, That, except as herein otherwise provided, all expenses and obligations of said Administration shall be incurred, allowed, and paid in accordance with the provisions of said Act: *Provided further*, That not to exceed \$445,000 shall be available for expenses of travel: *Provided further*, That funds shall be available for contract actuarial services (not to exceed \$1,500); and purchase of periodicals and newspapers (not to exceed \$750): *Provided further*, That nonadministrative expenses classified by section 2 of Public Law 387, approved October 25, 1949, shall not exceed \$38,500,000.

48 Stat. 1246.

68 Stat. 1114.

63 Stat. 905.
12 USC 1702.

LIMITATION ON ADMINISTRATIVE AND NONADMINISTRATIVE EXPENSES,
PUBLIC HOUSING ADMINISTRATION

Not to exceed the amount appropriated for such expenses by title I of this Act shall be available for the administrative expenses of the Public Housing Administration in carrying out the provisions of the United States Housing Act of 1937, as amended (42 U. S. C. 1401-1433), including not to exceed \$900,000 for expenses of travel; purchase of uniforms, or allowances therefor, as authorized by the Act of September 1, 1954, as amended (5 U. S. C. 2131); purchase of not to exceed one passenger motor vehicle for replacement only; and expenses of attendance at meetings of organizations concerned with the work of the Administration: *Provided*, That necessary expenses of providing representatives of the Administration at the sites of non-Federal projects in connection with the construction of such non-Federal projects by public housing agencies with the aid of the Administration, shall be compensated by such agencies by the payment of fixed fees which in the aggregate in relation to the development costs of such projects will cover the costs of rendering such services, and expenditures by the Administration for such purpose shall be considered nonadministrative expenses, and funds received from such payments may be used only for the payment of necessary expenses of providing representatives of the Administration at the sites of non-Federal projects: *Provided further*, That all expenses of the Public Housing Administration not specifically limited in this Act, in carrying out its duties imposed by law, shall not exceed \$1,800,000.

50 Stat. 888.

68 Stat. 1114.

CORPORATIONS—GENERAL PROVISION

SEC. 202. No part of the funds of, or available for expenditure by, any corporation or agency included in this title shall be used to pay the compensation of any employee engaged in personnel work in excess of the number that would be provided by a ratio of one such employee to one hundred and thirty-five, or a part thereof, full-time, part-time, and intermittent employees of the agency concerned: *Provided*, That for purposes of this section employees shall be considered as engaged in personnel work if they spend half-time or more in personnel administration consisting of direction and administration of the personnel program; employment, placement, and separation; job evaluation and classification; employee relations and services; training; committees of expert examiners and boards of civil-service examiners; wage administration; and processing, recording, and reporting.

Personnel work.

TITLE III—GENERAL PROVISIONS

SEC. 301. No part of any appropriation contained in this Act, or of the funds available for expenditure by any corporation or agency included in this Act, shall be used for publicity or propaganda purposes designed to support or defeat legislation pending before the Congress.

Publicity or
propaganda.

TITLE IV—ADDITIONAL SUPPLEMENTAL
APPROPRIATIONS

INDEPENDENT OFFICES

SOUTH CAROLINA-GEORGIA-ALABAMA-FLORIDA AND TEXAS WATER
STUDY COMMISSIONS

For necessary expenses of the United States Water Study Commission for South Carolina-Georgia-Alabama-Florida, \$50,000, and

for the United States Water Study Commission for Texas, \$50,000: *Provided*, That these appropriations shall be effective only upon enactment into law of S. 4021 and H. R. 12216.

Post, p. 1090.
Ante, p. 1058.

VETERANS' ADMINISTRATION

INPATIENT CARE

For an additional amount for "Inpatient care", \$1,802,000.

DEPARTMENT OF LABOR

BUREAU OF EMPLOYMENT SECURITY

UNEMPLOYMENT COMPENSATION FOR VETERANS AND FEDERAL EMPLOYEES

Appropriations for the current fiscal year for "Unemployment compensation for veterans", and for "Unemployment compensation for Federal employees", are hereby merged into a single account to be known as "Unemployment compensation for veterans and Federal employees".

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

OFFICE OF EDUCATION

DEFENSE EDUCATIONAL ACTIVITIES

For grants and payments under the National Defense Education Act of 1958, \$40,000,000 of which \$6,000,000 shall be for capital contributions to student loan funds; \$19,000,000 for grants to States and loans to nonprofit private schools for science, mathematics, and modern language teaching facilities and \$1,350,000 for grants to States for supervisory and other services; \$3,750,000 for grants to States for area vocational education programs; and \$5,400,000 for grants to States for testing, guidance and counseling: *Provided*, That this paragraph shall be effective only upon enactment into law of H. R. 13247, Eighty-fifth Congress.

Post, p. 1580.

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$750,000: *Provided*, That this paragraph shall be effective only upon enactment into law of H. R. 13247, Eighty-fifth Congress.

Post, p. 1580.

OFFICE OF THE SECRETARY

WHITE HOUSE COUNCIL ON AGING

For necessary expenses in carrying out the provisions of the White House Conference on Aging Act, including services as authorized by section 15 of the Act of August 2, 1946, as amended (5 U. S. C. 55a), \$100,000.

Post, p. 1746.
60 Stat. 810.

TREASURY DEPARTMENT

BUREAU OF THE MINT

SALARIES AND EXPENSES

Not to exceed \$2,500 of the appropriation granted under this head for the fiscal year 1959 shall be available for the purposes of section 1

of the joint resolution (S. J. Res. 201), authorizing the chairman of the Joint Committee on Atomic Energy to confer a medal on Rear Admiral Hyman George Rickover, United States Navy.

Ante, p. 985.

POST OFFICE DEPARTMENT

(Out of Postal Funds)

TRANSPORTATION

For additional amounts for "Transportation", fiscal year 1957, \$23,000,000, and fiscal year 1958, \$31,000,000.

This Act may be cited as the "Independent Offices Appropriation Act, 1959".

Short title.

Approved August 28, 1958.

Public Law 85-845

JOINT RESOLUTION

August 28, 1958
[H. J. Res. 654]

Requiring the Secretary of Commerce to submit certain recommendations for legislation for the purpose of assisting Congress to determine whether or not to reimburse States for certain highways on the National System of Interstate and Defense Highways.

Whereas by section 114 of the Federal-Aid Highway Act of 1956 Congress declared that it was its intent and policy to determine whether or not the Federal Government should equitably reimburse any State for a portion of a highway which is on the National System of Interstate and Defense Highways, whether toll or free, the construction of which has been completed subsequent to August 2, 1947, or which is either in actual use or under construction by contract, for completion, awarded not later than June 30, 1957, if such highways meet the standards required for such National System of Interstate and Defense Highways; and

70 Stat. 384.
23 USC 165.

Whereas that section further required that a study be made by the Secretary of Commerce to determine which highways in the National System of Interstate and Defense Highways measure up to the standards required by the Federal-Aid Highway Act of 1956; and

Whereas the report required of the Secretary of Commerce by section 114 of the Federal-Aid Highway Act of 1956 has been submitted to Congress and has been printed as House Document 301 of the Eighty-fifth Congress, second session; and

70 Stat. 374.
23 USC 151 note,
165.

Whereas in order to further assist Congress in making its determination of whether or not reimbursement should be made to the States for such highways or portions thereof certain further assistance and information is required: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Commerce shall within ten days after the first day of the first session of the Eighty-sixth Congress submit to Congress recommendations for legislation for the purpose of assisting Congress to determine whether or not to reimburse each State for any portion of a toll or free highway (1) which is on the National System of Interstate and Defense Highways, (2) which meets the standards required by the Federal-Aid Highway Act of 1956 for such National System of Interstate and Defense Highways, and (3) the construction of which has been completed since August 2, 1947, or which has been in actual use or under construction by contract, for completion, awarded not later than June 30, 1957.

Highways.
Reimbursement
recommendations.

23 USC 151 note.

Approved August 28, 1958.

Public Law 85-846

AN ACT

To provide for cooperation with the European Atomic Energy Community.

August 28, 1958
[S. 4273]

EURATOM Coop-
eration Act of
1958.

Definitions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "EURATOM Cooperation Act of 1958".

SEC. 2. As used in this Act—

(a) "The Community" means the European Atomic Energy Community (EURATOM).

(b) The "Commission" means the Atomic Energy Commission, as established by the Atomic Energy Act of 1954, as amended.

(c) "Joint program" means the cooperative program established by the Community and the United States and carried out in accordance with the provisions of an agreement for cooperation entered into pursuant to the provisions of section 123 of the Atomic Energy Act of 1954, as amended, to bring into operation in the territory of the members of the Community powerplants using nuclear reactors of types selected by the Commission and the Community, having as a goal a total installed capacity of approximately one million kilowatts of electricity by December 31, 1963, except that two reactors may be selected to be in operation by December 31, 1965.

(d) All other terms used in this Act shall have the same meaning as terms described in section 11 of the Atomic Energy Act of 1954, as amended.

68 Stat. 921.
42 U S C 2011
note.

42 USC 2153.

42 USC 2014.

Research and de-
velopment pro-
gram.
Appropriation.
42 USC 2017.

SEC. 3. There is hereby authorized to be appropriated to the Commission, in accordance with the provisions of section 261 (a) (2) of the Atomic Energy Act of 1954, as amended, the sum of \$3,000,000 as an initial authorization for fiscal year 1959 for use in a cooperative program of research and development in connection with the types of reactors selected by the Commission and the Community under the joint program. The Commission may enter into contracts for such periods as it deems necessary, but in no event to exceed five years, for the purpose of conducting the research and development program authorized by this section: *Provided*, That the Community authorizes an equivalent amount for use in the cooperative program of research and development.

Guarantee con-
tracts.

42 USC 2017.

SEC. 4. The Commission is authorized, within limits of amounts which may hereafter be authorized to be appropriated in accordance with the provisions of section 261 (a) (2) of the Atomic Energy Act of 1954, as amended, to make guarantee contracts which shall in the aggregate not exceed a total contingent liability of \$90,000,000 designed to assure that the charges to an operator of a reactor constructed under the joint program for fabricating, processing, and transporting fuel will be no greater than would result under the fuel fabricating and fuel life guarantees which the Commission shall establish for such reactor. Within the limits of such amounts, the Commission is authorized to make contracts under this section, without regard to the provisions of sections 3679 and 3709 of the Revised Statutes, as amended, for such periods of time as it determines to be necessary: *Provided, however*, That no such contracts may extend for a period longer than that necessary to cover fuel loaded into a reactor constructed under the joint program during the first ten years of the reactor operation or prior to December 31, 1973 (or December 31, 1975, for not more than two reactors selected under section 2 (c)), whichever is earlier. In establishing criteria for the selection of

31 USC 665.
41 USC 5.

projects and in entering into such guarantee contracts, the Commission shall be guided by, but not limited to, the following principles:

(a) The Commission shall encourage a strong and competitive atomic equipment manufacturing industry in the United States designed to provide diversified sources of supply for reactor parts and reactor fuel elements under the joint program;

(b) The guarantee shall be consistent with the provisions of this Act and of Attachment A to the Memorandum of Understanding between the Government of the United States and the Community, signed in Brussels on May 29, 1958, and in Washington, District of Columbia, on June 12, 1958, and transmitted to Congress on June 23, 1958;

(c) The Commission shall establish and publish minimum levels of fuel element cost and life to be guaranteed by the manufacturer as a basis for inviting and evaluating proposals.

(d) The guarantee by the manufacturer shall be as favorable as any other guarantee offered by the manufacturer for any comparable fuel element within a reasonable time period; and

(e) The Commission shall obtain a royalty-free, non-exclusive, irrevocable license for governmental purposes to any patents on inventions or discoveries made or conceived by the manufacturer in the course of development or fabrication of fuel elements during the period covered by the Commission's guarantee.

SEC. 5. Pursuant to the provisions of section 54 of the Atomic Energy Act of 1954, as amended, there is hereby authorized for sale or lease to the Community:

Thirty thousand kilograms of contained uranium 235

One kilogram of plutonium

in accordance with the provisions of an agreement for cooperation between the Government of the United States and the Community entered into pursuant to the provisions of section 123 of the Atomic Energy Act of 1954, as amended: *Provided*, That the Government of the United States obtains the equivalent of a first lien on any such material sold to the Community for which payment is not made in full at the time of transfer.

SEC. 6. (a) The Atomic Energy Commission is authorized to purchase or otherwise acquire from the Community special nuclear material or any interest therein from reactors constructed under the joint program in accordance with the terms of an agreement for cooperation entered into pursuant to the provisions of section 123 of the Atomic Energy Act of 1954, as amended: *Provided*, That neither plutonium nor uranium 233 nor any interest therein shall be acquired under this section in excess of the total quantities authorized by law. The Commission is hereby authorized to acquire from the Community pursuant to this section up to four thousand one hundred kilograms of plutonium for use only for peaceful purposes.

(b) Any contract made under the provisions of this section to acquire plutonium or any interest therein may be at such prices and for such period of time as the Commission may deem necessary: *Provided*, That with respect to plutonium produced in any reactor constructed under the joint program, no such contract shall be for a period greater than ten years of operation of such reactors or December 31, 1973 (or December 31, 1975, for not more than two reactors selected under section 2 (c)), whichever is earlier: *And provided further*, That no such contract shall provide for compensation or the payment of a purchase price in excess of the Commission's established price in effect at the time of delivery to the Commission for such material as fuel in a nuclear reactor.

Nuclear material.
Sale or lease.
42 USC 2074.

42 USC 2153.

Acquisition of
nuclear materials.

42 USC 2153.

(c) Any contract made under the provisions of this section to acquire uranium enriched in the isotope uranium 235 may be at such price and for such period of time as the Commission may deem necessary: *Provided*, That no such contract shall be for a period of time extending beyond the terminal date of the agreement for cooperation with the Community or provide for the acquisition of uranium enriched in the isotope U-235 in excess of the quantities of such material that have been distributed to the Community by the Commission less the quantity consumed in the nuclear reactors involved in the joint program: *And provided further*, That no such contract shall provide for compensation or the payment of a purchase price in excess of the Atomic Energy Commission's established charges for such material in effect at the time delivery is made to the Commission.

31 USC 665.

(d) Any contract made under this section for the purchase of special nuclear material or any interest therein may be made without regard to the provisions of section 3679 of the Revised Statutes, as amended.

41 USC 5.

(e) Any contract made under this section may be made without regard to section 3709 of the Revised Statutes, as amended, upon certification by the Commission that such action is necessary in the interest of the common defense and security, or upon a showing by the Commission that advertising is not reasonably practicable.

Nonliability of U.S.

SEC. 7. The Government of the United States of America shall not be liable for any damages or third party liability arising out of or resulting from the joint program: *Provided, however*, That nothing in this section shall deprive any person of any rights under section 170 of the Atomic Energy Act of 1954, as amended. The Government of the United States shall take such steps as may be necessary, including appropriate disclaimer or indemnity arrangements, in order to carry out the provisions of this section.

42 USC 2210.

Approved August 28, 1958.

Public Law 85-847

AN ACT

August 28, 1958
[H. R. 9407]

To provide additional opportunity for certain Government employees to obtain career-conditional and career appointments in the competitive civil service.

Federal employ-
ees.
Reinstatement
rights.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) each employee of the Federal Government or of the municipal government of the District of Columbia who—

(1) on November 10, 1955, was serving in the excepted service in a position listed under schedule A or B of Rule VI of the Civil Service Rules which was removed from the competitive civil service subsequent to January 23, 1955;

(2) served in a position or positions in the competitive civil service without break in service from January 23, 1955, to the date of the removal of his position as specified in subparagraph (1) of this section;

(3) (A) during the period beginning June 3, 1950, and ending January 23, 1955, passed a qualifying examination for a position in the competitive civil service in which he served during such period, or (B) within one year after the effective date of this section meets such noncompetitive examination standards as the United States Civil Service Commission shall prescribe with respect to the position which he held at the time his position was removed from the competitive civil service; and

(4) has completed, prior to November 10, 1956, a total of continuous or intermittent satisfactory service aggregating not less than three years on the rolls in a position in or under the Federal Government or the municipal government of the District of Columbia;

may, upon approval of his application made to the United States Civil Service Commission within one year after the effective date of this section, be reappointed without competitive examination to a position in the competitive civil service for which he is qualified. Such reappointment (except reappointment to a position involving temporary job employment) shall be a career-conditional appointment or a career appointment, as determined under the appropriate United States Civil Service Commission regulations governing career-conditional and career appointments.

(b) Each employee of the Federal Government or of the municipal government of the District of Columbia who met the requirements of the Act entitled "An Act to provide for the granting of career-conditional and career appointments to certain qualified employees", approved August 12, 1955 (Public Law 380, Eighty-fourth Congress), but did not file application for the benefits of such Act prior to November 10, 1956, because of administrative error by the department, agency, or establishment in which he was employed, may file his application for the benefits of such Act within one year after the effective date of this section.

SEC. 2. The United States Civil Service Commission is hereby authorized and directed to promulgate such rules and regulations as it determines to be necessary to carry out the provisions of this Act.

SEC. 3. Nothing in this Act shall affect, or be construed to affect, the application of section 1310 of the Supplemental Appropriation Act, 1952 (Public Law 253, Eighty-second Congress), as amended.

SEC. 4. The foregoing sections of this Act shall become effective on the ninetieth day following the date of enactment of this Act.

Approved August 28, 1958.

Public Law 85-848

AN ACT

To amend title XV of the Social Security Act to extend the unemployment insurance system to ex-servicemen, and for other purposes.

August 28, 1958
[H. R. 11630]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Ex-Servicemen's Unemployment Compensation Act of 1958".

SEC. 2. So much of subsection (a) of section 1501 of the Social Security Act as appears before paragraph (1) thereof is amended to read as follows:

"(a) The term 'Federal service' means any service performed after 1952 in the employ of the United States or any instrumentality thereof which is wholly owned by the United States, except that the term does not include service (other than service to which section 1511 applies) performed—"

SEC. 3. Title XV of the Social Security Act is amended by adding at the end thereof the following new section:

Filing application.

69 Stat. 709.
5 USC 631 note.

Rules and regulations.

65 Stat. 757.
43 USC note.

Effective date.

Ex-Servicemen's Unemployment Compensation Act of 1958.

68 Stat. 1130.
42 USC 1361.

"Federal service".

"EX-SERVICEMEN'S UNEMPLOYMENT COMPENSATION PROGRAM

"SEC. 1511. (a) The provisions of this title, except where inconsistent with the provisions of this section, apply, with respect to weeks of unemployment ending after the sixtieth day after the date of the enactment of this section, to individuals who have had Federal service as defined in subsection (b).

"(b) For the purposes of this section, the term 'Federal service' means active service (including active duty for training purposes) in the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States if—

"(1) such service was continuous for ninety days or more, or was terminated earlier by reason of an actual service-incurred injury or disability; and

"(2) with respect to such service, the individual (A) has been discharged or released under conditions other than dishonorable, and (B) was not given a bad conduct discharge, or, if an officer, did not resign for the good of the service.

No individual shall be treated as having Federal service within the meaning of the preceding sentence unless he has a period of such service which either begins after January 31, 1955, or terminates after the sixtieth day after the date of the enactment of this section.

"Federal wages".

"(c) For the purposes of this section, the term 'Federal wages' means remuneration for the periods of service covered by subsection (b), computed on the basis of remuneration for the individual's pay grade at the time of his discharge or release from the latest period of such service as specified in the schedule applicable at the time of filing of his first claim for compensation for the benefit year. The Secretary shall issue, from time to time, after consultation with the Secretary of Defense, schedules specifying the remuneration for each pay grade of servicemen covered by this section, which shall reflect representative amounts for appropriate elements of such remuneration (whether in cash or in kind).

"(d) (1) Any Federal department or agency shall, when designated by the Secretary, make available to the appropriate State agency or to the Secretary, as the case may be, such information (including findings in the form and manner prescribed by the Secretary by regulation) as the Secretary may find practicable and necessary for the determination of an individual's entitlement to compensation by reason of this section.

"(2) Subject to correction of errors and omissions as prescribed by the Secretary by regulation, the following shall be final and conclusive for the purposes of sections 1502 (c) and 1503 (c) :

"(A) Any finding by a Federal department or agency, made in accordance with paragraph (1), with respect to (i) whether an individual has met any condition specified in subsection (b), (ii) the individual's periods of Federal service as defined in subsection (b), and (iii) the individual's pay grade at the time of his discharge or release from the latest period of such Federal service.

"(B) the schedules of remuneration issued by the Secretary under subsection (c).

"(e) Notwithstanding the provisions of section 1504, all Federal service and Federal wages covered by this section, not previously assigned, shall be assigned to the State, or Puerto Rico or the Virgin Islands, as the case may be, in which the claimant first files his claim for unemployment compensation after his most recent discharge or release from such Federal service. This assignment shall constitute an assignment under section 1504 for all purposes of this title.

42 USC 1362, 1363.

42 USC 1364.

“(f) Payments made under section 4 (c) of the Armed Forces Leave Act of 1946 (37 U. S. C. 33 (c)) at the termination of Federal service covered by this section shall be treated for determining periods of Federal service as payments of annual leave to which section 1505 applies.

61 Stat. 748.

42 USC 1365.

“(g) An individual who is eligible to receive a mustering-out payment under title V of the Veterans' Readjustment Assistance Act of 1952 (38 U. S. C. 1011 et seq.) shall not be eligible to receive compensation under this title with respect to weeks of unemployment completed within thirty days after his discharge or release if he receives \$100 in such mustering-out payments; within sixty days after his discharge or release if he receives \$200 in such mustering-out payment; or within ninety days after his discharge or release if he receives \$300 in such mustering-out payment.

66 Stat. 689.

“(h) No payment shall be made by reason of this section to an individual for any period with respect to which he receives an education and training allowance under subsection (a), (b), (c), or (d) of section 232 of the Veterans' Readjustment Assistance Act of 1952 (38 U. S. C. 942), a subsistence allowance under part VII or part VIII of Veterans Regulation Numbered 1 (a), as amended, or an educational assistance allowance under the War Orphans' Educational Assistance Act of 1956 (38 U. S. C. 1031 et seq.).

66 Stat. 668.

38 USC ch. 12A.

70 Stat. 411.

“(i) Any individual—

“(1) who meets the wage and employment requirements for compensation under the law of the State to which his Federal service and Federal wages as defined in this section have been assigned (or, in the case of Puerto Rico or the Virgin Islands, the law of the District of Columbia) but would not meet such requirements except by the use of such Federal service and Federal wages, or

“(2) whose weekly benefit amount computed according to the law of such State (or the law of the District of Columbia, as the case may be) is increased by the use of such Federal service and Federal wages,

shall not thereafter be entitled to unemployment compensation under the provisions of title IV of the Veterans' Readjustment Assistance Act of 1952 (38 U. S. C. 991 et seq.).”

66 Stat. 684.

42 USC 1367.

SEC. 4. Section 1507 (a) of the Social Security Act is amended by adding at the end thereof the following: “This subsection shall not apply with respect to Federal service and Federal wages covered by section 1511.”

Approved August 28, 1958.

Public Law 85-849

AN ACT

To maintain existing minimum postage rates on certain publications mailed for delivery within the county of publication.

August 28, 1958
[S. 4191]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 (c) of the Act of October 30, 1951 (65 Stat. 673; 39 U. S. C. 289a), as amended by the Act of May 27, 1958 (72 Stat. 139; Public Law 85-426), is amended by inserting after the words “this section” the following: “, and on each individually addressed copy of a publication of the second class addressed for delivery within the county of publication and not entitled to the free-in-county mailing privilege.”

Postal service.

Approved August 28, 1958.

Public Law 85-850

AN ACT

August 28, 1958
[S. 4021]

To establish the United States Study Commission on the Savannah, Altamaha, Saint Marys, Apalachicola-Chattahoochee, and Perdido-Escambia River Basins, and intervening areas.

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

(a) to provide for an integrated and cooperative investigation, study, and survey by a commission created pursuant to this Act and composed of representatives of certain departments and agencies of the United States, and of certain States enumerated in this section, in connection with, and in promotion of, the conservation, utilization, and development of the land and water resources of the Savannah, Altamaha, Saint Marys, Apalachicola-Chattahoochee, and Perdido-Escambia River Basins (and intervening areas) in the States of South Carolina, Georgia, Florida, and Alabama in order to formulate a comprehensive and coordinated plan for—

- (1) flood control and prevention;
- (2) domestic and municipal water supplies;
- (3) the improvement and safeguarding of navigation;
- (4) the reclamation and irrigation of land, including drainage;
- (5) possibilities of hydroelectric power and industrial development and utilization;
- (6) soil conservation and utilization;
- (7) forest conservation and utilization;
- (8) preservation, protection, and enhancement of fish and wildlife resources;
- (9) the development of recreation;
- (10) salinity and sediment control;
- (11) pollution abatement and the protection of public health; and
- (12) such other beneficial and useful purposes not herein enumerated; and

(b) to formulate, within the time provided for in section 9 of this Act, a basic, comprehensive and integrated plan of development of the land and water resources within the area described in this section for submission to, and consideration by, the President and the Congress, and to make recommendations, after adequate study, for executing and keeping current such plan. It is not the purpose of this Act to create any continuing or permanent instrumentality of the Federal Government or to take from, or reassign, the duties and powers of any department or agency of the United States represented on the Commission, except as herein provided in this Act.

SEC. 2. In carrying out the purposes of this Act it shall be the policy of Congress to—

- (1) recognize and protect the rights and interests of the States in determining the development of the watersheds of the rivers herein mentioned and their interests and rights in water utilization and control, as well as the preservation and protection of established uses;
- (2) protect existing and authorized projects and projects under construction whether public or private;
- (3) utilize the services, studies, surveys, and continuing investigational programs of the departments, bureaus, and agencies of the United States;

Survey of certain river basins in S. C., Ga., Fla., and Ala.

Plans for land and water development.

Congressional duties.

(4) recognize an important body of existing Federal law affecting the public lands, irrigation, reclamation, flood control, grazing, geological survey, national parks, mines, and minerals; and

(5) to recognize the primary responsibilities of the States and local interests in developing water supplies for domestic, municipal, industrial, and other purposes and that the Federal Government should participate and cooperate with States and local interests in developing such water supplies in connection with the construction, maintenance, and operation of Federal navigation, flood control, irrigation, or multiple purpose projects.

SEC. 3. (a) In order to carry out the purposes of this Act, there is hereby established a commission to be known as the United States Study Commission on the Savannah, Altamaha, Saint Marys, Apalachicola-Chattahoochee, and Perdido-Escambia River Basins and intervening areas (hereinafter referred to as the "Commission").

U. S. Study Commission.

(b) The Commission shall be composed of eleven members appointed by the President as follows:

Personnel.

(1) One member, who shall serve as Chairman, and who shall be a resident from the area comprising the Savannah, Altamaha, Saint Marys, Apalachicola-Chattahoochee, and Perdido-Escambia River Basins (and intervening areas) embraced within the States referred to in the first section of this Act and who shall not, during the period of his service on the Commission, hold any other position as an officer or employee of the United States, except that a retired military officer or a retired Federal civilian officer or employee may be appointed under this Act without prejudice to his retired status, and he shall receive compensation as authorized herein in addition to his retired pay or annuity, but the sum of his retired pay or annuity and such compensation as may be payable hereunder shall not exceed \$12,000 in any one calendar year;

(2) Six members, of whom one shall be from the Department of the Army, one from the Department of Commerce, one from the Department of Health, Education, and Welfare, one from the Department of Agriculture, one from the Department of Interior, and one from the Federal Power Commission; and

(3) Four members, upon the recommendation and nomination, subject to the provisions of subsection (c) of this section, of the respective governors of each of the following States: South Carolina, Georgia, Florida, and Alabama.

(c) In the event of the failure of the governor of any of the States referred to in subsection (b) of this section to recommend and nominate a person or persons in accordance with the provisions of paragraph (3) of subsection (b) of this section satisfactory to the President within sixty days after a request by the President for such recommendation and nomination, the President shall then select and appoint a qualified resident from such State which failed to submit a satisfactory recommendation and nomination.

(d) Any vacancy in the Commission shall not affect its powers but shall be filled in the same manner in which the original appointment was made.

(e) Within thirty days after the appointment of the members of the Commission by the President, and funds have been made available by the Congress as provided for in this Act, the Commission shall organize for the performance of its functions.

(f) The Commission shall elect a Vice Chairman from among its members.

(g) Six members of the Commission, of whom at least three shall have been appointed pursuant to subsection (b) (3) or (c) of this section, shall constitute a quorum for the transaction of business.

(h) Members of the Commission shall report from time to time to their respective departments or agencies, or to their respective governors if appointed pursuant to subsection (b) (3) or (c) of this section, on the work of the Commission, and any comments and suggestions pertaining to such work from such departments, agencies, or governors shall be placed before the Commission for its consideration.

(i) The Commission shall cease to exist within three months from the date of its submission to the President of its final report as provided for in section 9 of this Act. All property, assets, and records of the Commission shall thereupon be turned over for liquidation and disposition to such agency or agencies in the executive branch as the President shall designate.

Duties and priv-
ileges.

SEC. 4. The Commission may, for the purpose of carrying out the provisions of this Act, hold such hearings, sit and act at such times and places, take such testimony, administer such oaths, and publish so much of its proceedings and the reports thereon as it may deem advisable; lease, furnish, and equip such office space in the District of Columbia and elsewhere as it may deem necessary; use the United States mails in the same manner and upon the same conditions as Departments and agencies of the United States Government; have printing and binding done in its discretion by establishments other than the Government Printing Office; employ and fix the compensation of such personnel as it deems advisable, without regard to the provisions of the civil service laws and the Classification Act of 1949, as amended; purchase or hire, operate, maintain, and dispose of such vehicles as it may require; secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality, information, suggestions, estimates, and statistics for the purpose of this Act; and each such department, bureau, agency, board, commission, office, establishment, or instrumentality is authorized to furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairman or Vice Chairman, and employees of the departments or agencies from which persons have been appointed to the Commission pursuant to section 3 (b) (2) of this Act may be assigned upon request by the Chairman of the Commission to temporary duty with the Commission without loss of seniority, pay, or other employee status; pay travel in accordance with standardized Government Travel Regulations and other necessary expenses incurred by it, or any of its officers or employees, in the performance of duties vested in such Commission; and exercise such other powers as are consistent with and reasonably required to perform the functions vested in such Commission under this Act.

63 Stat. 954.
5 USC 1071 note.

Chairman.
Duties.

SEC. 5. Responsibility shall be vested in the Chairman for (1) the appointment and supervision of personnel employed under the Commission, (2) the distribution of business among such personnel, and (3) the use and expenditure of funds: *Provided*, That in carrying out his functions under the provisions of this section, the Chairman shall be governed by the general policies of the Commission.

Compensation,
etc.

SEC. 6. (a) Members of the Commission appointed pursuant to section 3 (b) (2) of this Act shall receive no additional compensation by virtue of their membership on the Commission, but shall continue to receive the salary of their regular position when engaged in the performance of the duties vested in the Commission. Such members shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(b) Members of the Commission, other than those appointed pursuant to section 3 (b) (2) of this Act, shall each receive compensation

at the rate of \$50 per day when engaged in the performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of such duties, but the aggregate compensation received by the members of the Commission pursuant to this subsection shall not exceed \$12,000 per annum in the case of the Chairman, and \$7,500 per annum in the case of members of the Commission other than those members appointed pursuant to section 3 (b) (2) of this Act.

SEC. 7. In the formulation of a comprehensive and coordinated plan or plans for (a) the control, conservation, and utilization of the waters of the Savannah, Altamaha, Saint Marys, Apalachicola-Chattahoochee, and Perdido-Escambia River Basins (and intervening areas), (b) conservation and development of the land resources of such area; (c) flood control, navigation, reclamation, agriculture purposes, power, recreation, fish and wildlife, and (d) such other needs as are set forth in paragraph (a) of the first section of this Act, the Commission shall—

Formulation of plans.

(1) seek to secure maximum public benefits for the region and the Nation consistent with the specific directions contained in section 8 and elsewhere in this Act;

(2) utilize the services, studies, surveys, and reports of existing Government agencies and shall encourage the completion of such current and additional studies and investigations by such agencies as will further the purposes of this Act, and such agencies are authorized to cooperate within the limits of available funds and personnel to the end that the Commission may carry out its functions as expeditiously as possible;

(3) take into consideration the financial, physical, and economic benefits of existing and prospective Federal works constructed or to be constructed consistent with the purposes of this Act;

(4) include in its plan or plans estimated costs and benefits; recommendations relating to the establishment of pay-out schedules (areawide or otherwise) taking into account the Federal Government's present and prospective investment in the area; costs reimbursable and nonreimbursable; sources for reimbursement; returns heretofore made from existing projects and estimates of returns from recommended projects; repayment schedules for water, irrigation, industrial, and other uses; power rates and recommendations for the marketing thereof in such manner as to encourage its most widespread use at the lowest possible rates consistent with the return of capital investment and interest thereon; and

(5) offer in its plan or plans proposals for the construction and operation of the projects contained therein, and designate the functions and activities of the various Federal departments and agencies in connection therewith consistent with existing law, except that no such plan or plans shall include final project designs and estimates.

SEC. 8. In the formulation of its plan or plans and in the preparation of its report to the President and to the Congress, the Commission shall comply with the following directives:

Directives.

(1) The report shall contain the basic comprehensive plan for the development of the water and land resources of the Savannah, Altamaha, Saint Marys, Apalachicola-Chattahoochee, and Perdido-Escambia River Basins (and intervening areas) formulated by the Commission in accordance with the provisions of, and to accomplish the purposes of, this Act;

(2) The Commission and the participating Federal departments and agencies shall comply substantially with the intent, purposes,

and procedure set forth in the first section of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control and other purposes", approved December 22, 1944 (58 Stat. 887).

33 USC 701-1.
Report to President.

SEC. 9. (a) The Commission is authorized and directed to prepare a final report, within the time provided for in this section, for submission to the President. Before the Commission takes final action on the approval of such report for submission to the President, it shall transmit a copy of such report to each department, agency, and governor referred to in subsection (b) of section 3 of this Act. Within ninety days from the date of receipt by each such department, agency, and governor of such proposed report, the written views, comments, and recommendations of such department, agency, and governor shall be submitted to the Commission. The Commission may adopt in its report to the President any views, comments, and recommendations so submitted and change its report accordingly. The Commission shall transmit to the President, with its final report, the submitted views, comments, and recommendations of each such department, agency, and governor whether or not adopted by such Commission.

Report to Congress.

(c) The President shall, within ninety days after the receipt by him of the final report of the Commission, transmit it to Congress with his views, comments, and recommendations.

(d) The final report of the Commission and its attachments shall be printed as a House or Senate document.

Appropriations.

SEC. 10. There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be required to carry out the purposes of this Act.

Approved August 28, 1958.

Public Law 85-851

AN ACT

To amend the Revised Organic Act of the Virgin Islands.

August 28, 1958
[H. R. 12303]

68 Stat. 497.
48 USC 1561.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Revised Organic Act of the Virgin Islands is amended by adding at the end thereof the following new paragraph:

Loyalty statement.

"No political or religious test other than an oath to support the Constitution and the laws of the United States applicable to the Virgin Islands, and the laws of the Virgin Islands, shall be required as a qualification to any office or public trust under the Government of the Virgin Islands."

48 USC 1574.

SEC. 2. Subsection (a) of section 8 of said Act is amended to read as follows:

Legislative power and authority.

"(a) The legislative authority and power of the Virgin Islands shall extend to all rightful subjects of legislation not inconsistent with this Act or the laws of the United States made applicable to the Virgin Islands, but no law shall be enacted which would impair rights existing or arising by virtue of any treaty or international agreement entered into by the United States, nor shall the lands or other property of nonresidents be taxed at a higher rate than the lands or other property of residents."

Code of laws.

SEC. 3. Subsection (e) of section 8 of said Act is amended by striking the words "and any supplements to it".

Comptroller.

SEC. 4. Subsection (a) of section 17 of said Act is amended by striking the words "not to exceed".

SEC. 5. Subsections (e) and (f) of section 17 of said Act are amended to read as follows:

Appeals from decisions.
48 USC 1599.

“(e) The decisions of the government comptroller shall be final except that appeal therefrom may, with the concurrence of the Governor, be taken by the party aggrieved or the head of the Department concerned, within one year from the date of the decision, to the Secretary of the Interior, which appeal shall be in writing and shall specifically set forth the particular action of the government comptroller to which exception is taken, with the reasons and the authorities relied upon for reversing such decision.

“(f) If the Secretary of the Interior confirms the decision of the government comptroller, or if the Governor does not concur in the taking of an appeal to the Secretary, then relief may be sought by suit in the District Court of the Virgin Islands if the claim is otherwise within its jurisdiction.”

SEC. 6. (a) Subsection (c) of section 20 of said Act is amended to read as follows:

48 USC 1641.
Salaries.

“(c) The salaries of the Governor, the Government Secretary, the government comptroller, and the members of their immediate staffs shall be paid by the United States. The salaries of the heads of the executive departments shall be paid by the government of the Virgin Islands; and if the legislature shall fail to make an appropriation for such salaries, the salaries theretofore fixed shall be paid without the necessity of further appropriations therefor.”

(b) This section 6 shall become effective on July 1, 1959.

SEC. 7. The last sentence of section 24 of said Act is amended to read as follows: “The Attorney General shall appoint a United States marshal for the Virgin Islands, to whose office the provisions of chapter 33 of title 28, United States Code, shall apply.”

48 USC 1614.
U. S. Marshall,
appointment.

SEC. 8. The first sentence of section 26 of said Act is amended to read as follows: “All criminal cases originating in the district court shall be tried by jury upon demand by the defendant or by the Government.”

28 USC 541.
Trial by Jury.

SEC. 9. Wherever the term “district attorney” appears in the seventh and eighth sentences of section 27 of said Act the following term shall be substituted: “United States attorney”.

48 USC 1617.

SEC. 10. The first sentence of subsection (b) of section 8 of said Act is amended to read as follows: “The legislature of the government of the Virgin Islands may cause to be issued on behalf of said government bonds or other obligations (1) for a specific public improvement or specific public undertaking authorized by an act of the legislature, and (2) for the establishment, construction, operation, maintenance, reconstruction, improvement, or enlargement of other projects, authorized by an act of the legislature, which will, in the legislature’s judgment, promote the public interest by economic development of the Virgin Islands. Such bonds or obligations shall be payable solely from the revenues directly derived from and attributable to such specific public improvement, public undertaking, or other project.”

48 USC 1574.
Issuance of
bonds.

SEC. 11. As used in this Act, the term “Revised Organic Act of the Virgin Islands” means the Act of July 22, 1954 (68 Stat. 497), as amended (48 U. S. C., secs. 1541 et seq.).

Approved August 28, 1958.

Public Law 85-852

AN ACT

Making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1959, and for other purposes.

August 28, 1958
[H. R. 13489]

Military Construction Appropriation Act, 1959.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1959, for military construction functions administered by the Department of Defense, and for other purposes, namely:

TITLE I

OFFICE OF THE SECRETARY OF DEFENSE

ADVANCED RESEARCH PROJECTS AGENCY

CONSTRUCTION

For construction as authorized by title IV of the Act of (Public Law), to remain available until expended, not to exceed \$50,000,000, to be derived by transfer from funds available to the Office of the Secretary of Defense for advanced research projects.

TITLE II

INTERSERVICE ACTIVITIES

LORAN STATIONS

For construction of additional loran stations by the Coast Guard, to remain available until expended, \$20,000,000, which shall be transferred on approval of the Secretary of Defense to the appropriation, "Acquisition, construction, and improvements", Coast Guard.

TITLE III

DEPARTMENT OF THE ARMY

MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, and facilities for the Army as authorized by section 102 of the Act of September 28, 1951 (Public Law 155), by section 102 of the Act of July 14, 1952 (Public Law 534), the Act of September 1, 1954 (Public Law 765), the Act of July 15, 1955 (Public Law 161), the Act of August 3, 1956 (Public Law 968), the Act of August 30, 1957 (Public Law 85-241), and such additional projects as may be authorized by law during the second session of the Eighty-fifth Congress, without regard to section 4774 (d) of title 10, United States Code, and section 3734, Revised Statutes, as amended, to remain available until expended, \$230,000,000.

65 Stat. 343; 66 Stat. 609; 68 Stat. 1120; 69 Stat. 329; 70 Stat. 991; 71 Stat. 534.

70A Stat. 269.
40 USC 267.

MILITARY CONSTRUCTION, ARMY RESERVE FORCES

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components, including the Army National Guard of the United States,

and contributions therefor, as authorized by chapter 133 of title 10, United States Code, as amended, and as may be authorized by law during the second session of the Eighty-fifth Congress, without regard to section 4774 (d) of title 10, United States Code, and section 3734, Revised Statutes, as amended, and land and interest therein may be acquired, constructed, and prosecuted thereon prior to approval of title by the Attorney General as required by section 355 of the Revised Statutes, as amended; and hire of passenger motor vehicles; to remain available until expended, \$6,250,000.

70A Stat. 120.

70A Stat. 269.
40 USC 267.

50 USC 175.

TITLE IV

DEPARTMENT OF THE NAVY

MILITARY CONSTRUCTION, NAVY

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, and facilities for the Navy as authorized by section 201 of the Act of August 7, 1953 (Public Law 209), sections 201 and 202 of the Act of July 27, 1954 (Public Law 534), the Act of September 1, 1954 (Public Law 765), the Act of July 15, 1955 (Public Law 161), the Act of August 3, 1956 (Public Law 968), the Act of August 30, 1957 (Public Law 85-241), and such additional projects as may be authorized by law during the second session of the Eighty-fifth Congress, without regard to section 3734, Revised Statutes, as amended, including personnel in the Bureau of Yards and Docks and other personal services necessary for the purposes of this appropriation, to remain available until expended, \$295,000,000: *Provided*, That no more than \$500,000 of the amount provided in the funding program for "Operational and Training Facilities, Naval Shipyard, Long Beach, California" shall be utilized for protective works until the Secretary of the Navy determines in his judgment that sufficient action has been taken or arrangements made to arrest further subsidence of the shipyard.

67 Stat. 441.
68 Stat. 539, 543,
1120; 69 Stat. 329;
70 Stat. 994; 71
Stat. 536.
70A Stat. 590.
40 USC 267.

MILITARY CONSTRUCTION, NAVAL RESERVE FORCES

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps, as authorized by chapter 133 of title 10, United States Code, as amended, and such additional projects as may be authorized by law during the second session of the Eighty-fifth Congress, without regard to section 3734, Revised Statutes, as amended, and land and interests therein may be acquired and construction prosecuted thereon prior to the approval of title by the Attorney General as required by section 355, Revised Statutes, as amended, to remain available until expended, \$8,000,000.

70A Stat. 120.

40 USC 267.

50 USC 175.

TITLE V

DEPARTMENT OF THE AIR FORCE

MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, and facilities for the Air Force as authorized by chapter 133 of title 10, United States Code, by section 302 of the Act of July 14, 1952 (Public Law 534), the Act of April 1, 1954 (Public Law 325), the Act of September 1, 1954 (Public Law 765), the Act of July 15, 1955 (Public Law 161), the Act of August 3, 1956 (Public Law 968), the Act of August 30,

66 Stat. 622; 68
Stat. 48, 1122; 69
Stat. 347; 70 Stat.
1002, 1012.

71 Stat. 550.
Ante, p. 11.

70A Stat. 590.
40 USC 267.

1957 (Public Law 85-241), the Act of February 12, 1958 (Public Law 85-325), and such additional projects as may be authorized by law during the second session of the Eighty-fifth Congress, without regard to section 9774 (d) of title 10, United States Code, and section 3734, Revised Statutes, as amended, to remain available until expended, including \$4,401,000 to be used only for the construction of a solar furnace at Holloman Air Force Base, \$785,000,000, of which \$683,000 is for the construction of a dam for the purpose of increasing the water supply for Pease Air Force Base together with the unexpended portion of funds heretofore made available for that purpose.

AIR NATIONAL GUARD

For an additional amount for "Air National Guard", \$9,600,000: *Provided*, That funds appropriated under this head in this Act shall be available only for construction as authorized by law.

TITLE VI

GENERAL PROVISIONS

SEC. 601. Funds appropriated to the military departments for construction in prior years are hereby made available for construction authorized for each such department by the authorizations enacted into law during the second session of the Eighty-fifth Congress.

Cost-plus-a-fixed fee contracts.

SEC. 602. None of the funds appropriated in this chapter shall be expended for payments under a cost-plus-a-fixed-fee contract for work where cost estimates exceed \$25,000 to be performed within the continental United States without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

Expediting construction.

SEC. 603. None of the funds appropriated in this chapter shall be expended for additional costs involved in expediting construction unless the Secretary of Defense certifies such costs to be necessary to protect the national interest and establishes a reasonable completion date for each project, taking into consideration the urgency of the requirement, the type and location of the project, the climatic and seasonal conditions affecting the construction and the application of economical construction practices.

Bakeries, laundries, etc.

SEC. 604. None of the funds appropriated in this chapter shall be used for the construction, replacement, or reactivation of any bakery, laundry, or dry-cleaning facility in the United States, its Territories or possessions, as to which the Secretary of Defense does not certify, in writing, giving his reasons therefor, that the services to be furnished by such facilities are not obtainable from commercial sources at reasonable rates.

Funds for advanced planning.

SEC. 605. Funds appropriated to the military departments for construction are hereby made available for: (1) advance planning, construction design and architectural services, as authorized by section 504 of the Act of September 28, 1951, as amended (69 Stat. 352), (2) acquisition of land, installation of outside utilities, and site preparation for housing projects to be constructed under title VIII of the National Housing Act, as amended, as authorized by section 505 of the Act of September 28, 1951 (65 Stat. 365), and (3) hire of passenger motor vehicles.

31 USC 723.

12 USC 1748i.

69 Stat. 646.
12 USC 1743 et seq.

SEC. 606. Appropriations to the military departments for construction may be charged for the cost of administration, supervision and inspection of family housing authorized pursuant to title IV of the Act of August 11, 1955 (Public Law 345), in an amount not to exceed three and one-half per centum of the cost of each such project:

Provided, That such appropriations shall be reimbursed from the proceeds of any mortgage executed on each such project.

SEC. 607. Funds appropriated to the military departments for construction may be used for advances to the Bureau of Public Roads, Department of Commerce, for the purposes of section 6 of the Defense Highway Act of 1941 (55 Stat. 765), as amended, and section 12 of the Federal-Aid Highway Act of 1950 (64 Stat. 785), as amended, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

23 USC 106 and note.

SEC. 608. The family unit costs for family housing including land authorized to be purchased by section 103 of the Act of August 30, 1957 (Public Law 85-241), may exceed by not more than 15 per centum the respective limitations on such costs contained in this Act.

71 Stat. 534.

SEC. 609. None of the funds appropriated in this chapter may be used to begin construction on new bases for which specific appropriations have not been made.

SEC. 610. During the current fiscal year, appropriations available for construction of family quarters for personnel shall not be obligated for such construction at a cost per family unit in excess of \$22,000 on housing units for generals or equivalent; \$19,800 on housing units for colonels or equivalent; \$17,600 on housing units for majors and lieutenant colonels, or equivalent; \$15,400 on housing units for second lieutenants, lieutenants, captains, and warrant officers, or equivalent; or \$13,200 on housing units for enlisted personnel, except that when such units are constructed outside the continental United States or in Alaska, the average cost per unit of all such units shall not exceed \$32,000 and in no event shall the individual cost exceed \$40,000.

SEC. 611. No part of the funds contained in this Act shall be used to incur obligations for the planning, design, or construction of facilities for an Air Force Academy the total cost of which will be in excess of \$139,797,000.

Air Force Academy.

SEC. 612. No part of the funds provided in this Act shall be used for purchase of land or land easements in excess of 110 per centum of the value as determined by the Corps of Engineers or the Bureau of Yards and Docks, except: (a) where there is a determination of value by a Federal court, (b) purchases negotiated by the Attorney General or his designee, and (c) where the estimated value is less than \$25,000.

SEC. 613. No part of the funds contained in this Act shall be used for the construction of a hospital at the Air Force Academy at a cost in excess of \$3,600,000.

Hospital.

SEC. 614. Such appropriations of the Department of Defense, available for obligation during the current fiscal year, as may be designated by the Secretary of Defense shall be available for the purposes of section 1 of the Act approved April 3, 1958 (72 Stat. 78): *Provided*, That any such appropriations so utilized shall be accounted for under the limitation established by section 4 of said Act.

VIII Olympic Winter Games, 1960.

SEC. 615. This Act may be cited as the "Military Construction Appropriation Act, 1959".

Short title.

Approved August 28, 1958.

Public Law 85-853

AN ACT

Making appropriations for Mutual Security for the fiscal year ending June 30, 1959, and for other purposes.

August 28, 1958
[H. R. 13192]

Mutual Security
Appropriation Act,
1959.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1959, namely:

MUTUAL SECURITY

FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to enable the President to carry out the provisions of the Mutual Security Act of 1954, as amended, to remain available until June 30, 1959 unless otherwise specified herein, as follows:

68 Stat. 832,
22 U S C 1751
note.

Ante, p. 261.

Military assistance: For assistance authorized by section 103 (a) to carry out the purposes of chapter I (including administrative expenses as authorized by section 103 (b), which shall not exceed \$25,000,000 for the fiscal year 1959, and purchase for replacement only of passenger motor vehicles for use abroad), \$1,515,000,000;

Ante, p. 262.

Defense support: For assistance authorized by section 131 (b), \$750,000,000: *Provided*, That not less than \$50,000,000 thereof shall be available for Spain exclusive of technical cooperation;

Ante, p. 262.

Development Loan Fund: For advances to the Development loan fund as authorized by section 203, \$400,000,000, to remain available until expended;

Ante, p. 265.

Technical cooperation, general authorization: For assistance authorized by section 304, \$150,000,000;

Ante, p. 265.

United Nations expanded program of technical assistance and related fund: For contributions authorized by section 306 (a), \$20,000,000;

Ante, p. 266.

Technical cooperation programs of the Organization of American States: For contributions authorized by section 306 (b), \$1,500,000;

Ante, p. 266.

Special assistance, general authorization: For assistance authorized by section 400 (a), \$200,000,000;

22 USC 1925.

Intergovernmental Committee for European Migration: For contributions authorized by section 405 (a), \$12,500,000: *Provided*, That no funds appropriated in this Act shall be used to assist directly in the migration to any nation in the Western Hemisphere of any person not having a security clearance based on reasonable standards to insure against Communist infiltration in the Western Hemisphere;

Ante, p. 266.

Program of United Nations High Commissioner for Refugees: For contributions authorized by section 405 (c), \$1,200,000;

Ante, p. 266.

Escapee program: For assistance authorized by section 405 (d), \$8,600,000;

Ante, p. 266.

United Nations Children's Fund: For contributions authorized by section 406, \$11,000,000;

Ante, p. 266.

United Nations Relief and Works Agency: For contributions and expenditures authorized by section 407, \$25,000,000, and in addition the unobligated balances of funds heretofore made available for this purpose are continued available;

Ante, p. 267.

Ocean freight charges, United States voluntary relief agencies: For payments authorized by section 409 (c), \$2,100,000;

Ante, p. 267.

Control Act expenses: For carrying out the purposes of the Mutual Defense Assistance Control Act of 1951, as authorized by section 410, \$1,000,000;

General administrative expenses: For expenses authorized by section 411 (b), \$33,000,000;

Atoms for Peace: For assistance authorized by section 419, \$5,500,000;

President's Special Authority and Contingency Fund: For assistance authorized by section 451 (b), \$155,000,000;

President's Fund for Asian Economic Development: Unobligated balances of funds heretofore made available for the President's Fund for Asian Economic Development are hereby continued available for the fiscal year 1959 for the purposes for which originally appropriated.

Funds appropriated under each paragraph of this Act (other than appropriations under the head of military assistance), including unobligated balances continued available, and amounts certified pursuant to section 1311 of the Supplemental Appropriation Act, 1955, as having been obligated against appropriations heretofore made for the same general purpose as such paragraph, which amounts are hereby continued available (except as may otherwise be specified in this Act) for the same period as the respective appropriations in this Act for the same general purpose, may be consolidated in one account for each paragraph.

Ante, p. 267.
Ante, p. 267.

Ante, p. 268.

68 Stat. 830.
31 USC 200.

DEPARTMENT OF STATE

Administrative expenses: For expenses of the Department of State as authorized by section 411 (c) of the Mutual Security Act of 1954, as amended, \$6,692,500.

Ante, p. 267.

CORPORATIONS

The Development Loan Fund is hereby authorized to make such expenditures within the limits of funds available to it, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided in section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the budget for the fiscal year 1959 for such corporation, except as hereinafter provided:

59 Stat. 598.
31 USC 849.

LIMITATION ON ADMINISTRATIVE EXPENSES, DEVELOPMENT LOAN FUND

Not to exceed \$1,250,000 of the funds of the Development Loan Fund shall be available during the fiscal year 1959 for administrative expenses of the Fund covering the categories set forth in the fiscal year 1959 budget estimates for such expenses.

Restriction.

GENERAL PROVISIONS

SEC. 102. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

Publicity or
propaganda.

SEC. 103. Payments made from funds appropriated herein for engineering fees and services to any individual engineering firm on any one project in excess of \$25,000 shall be reported to the Committees on Appropriations of the Senate and House of Representatives at least twice annually.

Engineering
fees.
Report to Con-
gress.

SEC. 104. Except for the appropriations entitled "President's special authority and contingency fund" and "Development loan fund", not more than 20 per centum of any appropriation item made available by this Act shall be obligated and/or reserved during the last month of availability.

Restriction.

SEC. 105. The Congress hereby reiterates its opposition to the seating in the United Nations of the Communist China regime as the representative of China, and it is hereby declared to be the continuing

Seating of Com-
munist China in
U. N., opposition.

Presidential report to Congress.

sense of the Congress that the Communist regime in China has not demonstrated its willingness to fulfill the obligations contained in the Charter of the United Nations and should not be recognized to represent China in the United Nations. In the event of the seating of representatives of the Chinese Communist regime in the Security Council or General Assembly of the United Nations, the President is requested to inform the Congress insofar as is compatible with the requirements of national security, of the implications of this action upon the foreign policy of the United States and our foreign relationships, including that created by membership in the United Nations, together with any recommendations which he may have with respect to the matter.

Availability of funds and authority.

SEC. 106. The appropriations and authority with respect thereto in this Act shall be available from July 1, 1958, for the purposes provided in such appropriations and authority. All obligations incurred during the period between June 30, 1958, and the date of enactment of this Act in anticipation of such appropriations and authority are hereby ratified and confirmed if in accordance with the terms hereof.

Restriction.

SEC. 107. None of the funds provided by this Act nor any of the counterpart funds generated as a result of assistance under this Act or any prior Act shall be used to pay pensions, annuities, retirement pay or adjusted service compensation for any persons heretofore or hereafter serving in the armed forces of any recipient country.

Foreign currencies.
68 Stat. 843.
22 USC 1922.

SEC. 108. Not to exceed 50 per centum of the foreign currencies heretofore generated in any country under section 402 of the Mutual Security Act of 1954, as amended, may, notwithstanding prior provisions of law, hereafter be used in accordance with the provisions of that section: *Provided*, That quarterly reports of the use of foreign currencies pursuant to this section shall be submitted to the Committees on Appropriations of the Senate and House of Representatives.

Reports.

Short title.

This Act may be cited as the "Mutual Security Appropriation Act, 1959".

Approved August 28, 1958.

Public Law 85-854

August 28, 1958
[H. R. 13406]

AN ACT

To amend the District of Columbia Redevelopment Act of 1945, as amended.

D. C. Redevelopment Act of 1945, amendments.
60 Stat. 790.
D. C. Code 5-701
note.
D. C. Code 5-702.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the District of Columbia Redevelopment Act of 1945, as amended, is hereby amended—

(1) by striking section 3 (g) thereof and inserting a new section 3 (g) as follows:

"SEC. 3. (g) 'Lessee' means an individual, partnership, corporation, religious organization, institution, or any other legal entity including, but not limited to, a redevelopment company, which has the power to conform to the applicable provisions of this Act and to comply with the terms of the lease of a project area or part thereof, and includes the successors or assigns and successors in title of any lessee.";

(2) by striking "after public hearing" in the first sentence of section 3 (j) thereof;

(3) by striking section 3 (1) thereof and inserting a new section 3 (1) as follows:

"SEC. 3. (1) 'Purchaser' means an individual, partnership, corporation, religious organization, institution, or any other legal entity including, but not limited to, a redevelopment company, which has the power to conform to the applicable provisions of this Act and to com-

D. C. Code 5-702.

ply with the terms of the sale of a project area or part thereof and includes the successors or assigns and successors in title of any purchaser.”;

(4) by striking the word “the” where it first appears and inserting in lieu thereof the word “any” and by striking the word “assembled” and inserting in lieu thereof the word “acquired” in the first sentence of section 7 (a) thereof;

D.C. Code 5-706.
D.C. Code 5-706.

(5) by striking the first sentence of section 7 (b) and inserting a new first sentence as follows: “The Agency, after it has acquired any or all of the real property in the project area, shall have the power to lease or sell so much thereof as is not to be devoted to public use, as an entirety or parts thereof separately to lessees or purchasers.”;

(6) by striking the word “remainder” and inserting in lieu thereof the words “real property” in the second sentence of section 7 (b) thereof;

(7) by substituting the following sentence for the second sentence in section 7 (d): “Every such lease and every contract of sale and deed shall provide that the lessee or purchaser shall (1) devote the real property to the uses specified in the approved project area redevelopment plan or approved modifications thereof; (2) begin within a reasonable time any improvements on the real property required by the plan; and (3) comply with such other conditions as the Agency may find necessary to carry out the purposes of this Act: *Provided*, That clause (2) of this sentence shall not apply to a mortgagee or trustee under deed of trust or others who acquire an interest in such real property as the result of the enforcement of any lien or claim thereon.”;

D.C. Code 5-706.

(8) by inserting “(except to a mortgagee or trustee under a deed of trust)” after the words “no power to convey” and by striking “or mortgagee” in section 7 (e) thereof;

D.C. Code 5-706.
D.C. Code 5-706.

(9) by striking section 7 (f) thereof and redesignating subsections (g), (h), and (i) of section 7 as subsections (f), (g), and (h) respectively;

(10) by striking “redevelopment company, individual, or partnership” in the second sentence of section 7 (f) as redesignated by paragraph 9 of this amendatory Act and inserting in lieu thereof “lessee or purchaser”;

D.C. Code 5-706.

(11) by inserting the following new subsection (i) at the end of section 7 thereof:

D.C. Code 5-706.

“(i) In the lease or sale of a project area or part thereof which is designated for commercial or industrial use under the project area redevelopment plan, the Agency shall establish a policy which in its judgment will provide, to business concerns which are displaced from a project area, a priority of opportunity to relocate in commercial or industrial facilities provided in connection with such development.”;

(12) (a) by striking in the first paragraph of section 10, “After the Agency shall have assembled and acquired the real property of a project area, it” and inserting “Before leasing or selling any piece or tract of land in the project area which is to be used for private uses or for low rent housing, the Agency”;

(b) by striking “each piece or tract of land within the area which, in accordance with the plan, is to be used for private uses or for low rent housing” and inserting “such piece or tract of land”;

and (c) by striking the second paragraph of section 10 and inserting a new second paragraph as follows:

D.C. Code 5-706.

“The aggregate use-values placed by the Agency upon pieces or tracts of land within a particular project area leased or sold by the Agency for private uses and for low-rent housing, shall not be less

than one-third of the aggregate cost to the Agency of acquiring such land (excluding the cost of old buildings destroyed and the demolition and clearance thereof).”;

D.C. Code 5-710.

(13) by amending section 11 (c) thereof to read as follows: “The Agency may require that any lessee or purchaser to which any project area or part thereof is leased or sold under this Act shall keep books of account of its operations of or transactions relating to such area or part thereof entirely separate and distinct from its or his accounts of and for any other project area or part thereof or any other real property or enterprise; and the Agency may, in its discretion, require, for such period as it may specify, that no lien or other interest shall be placed upon any real property in said area to secure any indebtedness or obligation of the lessee or purchaser incurred for or in relation to any property or enterprise outside of said area.”; and

D.C. Code 5-711.

(14) by striking the second sentence of section 12 thereof and inserting the following new sentence:

Public hearing.

“Before approval, the District Commissioners shall hold a public hearing on the proposed modification after ten days’ public notice”.

Approved August 28, 1958.

Public Law 85-855

AN ACT

To amend Public Law 85-422.

August 28, 1958
[S. 3966]

Military pay.
Ante, p. 128.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 4 (a) of Public Law 85-422 is amended by striking out “and persons with two or less years of service for basic pay purposes who were retired for physical disability or placed on the temporary disability retired list”.

Effective date.

(b) This amendment shall take effect on June 1, 1958.

Approved August 28, 1958.

Public Law 85-856

AN ACT

To amend section 544 of title 28, United States Code, relating to the bonds of United States marshals.

September 2, 1958
[S. 1438]

U.S. Marshals.
Bonds.
62 Stat. 911.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsections (a) and (b) of section 544 of title 28, United States Code, are amended to read as follows:

(a) Every United States marshal, including any marshal appointed to serve during a vacancy, shall be bonded in the sum of \$20,000 for the faithful performance of duty by himself and his deputies during his continuance in office and by his deputies after his death until his successor is appointed and qualifies.

(b) The Attorney General may require the United States marshal for the southern district of New York to be bonded in a sum not exceeding \$75,000 and any other United States marshal to be bonded in a sum not exceeding \$40,000.

Approved September 2, 1958.

Public Law 85-857

AN ACT

To consolidate into one Act all of the laws administered by the Veterans' Administration, and for other purposes.

September 2, 1958
[H. R. 9700]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the laws relating to veterans' benefits are revised, codified, and enacted as title 38, United States Code, "Veterans' Benefits", as follows:

Veterans' Benefits.
Enactment as
Title 38, U. S.
Code.
Ante, p. 936.

TITLE 38

VETERANS' BENEFITS

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CHAPTER 1—GENERAL

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§ 101. Definitions

For the purposes of this title—

(1) The term "Administrator" means the Administrator of Veterans' Affairs.

(2) The term "veteran" means a person who served in the active military, naval, or air service, and who was discharged or released therefrom under conditions other than dishonorable.

(3) The term "widow" means (except for purposes of chapter 19 of this title) a woman who was the wife of a veteran at the time of his death, and who lived with him continuously from the date of marriage to the date of his death (except where there was a separation which was due to the misconduct of, or procured by, the veteran without the fault of the wife) and who has not remarried (unless the purported remarriage is void).

(4) The term "child" means (except for purposes of chapter 19 of this title and section 5202 (b) of this title) a person who is unmarried and—

(A) who is under the age of eighteen years;

(B) who, before attaining the age of eighteen years, became permanently incapable of self-support; or

(C) who, after attaining the age of eighteen years and until completion of education or training (but not after attaining the age of twenty-one years), is pursuing a course of instruction at an approved educational institution;

and who is a legitimate child, a legally adopted child, a stepchild who is a member of a veteran's household or was a member at the time of the veteran's death, or an illegitimate child but, as to the alleged father, only if acknowledged in writing signed by him, or if he has been judicially ordered to contribute to the child's support or has been, before his death, judicially decreed to be the father of such child, or if he is otherwise shown by evidence satisfactory to the Administrator to be the father of such child.

(5) The term "parent" means (except for purposes of chapter 19 of this title) a father, a mother, a father through adoption, a mother through adoption, or an individual who for a period of not less than one year stood in the relationship of a parent to a veteran at any time

before his entry into active military, naval, or air service or if two persons stood in the relationship of a father or a mother for one year or more, the person who last stood in the relationship of father or mother before the veteran's last entry into active military, naval, or air service.

(6) The term "Spanish-American War" (A) means the period beginning on April 21, 1898, and ending on July 4, 1902, (B) includes the Philippine Insurrection and the Boxer Rebellion, and (C) in the case of a veteran who served with the United States military forces engaged in hostilities in the Moro Province, means the period beginning on April 21, 1898, and ending on July 15, 1903.

(7) The term "World War I" (A) means the period beginning on April 6, 1917, and ending on November 11, 1918, and (B) in the case of a veteran who served with the United States military forces in Russia, means the period beginning on April 6, 1917, and ending on April 1, 1920.

(8) The term "World War II" means (except for purposes of chapters 31 and 37 of this title) the period beginning on December 7, 1941, and ending on December 31, 1946.

(9) The term "Korean conflict" means the period beginning on June 27, 1950, and ending on January 31, 1955.

(10) The term "Armed Forces" means the United States Army, Navy, Marine Corps, Air Force, and Coast Guard, including the reserve components thereof.

(11) The term "period of war" means the Spanish-American War, World War I, World War II, the Korean conflict, and the period beginning on the date of any future declaration of war by the Congress and ending on a date prescribed by Presidential proclamation or concurrent resolution of the Congress.

(12) The term "veteran of any war" means any veteran who served in the active military, naval, or air service during a period of war.

(13) The term "compensation" means a monthly payment made by the Administrator to a veteran because of service-connected disability, or to a widow, child, or parent of a veteran because of the service-connected death of the veteran occurring before January 1, 1957.

(14) The term "dependency and indemnity compensation" means a monthly payment made by the Administrator to a widow, child, or parent (A) because of a service-connected death occurring after December 31, 1956, or (B) pursuant to the election of a widow, child, or parent, in the case of such a death occurring before January 1, 1957.

(15) The term "pension" means a monthly payment made by the Administrator to a veteran because of service, age, or non-service-connected disability, or to a widow or child of a veteran because of the non-service-connected death of the veteran.

(16) The term "service-connected" means, with respect to disability or death, that such disability was incurred or aggravated, or that the death resulted from a disability incurred or aggravated, in line of duty in the active military, naval, or air service.

(17) The term "non-service-connected" means, with respect to disability or death, that such disability was not incurred or aggravated, or that the death did not result from a disability incurred or aggravated, in line of duty in the active military, naval, or air service.

(18) The term "discharge or release" includes retirement from the active military, naval, or air service.

(19) The term "State home" means a home established by a State (other than a possession) for veterans of any war (including the Indian Wars) disabled by age, disease, or otherwise who by reason of such disability are incapable of earning a living.

(20) The term "State" means each of the several States, Territories, and possessions of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

(21) The term "active duty" means—

(A) full-time duty in the Armed Forces, other than active duty for training;

(B) full-time duty (other than for training purposes) as a commissioned officer of the Regular or Reserve Corps of the Public Health Service (i) on or after July 29, 1945, or (ii) before that date under circumstances affording entitlement to "full military benefits" or (iii) at any time, for the purposes of chapter 13 of this title;

(C) full-time duty as a commissioned officer of the Coast and Geodetic Survey (i) on or after July 29, 1945, or (ii) before that date (a) while on transfer to one of the Armed Forces, or (b) while, in time of war or national emergency declared by the President, assigned to duty on a project for one of the Armed Forces in an area determined by the Secretary of Defense to be of immediate military hazard, or (c) in the Philippine Islands on December 7, 1941, and continuously in such islands thereafter, or (iii) at any time, for the purposes of chapter 13 of this title;

(D) service as a cadet at the United States Military, Air Force, or Coast Guard Academy, or as a midshipman at the United States Naval Academy; and

(E) authorized travel to or from such duty or service.

(22) The term "active duty for training" means—

(A) full-time duty in the Armed Forces performed by Reserves for training purposes;

(B) full-time duty for training purposes performed as a commissioned officer of the Reserve Corps of the Public Health Service (i) on or after July 29, 1945, or (ii) before that date under circumstances affording entitlement to "full military benefits", or (iii) at any time, for the purposes of chapter 13 of this title;

(C) in the case of members of the National Guard or Air National Guard of any State, full-time duty under section 316, 502, 503, 504, or 505 of title 32, or the prior corresponding provisions of law; and

(D) authorized travel to or from such duty.

The term does not include duty performed as a temporary member of the Coast Guard Reserve.

(23) The term "inactive duty training" means—

(A) duty (other than full-time duty) prescribed for Reserves (including commissioned officers of the Reserve Corps of the Public Health Service) by the Secretary concerned under section 301 of title 37 or any other provision of law; and

(B) special additional duties authorized for Reserves (including commissioned officers of the Reserve Corps of the Public Health Service) by an authority designated by the Secretary concerned and performed by them on a voluntary basis in connection with the prescribed training or maintenance activities of the units to which they are assigned.

In the case of a member of the National Guard or Air National Guard of any State, such term means duty (other than full-time duty) under sections 316, 502, 503, 504, or 505 of title 32, or the prior corresponding provisions of law. Such term does not include (i) work or study performed in connection with correspondence courses, (ii) attendance at an educational institution in an inactive status, or (iii) duty performed as a temporary member of the Coast Guard Reserve.

70A Stat. 605.
32 USC 316, 502-505.

63 Stat. 826.
37 USC 301.

32 USC 316, 502-505.

(24) The term "active military, naval, or air service" includes active duty, any period of active duty for training during which the individual concerned was disabled or died from a disease or injury incurred or aggravated in line of duty, and any period of inactive duty training during which the individual concerned was disabled or died from an injury incurred or aggravated in line of duty.

(25) The term "Secretary concerned" means—

(A) the Secretary of the Army, with respect to matters concerning the Army;

(B) the Secretary of the Navy, with respect to matters concerning the Navy or the Marine Corps;

(C) the Secretary of the Air Force, with respect to matters concerning the Air Force;

(D) the Secretary of the Treasury, with respect to matters concerning the Coast Guard;

(E) the Secretary of Health, Education, and Welfare, with respect to matters concerning the Public Health Service; and

(F) the Secretary of Commerce, with respect to matters concerning the Coast and Geodetic Survey.

(26) The term "Reserves" means members of a reserve component of one of the Armed Forces.

(27) The term "reserve component" means, with respect to the Armed Forces—

(A) the Army Reserve;

(B) the Naval Reserve;

(C) the Marine Corps Reserve;

(D) the Air Force Reserve;

(E) the Coast Guard Reserve;

(F) the National Guard of the United States; and

(G) the Air National Guard of the United States.

§ 102. Dependent parents and dependent husbands

(a) (1) Dependency of a parent, which may arise before or after the death of a veteran, shall be determined in accordance with regulations prescribed by the Administrator.

(2) Except for purposes of chapter 33 of this title, dependency of a parent shall not be denied (A) solely because of remarriage, or (B) in any case in any State where the monthly income for a mother or father, not living together, is not more than \$105, or where the monthly income for a mother and father living together, is not more than \$175, plus, in either case, \$45, for each additional member of the family whom the father or mother is under a moral or legal obligation to support, as determined by the Administrator.

(3) For the purposes of this subsection in determining monthly income the Administrator shall not consider any payments under laws administered by the Veterans' Administration because of disability or death or payments of bonus or similar cash gratuity by any State based upon service in the Armed Forces.

(b) For the purposes of this title (except chapters 19 and 33), (1) the term "wife" includes the husband of any female veteran if such husband is incapable of self-maintenance and is permanently incapable of self-support due to mental or physical disability; and (2) the term "widow" includes the widower of any female veteran if such widower is incapable of self-maintenance and was permanently incapable of self-support due to physical or mental disability at the time of the veteran's death.

§ 103. Special provisions relating to marriages

(a) Whenever, in the consideration of any claim filed by a woman as the widow of a veteran for gratuitous death benefits under laws

administered by the Veterans' Administration, it is established by evidence satisfactory to the Administrator that she, without knowledge of any legal impediment, entered into a marriage with such veteran which, but for a legal impediment, would have been valid, and thereafter cohabitated with him for five or more years immediately before his death, the purported marriage shall be deemed to be a valid marriage, but only if no claim has been filed by a legal widow of such veteran who is found to be entitled to such benefits. No duplicate payments shall be made by virtue of this subsection.

(b) Where a widow has been legally married to a veteran more than once, the date of original marriage will be used in determining whether the statutory requirement as to date of marriage has been met.

(c) In determining whether or not a woman is or was the wife of a veteran, their marriage shall be proven as valid for the purposes of all laws administered by the Veterans' Administration according to the law of the place where the parties resided at the time of the marriage or the law of the place where the parties resided when the right to benefits accrued.

§ 104. Approval of educational institutions

(a) For the purpose of determining whether or not benefits are payable under this title (except chapter 35 of this title) for a child over the age of eighteen years and under the age of twenty-one years who is attending a school, college, academy, seminary, technical institute, university, or other educational institution, the Administrator may approve or disapprove such educational institutions.

(b) The Administrator may not approve an educational institution under this section unless such institution has agreed to report to him the termination of attendance of any child. If any educational institution fails to report any such termination promptly, the approval of the Administrator shall be withdrawn.

§ 105. Line of duty and misconduct

(a) An injury or disease incurred during active military, naval, or air service will be deemed to have been incurred in line of duty and not the result of the veteran's own misconduct when the person on whose account benefits are claimed was, at the time the injury was suffered or disease contracted, in active military, naval, or air service, whether on active duty or on authorized leave, unless such injury or disease was the result of his own willful misconduct. Venereal disease shall not be presumed to be due to willful misconduct if the person in service complies with the regulations of the appropriate service department requiring him to report and receive treatment for such disease.

(b) The requirement for line of duty will not be met if it appears that at the time the injury was suffered or disease contracted the person on whose account benefits are claimed (1) was avoiding duty by deserting the service, or by absenting himself without leave materially interfering with the performance of military duties; (2) was confined under sentence of court-martial involving an unremitted dishonorable discharge; or (3) was confined under sentence of a civil court for a felony (as determined under the laws of the jurisdiction where the person was convicted by such court).

§ 106. Certain service deemed to be active service

(a) (1) Service as a member of the Women's Army Auxiliary Corps for ninety days or more by any woman who before October 1, 1943, was honorably discharged for disability incurred or aggravated in line of duty which rendered her physically unfit to perform further service in the Women's Army Auxiliary Corps or the Women's Army

Corps shall be considered active duty for the purposes of all laws administered by the Veterans' Administration.

(2) Any person entitled to compensation or pension by reason of this subsection and to employees' compensation based upon the same service under the Federal Employees' Compensation Act must elect which benefit she will receive.

39 Stat. 742.
5 USC 751 note.

(b) Any person—

(1) who has applied for enlistment or enrollment in the active military, naval, or air service and has been provisionally accepted and directed or ordered to report to a place for final acceptance into such service; or

(2) who has been selected or drafted for service in the Armed Forces and has reported pursuant to the call of his local draft board and before rejection; or

(3) who has been called into the Federal service as a member of the National Guard, but has not been enrolled for the Federal service; and

who has suffered an injury or contracted a disease in line of duty while en route to or from, or at, a place for final acceptance or entry upon active duty, will, for the purposes of chapters 11, 13, 19, 21, 31, and 39 of this title, and for purposes of determining service-connection of a disability under chapter 17 of this title, be considered to have been on active duty and to have incurred such disability in the active military, naval, or air service.

(c) For the purposes of this title, whenever an individual is discharged or released after December 31, 1956, from a period of active duty he shall be deemed to continue on active duty during the period of time immediately following the date of such discharge or release from such duty determined by the Secretary concerned to be required for him to proceed to his home by the most direct route, and in any event, until midnight of the date of such discharge or release.

(d) For the purposes of this title, any individual—

(1) who, when authorized or required by competent authority, assumes an obligation to perform active duty for training or inactive duty training; and

(2) who is disabled or dies from an injury incurred after December 31, 1956, by him while proceeding directly to or returning directly from such active duty for training or inactive duty training, as the case may be;

shall be deemed to have been on active duty for training or inactive duty training, as the case may be, at the time such injury was incurred. In determining whether or not such individual was so authorized or required to perform such duty, and whether or not he was disabled or died from injury so incurred, the Administrator shall take into account the hour on which he began so to proceed or to return; the hour on which he was scheduled to arrive for, or on which he ceased to perform, such duty; the method of travel employed; his itinerary; the manner in which the travel was performed; and the immediate cause of disability or death. Whenever any claim is filed alleging that the claimant is entitled to benefits by reason of this subsection, the burden of proof shall be on the claimant.

§ 107. Certain service deemed not to be active service

(a) Service before July 1, 1946, in the organized military forces of the Government of the Commonwealth of the Philippines, while such forces were in the service of the Armed Forces of the United States pursuant to the military order of the President dated July 26, 1941, including among such military forces organized guerrilla forces under commanders appointed, designated, or subsequently recognized by the Commander in Chief, Southwest Pacific Area, or other competent

3 CFR, Cum.
Supp. p. 1307.

authority in the Army of the United States, shall not be deemed to have been active military, naval, or air service for the purposes of any law of the United States conferring rights, privileges, or benefits upon any person by reason of the service of such person or the service of any other person in the Armed Forces, except benefits under—

(1) contracts of National Service Life Insurance entered into before February 18, 1946;

(2) the Missing Persons Act; and

(3) chapters 11, 13 (except section 412), and 23 of this title.

56 Stat. 143.
50 USC app.
1001 note.

Payments under such chapters shall be made at the rate of one peso for each dollar otherwise authorized, and where annual income is a factor in entitlements to benefits, the dollar limitations in the law specifying such annual income shall apply at the rate of one Philippine peso for each dollar. Any payments made before February 18, 1946, to any such member under such laws conferring rights, benefits, or privileges shall not be deemed to have been invalid by reason of the circumstance that his service was not service in the Armed Forces or any component thereof within the meaning of any such law.

(b) Service in the Philippine Scouts under section 14 of the Armed Forces Voluntary Recruitment Act of 1945 shall not be deemed to have been active military, naval, or air service for the purposes of any of the laws administered by the Veterans' Administration except—

59 Stat. 543.

(1) with respect to contracts of National Service Life Insurance entered into (A) before May 27, 1946, (B) under section 620 or 621 of the National Service Life Insurance Act of 1940, or (C) under section 722 of this title; and

(2) chapters 11 and 13 (except section 412) of this title.

65 Stat. 36.
38 USC 821, 822.

Payments under such chapters shall be made at the rate of one peso for each dollar otherwise authorized, and where annual income is a factor in entitlement to benefits, the dollar limitations in the law specifying such annual income shall apply at the rate of one Philippine peso for each dollar.

§ 108. Seven-year absence presumption of death

(a) No State law providing for presumption of death shall be applicable to claims for benefits under laws administered by the Veterans' Administration.

(b) If evidence satisfactory to the Administrator is submitted establishing the continued and unexplained absence of any individual from his home and family for seven or more years, and establishing that after diligent search no evidence of his existence after the date of disappearance has been found or received, the death of such individual as of the date of the expiration of such period shall be considered as sufficiently proved.

(c) Except in a suit brought pursuant to section 784 of this title, the finding of death made by the Administrator shall be final and conclusive.

§ 109. Benefits for discharged members of allied forces

(a) (1) In consideration of reciprocal services extended to the United States, the Administrator, upon request of the proper officials of the government of any nation allied or associated with the United States in World War I (except any nation which was an enemy of the United States during World War II), or in World War II, may furnish to discharged members of the armed forces of such government, under agreements requiring reimbursement in cash of expenses so incurred, at such rates and under such regulations as the Administrator may prescribe, medical, surgical, and dental treatment, hospital care, transportation and traveling expenses, prosthetic appliances, education, training, or similar benefits authorized by the laws of such

nation for its veterans, and services required in extending such benefits. Hospitalization in a Veterans' Administration facility shall not be afforded under this section, except in emergencies, unless there are available beds surplus to the needs of veterans of this country. The Administrator may also pay the court costs and other expenses incident to the proceedings taken for the commitment of such discharged members who are mentally incompetent to institutions for the care or treatment of the insane.

(2) The Administrator, in carrying out the provisions of this subsection, may contract for necessary services in private, State, and other Government hospitals.

(3) All amounts received by the Veterans' Administration as reimbursement for such services shall be credited to the current appropriation of the Veterans' Administration from which expenditures were made under this subsection.

(b) Persons who served in the active service in the armed forces of any government allied with the United States in World War II and who at time of entrance into such active service were citizens of the United States shall, by virtue of such service, and if otherwise qualified, be entitled to the benefits of chapters 31 and 37 of this title in the same manner and to the same extent as veterans of World War II are entitled. No such benefit shall be extended to any person who is not a resident of the United States at the time of filing claim, or to any person who has applied for and received the same or any similar benefit from the government in whose armed forces he served.

§ 110. Preservation of total disability ratings

A rating of total disability or permanent total disability which has been made for compensation, pension, or insurance purposes under laws administered by the Veterans' Administration, and which has been continuously in force for twenty or more years, shall not be reduced thereafter, except upon a showing that such rating was based on fraud.

§ 111. Travel expenses

(a) Under regulations prescribed by the President, the Administrator may pay the actual necessary expense of travel (including lodging and subsistence), or in lieu thereof an allowance based upon mileage traveled, of any person to or from a Veterans' Administration facility or other place in connection with vocational rehabilitation, counseling required by the Administrator pursuant to chapter 33 or 35 of this title, or for the purpose of examination, treatment, or care.

(b) Mileage may be paid under this section in connection with vocational rehabilitation, counseling, or upon termination of examination, treatment, or care, before the completion of travel.

(c) When any person entitled to mileage under this section requires an attendant (other than an employee of the Veterans' Administration) in order to perform such travel, the attendant may be allowed expenses of travel upon the same basis as such person.

(d) The Administrator may provide for the purchase of printed reduced-fare requests for use by veterans and their authorized attendants when traveling at their own expense to or from any Veterans' Administration facility.

CHAPTER 3—VETERANS' ADMINISTRATION; OFFICERS AND EMPLOYEES

SUBCHAPTER I—VETERANS' ADMINISTRATION

Sec.

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202. Seal of the Veterans' Administration.

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211. Decisions by Administrator; opinions of Attorney General.
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231. Placement of employees in military installations.
232. Employment of translators.
233. Employees' apparel; school transportation; recreational equipment; visual exhibits.
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Subchapter I—Veterans' Administration

§ 201. Veterans' Administration an independent agency

The Veterans' Administration is an independent establishment in the executive branch of the Government, especially created for or concerned in the administration of laws relating to the relief and other benefits provided by law for veterans, their dependents, and their beneficiaries.

§ 202. Seal of the Veterans' Administration

The seal of the Veterans' Administration shall be judicially noticed. Copies of any public documents, records, or papers belonging to or in the files of the Veterans' Administration, when authenticated by the seal and certified by the Administrator or by any employee of the Veterans' Administration to whom proper authority shall have been delegated in writing by the Administrator, shall be evidence equal with the originals thereof.

Subchapter II—Administrator of Veterans' Affairs

§ 210. Appointment and general authority of Administrator

(a) The Administrator of Veterans' Affairs is the head of the Veterans' Administration. He is appointed by the President, by and with the advice and consent of the Senate. He shall receive a salary of \$21,000 a year, payable monthly.

(b) The Administrator, under the direction of the President, is responsible for the proper execution and administration of all laws administered by the Veterans' Administration and for the control, direction, and management of the Veterans' Administration. Except to the extent inconsistent with law, he may consolidate, eliminate, abolish, or redistribute the functions of the bureaus, agencies, offices, or activities in the Veterans' Administration, create new bureaus, agencies, offices, or activities therein, and fix the functions thereof and the duties and powers of their respective executive heads.

(c) The Administrator has authority to make all rules and regulations which are necessary or appropriate to carry out the laws administered by the Veterans' Administration and are consistent therewith,

including regulations with respect to the nature and extent of proofs and evidence and the method of taking and furnishing them in order to establish the right to benefits under such laws, the forms of application by claimants under such laws, the methods of making investigations and medical examinations, and the manner and form of adjudications and awards.

§ 211. Decisions by Administrator; opinions of Attorney General

(a) Except as provided in sections 784, 1661, 1761, and as to matters arising under chapter 37 of this title, the decisions of the Administrator on any question of law or fact concerning a claim for benefits or payments under any law administered by the Veterans' Administration shall be final and conclusive and no other official or any court of the United States shall have power or jurisdiction to review any such decision.

(b) The Administrator may require the opinion of the Attorney General on any question of law arising in the administration of the Veterans' Administration.

§ 212. Delegation of authority and assignment of duties

(a) The Administrator may assign duties, and delegate authority to act and to render decisions, with respect to all laws administered by the Veterans' Administration, to such officers and employees as he may find necessary. Within the limitations of such delegations or assignments, all official acts and decisions of such officers and employees shall have the same force and effect as though performed or rendered by the Administrator.

(b) There shall be included on the technical and administrative staff of the Administrator such staff officers, experts, inspectors, and assistants (including legal assistants), as the Administrator may prescribe.

§ 213. Contracts and personal services

The Administrator may, for purposes of all laws administered by the Veterans' Administration, accept uncompensated services, and enter into contracts or agreements with private or public agencies or persons, for such necessary services (including personal services) as he may deem practicable.

§ 214. Reports to the Congress

The Administrator shall make annually, at the close of each fiscal year, a report in writing to the Congress, giving an account of all moneys received and disbursed by the Veterans' Administration, describing the work done, and stating the activities of the Veterans' Administration for such fiscal year.

§ 215. Publication of laws relating to veterans

The Administrator may compile and publish all Federal laws relating to veterans' relief, including such laws as are administered by the Veterans' Administration as well as by other agencies of the Government, in such form as he deems advisable for the purpose of making currently available in convenient form for the use of the Veterans' Administration and full-time representatives of the several service organizations an annotated, indexed, and cross-referenced statement of the laws providing veterans' relief. The Administrator may maintain such compilation on a current basis either by the publication, from time to time, of supplementary documents or by complete revision of the compilation. The distribution of the compilation to the representatives of the several service organizations shall be as determined by the Administrator.

§ 216. Research by Administrator

(a) The Administrator shall conduct research in the field of prosthesis, prosthetic appliances, orthopedic appliances, and sensory devices.

(b) In order that the unique investigative materials and research data in the possession of the Government may result in improved prosthetic appliances for all disabled persons, the Administrator may make available to any person the results of his research.

(c) There is authorized to be appropriated annually \$1,000,000, to remain available until expended, to carry out this section.

§ 217. Studies of rehabilitation of disabled persons

(a) The Administrator may make or have made studies, investigations, and reports relative to the rehabilitation of disabled persons, the relative abilities, aptitudes, and capacities of the several groups of the variously handicapped, and how their potentialities can best be developed and their services best utilized in gainful and suitable employment including the rehabilitation programs of foreign nations.

(b) In carrying out this section, the Administrator may cooperate with such public and private agencies as he may deem advisable, and may employ consultants who shall receive a reasonable per diem, as prescribed by the Administrator, for each day actually employed, plus necessary travel and other expenses.

Subchapter III—Veterans' Administration Regional Offices; Employees

§ 230. Central and regional offices

(a) The Central Office of the Veterans' Administration shall be in the District of Columbia. The Administrator may establish such regional offices and such other field offices within the United States, its Territories, Commonwealths, and possessions, as he deems necessary.

(b) The Administrator may exercise authority under this section in territory of the Republic of the Phillipines until June 30, 1960.

§ 231. Placement of employees in military installations

The Administrator may place officers and employees of the Veterans' Administration in such Army, Navy, and Air Force installations as may be deemed advisable for the purpose of adjudicating disability claims of, and giving aid and advice to, members of the Armed Forces who are about to be discharged or released from active military, naval, or air service.

§ 232. Employment of translators

The Administrator may contract for the services of translators without regard to sections 39, 46, and 50 of title 5, and the Classification Act of 1949.

§ 233. Employees' apparel; school transportation; recreational equipment; visual exhibits

The Administrator, subject to such limitations as he may prescribe, may—

(1) furnish and launder such wearing apparel as may be prescribed for employees in the performance of their official duties;

(2) transport children of Veterans' Administration employees located at isolated stations to and from school in available Government-owned automotive equipment;

(3) provide recreational facilities, supplies, and equipment for the use of patients in hospitals, and employees in isolated installations; and

(4) provide for the preparation, shipment, installation, and display of exhibits, photographic displays, moving pictures and other visual educational information and descriptive material. For the purposes of subparagraph (4), the Administrator may purchase or rent equipment.

§ 234. Telephone service for medical officers

The Administrator may pay for official telephone service and rental in the field whenever incurred in case of official telephones for medical officers of the Veterans' Administration where such telephones are installed in private residences or private apartments or quarters, when authorized under regulations established by the Administrator.

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CHAPTER 11—COMPENSATION FOR SERVICE-CONNECTED DISABILITY OR DEATH

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Subchapter I—General

§ 301. Definitions

For the purposes of this chapter—

(1) The term “veteran” includes a person who died in the active military, naval, or air service.

(2) The term “period of war” includes, in the case of any veteran—

(A) any period of service performed by him after November 11, 1918, and before July 2, 1921, if such veteran served in the active military, naval, or air service after April 5, 1917, and before November 12, 1918; and

(B) any period of continuous service performed by him after December 31, 1946, and before July 26, 1947, if such period began before January 1, 1947.

(3) The term “chronic disease” includes—

Anemia, primary

Arteriosclerosis

Arthritis

Atrophy, progressive muscular

Brain hemorrhage

Brain thrombosis

Bronchiectasis

Calculi of the kidney, bladder, or gallbladder

Cardiovascular-renal disease, including hypertension

Cirrhosis of the liver

Coccidioidomycosis

Diabetes mellitus

Encephalitis lethargica residuals

Endocarditis

Endocrinopathies

Epilepsies

Hodgkin's disease

Leprosy

Leukemia

Myasthenia gravis

Myelitis

Myocarditis

Nephritis

Organic diseases of the nervous system

Osteitis deformans (Paget's disease)

Osteomalacia

Palsy, bulbar

Paralysis agitans

Psychoses

Purpura idiopathic, hemorrhagic

Raynaud's disease

Sarcoidosis

Scleroderma

Sclerosis, amyotrophic lateral

Sclerosis, multiple

Syringomyelia

Thromboangiitis obliterans (Buerger's disease)

Tuberculosis, active

Tumors, malignant, or of the brain or spinal cord or peripheral nerves

Ulcers, peptic (gastric or duodenal)

and such other chronic diseases as the Administrator may add to this list;

(4) The term "tropical disease" includes—

Amebiasis
Blackwater fever
Cholera
Dracontiasis
Dysentery
Filiariasis
Leishmaniasis, including kala-azar
Leprosy
Loiasis
Malaria
Onchocerciasis
Oroya fever
Pinta
Plague
Schistosomiasis
Yaws
Yellow fever

and such other tropical diseases as the Administrator may add to this list.

§ 302. Special provisions relating to widows

(a) No compensation shall be paid to the widow of a veteran under this chapter unless she was married to him—

(1) before the expiration of ten years after the termination of the period of service in which the injury or disease causing the death of the veteran was incurred or aggravated; or

(2) for five or more years; or

(3) for any period of time if a child was born of the marriage.

(b) Subsection (a) shall not be applicable to any widow who, with respect to date of marriage, could have qualified as a widow for death compensation under any law administered by the Veterans' Administration in effect on December 31, 1957.

Subchapter II—Wartime Disability Compensation**§ 310. Basic entitlement**

For disability resulting from personal injury suffered or disease contracted in line of duty, or for aggravation of a preexisting injury suffered or disease contracted in line of duty, in the active military, naval, or air service, during a period of war, the United States will pay to any veteran thus disabled and who was discharged or released under conditions other than dishonorable from the period of service in which said injury or disease was incurred, or preexisting injury or disease was aggravated, compensation as provided in this subchapter, but no compensation shall be paid if the disability is the result of the veteran's own willful misconduct.

§ 311. Presumption of sound condition

For the purposes of section 310 of this title, every veteran shall be taken to have been in sound condition when examined, accepted, and enrolled for service, except as to defects, infirmities, or disorders noted at the time of the examination, acceptance, and enrollment, or where clear and unmistakable evidence demonstrates that the injury or disease existed before acceptance and enrollment and was not aggravated by such service.

§ 312. Presumptions relating to certain diseases

For the purposes of section 310 of this title, and subject to the provisions of section 313 of this title, in the case of any veteran who served for ninety days or more during a period of war—

(1) a chronic disease becoming manifest to a degree of 10 per centum or more within one year from the date of separation from such service;

(2) a tropical disease, and the resultant disorders or disease originating because of therapy, administered in connection with such diseases, or as a preventative thereof, becoming manifest to a degree of 10 per centum or more within one year from the date of separation from such service, or at a time when standard or accepted treatises indicate that the incubation period thereof commenced during such service;

(3) active tuberculous disease developing a 10 per centum degree of disability or more within three years from the date of separation from such service;

(4) multiple sclerosis developing a 10 per centum degree of disability or more within two years from the date of separation from such service;

shall be considered to have been incurred in or aggravated by such service, notwithstanding there is no record of evidence of such disease during the period of service.

§ 313. Presumptions rebuttable

(a) Where there is affirmative evidence to the contrary, or evidence to establish that an intercurrent injury or disease which is a recognized cause of any of the diseases within the purview of section 312 of this title, has been suffered between the date of separation from service and the onset of any such diseases, or the disability is due to the veteran's own willful misconduct, service-connection pursuant to section 312 of this title will not be in order.

(b) Nothing in section 312 of this title or subsection (a) of this section shall be construed to prevent the granting of service-connection for any disease or disorder otherwise shown by sound judgment to have been incurred in or aggravated by active military, naval, or air service.

§ 314. Rates of wartime disability compensation

For the purposes of section 310 of this title—

(a) if and while the disability is rated 10 per centum the monthly compensation shall be \$19;

(b) if and while the disability is rated 20 per centum the monthly compensation shall be \$36;

(c) if and while the disability is rated 30 per centum the monthly compensation shall be \$55;

(d) if and while the disability is rated 40 per centum the monthly compensation shall be \$73;

(e) if and while the disability is rated 50 per centum the monthly compensation shall be \$100;

(f) if and while the disability is rated 60 per centum the monthly compensation shall be \$120;

(g) if and while the disability is rated 70 per centum the monthly compensation shall be \$140;

(h) if and while the disability is rated 80 per centum the monthly compensation shall be \$160;

(i) if and while the disability is rated 90 per centum the monthly compensation shall be \$179;

(j) if and while the disability is rated as total the monthly compensation shall be \$225;

(k) if the veteran, as the result of service-connected disability, has suffered the anatomical loss or loss of use of a creative organ, or one foot, or one hand, or both buttocks, or blindness of one eye, having only light perception, the rate of compensation therefor shall be \$47 per month independent of any other compensation provided in subsections (a) through (j) of this section; and in the event of anatomical loss or loss of use of a creative organ, or one foot, or one hand, or both buttocks, or blindness of one eye, having only light perception, in addition to the requirement for any of the rates specified in subsections (l) through (n) of this section, the rate of compensation shall be increased by \$47 per month for each such loss or loss of use, but in no event to exceed \$450 per month;

(l) if the veteran, as the result of service-connected disability, has suffered the anatomical loss or loss of use of both hands, or both feet, or of one hand and one foot, or is blind in both eyes, with 5/200 visual acuity or less, or is permanently bedridden or so helpless as to be in need of regular aid and attendance, the monthly compensation shall be \$309;

(m) if the veteran, as the result of service-connected disability, has suffered the anatomical loss or loss of use of two extremities at a level, or with complications, preventing natural elbow or knee action with prosthesis in place, or has suffered blindness in both eyes having only light perception, or has suffered blindness in both eyes, rendering him so helpless as to be in need of regular aid and attendance, the monthly compensation shall be \$359;

(n) if the veteran, as the result of service-connected disability, has suffered the anatomical loss of two extremities so near the shoulder or hip as to prevent the use of a prosthetic appliance or has suffered the anatomical loss of both eyes, the monthly compensation shall be \$401;

(o) if the veteran, as the result of service-connected disability, has suffered disability under conditions which would entitle him to two or more of the rates provided in one or more subsections (l) through (n) of this section, no condition being considered twice in the determination, or has suffered total deafness in combination with total blindness with 5/200 visual acuity or less, the monthly compensation shall be \$450;

(p) in the event the veteran's service-connected disabilities exceed the requirements for any of the rates prescribed in this section, the Administrator, in his discretion, may allow the next higher rate or an intermediate rate, but in no event in excess of \$450; and

(q) if the veteran is shown to have had a service-connected disability resulting from an active tuberculous disease, which disease in the judgment of the Administrator has reached a condition of complete arrest, the monthly compensation shall be not less than \$67.

§ 315. Additional compensation for dependents

(a) Any veteran entitled to compensation at the rates provided in section 314 of this title, and whose disability is rated not less than 50 per centum, shall be entitled to additional compensation for dependents in the following monthly amounts:

(1) If and while rated totally disabled and—

(A) has a wife but no child living, \$23;

(B) has a wife and one child living, \$39;

(C) has a wife and two children living, \$50;

(D) has a wife and three or more children living, \$62;

(E) has no wife but one child living, \$15;

(F) has no wife but two children living, \$27;

(G) has no wife but three or more children living, \$39; and

(H) has a mother or father, either or both dependent upon him for support, then, in addition to the above amounts, \$19 for each parent so dependent.

(2) If and while rated partially disabled, but not less than 50 per centum, in an amount having the same ratio to the amount specified in paragraph (1) as the degree of his disability bears to total disability. The amounts payable under this paragraph shall be adjusted upward or downward to the nearest dollar, counting fifty cents and over as a whole dollar.

(b) The additional compensation for a dependent or dependents provided by this section shall not be payable to any veteran during any period he is in receipt of an increased rate of subsistence allowance or education and training allowance on account of a dependent or dependents under any other law administered by the Veterans' Administration.

The veteran may elect to receive whichever is the greater.

Subchapter III—Wartime Death Compensation

§ 321. Basic entitlement

The surviving widow, child or children, and dependent parent or parents of any veteran who died before January 1, 1957 (or after April 30, 1957, under the circumstances described in section 417 (a) of this title) as the result of injury or disease incurred in or aggravated by active military, naval, or air service, in line of duty, during a period of war, shall be entitled to receive compensation at the monthly rates specified in section 322 of this title.

§ 322. Rates of wartime death compensation

The monthly rates of death compensation shall be as follows:

(1) Widow but no child, \$87;

(2) Widow with one child, \$121 (with \$29 for each additional child);

(3) No widow but one child, \$67;

(4) No widow but two children, \$94 (equally divided);

(5) No widow but three children, \$122 (equally divided) (with \$23 for each additional child, total amount to be equally divided);

(6) Dependent mother or father, \$75;

(7) Dependent mother and father, \$40 each.

Subchapter IV—Peacetime Disability Compensation

§ 331. Basic entitlement

For disability resulting from personal injury suffered or disease contracted in line of duty, or for aggravation of a preexisting injury suffered or disease contracted in line of duty, in the active military, naval, or air service, during other than a period of war, the United States will pay to any veteran thus disabled and who was discharged or released under conditions other than dishonorable from the period of service in which said injury or disease was incurred, or preexisting injury or disease was aggravated, compensation as provided in this subchapter, but no compensation shall be paid if the disability is the result of the veteran's own willful misconduct.

§ 332. Presumption of sound condition

For the purposes of section 331 of this title, every person employed in the active military, naval, or air service for six months or more shall be taken to have been in sound condition when examined,

accepted and enrolled for service, except as to defects, infirmities, or disorders noted at the time of the examination, acceptance and enrollment, or where evidence or medical judgment is such as to warrant a finding that the disease or injury existed before acceptance and enrollment.

§ 333. Presumptions relating to certain diseases

(a) For the purposes of section 331 of this title, and subject to the provisions of subsections (b) and (c) of this section, any veteran who served for six months or more and contracts a tropical disease or a resultant disorder or disease originating because of therapy administered in connection with a tropical disease, or as a preventative thereof, shall be deemed to have incurred such disability in the active military, naval, or air service when it is shown to exist within one year after separation from active service, or at a time when standard and accepted treatises indicate that the incubation period thereof commenced during active service.

(b) Service-connection shall not be granted pursuant to subsection (a), in any case where the disease or disorder is shown by clear and unmistakable evidence to have had its inception before or after active military, naval, or air service.

(c) Nothing in this section shall be construed to prevent the granting of service-connection for any disease or disorder otherwise shown by sound judgment to have been incurred in or aggravated by active military, naval, or air service.

§ 334. Rates of peacetime disability compensation

For the purposes of section 331 of this title, the compensation payable for the disability shall be equal to 80 per centum of the compensation payable for such disability under section 314 of this title, adjusted upward or downward to the nearest dollar, counting fifty cents and over as a whole dollar.

§ 335. Additional compensation for dependents

Any veteran entitled to compensation at the rates provided in section 334 of this title, and whose disability is rated not less than 50 per centum, shall be entitled to additional monthly compensation for dependents equal to 80 per centum of the additional compensation for dependents provided in section 315 of this title, and subject to the limitations thereof. The amounts payable under this section shall be adjusted upward or downward to the nearest dollar, counting fifty cents and over as a whole dollar.

§ 336. Conditions under which wartime rates payable

Any veteran otherwise entitled to compensation under the provisions of this subchapter shall be entitled to receive the rate of compensation provided in section 314 and 315 of this title, if the disability of such veteran resulted from an injury or disease received in line of duty (1) as a direct result of armed conflict, (2) while engaged in extrahazardous service, including such service under conditions simulating war, or (3) after December 31, 1946, and before July 26, 1947.

Subchapter V—Peacetime Death Compensation

§ 341. Basic entitlement

The surviving widow, child or children, and dependent parent or parents of any veteran who died before January 1, 1957 (or after April 30, 1957, under the circumstances described in section 417 (a) of this title), as the result of injury or disease incurred in or aggravated by active military, naval, or air service, in line of duty, during other than a period of war, shall be entitled to receive compensation as hereinafter provided in this subchapter.

§ 342. Rates of peacetime death compensation

For the purposes of section 341 of this title, the monthly rates of death compensation payable shall be equal to 80 per centum of the rates prescribed by section 322 of this title, adjusted upward or downward to the nearest dollar, counting fifty cents and over as a whole dollar.

§ 343. Conditions under which wartime rates payable

The dependents of any deceased veteran otherwise entitled to compensation under the provisions of this subchapter shall be entitled to receive the rate of compensation provided in section 322 of this title, if the death of such veteran resulted from an injury or disease received in line of duty (1) as a direct result of armed conflict, (2) while engaged in extrahazardous service, including such service under conditions simulating war, or (3) after December 31, 1946, and before July 26, 1947, or (4) while the United States was engaged in any war before April 21, 1898.

Subchapter VI—General Compensation Provisions**§ 351. Benefits for persons disabled by treatment or vocational rehabilitation**

Where any veteran shall have suffered an injury, or an aggravation of an injury, as the result of hospitalization, medical or surgical treatment, or the pursuit of a course of vocational rehabilitation under chapter 31 of this title, awarded him under any of the laws administered by the Veterans' Administration, or as a result of having submitted to an examination under any such law, and not the result of his own willful misconduct, and such injury or aggravation results in additional disability to or the death of such veteran, disability or death compensation under this chapter and dependency and indemnity compensation under chapter 13 of this title shall be awarded in the same manner as if such disability, aggravation, or death were service-connected; except that no benefits shall be awarded unless application be made therefor within two years after such injury or aggravation was suffered, or such death occurred.

§ 352. Persons heretofore having a compensable status

The death and disability benefits of this chapter shall, notwithstanding the service requirements thereof, be granted to persons heretofore recognized by law as having a compensable status, including persons whose claims are based on war or peacetime service rendered before April 21, 1898.

§ 353. Aggravation

A preexisting injury or disease will be considered to have been aggravated by active military, naval, or air service, where there is an increase in disability during such service, unless there is a specific finding that the increase in disability is due to the natural progress of the disease.

§ 354. Consideration to be accorded time, place and circumstances of service

(a) The Administrator shall include in the regulations pertaining to service-connection of disabilities, additional provisions in effect requiring that in each case where a veteran is seeking service-connection for any disability due consideration shall be given to the places, types, and circumstances of his service as shown by his service record, the official history of each organization in which he served, his medical records, and all pertinent medical and lay evidence.

(b) In the case of any veteran who engaged in combat with the enemy in active service with a military, naval, or air organization of the United States during a period of war, campaign, or expedition, the Administrator shall accept as sufficient proof of service-connection of any disease or injury alleged to have been incurred in or aggravated by such service satisfactory lay or other evidence of service incurrence or aggravation of such injury or disease, if consistent with the circumstances, conditions, or hardships of such service, notwithstanding the fact that there is no official record of such incurrence or aggravation in such service, and, to that end, shall resolve every reasonable doubt in favor of the veteran. Service-connection of such injury or disease may be rebutted by clear and convincing evidence to the contrary. The reasons for granting or denying service-connection in each case shall be recorded in full.

§ 355. Authority for schedule for rating disabilities

The Administrator shall adopt and apply a schedule of ratings of reductions in earning capacity from specific injuries or combination of injuries. The ratings shall be based, as far as practicable, upon the average impairments of earning capacity resulting from such injuries in civil occupations. The schedule shall be constructed so as to provide ten grades of disability and no more, upon which payments of compensation shall be based, namely, 10 per centum, 20 per centum, 30 per centum, 40 per centum, 50 per centum, 60 per centum, 70 per centum, 80 per centum, 90 per centum, and total, 100 per centum. The Administrator shall from time to time readjust this schedule of ratings in accordance with experience.

§ 356. Minimum rating for arrested tuberculosis

Any veteran shown to have active tuberculosis which is compensable under this chapter, who in the judgment of the Administrator has reached a condition of complete arrest, shall be rated as totally disabled for a period of two years following such date of arrest, as 50 per centum disabled for an additional period of four years, and 30 per centum for a further five years. Following far advanced active lesions the permanent rating shall be 30 per centum, and following moderately advanced lesions, the permanent rating, after eleven years, shall be 20 per centum, provided there is continued disability, dyspnea on exertion, impairment of health, and so forth; otherwise the rating shall be zero per centum. The total disability rating herein provided for the two years following a complete arrest may be reduced to 50 per centum for failure to follow prescribed treatment or to submit to examination when requested. This section shall not be construed as requiring a reduction of compensation authorized under any other provision of this chapter.

§ 357. Combination of certain ratings

The Administrator shall provide for the combination of ratings and pay compensation at the rates prescribed in subchapter II of this chapter to those veterans who served during a period of war and during any other time, who have suffered disability in line of duty in each period of service.

§ 358. Disappearance

Where an incompetent veteran receiving compensation under this chapter disappears, the Administrator, in his discretion, may pay the compensation otherwise payable to the veteran to his wife, children, and parents. Payments made to a wife, child, or parent under the preceding sentence shall not exceed the amounts payable to each if the veteran had died from service-connected disability.

CHAPTER 13—DEPENDENCY AND INDEMNITY COMPENSATION FOR SERVICE-CONNECTED DEATHS

SUBCHAPTER I—GENERAL

Sec.

- 401. Definitions.
- 402. Computation of basic pay.
- 403. Coverage of members of Reserve Officers' Training Corps.
- 404. Special provisions relating to widows.

SUBCHAPTER II—DEPENDENCY AND INDEMNITY COMPENSATION

- 410. Deaths entitling survivors to dependency and indemnity compensation.
- 411. Dependency and indemnity compensation to a widow.
- 412. Benefits in certain cases of in-service or service-connected deaths.
- 413. Dependency and indemnity compensation to children.
- 414. Supplemental dependency and indemnity compensation to children.
- 415. Dependency and indemnity compensation to parents.
- 416. Dependency and indemnity compensation in cases of prior deaths.
- 417. Restriction on payments under this chapter.

SUBCHAPTER III—CERTIFICATIONS

- 421. Certifications with respect to basic pay.
- 422. Certifications with respect to social security entitlement.
- 423. Certifications by Administrator.

Subchapter I—General

§ 401. Definitions

As used in this chapter—

- 37 USC 232, 308.
- (1) The term "basic pay" means the monthly pay prescribed by sections 232 (a), 232 (e), or 308 of Title 37, as may be appropriate, for a member of a uniformed service on active duty.
 - (2) The term "veteran" includes a person who died in the active military, naval, or air service.

§ 402. Computation of basic pay

(a) With respect to a veteran who died in the active military, naval, or air service, his basic pay shall be that prescribed on January 1, 1957, or on the date of his death (whichever is the later date) for a member of a uniformed service on active duty of the same rank and years of service as that of the deceased veteran at the time of his death.

(b) With respect to a veteran who did not die in the active military, naval, or air service, his basic pay shall be that prescribed on January 1, 1957, or on the date of his death (whichever is the later date) for a member of a uniformed service on active duty of the same rank and years of service as that of the deceased veteran—

(1) at the time of his last discharge or release from active duty under conditions other than dishonorable; or

(2) at the time of his discharge or release from any period of active duty for training or inactive duty training, if his death results from service-connected disability incurred during such period and if he was not thereafter discharged or released under conditions other than dishonorable from active duty.

(c) (1) The basic pay of any veteran described in section 106 (b) of this title shall be that to which he would have been entitled upon final acceptance or entry upon active duty.

(2) The basic pay of any person not otherwise described in this section, but who had a compensable status on the date of his death under laws administered by the Veterans' Administration, shall be determined by the head of the department under which such person performed the services by which he obtained such status (taking into consideration his duties, responsibilities, and years of service) and certified to the Administrator. For the purposes of this chapter, such person shall be deemed to have been on active duty while performing such services.

§ 403. Coverage of members of Reserve Officers' Training Corps

For the purposes of this chapter and section 722 of this title, annual training duty to which ordered for a period of fourteen days or more by a member of a Reserve Officers' Training Corps, and authorized travel to or from such duty, shall be deemed to be active military, naval, or air service. The basic pay of any such member shall be considered to be the monthly pay of a person having the rank and years of service of those members of a uniformed service to which such member's pay is assimilated.

§ 404. Special provisions relating to widows

No dependency and indemnity compensation shall be paid to the widow of a veteran dying after December 31, 1956, unless she was married to him—

- (1) before the expiration of fifteen years after the termination of the period of service in which the injury or disease causing the death of the veteran was incurred or aggravated; or
- (2) for five or more years; or
- (3) for any period of time if a child was born of the marriage.

Subchapter II—Dependency and Indemnity Compensation**§ 410. Deaths entitling survivors to dependency and indemnity compensation**

(a) When any veteran dies after December 31, 1956, from a service-connected or compensable disability, the Administrator shall pay dependency and indemnity compensation to his widow, children, and parents. The standards and criteria for determining whether or not a disability is service-connected shall be those applicable under chapter 11 of this title.

(b) Dependency and indemnity compensation shall not be paid to the widow, children, or parents of any veteran dying after December 31, 1956, unless he (1) was discharged or released under conditions other than dishonorable from the period of active military, naval, or air service in which the disability causing his death was incurred or aggravated, or (2) died while in the active military, naval, or air service.

§ 411. Dependency and indemnity compensation to a widow

(a) Dependency and indemnity compensation shall be paid to a widow at a monthly rate equal to \$112 plus 12 per centum of the basic pay of her deceased husband.

(b) If there is a widow and two or more children below the age of eighteen of a deceased veteran, and—

- (1) the total of the monthly benefits to which such widow and children are (or would be, upon the filing of an application) entitled on the basis of such deceased veteran's status under the laws referred to in subsection (d);

is less than

- (2) the amount described in subsection (e);

then the dependency and indemnity compensation paid monthly to the widow shall be increased by \$25 for each such child in excess of one; however, the total of increases under this subsection shall not exceed the difference between the amounts referred to in subparagraphs (1) and (2) of this subsection.

(c) If the amount determined under subsection (a), after increase (if any) under subsection (b), involves a fraction of a dollar, the amount payable shall be increased by the Administrator to the next higher dollar.

(d) The laws referred to in subsection (b) (1) are—

(1) section 412 of this title;

42 USC 402, 403.

(2) section 402 of title 42 (including the reduction provisions of subsection (a) of section 403 of title 42, but without regard to the deduction provisions of section 403); and

45 USC 228e,
228c-1.

(3) section 228e of title 45 (including the reduction provisions of section 228c-1 (i) and 228e (h) of title 45).

(e) The amount referred to in subsection (b) (2) is an amount equal to the total of the monthly benefits to which a widow and two children of a deceased fully and currently insured individual would be entitled under section 402 of title 42 (after reduction under subsection (a) of section 403 of title 42 but without regard to deduction provisions of section 403) if such deceased individual's average monthly wage had been \$160.

(f) The amount referred to in subsection (b) (1) shall be determined by the Secretary of Health, Education, and Welfare, or the Railroad Retirement Board, as the case may be, and shall be certified to the Administrator upon his request.

§ 412. Benefits in certain cases of in-service or service-connected deaths

In the case of any veteran—

42 USC 414.

(1) who dies after December 31, 1956, and is not a fully and currently insured individual (as defined in section 414 of title 42) at the time of his death; and

(2) whose death occurs—

(A) while on active duty, active duty for training, or inactive duty training; or

(B) as the result of a service-connected disability incurred after September 15, 1940; and

(3) who leaves one or more survivors who are not entitled for any month to monthly benefits under section 402 of title 42 on the basis of his wages and self-employment income but who would, upon application therefor, be entitled to such benefits if he had been fully and currently insured at the time of his death;

the Administrator shall pay for such month benefits under this section to each such survivor in an amount equal to the amount of the benefits which would have been paid for such month to such survivor under subchapter II of chapter 7 of title 42, if such veteran had been both fully and currently insured at the time of his death and if such survivor had filed application therefor on the same date on which application for benefits under this section is filed with the Administrator.

42 USC 401 et
seq.

§ 413. Dependency and indemnity compensation to children

Whenever there is no widow of a deceased veteran entitled to dependency and indemnity compensation, dependency and indemnity compensation shall be paid in equal shares to the children of the deceased veteran at the following monthly rates:

(1) One child, \$70.

(2) Two children, \$100.

(3) Three children, \$130.

(4) More than three children, \$130, plus \$25 for each child in excess of three.

§ 414. Supplemental dependency and indemnity compensation to children

(a) In the case of a child entitled to dependency and indemnity compensation who has attained the age of eighteen and who, while under such age, became permanently incapable of self-support, the dependency and indemnity compensation paid monthly to him shall be increased by \$25.

(b) If dependency and indemnity compensation is payable monthly to a woman as a "widow" and there is a child (of her deceased husband) who has attained the age of eighteen and who, while under such age, became permanently incapable of self-support, dependency and indemnity compensation shall be paid monthly to each such child, concurrently with the payment of dependency and indemnity compensation to the widow, in the amount of \$70.

(c) If dependency and indemnity compensation is payable monthly to a woman as a "widow" and there is a child (of her deceased husband) who has attained the age of eighteen and who, while under the age of twenty-one, is pursuing a course of instruction at an educational institution approved under section 104 of this title, dependency and indemnity compensation shall be paid monthly to each such child, concurrently with the payment of dependency and indemnity compensation to the widow, in the amount of \$35.

§ 415. Dependency and indemnity compensation to parents

(a) Dependency and indemnity compensation shall be paid monthly to parents of a deceased veteran in the amounts prescribed by this section.

(b) Except as provided in subsection (d), if there is only one parent, dependency and indemnity compensation shall be paid to him at a monthly rate equal to the amount under column II of the following table opposite his total annual income as shown in column I:

Column I		Column II
Total annual income		
More than—	but Equal to or less than—	
\$750	\$750	\$75.
\$1,000	\$1,000	\$60.
\$1,250	\$1,250	\$45.
\$1,500	\$1,500	\$30.
\$1,750	\$1,750	\$15.
	-----	No amount payable.

(c) Except as provided in subsection (d), if there are two parents, but they are not living together, dependency and indemnity compensation shall be paid to each at a monthly rate equal to the amount under column II of the following table opposite the total annual income of each as shown in column I:

Column I		Column II
Total annual income		
More than—	but Equal to or less than—	
\$750	\$750	\$50.
\$1,000	\$1,000	\$40.
\$1,250	\$1,250	\$30.
\$1,500	\$1,500	\$20.
\$1,750	\$1,750	\$10.
	-----	No amount payable.

(d) If there are two parents who are living together, or if a parent has remarried and is living with his spouse, dependency and indemnity compensation shall be paid to each such parent at a monthly rate equal to the amount under column II of the following table opposite the total combined annual income of the parents, or of the parent and his spouse, as the case may be, as shown in column I:

Column I		Column II
Total combined annual income		
More than—	Equal to or but less than—	
\$1,000	\$1,000	\$50.
\$1,350	\$1,350	\$40.
\$1,700	\$1,700	\$30.
\$2,050	\$2,050	\$20.
\$2,400	\$2,400	\$10.
	-----	No amount payable.

(e) The Administrator shall require as a condition of granting or continuing dependency and indemnity compensation to a parent that such parent file each year with him (on the form prescribed by him) a report showing the total income which such parent expects to receive in that year and the total income which such parent received in the preceding year. The parent or parents shall file with the Administrator a revised report whenever there is a material change in the estimated annual income.

(f) If the Administrator ascertains that there have been overpayments to a parent under this section, he shall deduct such overpayments (unless waived) from any future payments made to such parent under this section.

(g) (1) In determining income under this section, all payments of any kind or from any source shall be included, except—

(A) payments of the six-months' death gratuity;

(B) donations from public or private relief or welfare organizations;

(C) payments under this chapter (except section 412) and chapter 11 of this title;

(D) lump-sum death payments under subchapter II of chapter 7 of title 42;

(E) payments of bonus or similar cash gratuity by any State based upon service in the Armed Forces.

(2) The Administrator may provide by regulation for the exclusion from income under this section of amounts paid by a parent for unusual medical expenses.

§ 416. Dependency and indemnity compensation in cases of prior deaths

(a) (1) Any person who is eligible as a widow or child for death compensation by reason of a death occurring before January 1, 1957, may receive dependency and indemnity compensation upon application therefor.

(2) Any person who is eligible as a parent, or, but for his annual income, would be eligible as a parent, for death compensation by reason of a death occurring before January 1, 1957, may receive dependency and indemnity compensation upon application therefor; however, the annual income limitations established by section 415 of this title shall apply to each such parent.

(b) (1) Whenever the widow of a veteran has been granted dependency and indemnity compensation by reason of this section, payments to her and to the children of the veteran shall thereafter be made under this chapter, and shall not thereafter be made to them by reason of the death of the veteran under (A) other provisions of law administered by the Veterans' Administration providing for the payment of compensation or pension, or (B) the Federal Employees' Compensation Act.

39 Stat. 742.
5 USC 751 note.

(2) Whenever the child or parent of any veteran is granted dependency and indemnity compensation, payments shall not thereafter be made to such child or parent by reason of the death of the veteran under (A) other provisions of law administered by the Veterans' Administration providing for the payment of compensation or pension, or (B) the Federal Employees' Compensation Act.

(c) If children of a deceased individual are receiving death compensation, and all such children have not applied for dependency and indemnity compensation, (1) dependency and indemnity compensation paid to each child who has applied therefor shall not exceed the amounts which would be paid if the application had been made by, or on behalf of, all such children, and (2) benefits paid under other provisions of law administered by the Veterans' Administration providing for the payment of compensation or pension, or under the Federal Employees' Compensation Act, to each child who has not so applied therefor shall not exceed the amounts which would be paid to him if no such application had been made.

(d) If there are two parents of a deceased individual eligible for benefits by reason of subsection (a), and an application for dependency and indemnity compensation is not made by both parents, (1) dependency and indemnity compensation paid to the parent who applies therefor shall not exceed the amounts which would be paid to him if both parents had so applied, and (2) benefits paid under other provisions of law administered by the Veterans' Administration providing for the payment of compensation, or under the Federal Employees' Compensation Act, to the parent who has not so applied therefor shall not exceed the amounts which would be paid to him if no such application had been made.

(e) (1) Except as provided in paragraphs (3) and (4), no person who, on January 1, 1957, was a principal or contingent beneficiary of any payments under the Servicemen's Indemnity Act of 1951 may receive any such payments based upon the death giving rise to such payments after he has been granted dependency and indemnity compensation based upon that death. No principal or contingent beneficiary who has assigned his interest in payments under the Servicemen's Indemnity Act of 1951 after June 28, 1956, may receive any payments under this chapter based upon the death giving rise to such payments until the portion of the indemnity so assigned is no longer payable to any person.

65 Stat. 33.
38 USC 851 note.

(2) Where a beneficiary is barred from the receipt of payments under the Servicemen's Indemnity Act of 1951 by virtue of the first sentence of paragraph (1), no payments of the portion of indemnity in which such beneficiary had an interest shall be made to any other beneficiary.

65 Stat. 33.
38 USC 851 note.

(3) In the case of a child who has applied for dependency and indemnity compensation pursuant to this section or prior corresponding provisions of law, and who is or becomes a beneficiary under the Servicemen's Indemnity Act of 1951 by reason of the death giving rise to his eligibility for dependency and indemnity compensation, the Administrator shall determine and pay to such child for each month, or part thereof, payments under this chapter or under such Act, whichever payment he determines to be the greater amount.

(4) Notwithstanding paragraph (2), where a child receives dependency and indemnity compensation under this chapter, and thereafter dies, the portion of servicemen's indemnity in which such child had an interest may be paid (subject to paragraph (3)) to another child of the person by reason of whose death such servicemen's indemnity was payable.

§ 417. Restriction on payments under this chapter

(a) No dependency and indemnity compensation shall be paid to the widow, children, or parents of any veteran dying after April 30, 1957, having in effect at the time of death a policy of United States Government life insurance or National Service Life Insurance under waiver of premiums under section 724 of this title, unless waiver of premiums on such policy was granted pursuant to the first proviso of section 622 (a) of the National Service Life Insurance Act of 1940, and the death occurs before the veteran's return to military jurisdiction or within one hundred and twenty days thereafter. Where dependency and indemnity compensation is not payable by reason of the preceding sentence, death compensation may be paid under section 321 or 341 of this title, as applicable.

(b) No person eligible for dependency and indemnity compensation by reason of any death occurring after December 31, 1956, shall be eligible by reason of such death for any payments under (1) provisions of law administered by the Veterans' Administration providing for the payment of death compensation or death pension, or (2) the Federal Employees' Compensation Act.

38 USC 823.

39 Stat. 742.
5 USC 751 note.

Subchapter III—Certifications

§ 421. Certifications with respect to basic pay

(a) The Secretary concerned shall, at the request of the Administrator, certify to him the basic pay, considering rank or grade and cumulative years of service for pay purposes, of deceased persons with respect to whose deaths applications for benefits are filed under this chapter. The certification of the Secretary concerned shall be binding upon the Administrator.

(b) Whenever basic pay (as defined in section 401 of this title) is increased or decreased, basic pay determined pursuant to this chapter shall increase or decrease accordingly.

§ 422. Certifications with respect to social security entitlement

(a) Determinations required by section 412 of this title (other than a determination required by section 412 (2) of this title) as to whether any survivor described in section 412 (3) of this title of a deceased individual would be entitled to benefits under section 402 of title 42 for any month and as to the amount of the benefits which would be paid for such month, if the deceased veteran had been a fully and currently insured individual at the time of his death, shall be made by the Secretary of Health, Education, and Welfare, and shall be certified by him to the Administrator upon request of the Administrator.

(b) Upon the basis of estimates made by the Secretary of Health, Education, and Welfare after consultation with the Administrator, the Administrator shall pay to the Secretary an amount equal to the costs which will be incurred in making determinations and certifications under subsection (a). Such payments shall be made with respect to the costs incurred during such period (but not shorter than a calendar quarter) as the Secretary and the Administrator may prescribe. The amount payable for any period shall be increased or reduced to compensate for any underpayment or overpayment, as the case may be, of the costs incurred in any preceding period.

42 USC 402.

(c) Except with respect to determinations made under subsection (a) of this section, the Administrator shall prescribe such regulations as may be necessary to carry out the provisions of this section and section 412 of this title.

§ 423. Certifications by Administrator

Whenever the Administrator determines on the basis of a claim for benefits filed with him that a death occurred under the circumstances referred to in section 1476 (a) of title 10, or section 321 (b) of title 32, he shall certify that fact to the Secretary concerned. In all other cases, he shall make the determination referred to in such section 1476 (a) or 321 (b) at the request of the Secretary concerned.

70A Stat. 606.
32 USC 321.

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- 535. Children of Indian War veterans.
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World War I, World War II, and the Korean Conflict

- 541. Widows of World War I veterans.
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- 560. Medal of honor roll; persons eligible.
- 561. Certificate entitling holder to pension.
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Subchapter I—General

§ 501. Definitions

For the purposes of this chapter—

(1) The term “Indian Wars” means the campaigns, engagements, and expeditions of the United States military forces against Indian tribes or nations, service in which has been recognized heretofore as pensionable service.

(2) The term “World War I” includes, in the case of any veteran, any period of service performed by him after November 11, 1918, and before July 2, 1921, if such veteran served in the active military, naval, or air service after April 5, 1917, and before November 12, 1918.

(3) The term “Civil War veteran” includes a person who served in the military or naval forces of the Confederate States of America during the Civil War, and the term “active military or naval service” includes active service in those forces.

§ 502. Determinations with respect to disability

(a) For the purposes of this chapter, a person shall be considered to be permanently and totally disabled if he is suffering from—

(1) any disability which is sufficient to render it impossible for the average person to follow a substantially gainful occupation, but only if it is reasonably certain that such disability will continue throughout the life of the disabled person; or

(2) any disease or disorder determined by the Administrator to be of such a nature or extent as to justify a determination that persons suffering therefrom are permanently and totally disabled.

(b) For the purposes of this chapter, a person shall be considered to be in need of a regular aid and attendance if he is helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person.

§ 503. Items not considered in determining income

For the purposes of this chapter, in determining annual income, the Administrator shall not consider—

(1) payments under laws administered by the Veterans' Administration because of disability or death;

(2) payments of mustering-out pay;

(3) payments of the six months' death gratuity;

(4) annuities under chapter 73 of title 10;

(5) payments of adjusted compensation; and

(6) payments of bonus or similar cash gratuity by any State based on service in the Armed Forces.

§ 504. Persons heretofore having a pensionable status

The pension benefits of subchapters II and III of this chapter shall, notwithstanding the service requirements of such subchapters, be granted to persons heretofore recognized by law as having a pensionable status.

§ 505. Payment of pension during confinement in penal institutions

(a) No pension under public or private laws administered by the Veterans' Administration shall be paid to or for an individual who has been imprisoned in a Federal, State, or local penal institution as a result of conviction of a felony or misdemeanor for any part of the period beginning sixty-one days after his imprisonment begins and ending when his imprisonment ends.

(b) Where any veteran is disqualified for pension for any period solely by reason of subsection (a) of this section, the Administrator may apportion and pay to his wife or children the pension which such veteran would receive for that period but for this section.

(c) Where any widow or child of a veteran is disqualified for pension for any period solely by reason of subsection (a) of this section, the Administrator may (1) if the widow is so disqualified, pay to the child, or children, the pension which would be payable if there were no such widow or (2) if a child is so disqualified, pay to the widow or other children, as applicable, the pension which would be payable if there were no such child.

Subchapter II—Veterans' Pensions

SERVICE PENSION

§ 510. Confederate forces veterans

The Administrator shall pay to each person who served in the military or naval forces of the Confederate States of America during the Civil War a monthly pension in the same amounts and subject to the same conditions as would have been applicable to such person under the laws in effect on December 31, 1957, if his service in those forces had been service in the military or naval service of the United States.

§ 511. Indian War veterans

(a) The Administrator shall pay to each veteran of the Indian Wars who meets the service requirements of this section a pension at the following monthly rate:

- (1) \$101.59; or
- (2) \$135.45 if the veteran is in need of regular aid and attendance.

(b) A veteran meets the service requirements of this section if he served in one of the Indian Wars—

- (1) for thirty days or more; or
- (2) for the duration of such Indian War;

in any military organization, whether or not such service was the result of regular muster into the service of the United States, if such service was under the authority or by the approval of the United States or any State.

§ 512. Spanish-American War veterans

(a) (1) The Administrator shall pay to each veteran of the Spanish-American War who meets the service requirements of this subsection a pension at the following monthly rate:

- (A) \$101.59; or
- (B) \$135.45 if the veteran is in need of regular aid and attendance.

(2) A veteran meets the service requirements of this subsection if he served in the active military or naval service—

(A) for ninety days or more during the Spanish-American War;

(B) during the Spanish-American War and was discharged or released from such service for a service-connected disability; or

(C) for a period of ninety consecutive days or more and such period began or ended during the Spanish-American War.

(b) (1) The Administrator shall pay to each veteran of the Spanish-American War who does not meet the service requirements of subsection (a), but who meets the service requirements of this subsection, a pension at the following monthly rate:

(A) \$67.73; or

(B) \$88.04 if the veteran is in need of regular aid and attendance.

(2) A veteran meets the service requirements of this subsection if he served in the active military or naval service—

(A) for seventy days or more during the Spanish-American War; or

(B) for a period of seventy consecutive days or more and such period began or ended during the Spanish-American War.

NON-SERVICE-CONNECTED DISABILITY PENSION

§ 521. Veterans of World War I, World War II, or the Korean conflict

(a) The Administrator shall pay to each veteran of World War I, World War II, or the Korean conflict, who meets the service requirements of this section, and who is permanently and totally disabled from non-service-connected disability not the result of the veteran's willful misconduct or vicious habits, a pension at the following monthly rate:

(1) \$66.15; or

(2) \$78.75 if (A) the veteran is sixty-five years of age or older, or (B) the veteran has been rated as permanently and totally disabled for a continuous period of ten years and he has been in receipt of pension throughout such period; or

(3) \$135.45 if the veteran is in need of regular aid and attendance.

(b) A veteran meets the service requirements of this section if he served in the active military, naval, or air service—

(1) for ninety days or more during either World War I, World War II, or the Korean conflict;

(2) during World War I, World War II, or the Korean conflict, and was discharged or released from such service for a service-connected disability; or

(3) for a period of ninety consecutive days or more and such period ended during World War I, or began or ended during World War II or the Korean conflict.

§ 522. Income limitations

(a) No pension shall be paid under section 521 of this title to any unmarried veteran whose annual income exceeds \$1,400, or to any married veteran or any veteran with children whose annual income exceeds \$2,700.

(b) As a condition of granting or continuing pension under section 521 of this title, the Administrator may require from any veteran applying for, or in receipt of, pension under such sections such information, proofs, or evidence as he desires in order to determine the annual income of such veteran.

§ 523. Combination of ratings

(a) The Administrator shall provide that, for the purpose of determining whether or not a veteran is permanently and totally disabled, ratings for service-connected disabilities may be combined with ratings for non-service-connected disabilities.

(b) Where a veteran, by virtue of subsection (a), is found to be entitled to a pension under section 521 of this title, and is entitled to compensation for a service-connected disability, the Administrator shall pay him the greater benefit.

Subchapter III—Pensions to Widows and Children**WARS BEFORE WORLD WAR I****§ 531. Widows of Mexican War veterans**

The Administrator shall pay to the widow of each veteran of the Mexican War, who is on the pension rolls on December 31, 1958, under any public law, a pension at the monthly rate of \$65.

§ 532. Widows of Civil War veterans

(a) The Administrator shall pay to the widow of each Civil War veteran who met the service requirements of this section a pension at the following monthly rate:

(1) \$40.64 if she is below seventy years of age; or

(2) \$65 if she is seventy years of age or older;

unless she was the wife of the veteran during his service in the Civil War, in which case the monthly rate shall be \$75.

(b) If there is a child of the veteran, the rate of pension paid to the widow under subsection (a) shall be increased by \$8.13 per month for each such child.

(c) A veteran met the service requirements of this section if he served for ninety days or more in the active military or naval service during the Civil War, as heretofore defined under public laws administered by the Veterans' Administration, or if he was discharged or released from such service upon a surgeon's certificate of disability.

(d) No pension shall be paid to a widow of a veteran under this section unless she was married to him—

(1) before June 27, 1905; or

(2) for five or more years; or

(3) for any period of time if a child was born of the marriage.

§ 533. Children of Civil War veterans

Whenever there is no widow entitled to pension under section 532 of this title, the Administrator shall pay to the children of each Civil War veteran who met the service requirements of section 532 of this title a pension at the monthly rate of \$73.13 for one child, plus \$8.13 for each additional child, with the total amount equally divided.

§ 534. Widows of Indian War veterans

(a) The Administrator shall pay to the widow of each Indian War veteran who met the service requirements of section 511 of this title a pension at the following monthly rate:

(1) \$40.64 if she is below seventy years of age; or

(2) \$65 if she is seventy years of age or older;

unless she was the wife of the veteran during his service in one of the Indian Wars, in which case the monthly rate shall be \$75.

(b) If there is a child of the veteran, the rate of pension paid to the widow under subsection (a) shall be increased by \$8.13 per month for each such child.

(c) No pension shall be paid to a widow of a veteran under this section unless she was married to him—

(1) before March 4, 1917; or

(2) for five or more years; or

(3) for any period of time if a child was born of the marriage.

§ 535. Children of Indian War veterans

Whenever there is no widow entitled to pension under section 534 of this title, the Administrator shall pay to the children of each Indian War veteran who met the service requirements of section 511 of this title a pension at the monthly rate of \$73.13 for one child, plus \$8.13 for each additional child, with the total amount equally divided.

§ 536. Widows of Spanish-American War veterans

(a) The Administrator shall pay to the widow of each Spanish-American War veteran who met the service requirements of section 512 (a) of this title a pension at the monthly rate of \$65, unless she was the wife of the veteran during his service in the Spanish-American War, in which case the monthly rate shall be \$75.

(b) If there is a child of the veteran, the rate of pension paid to the widow under subsection (a) shall be increased by \$8.13 per month for each such child.

(c) No pension shall be paid to a widow of a veteran under this section unless she was married to him—

- (1) before January 1, 1938; or
- (2) for five or more years; or
- (3) for any period of time if a child was born of the marriage.

§ 537. Children of Spanish-American War veterans

Whenever there is no widow entitled to pension under section 536 of this title, the Administrator shall pay to the children of each Spanish-American War veteran who met the service requirements of section 512 (a) of this title a pension at the monthly rate of \$73.13 for one child, plus \$8.13 for each additional child, with the total amount equally divided.

WORLD WAR I, WORLD WAR II, AND THE KOREAN CONFLICT

§ 541. Widows of World War I veterans

(a) The Administrator shall pay to the widow of each veteran of World War I who met the service requirements of section 521 of this title, or who at the time of his death was receiving (or entitled to receive) compensation or retirement pay based upon a service-connected disability, a pension at the following monthly rate:

- (1) Widow, no child, \$50.40;
- (2) Widow, one child, \$63, with \$7.56 for each additional child.

(b) No pension shall be paid to a widow of a veteran under this section unless she was married to him—

- (1) before December 14, 1944; or
- (2) for five or more years; or
- (3) for any period of time if a child was born of the marriage.

§ 542. Children of World War I veterans

(a) Whenever there is no widow entitled to pension under section 541 of this title, the Administrator shall pay to the children of each veteran of World War I who met the service requirements of section 521 of this title, or who at the time of his death was receiving (or entitled to receive) compensation or retirement pay based upon a service-connected disability, a pension at the following monthly rate:

- (1) One child, \$27.30;
- (2) Two children, \$40.95; and
- (3) Three children, \$54.60, with \$7.56 for each additional child.

(b) Pension prescribed by this section shall be paid to eligible children in equal shares.

§ 543. Widows of World War II or Korean conflict veterans

(a) The Administrator shall pay to the widow of each veteran of World War II or of the Korean conflict—

- (1) who met the service requirements of section 521 of this title, and at the time of his death had a service-connected disability for which compensation would have been payable if 10 per centum or more in degree disabling; or

(2) who, at the time of his death, was receiving (or entitled to receive) compensation or retirement pay based upon a service-connected disability;

a pension at the rate prescribed by section 541 of this title for the widow of a veteran of World War I.

(b) No pension shall be paid to a widow of a veteran under this section unless she was married to him—

(1) before January 1, 1957, in the case of a widow of a veteran of World War II, or before February 1, 1965, in the case of a widow of a veteran of the Korean conflict; or

(2) for five or more years; or

(3) for any period of time if a child was born of the marriage.

§ 544. Children of World War II or Korean conflict veterans

Whenever there is no widow entitled to pension under section 543 of this title, the Administrator shall pay to the children of each veteran of World War II or of the Korean conflict described in paragraph (1) or (2) of section 543 (a) of this title a pension at the rate prescribed by section 542 of this title for the children of a veteran of World War I.

§ 545. Income limitations

(a) No pension shall be paid under sections 541-544 of this title to any widow without child, or to or on account of any child, whose annual income exceeds \$1,400, or to a widow (with a child) whose annual income exceeds \$2,700.

(b) Where pension is not payable to a widow because of this section, payments to children shall be made as though there were no widow.

Subchapter IV—Army, Navy, and Air Force Medal of Honor Roll

§ 560. Medal of Honor Roll; persons eligible

(a) There shall be in the Department of the Army, the Department of the Navy, and the Department of the Air Force, respectively, a roll designated as the "Army, Navy, and Air Force Medal of Honor Roll".

(b) Upon written application to the Secretary concerned, the Secretary shall enter and record on such roll the name of each surviving person who has served in the active military, naval, or air service of the United States in any war, who has attained the age of sixty-five years, and who has been awarded a medal of honor for having in action involving actual conflict with an enemy distinguished himself conspicuously by gallantry or intrepidity, at the risk of his life, above and beyond the call of duty, and who was honorably discharged from service by muster out, resignation, or otherwise.

(c) Applications for entry on such roll shall be made in the form and under regulations prescribed by the Secretary concerned. Proper blanks and instructions shall be furnished by the Secretary concerned, without charge upon the request of any person claiming the benefits of this subchapter.

§ 561. Certificate entitling holder to pension

(a) The Secretary concerned shall determine whether or not each applicant is entitled to the benefits of this subchapter. If the official award of the Medal of Honor to the applicant, or the official notice to him thereof, shows that the Medal of Honor was awarded to the applicant for an act described in section 560 of this title, such award or notice shall be sufficient to entitle the applicant to special pension under this subchapter without further investigation; otherwise all official correspondence, orders, reports, recommendations, requests, and other evidence on file in any public office or department shall be considered.

(b) Each person whose name is entered on the Army, Navy, and Air Force Medal of Honor roll shall be furnished a certificate of service and of the act of heroism, gallantry, bravery, or intrepidity for which the medal of honor was awarded, of enrollment on such roll, and of his right to special pension.

(c) The Secretary concerned shall deliver to the Administrator a certified copy of each certificate which he issues under this subchapter. Such copy shall authorize the Administrator to pay to the person named in the certificate the special pension provided for in this subchapter.

§ 562. Special provisions relating to pension

(a) The Administrator shall pay monthly to each person whose name has been entered on the Army, Navy, and Air Force Medal of Honor roll a special pension at the rate of \$10, beginning as of the date of application therefor under section 560 of this title.

(b) The receipt of special pension shall not deprive any person of any other pension or other benefit, right, or privilege to which he is or may hereafter be entitled under any existing or subsequent law. Special pension shall be paid in addition to all other payments under laws of the United States.

(c) Special pension shall not be subject to any attachment, execution, levy, tax lien, or detention under any process whatever.

(d) If any person has been awarded more than one medal of honor, he shall not receive more than one special pension.

CHAPTER 17—HOSPITAL, DOMICILIARY, AND MEDICAL CARE

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Sec.

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Subchapter I—General

§ 601. Definitions

For the purposes of this chapter—

- (1) The term “disability” means a disease, injury, or other physical or mental defect.
- (2) The term “veteran of any war” includes any veteran of the Indian Wars.
- (3) The term “period of war” includes each of the Indian Wars.
- (4) The term “Veterans’ Administration facilities” means—
 - (A) facilities over which the Administrator has direct and exclusive jurisdiction;
 - (B) Government facilities for which the Administrator contracts; and
 - (C) private facilities for which the Administrator contracts in order to provide hospital care (i) in emergency cases for persons suffering from service-connected disabilities or from disabilities for which such persons were discharged or released from the active military, naval, or air service; (ii) for women veterans of any war; or (iii) for veterans of any war in a Territory, Commonwealth, or possession of the United States.
- (5) The term “hospital care” includes medical services rendered in the course of hospitalization and transportation and incidental expenses for veterans who are in need of treatment for a service-connected disability or are unable to defray the expense of transportation.
- (6) The term “medical services” includes, in addition to medical examination and treatment, dental and surgical services, and dental appliances, wheelchairs, artificial limbs, trusses, and similar appliances, special clothing made necessary by the wearing of prosthetic appliances, and such other supplies as the Administrator determines to be reasonable and necessary.
- (7) The term “domiciliary care” includes transportation and incidental expenses for veterans who are unable to defray the expense of transportation.

§ 602. Presumption relating to psychosis

For the purposes of this chapter, any veteran of World War II or of the Korean conflict who developed an active psychosis (1) within two years after his discharge or release from the active military, naval, or air service, and (2) before July 26, 1949, in the case of a veteran of World War II, or February 1, 1957, in the case of a veteran of the Korean conflict, shall be deemed to have incurred such disability in the active military, naval, or air service.

Subchapter II—Hospital or Domiciliary Care and Medical Treatment

§ 610. Eligibility for hospital and domiciliary care

(a) The Administrator, within the limits of Veterans’ Administration facilities, may furnish hospital care which he determines is needed to—

- (1) a veteran of any war for a service-connected disability incurred or aggravated during a period of war, or for any other disability if such veteran is unable to defray the expenses of necessary hospital care;
- (2) a veteran whose discharge or release from the active military, naval, or air service was for a disability incurred or aggravated in line of duty; and

- (3) a person who is in receipt of, or but for the receipt of retirement pay would be entitled to, disability compensation.
- (b) The Administrator, within the limits of Veterans' Administration facilities, may furnish domiciliary care to—
- (1) a veteran who was discharged or released from the active military, naval, or air service for a disability incurred or aggravated in line of duty, or a person who is in receipt of disability compensation, when he is suffering from a permanent disability or tuberculosis or neuropsychiatric ailment and is incapacitated from earning a living and has no adequate means of support; and
 - (2) a veteran of any war who is in need of domiciliary care, if he is unable to defray the expenses of necessary domiciliary care.

§ 611. Hospitalization during examinations and in emergencies

- (a) The Administrator may furnish hospital care incident to physical examinations where such examinations are necessary in carrying out the provisions of other laws administered by him.
- (b) The Administrator may furnish hospital care as a humanitarian service in emergency cases, but he shall charge for such care at rates prescribed by him.

§ 612. Eligibility for medical treatment

- (a) Except as provided in subsection (b), the Administrator, within the limits of Veterans' Administration facilities, may furnish such medical services for a service-connected disability as he finds to be reasonably necessary to a veteran of any war, to a veteran discharged or released from the active military, naval, or air service for a disability incurred or aggravated in line of duty, or to a person who is in receipt of, or but for the receipt of retirement pay would be entitled to, disability compensation. Veterans eligible under this subsection by reason of discharge or release for disability incurred or aggravated in line of duty may also be furnished medical services for that disability, even though it is not a service-connected disability for the purposes of this chapter.
- (b) Outpatient dental services and treatment, and related dental appliances, shall be furnished under this section only for a dental condition or disability—
- (1) which is service-connected and compensable in degree;
 - (2) which is service-connected, but not compensable in degree, but only (A) if it is shown to have been in existence at time of discharge or release from active military, naval, or air service and (B) if application for treatment is made within one year after such discharge or release;
 - (3) which is a service-connected dental condition or disability due to combat wounds or other service trauma, or of a former prisoner of war;
 - (4) which is associated with and is aggravating a disability resulting from some other disease or injury which was incurred in or aggravated by active military, naval, or air service; or
 - (5) from which a veteran of the Spanish-American War is suffering.
- (c) Dental services and related appliances for a dental condition or disability described in clause (2) of subsection (b) of this section shall be furnished on a one-time completion basis, unless the services rendered on a one-time completion basis are found unacceptable within the limitations of good professional standards, in which event such additional services may be afforded as are required to complete professionally acceptable treatment.

(d) Dental appliances, wheelchairs, artificial limbs, trusses, special clothing, and similar appliances to be furnished by the Administrator under this section may be procured by him either by purchase or by manufacture, whichever he determines may be advantageous and reasonably necessary.

(e) Any disability of a veteran of the Spanish-American War, upon application for the benefits of this section or outpatient medical services under section 624 of this title, shall be considered for the purposes thereof to be a service-connected disability incurred or aggravated in a period of war.

§ 613. Fitting and training in use of prosthetic appliances

Any veteran who is entitled to a prosthetic appliance shall be furnished such fitting and training, including institutional training, in the use of such appliance as may be necessary, whether in a Veterans' Administration facility or other training institution, or by outpatient treatment, including such service under contract, and including necessary travel expenses to and from his home to such hospital or training institution.

§ 614. Seeing-eye dogs

The Administrator may provide seeing-eye or guide dogs trained for the aid of the blind to veterans who are entitled to disability compensation, and he may pay all necessary travel expenses to and from their homes and incurred in becoming adjusted to such seeing-eye or guide dogs. The Administrator may also provide such veterans with mechanical or electronic equipment for aiding them in overcoming the handicap of blindness.

§ 615. Tobacco for hospitalized veterans

The Administrator may furnish tobacco to veterans receiving hospital or domiciliary care.

§ 616. Hospital care by other agencies of the United States

When so specified in an appropriation or other Act, the Administrator may make allotments and transfers to the Departments of Health, Education, and Welfare (Public Health Service), the Army, Navy, Air Force, or Interior, for disbursement by them under the various headings of their appropriations, of such amounts as are necessary for the care and treatment of veterans entitled to hospitalization from the Veterans' Administration under this chapter. The amounts to be charged the Veterans' Administration for care and treatment of veterans in hospitals shall be calculated on the basis of a per diem rate approved by the Bureau of the Budget.

Subchapter III—Miscellaneous Provisions Relating to Hospital Care and Medical Treatment of Veterans

§ 621. Power to make rules and regulations

The Administrator shall prescribe—

- (1) such rules and procedure governing the furnishing of hospital and domiciliary care as he may deem proper and necessary;
- (2) limitations in connection with the furnishing of hospital and domiciliary care; and
- (3) such rules and regulations as he deems necessary in order to promote good conduct on the part of persons who are receiving hospital or domiciliary care in Veterans' Administration facilities.

§ 622. Statement under oath

For the purposes of section 610 (a) (1), section 610 (b) (2), and section 624 (c) of this title, the statement under oath of an applicant on such form as may be prescribed by the Administrator shall be accepted as sufficient evidence of inability to defray necessary expenses.

§ 623. Furnishing of clothing

The Administrator shall not furnish clothing to persons who are in Veterans' Administration facilities, except (1) where the furnishing of such clothing to indigent persons is necessary to protect health or sanitation, and (2) where he furnishes veterans with special clothing made necessary by the wearing of prosthetic appliances.

§ 624. Hospital care and medical services abroad

(a) Except as provided in subsections (b) and (c), the Administrator shall not furnish hospital or domiciliary care or medical services outside the continental limits of the United States, or a Territory, Commonwealth, or possession of the United States.

(b) The Administrator may furnish necessary hospital care and medical services for any service-connected disability—

- (1) if incurred during a period of war, to any veteran who is a citizen of the United States temporarily sojourning or residing abroad except in the Republic of the Philippines; or
- (2) whenever incurred, to any otherwise eligible veteran in the Republic of the Philippines.

(c) Within the limits of those facilities of the Veterans Memorial Hospital at Manila, Republic of the Philippines, for which the Administrator may contract, he may furnish necessary hospital care to a veteran of any war for any non-service-connected disability if such veteran is unable to defray the expenses of necessary hospital care. The Administrator may enter into contracts to carry out this section.

§ 625. Arrests for crimes in hospital and domiciliary reservations

For the purpose of maintaining law and order and of protecting persons and property at hospitals and domiciliaries of the Veterans' Administration, the Administrator may designate at such hospitals and domiciliaries persons who shall have authority to make arrests for any crime or offense against the United States committed on the reservation of the hospital or domiciliary. Any person so arrested shall be taken forthwith before the nearest United States commissioner, within whose jurisdiction the hospital or domiciliary is located.

§ 626. Reimbursement for loss of personal effects by fire

The Administrator shall, under regulations which he shall prescribe, reimburse veterans in Veterans' Administration hospitals and domiciliaries for any loss of personal effects sustained by fire while such effects were stored in designated locations in Veterans' Administration hospitals or domiciliaries.

§ 627. Persons eligible under prior law

Persons who have a status which would, under the laws in effect on December 31, 1958, entitle them to the medical services, hospital and domiciliary care, and other benefits, provided for in this chapter, but who do not meet the service requirements contained in this chapter, shall be entitled to such benefits notwithstanding failure to meet such service requirements.

Subchapter IV—Hospital and Medical Care for Commonwealth of the Philippines Army Veterans

§ 631. Grants to the Republic of the Philippines

The President, in accordance with the agreement entered into pursuant to the Act of July 1, 1948, respecting hospitals and medical care for Commonwealth Army veterans (63 Stat. 2593), is authorized to assist the Republic of the Philippines in providing medical care and treatment for Commonwealth Army veterans in need of such care and treatment for service-connected disabilities through grants to reimburse the Republic of the Philippines for expenditures incident to hospital care of Commonwealth Army veterans in need thereof for such disabilities. The total of such grants shall not exceed \$1,500,000 for the calendar year 1958, and \$1,000,000 for the calendar year 1959.

62 Stat. 1210.

§ 632. Modification of agreement with the Republic of the Philippines effectuating the Act of July 1, 1948

The President, with the concurrence of the Republic of the Philippines, is authorized to modify the agreement between the United States and the Republic of the Philippines respecting hospitals and medical care for Commonwealth Army veterans (63 Stat. 2593) in either or both of the following respects:

(1) To provide that in lieu of any grants being made after July 1, 1958, under section 631 of this title, the Administrator may enter into a contract with the Veterans Memorial Hospital, with the approval of the appropriate department of the Government of the Republic of the Philippines, under which the United States will pay for hospital care in the Republic of the Philippines of Commonwealth Army veterans determined by the Administrator to need such hospital care for service-connected disabilities. Such contract may be for a period of not more than five consecutive fiscal years beginning July 1, 1958, and shall provide for payments for such hospital care at a per diem rate to be jointly determined for each fiscal year by the two Governments to be fair and reasonable; but the total of such payments plus any payments for authorized travel expenses in connection with such hospital care shall not exceed \$2,000,000 for any one fiscal year. In addition, such modified agreement may provide that, during the period covered by such contract, medical services for Commonwealth Army veterans determined by the Administrator to be in need thereof for service-connected disabilities shall be provided either in Veterans' Administration facilities, or by contract, or otherwise, by the Administrator in accordance with the conditions and limitations applicable generally to beneficiaries under section 612 of this title.

(2) To provide for the use by the Republic of the Philippines of beds, equipment, and other facilities of the Veterans Memorial Hospital at Manila, not required for hospital care of Commonwealth Army veterans for service-connected disabilities, for hospital care of other persons in the discretion of the Republic of the Philippines. If such agreement is modified in accordance with this paragraph, such agreement (A) shall specify that priority of admission and retention in such hospital shall be accorded Commonwealth Army veterans needing hospital care for service-connected disabilities, and (B) shall not preclude the use of available facilities in such hospital on a contract basis for hospital care or medical services for persons eligible therefor from the Veterans' Administration.

In addition, such agreement may provide for the payment of travel expenses pursuant to section 111 of this title for Commonwealth Army veterans in connection with hospital care or medical services furnished them.

§ 633. Supervision of program by the President

The President, or any officer of the United States to whom he may delegate his authority under this section, may from time to time prescribe such rules and regulations and impose such conditions on the receipt of financial aid as may be necessary to carry out this subchapter.

§ 634. Definitions

For the purposes of this subchapter—

(1) The term "Commonwealth Army veterans" means persons who served before July 1, 1946, in the organized military forces of the Government of the Philippines, while such forces were in the service of the Armed Forces pursuant to the military order of the President dated July 26, 1941, including among such military forces organized guerrilla forces under commanders appointed, designated, or subsequently recognized by the Commander in Chief, Southwest Pacific Area, or other competent authority in the Army of the United States, and who were discharged or released from such service under conditions other than dishonorable.

(2) The term "service-connected disabilities" means disabilities determined by the Administrator under laws administered by the Veterans' Administration to have been incurred in or aggravated by the service described in paragraph (1) in line of duty.

Subchapter V—Payments to State Homes

§ 641. Criteria for payment

(a) The Administrator shall pay each State at the annual rate of \$700 for each veteran of any war cared for in a State home (whether or not he is receiving hospitalization or domiciliary care therein) in such State who is eligible for such care in a Veterans' Administration facility; however, such payment shall not be more, in any case, than one-half of the cost of such veteran's maintenance in such State home.

(b) The amount payable on account of any State home pursuant to subsection (a) for any veteran cared for therein shall be reduced—

(1) by one-half of any amounts retained by such home from any payments of pension or compensation made to such veteran; and

(2) unless the widows or wives of veterans of any war are admitted and maintained in such State home, by any other amounts collected in any manner from such veteran to be used for the support of such State home.

(c) No amounts shall be paid on account of any State home under this section if a bar or canteen is maintained therein where intoxicating liquors are sold.

§ 642. Inspections of such homes; restrictions on beneficiaries

(a) The Administrator may inspect any State home at such times as he deems necessary.

(b) The Administrator may ascertain the number of persons on account of whom payments may be made under this subchapter on account of any State home, but shall have no authority over the management or control of any State home.

§ 643. Applications

Payments on account of any veteran of any war cared for in a State home shall be made under this subchapter only from the date the Administrator receives a request for determination of such veteran's eligibility; however, if such request is received by the Administrator within ten days after care of such veteran begins, payments shall be made on account of such veteran from the date care began.

CHAPTER 19—INSURANCE

SUBCHAPTER I—NATIONAL SERVICE LIFE INSURANCE

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Subchapter I—National Service Life Insurance**§ 701. Definitions**

For the purposes of this subchapter—

- (1) The term "insurance" means National Service Life Insurance.
- (2) The terms "widow" or "widower" mean a person who was the lawful spouse of the insured at the maturity of the insurance.
- (3) The term "child" means a legitimate child, an adopted child, and, if designated as beneficiary by the insured, a stepchild or an illegitimate child.
- (4) The terms "parent", "father", and "mother" mean a father, mother, father through adoption, mother through adoption, persons who have stood in loco parentis to a member of the military or naval forces at any time before entry into active service for a period of not less than one year, and a stepparent, if designated as beneficiary by the insured.

§ 702. Premium rates and policy values

Premium rates for insurance shall be the net rates based upon the American Experience Table of Mortality and interest at the rate of 3 per centum per annum. All cash, loan, paid-up, and extended values, and all other calculations in connection with insurance, shall be based upon said American Experience Table of Mortality and interest at the rate of 3 per centum per annum.

§ 703. Amount of insurance

Insurance shall be issued in any multiple of \$500 and the amount of insurance with respect to any one person shall be not less than \$1,000 or more than \$10,000. No person may carry a combined amount of National Service Life Insurance and United States Government life insurance in excess of \$10,000 at any one time.

§ 704. Plans of insurance

Insurance may be issued on the following plans: Five-year level premium term, ordinary life, twenty-payment life, thirty-payment life, twenty-year endowment, endowment at age sixty, and endowment at age sixty-five. Level premium term insurance may be converted as of the date when any premium becomes or has become due, or exchanged as of the date of the original policy, upon payment of the difference in reserve, at any time while such insurance is in force and within the term period to any of the foregoing permanent plans of insurance, except that conversion to an endowment plan may not be made while the insured is totally disabled.

§ 705. Renewal

All level premium term policies, except as otherwise provided in this section, shall cease and terminate at the expiration of the term period. At the expiration of any term period any five-year level premium term policy which has not been exchanged or converted to a permanent plan of insurance and which is not lapsed shall be renewed as level premium term insurance without application for a successive five-year period at the premium rate for the attained age without medical examination. However, renewal will be effected in cases where the policy is lapsed only if the lapse occurred not earlier than two months before the expiration of the term period, and reinstatement in such cases shall be under the terms and conditions prescribed by the Administrator. In any case in which the insured is shown by evidence satisfactory to the Administrator to be totally disabled at the expiration of the level premium term period of his insurance under conditions which would entitle him to continued insurance protection but for such expiration, his insurance, if subject

to renewal under this section, shall be automatically renewed for an additional period of five years at the premium rate for the then attained age, unless the insured has elected insurance on some other available plan.

§ 706. Policy provisions

Provisions for cash, loan, paid-up, and extended values, dividends from gains and savings, refund of unearned premiums, and such other provisions as may be found to be reasonable and practicable may be provided for in the policy of insurance from time to time by regulations promulgated by the Administrator.

§ 707. Dividends to pay premiums

Until and unless the Veterans' Administration has received from the insured a request in writing for payment in cash, any dividend accumulations and unpaid dividends shall be applied in payment of premiums becoming due on insurance subsequent to the date the dividend is payable after January 1, 1952.

§ 708. Premium payments

The Administrator shall, by regulations, prescribe the time and method of payment of the premiums on insurance, but payments of premiums in advance shall not be required for periods of more than one month each, and may at the election of the insured be deducted from his active-service pay or be otherwise made. An amount equal to the first premium due under a National Service Life Insurance policy may be advanced from current appropriations for active-service pay to any person in the active service in the Army, Navy, Air Force, Marine Corps, or Coast Guard, which amount shall constitute a lien upon any service or other pay accruing to the person for whom such advance was made and shall be collected therefrom if not otherwise paid. No disbursing or certifying officer shall be responsible for any loss incurred by reason of such advance. Any amount so advanced in excess of available service or other pay shall constitute a lien on the policy within the provisions of section 3101 (b) of this title.

§ 709. Effective date of insurance

Insurance may be made effective, as specified in the application, not later than the first day of the calendar month following the date of application therefor, but the United States shall not be liable thereunder for death occurring before such effective date.

§ 710. Incontestability

Subject to the provisions of section 711 of this title all contracts or policies of insurance heretofore or hereafter issued, reinstated, or converted shall be incontestable from the date of issue, reinstatement, or conversion except for fraud, nonpayment of premium, or on the ground that the applicant was not a member of the military or naval forces of the United States. However, in any case in which a contract or policy of insurance is canceled or voided after March 16, 1954, because of fraud, the Administrator shall refund to the insured, if living, or, if deceased, to the person designated as beneficiary (or if none survives, to the estate of the insured) all money, without interest, paid as premiums on such contract or policy for any period subsequent to two years after the date such fraud induced the Veterans' Administration to issue, reinstate, or convert such insurance less any dividends, loan, or other payment made to the insured under such contract or policy.

§ 711. Forfeiture

Any person guilty of mutiny, treason, spying, or desertion, or who, because of conscientious objections, refuses to perform service in the Armed Forces of the United States or refuses to wear the uniform of such force, shall forfeit all rights to National Service Life Insurance. No insurance shall be payable for death inflicted as a lawful punishment for crime or for military or naval offense, except when inflicted by an enemy of the United States; but the cash surrender value, if any, of such insurance on the date of such death shall be paid to the designated beneficiary, if living, or otherwise to the beneficiary or beneficiaries within the permitted class in accordance with the order specified in section 716 (b) of this title.

§ 712. Total disability waiver

(a) Upon application by the insured and under such regulations as the Administrator may promulgate, payment of premiums on insurance may be waived during the continuous total disability of the insured, which continues or has continued for six or more consecutive months, if such disability began (1) after the date of his application for insurance, (2) while the insurance was in force under premium-paying conditions, and (3) before the insured's sixtieth birthday.

(b) The Administrator, upon any application made after August 1, 1947, shall not grant waiver of any premium becoming due more than one year before the receipt in the Veterans' Administration of application for the same, except as provided in this section. Any premiums paid for months during which waiver is effective shall be refunded. The Administrator shall provide by regulations for examination or reexamination of an insured claiming benefits under this section, and may deny benefits for failure to cooperate. If it is found that an insured is no longer totally disabled, the waiver of premiums shall cease as of the date of such finding and the policy of insurance may be continued by payment of premiums as provided in said policy. In any case in which the Administrator finds that the insured's failure to make timely application for waiver of premiums or his failure to submit satisfactory evidence of the existence or continuance of total disability was due to circumstances beyond his control, the Administrator may grant waiver or continuance of waiver of premiums.

(c) If the insured dies without filing application for waiver, the beneficiary, within one year after the death of the insured, or, if the beneficiary is insane or a minor, within one year after removal of such legal disability, may file application for waiver with evidence of the insured's right to waiver under this section. Premium rates shall be calculated without charge for the cost of waiver of premiums provided in this section and no deduction from benefits otherwise payable shall be made on account thereof.

§ 713. Death before six months' total disability

Whenever premiums are not waived under section 712 of this title solely because the insured died prior to the continuance of total disability for six months, and proof of such facts, satisfactory to the Administrator, is filed by the beneficiary with the Veterans' Administration within one year after the insured's death, his insurance shall be deemed to be in force at the date of his death, and the unpaid premiums shall become a lien against the proceeds of his insurance. If the beneficiary is insane or a minor, proof of such facts may be filed within one year after removal of such legal disability.

§ 714. Statutory total disabilities

Without prejudice to any other cause of disability, the permanent loss of the use of both feet, of both hands, or of both eyes, or of one foot and one hand, or of one foot and one eye, or of one hand and one eye, or the total loss of hearing of both ears, or the organic loss of speech, shall be deemed total disability for insurance purposes.

§ 715. Total disability income provision

The Administrator shall, upon application by the insured and proof of good health satisfactory to the Administrator and payment of such extra premium as the Administrator shall prescribe, include in any National Service Life Insurance policy on the life of the insured (except a policy issued under section 620 of the National Service Life Insurance Act of 1940, or section 722 of this title) provisions whereby an insured who is shown to have become totally disabled for a period of six consecutive months or more commencing after the date of such application and before attaining the age of sixty and while the payment of any premium is not in default, shall be paid monthly disability benefits from the first day of the seventh consecutive month of and during the continuance of such total disability of \$10 for each \$1,000 of such insurance in effect when such benefits become payable. The total disability provision authorized under this section shall not be added to a policy containing the total disability coverage heretofore issued under section 602 (v) of the National Service Life Insurance Act of 1940, except upon surrender of such total disability coverage, proof of good health satisfactory to the Administrator, and payment of such extra premium as the Administrator shall determine is required in such cases. Participating policies containing additional provisions for the payment of disability benefits may be separately classified for the purpose of dividend distribution from otherwise similar policies not containing such benefit.

38 USC 821.

38 USC 802.

§ 716. Insurance which matured before August 1, 1946

(a) Insurance which matured before August 1, 1946, is payable in the following manner:

(1) If the beneficiary to whom payment is first made was under thirty years of age at the time of maturity, in two hundred and forty equal monthly installments.

(2) If the beneficiary to whom payment is first made was thirty or more years of age at the time of maturity, in equal monthly installments for one hundred and twenty months certain, with such payments continuing during the remaining lifetime of such beneficiary.

(3) If elected by the insured or a beneficiary entitled to make such an election under prior provisions of law, as a refund life income in monthly installments payable for such period certain as may be required in order that the sum of the installments certain, including a last installment of such reduced amount as may be necessary, shall equal the face value of the contract, less any indebtedness, with such payments continuing throughout the lifetime of the first beneficiary. A refund life income optional settlement is not available in any case in which such settlement would result in payments of installments over a shorter period than one hundred and twenty months. If the mode of payment is changed to a refund life income in accordance with prior provisions of law, after payment has commenced, payment of monthly installments will be adjusted as of the date of maturity of such policy with credit being allowed for payments previously made on the insurance.

(b) Such insurance shall be payable only to a widow, widower, child, parent, brother or sister of the insured. Any installments certain of such insurance remaining unpaid at the death of any beneficiary shall be paid in equal monthly installments in an amount equal to the monthly installments paid to the first beneficiary, to the person or persons then in being within the following classes, and in the order named, unless designated by the insured in a different order:

(1) To the widow or widower of the insured, if living.

(2) If no widow or widower, to the child or children of the insured, if living, in equal shares.

(3) If no widow, widower, or child, to the parent or parents of the insured who last bore that relationship, if living, in equal shares.

(4) If no widow, widower, child, or parent, to the brothers and sisters of the insured, if living, in equal shares.

(c) The provisions of this section shall not be construed to enlarge the classes of beneficiaries heretofore authorized under section 632

38 USC 802.

(d) of the National Service Life Insurance Act of 1940, for payment of gratuitous insurance.

(d) If no beneficiary of insurance which matured before August 1, 1946, was designated by the insured or if the designated beneficiary did not survive the insured, the beneficiary shall be determined in accordance with the order specified in subsection (b) and the insurance shall be payable in equal monthly installments in accordance with subsection (a). The right of any beneficiary to payment of any installments of such insurance shall be conditioned upon his or her being alive to receive such payments. No person shall have a vested right to any installment or installments of any such insurance and any installments not paid to a beneficiary during such beneficiary's lifetime shall be paid to the beneficiary or beneficiaries within the permitted class next entitled to priority, as provided in subsection (b).

(e) No installments of insurance which matured before August 1, 1946, shall be paid to the heirs or legal representatives as such of the insured or of any beneficiary, and if no person within the permitted class survives to receive the insurance or any part thereof no payment of the unpaid installments shall be made, except that if the reserve of a contract of converted National Service Life Insurance, together with dividends accumulated thereon, less any indebtedness under such contract, exceeds the aggregate amount paid to beneficiaries, the excess shall be paid to the estate of the insured unless the estate of the insured would escheat under the laws of his place of residence, in which event no payment shall be made. When the amount of an individual monthly payment of such insurance is less than \$5, such amount may, in the discretion of the Administrator, be allowed to accumulate without interest and be disbursed annually.

(f) Any payments of insurance made to a person, represented by the insured to be within the permitted class of beneficiaries, shall be deemed to have been properly made and to satisfy fully the obligation of the United States under such insurance policy to the extent of such payments.

§ 717. Insurance maturing on or after August 1, 1946

(a) The insured shall have the right to designate the beneficiary or beneficiaries of insurance maturing on or after August 1, 1946, and shall, subject to regulations, at all times have the right to change the beneficiary or beneficiaries of such insurance without the consent of such beneficiary or beneficiaries.

(b) Insurance maturing on or after August 1, 1946, shall be payable in accordance with the following optional modes of settlement:

(1) In one sum.

(2) In equal monthly installments of from thirty-six to two hundred and forty in number, in multiples of twelve.

(3) In equal monthly installments for one hundred and twenty months certain with such payments continuing during the remaining lifetime of the first beneficiary.

(4) As a refund life income in monthly installments payable for such period certain as may be required in order that the sum of the installments certain, including a last installment of such reduced amount as may be necessary, shall equal the face value of the contract, less any indebtedness, with such payments continuing throughout the lifetime of the first beneficiary; however, such optional settlement shall not be available in any case in which such settlement would result in payments of installments over a shorter period than one hundred and twenty months.

(c) Unless the insured elects some other mode of settlement, such insurance shall be payable to the designated beneficiary or beneficiaries in thirty-six equal monthly installments. The first beneficiary may elect to receive payment under any option which provides for payment over a longer period of time than the option elected by the insured, or if no option has been elected by the insured, in excess of thirty-six months. If the option selected requires payment to any one beneficiary of monthly installments of less than \$10, the amount payable to such beneficiary shall be paid in such maximum number of monthly installments as are a multiple of twelve as will provide a monthly installment of not less than \$10. If the present value of the amount payable at the time any person initially becomes entitled to payment thereof is not sufficient to pay at least twelve monthly installments of not less than \$10 each, such amount shall be payable in one sum. Options (3) and (4) shall not be available if any firm, corporation, legal entity (including the estate of the insured), or trustee is beneficiary, or in any case in which an endowment contract matures by reason of the completion of the endowment period.

(d) If the beneficiary of such insurance is entitled to a lump-sum settlement but elects some other mode of settlement and dies before receiving all the benefits due and payable under such mode of settlement, the present value of the remaining unpaid amount shall be payable to the estate of the beneficiary. If no beneficiary is designated by the insured, or if the designated beneficiary does not survive the insured, or if a designated beneficiary not entitled to a lump-sum settlement survives the insured, and dies before receiving all the benefits due and payable, then the commuted value of the remaining unpaid insurance (whether accrued or not) shall be paid in one sum to the estate of the insured. In no event shall there be any payment to the estate of the insured or of the beneficiary of any sums unless it is shown that any sums paid will not escheat.

§ 718. Assignments

Assignments of all or any part of the beneficiary's interest may be made by a designated beneficiary to a widow, widower, child, father, mother, grandfather, grandmother, brother, or sister of the insured, when the designated contingent beneficiary, if any, joins the beneficiary in the assignment, and if the assignment is delivered to the Veterans' Administration before any payments of the insurance shall have been made to the beneficiary. However, an interest in an annuity, when assigned, shall be payable in equal monthly installments in such multiple of twelve as most nearly equals the number of installments certain under such annuity, or in two hundred and forty installments, whichever is the lesser.

§ 719. National Service Life Insurance appropriation

(a) The National Service Life Insurance appropriation is continued and there is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this chapter and the provisions heretofore prescribed in the National Service Life Insurance Act of 1940, or related Acts, for the payment of liabilities under National Service Life Insurance. Payment from this appropriation shall be made upon and in accordance with awards by the Administrator.

54 Stat. 1008.
38 USC 801-823.

(b) All premiums heretofore and hereafter paid on insurance issued or reinstated under subsections 602 (c) (2) and 602 (v) (1) of the National Service Life Insurance Act of 1940 where the requirement of good health was waived under such subsections because of a service-incurred injury or disability shall be credited directly to the National Service Life Insurance appropriation and any payments of benefits heretofore and hereafter made on such insurance shall be made directly from such appropriation.

38 USC 802.

§ 720. National Service Life Insurance Fund

(a) The National Service Life Insurance Fund heretofore created in the Treasury is continued as a permanent trust fund. Except as otherwise provided in this chapter, all premiums paid on account of National Service Life Insurance shall be deposited and covered into the Treasury to the credit of such fund, which, together with interest earned thereon, shall be available for the payment of liabilities under such insurance, including payment of dividends and refunds of unearned premiums. Payments from this fund shall be made upon and in accordance with awards by the Administrator.

(b) The Administrator is authorized to set aside out of such fund such reserve amounts as may be required under accepted actuarial principles to meet all liabilities under such insurance; and the Secretary of the Treasury is authorized to invest and reinvest such fund, or any part thereof, in interest-bearing obligations of the United States or in obligations guaranteed as to principal and interest by the United States, and to sell such obligations for the purposes of such fund.

§ 721. Extra hazard costs

(a) The United States shall bear the excess mortality cost and the cost of waiver of premiums on account of total disability traceable to the extra hazard of military or naval service, as such hazard may be determined by the Administrator.

(b) Whenever benefits under insurance become payable because of the death of the insured as the result of disease or injury traceable to the extra hazard of military or naval service, as such hazard may be determined by the Administrator, the liability for payment of such benefits shall be borne by the United States in an amount which, when added to the reserve of the policy at the time of death of the insured will equal the then value of such benefits under such policy. Where life contingencies are involved in the calculation of the value of such benefits of insurance heretofore or hereafter matured, the calculation of such liability or liabilities shall be based upon such mortality table or tables as the Administrator may prescribe with interest at the rate of 3 per centum per annum. The Administrator shall transfer from time to time from the National Service Life Insurance appropriation to the National Service Life Insurance Fund such sums as may be necessary to carry out the provisions of this section.

(c) Whenever the premiums under insurance are waived because of the total disability of the insured as the result of disease or injury traceable to the extra hazard of military or naval service, as such hazard may be determined by the Administrator, the premiums so

waived shall be paid by the United States and the Administrator shall transfer from time to time an amount equal to the amount of such premiums from the National Service Life Insurance appropriation to the National Service Life Insurance Fund.

(d) Whenever benefits under the total disability income provision become, or have become, payable because of total disability of the insured as a result of disease or injury traceable to the extra hazard of the military or naval service, as such hazard may be determined by the Administrator, the liability shall be borne by the United States, and the Administrator shall transfer from the National Service Life Insurance appropriation to the National Service Life Insurance Fund from time to time any amounts which become, or have become, payable to the insured on account of such total disability, and to transfer from the National Service Life Insurance Fund to the National Service Life Insurance appropriation the amount of the reserve held on account of the total disability benefit. When a person receiving such payments on account of total disability recovers from such disability, and is then entitled to continue protection under the total disability income provision, the Administrator shall transfer to the National Service Life Insurance Fund a sum sufficient to set up the then required reserve on such total disability benefit.

(e) Any disability for which a waiver was required as a condition to tendering a person a commission under Public Law 816, Seventy-seventh Congress, shall be deemed to be a disability resulting from an injury or disease traceable to the extra hazard of military or naval service for the purpose of applying this section.

56 Stat. 1066.
34 USC 853c-6.

§ 722. Service disabled veterans' insurance

(a) Any person who is released from active military, naval, or air service, under other than dishonorable conditions on or after April 25, 1951, and is found by the Administrator to be suffering from a disability or disabilities for which compensation would be payable if 10 per centum or more in degree and except for which such person would be insurable according to the standards of good health established by the Administrator, shall, upon application in writing made within one year from the date service-connection of such disability is determined by the Veterans' Administration and payment of premiums as provided in this subchapter, be granted insurance by the United States against the death of such person occurring while such insurance is in force. If such a person is shown by evidence satisfactory to the Administrator to have been mentally incompetent during any part of the one-year period, application for insurance under this section may be filed within one year after a guardian is appointed or within one year after the removal of such disability as determined by the Administrator, whichever is the earlier date. If the guardian was appointed or the removal of the disability occurred before January 1, 1959, application for insurance under this section may be made within one year after that date. Insurance granted under this section shall be issued upon the same terms and conditions as are contained in the standard policies of National Service Life Insurance except (1) the premium rates for such insurance shall be based on the Commissioners 1941 Standard Ordinary Table of Mortality and interest at the rate of $2\frac{1}{4}$ per centum per annum; (2) all cash, loan, paid-up, and extended values shall be based upon the Commissioners 1941 Standard Ordinary Table of Mortality and interest at the rate of $2\frac{1}{4}$ per centum per annum; (3) all settlements on policies involving annuities shall be calculated on the basis of The Annuity Table for 1949, and interest at the rate of $2\frac{1}{4}$ per centum per annum; (4) insurance granted under this section shall be on a nonparticipating basis and all premiums and other collections therefor shall be credited

38 USC 802.

directly to a revolving fund in the Treasury of the United States, and any payments on such insurance shall be made directly from such fund. Appropriations to such fund are hereby authorized. As to insurance issued under this section, waiver of premiums pursuant to section 602 (n) of the National Service Life Insurance Act of 1940 and section 712 of this title shall not be denied on the ground that the service-connected disability became total before the effective date of such insurance.

38 USC 821.

(b) (1) Any person who, on or after April 25, 1951, was otherwise qualified for insurance under the provisions of section 620 of the National Service Life Insurance Act of 1940, or under subsection (a) of this section, but who did not apply for such insurance and who is shown by evidence satisfactory to the Administrator (A) to have been mentally incompetent from a service-connected disability, (i) at the time of release from active service, or (ii) during any part of the one-year period from the date the service connection of a disability is first determined by the Veterans' Administration, or (iii) after release from active service but is not rated service-connected disabled by the Veterans' Administration until after death; and (B) to have remained continuously so mentally incompetent until date of death; and (C) to have died before the appointment of a guardian, or within one year after the appointment of a guardian; shall be deemed to have applied for and to have been granted such insurance, as of the date of death, in an amount which, together with any other United States Government or National Service life insurance in force, shall aggregate \$10,000. The date to be used for determining whether such person was insurable according to the standards of good health established by the Administrator, except for the service-connected disability, shall be the date of release from active service or the date the person became mentally incompetent, whichever is the later.

(2) Payments of insurance granted under subsection (b) (1) of this section shall be made only to the following beneficiaries and in the order named—

(A) to the widow or widower of the insured, if living and while unremarried;

(B) if no widow or widower entitled thereto, to the child or children of the insured, if living, in equal shares;

(C) if no widow or widower or child entitled thereto, to the parent or parents of the insured who last bore that relationship, if living, in equal shares.

(3) No application for insurance payments under this subsection shall be valid unless filed in the Veterans' Administration within two years after the date of death of the insured or before January 1, 1961, whichever is the later, and the relationship of the applicant shall be proved as of the date of death of the insured by evidence satisfactory to the Administrator. Persons shown by evidence satisfactory to the Administrator to have been mentally or legally incompetent at the time the right to apply for death benefits expires, may make such application at any time within one year after the removal of such disability.

(4) Notwithstanding the provisions of section 717 of this title, insurance under this subsection shall be payable at the election of the first beneficiary in 240 equal monthly installments or under the options specified in section 717 (b) (3) or (4) of this title. Any installments certain of insurance remaining unpaid at the death of any beneficiary shall be paid in equal monthly installments in an amount equal to the monthly installments paid to the first beneficiary, to the person or persons then in being within the classes specified in subsection (b) (2) of this section and in the order named.

(5) The right of any beneficiary to payment of any installments shall be conditioned upon his or her being alive to receive such payments. No person shall have a vested right to any installment or installments of any such insurance and any installments not paid to a beneficiary during such beneficiary's lifetime shall be paid to the beneficiary or beneficiaries within the permitted class next entitled to priority, as provided in subsection (b) (2) of this section. No installments of such insurance shall be paid to the heirs or legal representatives as such of the insured or of any beneficiary, and if no person within the permitted class survives to receive the insurance or any part thereof no payment of the unpaid installments shall be made.

§ 723. Veterans' special term insurance

(a) Insurance heretofore granted under the provisions of section 621 of the National Service Life Insurance Act of 1940, against the death of the policyholder occurring while such insurance is in force, is subject to the same terms and conditions as are contained in standard policies of National Service Life Insurance on the five-year level premium term plan except (1) such insurance may not be exchanged for or converted to insurance on any other plan; (2) the premium rates for such insurance shall be based on the Commissioners 1941 Standard Ordinary Table of Mortality and interest at the rate of $2\frac{1}{4}$ per centum per annum; (3) all settlements on policies involving annuities shall be calculated on the basis of The Annuity Table for 1949, and interest at the rate of $2\frac{1}{4}$ per centum per annum; (4) such insurance and any total disability provision added thereto shall be on a nonparticipating basis and all premiums and other collections therefor shall be credited to a revolving fund in the Treasury of the United States and the payments on such term insurance and any total disability provision added thereto shall be made directly from such fund. Appropriations to such fund are hereby authorized.

38 USC 822.

(b) The Administrator is authorized to invest in, and the Secretary of the Treasury is authorized to sell and retire, special interest-bearing obligations of the United States for the account of the revolving fund with a maturity date as may be agreed upon by the Administrator and Secretary. The rate of interest on such obligations shall be fixed by the Secretary of the Treasury at a rate not exceeding the average interest rate on all marketable obligations of the United States Treasury outstanding as of the end of the month preceding the date of issue of this special obligation.

§ 724. In-service waiver of premiums

(a) Waiver of all premiums on five-year level premium term insurance and that portion of any permanent insurance premiums representing the cost of the pure insurance risk, as determined by the Administrator, granted on National Service Life Insurance or United States Government life insurance under section 622 of the National Service Life Insurance Act of 1940 and in effect on January 1, 1959, shall, unless canceled, continue in effect according to the provisions of such section for the remainder of the insured's continuous active service and for one hundred and twenty days thereafter. Such premium waiver renders the contract of insurance nonparticipating during the period the waiver is in effect.

38 USC 823.

(b) Whenever benefits become payable because of the maturity of such insurance while under the premium waiver continued by this section, liability for payment of such benefits shall be borne by the United States in an amount which, when added to any reserve of the policy at the time of maturity, will equal the then value of such benefits under such policy. Where life contingencies are involved in the calculation of the value of such benefits, the calculation of such

38 USC 821, 822.

liability or liabilities shall be based upon such mortality table or tables as the Administrator may prescribe with interest at the rate of $2\frac{1}{4}$ per centum per annum as to insurance issued under sections 620 and 621 of the National Service Life Insurance Act of 1940, at the rate of 3 per centum per annum as to other National Service Life Insurance, and $3\frac{1}{2}$ per centum per annum as to United States Government life insurance. The Administrator shall transfer from time to time from the National Service Life Insurance appropriation to the National Service Life Insurance Fund and from the military and naval insurance appropriation to the United States Government Life Insurance Fund such sums as may be necessary to carry out the provisions of this section.

Subchapter II—United States Government Life Insurance

§ 740. Definition

For the purposes of this subchapter, the term "insurance" means United States Government life insurance.

§ 741. Amount of insurance

United States Government life insurance shall be issued against death or total permanent disability in any multiple of \$500 and not less than \$1,000 or more than \$10,000. No person may carry a combined amount of National Service Life Insurance and United States Government life insurance in excess of \$10,000 at any one time.

§ 742. Plans of insurance

Regulations shall provide for the right to convert insurance on the five-year level premium term plan into ordinary life, twenty-payment life, endowment maturing at age sixty-two, and into other usual forms of insurance as may be prescribed by the Administrator. Provision shall be made for reconversion of any such policies to a higher premium rate or, upon proof of good health satisfactory to the Administrator, to a lower premium rate, in accordance with regulations to be issued by the Administrator. No reconversion shall be made to a five-year level premium term policy.

§ 743. Premiums

The premium rates for insurance shall be the net rates based upon the American Experience Table of Mortality and interest at $3\frac{1}{2}$ per centum per annum. Regulations shall prescribe the time and method of payment of premiums, but payments of premiums in advance shall not be required for periods of more than one month each, and may be deducted from the pay or deposit of the insured or be otherwise made at his election.

§ 744. Policy provisions

(a) Provisions for maturity at certain ages, for continuous installments during the lifetime of the insured or beneficiaries, or both, for refund of premiums, cash, loan, paid-up and extended values, dividends from gains and savings, and such other provisions for the protection and advantage of and for alternative benefits to the insured and the beneficiaries as may be found to be reasonable and practicable may be provided for in insurance contracts or from time to time by regulations.

(b) All calculations on insurance shall be based upon the American Experience Table of Mortality and interest at $3\frac{1}{2}$ per centum per annum, except that no deduction shall be made for continuous installments during the life of the insured in case his total and permanent disability continues more than two hundred and forty months.

(c) On and after July 19, 1939, the rate of interest charged on any loan secured by a lien on insurance shall not exceed 5 per centum per annum.

§ 745. Renewal

(a) Effective July 23, 1953, at the expiration of any term period any insurance policy issued on the five-year level premium term plan which has not been exchanged or converted to a permanent plan of insurance and which is not lapsed shall be renewed as level premium term insurance without application for a successive five-year period at the premium rate for the attained age without medical examination. However, on and after such date renewal shall be effected in cases where the policy is lapsed only if the lapse occurred not earlier than two months before the expiration of the term period, and reinstatement in such cases shall be under the terms and conditions prescribed by the Administrator. In any case where the five-year level premium term period expired between July 23, 1953, and December 31, 1953, both dates inclusive, under the conditions set forth in the preceding sentence, the insured, notwithstanding the expiration of an intervening five-year period, shall have not less than six months following the date of enactment of this title within which to meet the terms and conditions prescribed by the Administrator under the preceding sentence.

(b) This section shall take effect on the date of enactment of this title.

§ 746. Dividends to pay premiums

Until and unless the Veterans' Administration has received from the insured a request in writing for payment of dividends in cash or that the dividends be placed on deposit in accordance with the provisions of his policy, any regular annual dividends shall be applied in payment of premiums becoming due on insurance after the date the dividend is payable on or after December 31, 1958.

§ 747. Incontestability

Subject to the provisions of section 754 of this title all contracts or policies of insurance heretofore or hereafter issued, reinstated, or converted shall be incontestable from the date of issuance, reinstatement, or conversion, except for fraud, nonpayment of premiums, or on the ground that the applicant was not a member of the military or naval forces of the United States. The insured under such contract or policy may, without prejudicing his rights, elect to make claim to the Veterans' Administration or to bring suit under section 784 of this title on any prior contract or policy, and if found entitled thereto, shall, upon surrender of any subsequent contract or policy, be entitled to payments under the prior contract or policy. In any case in which a contract or policy of insurance is canceled or voided after March 16, 1954, because of fraud, the Administrator shall refund to the insured, if living, or, if deceased, to the person designated as beneficiary (or if none survives, to the estate of the insured) all money, without interest, paid as premiums on such contract or policy for any period subsequent to two years after the date such fraud induced the Veterans' Administration to issue, reinstate, or convert such insurance less any dividends, loan, or other payment made to the insured under such contract or policy.

§ 748. Total disability provision

The Administrator shall include in United States Government life insurance policies provision whereby an insured, who is totally disabled as a result of disease or injury for a period of four consecutive months or more before attaining the age of sixty-five years and before

default in payment of any premium, shall be paid disability benefits at the rate of \$5.75 monthly for each \$1,000 of insurance in force when total disability benefits become payable. The amount of such monthly payment under the provisions of this section shall not be reduced because of payment of permanent and total disability benefits under the insurance policy. Such payments shall be effective as of the first day of the fifth consecutive month, and shall be made monthly during the continuance of such total disability. Such payments shall be concurrent with or independent of permanent and total disability benefits under the insurance policy. In addition to the monthly disability benefits the payment of premiums on the life insurance and for the total disability benefits authorized by this section shall be waived during the continuance of such total disability. Regulations shall provide for reexaminations of beneficiaries under this section; and, in the event that it is found that an insured is no longer totally disabled, the waiver of premiums and payment of benefits shall cease and the insurance policy, including the total disability provision, may be continued by payment of premiums as provided in said policy and the total disability provision. Neither the dividends nor the amount payable in any settlement under any United States Government life insurance policy shall be decreased because of disability benefits granted under the provisions of this section. The payment of total disability benefits shall not prejudice the right of any insured, who is totally and permanently disabled, to permanent and total disability benefits under his insurance policy. The provision authorized by this section shall not be included in any United States Government life insurance policy heretofore or hereafter issued, except upon application, payment of premium by the insured, and proof of good health satisfactory to the Administrator. The benefit granted under this section shall be on the basis of multiples of \$500, and not less than \$1,000 or more than the amount of insurance in force at time of application. The Administrator shall determine the amount of the monthly premium to cover the benefits of this section, and in order to continue such benefits in force the monthly premiums shall be payable until the insured attains the age of sixty-five years or until the prior maturity of the policy. In all other respects such monthly premium shall be payable under the same terms and conditions as the regular monthly premium on the United States Government life insurance policy.

§ 749. Change of beneficiary

Subject to regulations, the insured shall at all times have the right to change the beneficiary or beneficiaries of a United States Government life insurance policy without the consent of such beneficiary or beneficiaries.

§ 750. Payment to estates

If no beneficiary of insurance is designated by the insured, either in his lifetime or by his last will and testament, or if the designated beneficiary does not survive the insured, then there shall be paid to the estate of the insured the present value of the remaining unpaid monthly installments. If the designated beneficiary survives the insured and dies before receiving all of the installments of insurance payable and applicable, then there shall be paid to the estate of such beneficiary the present value of the remaining unpaid monthly installments. No payments shall be made to any estate which under the laws of the residence of the insured or the beneficiary, as the case may be, would escheat, but same shall escheat to the United States and be credited to the United States Government Life Insurance Fund.

§ 751. Payment of insurance

United States Government life insurance, except as provided in this subchapter, shall be payable in two hundred and forty equal monthly installments. When the amount of an individual monthly payment is less than \$5, such amount may in the discretion of the Administrator be allowed to accumulate without interest and be disbursed annually.

§ 752. Optional settlement

The Administrator may provide in insurance contracts for optional settlements, to be selected by the insured, whereby such insurance may be made payable either in one sum or in installments for thirty-six months or more. A provision may also be included in such contracts authorizing the beneficiary to elect to receive payment of the insurance in installments for thirty-six months or more, but only if the insured has not exercised his right of election as provided in this subchapter. Even though the insured may have exercised his right of election the beneficiary may elect to receive such insurance in installments spread over a greater period of time than that selected by the insured.

§ 753. Assignments

Any person to whom United States Government life insurance shall be payable may assign his interest in such insurance to the spouse, child, grandchild, parent, brother, sister, uncle, aunt, nephew, niece, brother-in-law, or sister-in-law of the insured. Insofar as applicable, the definitions contained in section 3 of the World War Veterans' Act, 1924, in effect on December 31, 1958, shall apply to this section.

§ 754. Forfeiture

No yearly renewable term insurance or United States Government life insurance shall be payable for death inflicted as a lawful punishment for crime or military offense, except when inflicted by the enemy. In such cases the cash surrender value of United States Government life insurance, if any, on the date of such death shall be paid to the designated beneficiary if living, or if there be no designated beneficiary alive at the death of the insured the said value shall be paid to the estate of the insured.

§ 755. United States Government Life Insurance Fund

(a) All premiums paid on account of United States Government life insurance shall be deposited and covered into the Treasury to the credit of the United States Government Life Insurance Fund and shall be available for the payment of losses, dividends, refunds, and other benefits provided for under such insurance, including such liabilities as shall have been or shall hereafter be reduced to judgment in a district court of the United States or the United States District Court for the District of Columbia. Payments from this fund shall be made upon and in accordance with awards by the Administrator.

(b) The Administrator is authorized to set aside out of the funds so collected such reserve funds as may be required, under accepted actuarial principles, to meet all liabilities under such insurance; and the Secretary of the Treasury is authorized to invest and reinvest the said United States Government Life Insurance Fund, or any part thereof, in interest-bearing obligations of the United States or bonds of the Federal farm-loan banks and to sell said obligations of the United States or the bonds of the Federal farm-loan banks for the purposes of such Fund.

§ 756. Military and naval insurance appropriation

All sums heretofore or hereafter appropriated for the military and naval insurance appropriation and all premiums collected for yearly renewable term insurance deposited and covered into the Treasury to the credit of this appropriation shall be made available to the Veterans' Administration. All premiums that may hereafter be collected for yearly renewable term insurance shall be deposited and covered into the Treasury for the credit of this appropriation. Such sum is made available for the payment of the liabilities of the United States incurred under contracts of yearly renewable term insurance. Payments from this appropriation shall be made upon and in accordance with the awards by the Administrator.

§ 757. Extra hazard costs

(a) The United States shall bear the excess mortality and disability cost resulting from the hazards of war on United States Government life insurance.

(b) Whenever benefits under United States Government life insurance become, or have become, payable because of total permanent disability of the insured or because of the death of the insured as a result of disease or injury traceable to the extra hazard of the military or naval service, as such hazard may be determined by the Administrator, the liability shall be borne by the United States. In such cases the Administrator shall transfer from the military and naval insurance appropriation to the United States Government Life Insurance Fund a sum which, together with the reserve of the policy at the time of maturity by total permanent disability or death, will equal the then value of such benefits. When a person receiving total permanent disability benefits under a United States Government life insurance policy recovers from such disability and is then entitled to continue a reduced amount of insurance, the Administrator shall transfer to the military and naval insurance appropriation all of the loss reserve to the credit of such policy claim except a sum sufficient to set up the then required reserve on the reduced amount of the insurance that may be continued, which sum shall be retained in the United States Government Life Insurance Fund for the purpose of such reserve.

(c) Whenever benefits under the total disability provision become, or have become, payable because of total disability of the insured as a result of disease or injury traceable to the extra hazard of the military or naval service, as such hazard may be determined by the Administrator, the liability shall be borne by the United States, and the Administrator shall transfer from the military and naval insurance appropriation to the United States Government Life Insurance Fund from time to time any amounts which become or have become payable to the insured on account of such total disability, and shall transfer from the United States Government Life Insurance Fund to the military and naval insurance appropriation the amount of the reserve held on account of the total disability benefit. When a person receiving such payments on account of total disability recovers from such disability and is then entitled to continued protection under the total disability provision, the Administrator shall transfer to the United States Government Life Insurance Fund a sum sufficient to set up the then required reserve on such total disability benefit.

(d) Any disability for which a waiver was required as a condition to tendering a person a commission under Public Law 816, Seventy-seventh Congress, shall be deemed to be a disability resulting from an injury or disease traceable to the extra hazard of military or naval service for the purpose of applying this section.

§ 758. Statutory total permanent disability

Without prejudice to any other cause of disability, the permanent loss of the use of both feet, of both hands, or of both eyes, or of one foot and one hand, or of one foot and one eye, or of one hand and one eye, or the loss of hearing of both ears, or the organic loss of speech, shall be deemed total permanent disability for insurance purposes. This section shall be deemed to be in effect on and after April 6, 1917, and shall apply only to automatic insurance, yearly renewable term insurance, and United States Government life insurance issued prior to December 15, 1936.

§ 759. Waiver of disability for reinstatement

(a) In the event that all provisions of the rules and regulations other than the requirements as to the physical condition of the applicant have been complied with, an application for reinstatement, in whole or in part, of lapsed United States Government life insurance may be approved if made within two years after the date of lapse and if the applicant's disability is the result of an injury or disease, or of an aggravation thereof, suffered or contracted in the active military or naval service during the period beginning April 6, 1917, and ending July 2, 1921, and the applicant during his lifetime submits proof satisfactory to the Administrator showing that he is not totally and permanently disabled. As a condition to the acceptance of an application for reinstatement under this section, the applicant shall be required to pay all the back monthly premiums which would have become payable if such insurance had not lapsed, together with interest at the rate of 5 per centum per annum, compounded annually, on each premium from the date said premium is due by the terms of the policy.

(b) Premium liens established under the provisions of section 304 of the World War Veterans' Act, 1924, shall continue to bear interest at the rate of 5 per centum per annum, compounded annually, and will be deducted from any settlement of insurance to which they are attached.

38 USC 515.

§ 760. Waiver of premium payments on due date

(a) The Administrator is authorized to provide by regulations for waiving the payment of premiums on United States Government life insurance on the due date thereof and the insurance may be deemed not to lapse in the cases of the following persons: (1) those who are confined in hospital under the Veterans' Administration for a compensable disability during the period while they are so confined; (2) those who are rated as temporarily totally disabled by reason of any injury or disease entitling them to compensation during the period of such total disability and while they are so rated; (3) those who, while mentally incompetent and for whom no legal guardian had been or has been appointed, allowed or may allow their insurance to lapse during the period for which they have been or hereafter may be rated mentally incompetent, or until a guardian has notified the Veterans' Administration of his qualification, but not later than six months after appointment of a guardian. In mentally incompetent cases the waiver is to be made without application and retroactive when necessary. Relief from payment of premiums on the due date thereof shall be for full calendar months, beginning with the month in which said confinement to hospital, the temporary total disability rating, or the mental incompetency began or begins and ending with that month during the half or major fraction of which such persons are no longer entitled to waiver as provided above.

(b) All premiums the payment of which when due is waived as provided in this section shall bear interest at the rate of 5 per centum per annum, compounded annually, from the due date of each premium, and if not paid by the insured shall be deducted from the insurance in any settlement thereunder, or when the same matures either because of permanent total disability or death. In the event any lien or other indebtedness established by this section or prior corresponding provision of law exists against any policy of United States Government life insurance in excess of the then cash surrender value thereof at the time of the termination of such policy of insurance for any reason other than by death or total permanent disability the Administrator is authorized to transfer and pay from the military and naval insurance appropriation to the United States Government Life Insurance Fund a sum equal to the amount such lien or indebtedness exceeds the then cash surrender value.

Subchapter III—General

§ 781. Replacement of surrendered and expired insurance

(a) Any person who surrendered a policy of National Service Life Insurance or United States Government life insurance on a permanent plan for its cash value while in the active service after April 24, 1951, and before January 1, 1957, who was entitled on December 31, 1958, to reinstate or replace such insurance under section 623 of the National Service Life Insurance Act of 1940, may, upon application in writing made while on continuous active duty which began before January 1, 1959, or within one hundred and twenty days after separation therefrom, be granted, without medical examination, permanent plan insurance on the same plan not in excess of the amount surrendered for cash, or may reinstate such surrendered insurance upon payment of the required reserve and the premium for the current month. Waiver of premiums and total disability income benefits otherwise authorized under this chapter shall not be denied in any case of issue or reinstatement of insurance on a permanent plan under this section or the prior corresponding provision of law in which it is shown to the satisfaction of the Administrator that total disability of the applicant began before the date of application. The cost of the premiums waived and total disability income benefits paid by virtue of the preceding sentence and the excess mortality cost in any case where the insurance matures by death from such total disability shall be borne by the United States and the Administrator shall transfer from time to time from the National Service Life Insurance appropriation to the National Service Life Insurance Fund and from the military and naval insurance appropriation to the United States Government Life Insurance Fund such sums as may be necessary to reimburse the funds for such costs.

(b) Any person who had United States Government life insurance or National Service Life Insurance on the five-year level premium term plan, the term of which expired while he was in the active service after April 25, 1951, or within one hundred and twenty days after separation from such active service, and in either case before January 1, 1957, who was entitled on December 31, 1958, to replace such insurance under section 623 of the National Service Life Insurance Act of 1940, shall, upon application made while on continuous active duty which began before January 1, 1959, or within one hundred and twenty days after separation therefrom, payment of premiums and evidence of good health satisfactory to the Administrator, be granted an equivalent amount of insurance on the five-year level premium term plan at the premium rate for his then attained age.

70 Stat. 880.
38 USC 824.

38 USC 824.

§ 782. Administrative cost

The United States shall bear the cost of administration in connection with this chapter, including expenses for medical examinations, inspections when necessary, printing and binding, and for such other expenditures as are necessary in the discretion of the Administrator.

§ 783. Settlements for minors or incompetents

When an optional mode of settlement of National Service Life Insurance or United States Government life insurance heretofore or hereafter matured is available to a beneficiary who is a minor or incompetent, such option may be exercised by his fiduciary, person qualified under section 14 of title 25, or person recognized by the Administrator as having custody of the person or the estate of such beneficiary, and the obligation of the United States under the insurance contract shall be fully satisfied by payment of benefits in accordance with the mode of settlement so selected.

25 USC 14.

§ 784. Suits on insurance

(a) In the event of disagreement as to claim, including claim for refund of premiums, under contract of National Service Life Insurance, United States Government life insurance, or yearly renewable term insurance between the Veterans' Administration and any person or persons claiming thereunder an action on the claim may be brought against the United States either in the United States District Court for the District of Columbia or in the district court of the United States in and for the district in which such person or any one of them resides, and jurisdiction is conferred upon such courts to hear and determine all such controversies. All persons having or claiming to have an interest in such insurance may be made parties to such suit, and such as are not inhabitants of or found within the district in which suit is brought may be brought in by order of the court to be served personally or by publication or in such other reasonable manner as the court may direct. In all cases where the Veterans' Administration acknowledges the indebtedness of the United States upon any such contract of insurance and there is a dispute as to the person or persons entitled to payment, a suit in the nature of a bill of interpleader may be brought at the request of the Veterans' Administration in the name of the United States against all persons having or claiming to have any interest in such insurance in the United States District Court for the District of Columbia or in the district court in and for the district in which any such claimant resides; however, no less than thirty days before instituting such suit the Veterans' Administration shall mail a notice of such intention to each of the persons to be made parties to the suit. The courts of appeals for the several circuits, including the District of Columbia, shall respectively exercise appellate jurisdiction and, except as provided in section 1254 of title 28, the decrees of such courts of appeals shall be final.

28 USC 1254.

(b) No suit on yearly renewable term insurance, United States Government life insurance, or National Service Life Insurance shall be allowed under this section unless the same shall have been brought within six years after the right accrued for which the claim is made. For the purposes of this section it shall be deemed that the right accrued on the happening of the contingency on which the claim is founded. The limitation of six years is suspended for the period elapsing between the filing in the Veterans' Administration of the claim sued upon and the denial of said claim: *Provided*, That in any case in which a claim is timely filed the claimant shall have not less than ninety days from the date of mailing of notice of denial within which to file suit. After June 28, 1936, notice of denial of the claim under a contract of insurance shall be by registered mail directed to

the claimant's last address of record. Infants, insane persons, or persons under other legal disability, or persons rated as incompetent or insane by the Veterans' Administration shall have three years in which to bring suit after the removal of their disabilities. If suit is seasonably begun and fails for defect in process, or for other reasons not affecting the merits, a new action, if one lies, may be brought within a year though the period of limitation has elapsed. No State or other statute of limitations shall be applicable to suits filed under this section.

(c) In any suit, action, or proceeding brought under the provisions of this section subpoenas for witnesses who are required to attend a court of the United States in any district may run into any other district: *Provided*, That no writ of subpoena shall issue for witnesses living out of the district in which the court is held at a greater distance than one hundred miles from the place of holding the same without the permission of the court being first had upon proper application and cause shown. The word "district" and the words "district court" as used herein shall be construed to include the District of Columbia and the United States District Court for the District of Columbia.

(d) Attorneys of the Veterans' Administration, when assigned to assist in the trial of cases, and employees of the Veterans' Administration when ordered in writing by the Administrator to appear as witnesses, shall be paid the regular travel and subsistence allowance paid to other employees when on official travel status.

(e) Part-time and fee-basis employees of the Veterans' Administration, in addition to their regular travel and subsistence allowance, when ordered in writing by the Administrator to appear as witnesses in suits under this section, may be allowed, within the discretion and under written orders of the Administrator, a fee in an amount not to exceed \$50 per day.

(f) Employees of the Veterans' Administration who are subpoenaed to attend the trial of any suit, under the provisions of this section, as witnesses for a party to such suit shall be granted court leave or authorized absence, as applicable, for the period they are required to be away from the Veterans' Administration in answer to such subpoenas.

(g) Whenever a judgment or decree shall be rendered in an action brought under the provisions of this section, the court, as a part of its judgment or decree, shall determine and allow reasonable fees for the attorneys of the successful party or parties and apportion same if proper, said fees not to exceed 10 per centum of the amount recovered and to be paid by the Veterans' Administration out of the payments to be made under the judgment or decree at a rate not exceeding one-tenth of each of such payments until paid; except that, in a suit brought by or on behalf of an insured during his lifetime for waiver of premiums on account of total disability, the court, as part of its judgment or decree, shall determine and allow a reasonable fee to be paid by the insured to his attorney.

(h) The term "claim" as used in this section means any writing which uses words showing an intention to claim insurance benefits; and the term "disagreement" means a denial of the claim, after consideration on its merits, by the Administrator or any employee or organizational unit of the Veterans' Administration heretofore or hereafter designated therefor by the Administrator.

(i) The Attorney General of the United States is authorized to agree to a judgment to be rendered by the chief judge of the United States court having jurisdiction of the case, pursuant to compromise approved by the Attorney General upon the recommendation of the United States attorney charged with the defense, upon such terms and for sums within the amount claimed to be payable, in any suit

brought under the provisions of this section, on a contract of yearly renewable term insurance, and the Administrator shall make payments in accordance with any such judgment. The Comptroller General of the United States shall allow credit in the accounts of disbursing officers for all payments of insurance made in accordance with any such judgment. All such judgments shall constitute final settlement of the claim and no appeal therefrom shall be authorized.

§ 785. Decisions by the administrator

Except in the event of suit as provided in section 784 of this title, or other appropriate court proceedings, all decisions rendered by the Administrator under the provisions of this chapter shall be final and conclusive on all questions of law or fact, and no other official of the United States shall have jurisdiction to review any such decisions.

§ 786. Deposits in and disbursements from trust funds

All cash balances in the United States Government Life Insurance Fund and the National Service Life Insurance Fund on January 1, 1959, together with all moneys thereafter accruing to such funds, including premiums, appropriated moneys, the proceeds of any sales of investments which may be necessary to meet current expenditures, and interest on investments, shall be available for disbursement for meeting all expenditures and making investments authorized to be made from such funds.

§ 787. Penalties

(a) Any person who shall knowingly make or cause to be made, or conspire, combine, aid, or assist in, agree to, arrange for, or in anywise procure the making or presentation of a false or fraudulent affidavit, declaration, certificate, statement, voucher, or paper, or writing purporting to be such, concerning any application for insurance or reinstatement thereof, waiver of premiums or claim for benefits under National Service Life Insurance, United States Government life insurance, or yearly renewable term insurance for himself or any other person, shall be fined not more than \$1,000, or be imprisoned for not more than one year, or both.

(b) Whoever in any claim for National Service Life Insurance, United States Government life insurance, or yearly renewable term insurance makes any sworn statement of a material fact knowing it to be false, shall be guilty of perjury and shall be fined not more than \$5,000, or be imprisoned for not more than two years, or both.

§ 788. Savings provision

Nothing in this title or any amendment or repeal made by the Act enacting this title shall affect any right, remedy, liability, authorization or requirement pertaining to Government insurance, the respective insurance funds, or the insurance appropriations, authorized or prescribed under the provisions of the War Risk Insurance Act, the World War Veterans' Act, 1924, the National Service Life Insurance Act of 1940, or any related Act, which was in effect on December 31, 1958.

38 USC 287, 357,
502, 575, 421-574
passim, 801-824.

CHAPTER 21—SPECIALLY ADAPTED HOUSING FOR DISABLED VETERANS

Sec.

801. Veterans eligible for assistance.

802. Limitations on assistance furnished.

803. Furnishing of plans and specifications.

804. Benefits additional to benefits under other laws.

805. Nonliability of United States.

§ 801. Veterans eligible for assistance

The Administrator is authorized, under such regulations as he may prescribe, to assist any veteran, who is entitled to compensation under chapter 11 of this title, based on service after April 20, 1898, for permanent and total service-connected disability due to the loss, or loss of use, by reason of amputation, ankylosis, progressive muscular dystrophies, or paralysis of both lower extremities, such as to preclude locomotion without the aid of braces, crutches, canes, or a wheelchair, in acquiring a suitable housing unit with special fixtures or movable facilities made necessary by the nature of the veteran's disability, and necessary land therefor. The regulations of the Administrator shall include, but not be limited to, provisions requiring findings that (1) it is medically feasible for such veteran to reside in the proposed housing unit and in the proposed locality; (2) the proposed housing unit bears a proper relation to the veteran's present and anticipated income and expenses; and (3) the nature and condition of the proposed housing unit are such as to be suitable to the veteran's needs for dwelling purposes.

§ 802. Limitations on assistance furnished

The assistance authorized by section 801 of this title shall be limited in the case of any veteran to one housing unit, and necessary land therefor, and shall be afforded under one of the following plans, at the option of the veteran but shall not exceed \$10,000 in any one case—

(1) where the veteran elects to construct a housing unit on land to be acquired by him, the Administrator shall pay not to exceed 50 per centum of the total cost to the veteran of (A) the housing unit and (B) the necessary land upon which it is to be situated;

(2) where the veteran elects to construct a housing unit on land acquired by him prior to application for assistance under this chapter, the Administrator shall pay not to exceed the smaller of the following sums: (A) 50 per centum of the total cost to the veteran of the housing unit and the land necessary for such housing unit, or (B) 50 per centum of the cost to the veteran of the housing unit plus the full amount of the unpaid balance, if any, of the cost to the veteran of the land necessary for such housing unit;

(3) where the veteran elects to remodel a dwelling, which is not adapted to the requirements of his disability, acquired by him prior to application for assistance under this chapter, the Administrator shall pay not to exceed the total of (A) 50 per centum of the cost to the veteran of such remodeling, plus (B) the smaller of the following sums: (i) 50 per centum of the cost to the veteran of such dwelling and the necessary land upon which it is situated, or (ii) the full amount of the unpaid balance, if any, of the cost to the veteran of such dwelling and the necessary land upon which it is situated; and

(4) where the veteran has acquired a suitable housing unit, the Administrator shall pay not to exceed the smaller of the following sums: (A) 50 per centum of the cost to the veteran of such housing unit and the necessary land upon which it is situated, or (B) the full amount of the unpaid balance, if any, of the cost to the veteran of such housing unit and the necessary land upon which it is situated.

§ 803. Furnishing of plans and specifications

The Administrator is authorized to furnish to veterans eligible for assistance under this chapter, without cost to the veterans, model plans and specifications of suitable housing units.

§ 804. Benefits additional to benefits under other laws

Any veteran who accepts the benefits of this chapter shall not by reason thereof be denied the benefits of chapter 37 of this title; however, the assistance authorized by this chapter shall not be available to any veteran more than once.

§ 805. Nonliability of United States

The Government of the United States shall have no liability in connection with any housing unit, or necessary land therefor, acquired under the provisions of this chapter.

CHAPTER 23—BURIAL BENEFITS

Sec.

901. Flags.

902. Funeral expenses.

903. Death in Veterans' Administration facility.

904. Claims for reimbursement.

905. Persons eligible under prior law.

§ 901. Flags

(a) The Administrator shall furnish a flag to drape the casket of each deceased veteran who—

- (1) was a veteran of any war;
- (2) had served at least one enlistment; or
- (3) had been discharged or released from the active military, naval, or air service for a disability incurred or aggravated in line of duty.

(b) After the burial of the veteran the flag so furnished shall be given to his next of kin. If no claim is made for the flag by the next of kin, it may be given, upon request, to a close friend or associate of the deceased veteran. If a flag is given to a close friend or associate of the deceased veteran, no flag shall be given to any other person on account of the death of such veteran.

§ 902. Funeral expenses

(a) Where a veteran dies who—

- (1) was a veteran of any war;
- (2) had been discharged from the active military, naval, or air service for a disability incurred or aggravated in line of duty; or
- (3) was in receipt of, or but for the receipt of retirement pay would have been entitled to, disability compensation;

the Administrator, in his discretion having due regard to the circumstances in each case, may pay a sum not exceeding \$250 to such person as he prescribes to cover the burial and funeral expenses of the deceased veteran and the expense of preparing the body and transporting it to the place of burial.

(b) Except as hereafter provided in this subsection, no deduction shall be made from the burial allowance because of the veteran's net assets at the time of his death, or because of any contribution from any source toward the burial and funeral expenses (including transportation) unless the amount of expenses incurred is covered by the amount actually paid therefor by the United States, a State, any agency or political subdivision of the United States or of a State, the employer of the deceased veteran, or a burial association. No claim shall be allowed for more than the difference between the entire amount of the expenses incurred, and the amount paid by any or all of the foregoing. The Administrator shall not deny or reduce the amount of the burial allowance otherwise payable because of a cash contribution made by a burial association to any person other than the person rendering burial and funeral services. The burial allowance or any part thereof shall not be paid in any case where specific provision is otherwise made for payment of expenses of funeral, transportation, and interment under any other Act.

§ 903. Death in Veterans' Administration facility

(a) Where death occurs in a Veterans' Administration facility to which the deceased was properly admitted for hospital or domiciliary care under authority of section 610 or 611 (a) of this title, the Administrator shall pay the actual cost (not to exceed \$250) of the burial and funeral.

(b) In addition to the foregoing, when such a death occurs in the continental United States, the Administrator shall transport the body to the place of burial in the United States, or to the place of burial within Alaska if the deceased was a resident of Alaska who had been brought to the United States as a beneficiary of the Veterans' Administration for hospital or domiciliary care. Where such a death occurs in a Territory, a Commonwealth, or a possession of the United States, the Administrator shall transport the body to the place of burial within such Territory, Commonwealth, or possession.

(c) Within the limits prescribed in subsection (a), the Administrator may make contracts for burial and funeral services without regard to the laws requiring advertisement for proposals for supplies and services for the Veterans' Administration.

§ 904. Claims for reimbursement

Applications for payments under section 902 of this title must be filed within two years after the burial of the veteran. If a claimant's application is incomplete at the time it is originally submitted, the Administrator shall notify the applicant of the evidence necessary to complete the application. If such evidence is not received within one year from the date of such notification, no allowance may be paid.

§ 905. Persons eligible under prior law

The death of any person who had a status which would, under the laws in effect on December 31, 1957, afford entitlement to the burial benefits and other benefits provided for in this chapter, but who did not meet the service requirements contained in this chapter, shall afford entitlement to such benefits, notwithstanding the failure of such person to meet such service requirements.

PART III—READJUSTMENT AND RELATED BENEFITS

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CHAPTER 31—VOCATIONAL REHABILITATION

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1506. Medical care of trainees.
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1509. Books, supplies, and equipment.
1510. Vocational rehabilitation for hospitalized persons.

§ 1501. Definitions

For the purposes of this chapter—

(1) The term "World War II" means the period beginning on September 16, 1940, and ending on July 25, 1947.

(2) The term "vocational rehabilitation" means training (including educational and vocational counseling and other necessary incidental services) for the purpose of restoring employability, to the extent consistent with the degree of disablement, lost by virtue of a handicap due to service-connected disability.

§ 1502. Basic entitlement

(a) Every World War II or Korean conflict veteran who has a service-connected disability arising out of service during World War II or the Korean conflict which is, or but for receipt of retirement pay would be, compensable under chapter 11 of this title, who is in need thereof on account of such disability shall be furnished such vocational rehabilitation as may be prescribed by the Administrator.

(b) Unless a longer period is prescribed by the Administrator, no course of vocational rehabilitation may exceed four years.

(c) (1) Vocational rehabilitation may not be afforded after July 25, 1960, to a veteran on account of World War II service, and may be afforded him after July 25, 1956, only if such veteran was prevented from entering, or having entered, from completing such training before July 26, 1956, because—

(A) he had not timely attained, retained, or regained medical feasibility for training because of disability;

(B) he had not timely met the requirement of a discharge or release under conditions other than dishonorable, but the nature of such discharge or release was later changed by appropriate authority; or

(C) he had not timely established the existence of a compensable service-connected disability.

(2) Vocational rehabilitation may not be afforded a veteran on account of Korean conflict service—

(A) after August 20, 1963, if he was discharged or released before August 20, 1954; or

(B) after nine years following his discharge or release (but in no event after January 31, 1964), if he was discharged or released after August 19, 1954.

Notwithstanding the preceding provisions of this paragraph, where a veteran is prevented from entering, or having entered, from completing vocational rehabilitation training, because of one of the reasons set forth in subparagraphs (A) through (C) of paragraph (1), such training may be afforded him during a period of not to exceed four years beyond the period otherwise applicable to him.

(3) Vocational rehabilitation may not be afforded outside of a State to a veteran on account of Korean conflict service if the veteran, at the time of his service during the Korean conflict, was not a citizen of the United States.

(d) Vocational rehabilitation may be afforded a veteran under this chapter on account of Korean conflict service, notwithstanding the fact that vocational rehabilitation, or education and training under part VIII of Veterans Regulation Numbered 1 (a), may have been previously afforded him on account of World War II service.

38 USC ch. 12A.

§ 1503. Training and training facilities

The Administrator shall prescribe and provide vocational rehabilitation to veterans eligible therefor. For such purpose, the Administrator may—

- (1) employ additional personnel and experts, as he deems necessary;
- (2) utilize and extend Veterans' Administration facilities;
- (3) utilize facilities of any agency of the United States, or any facilities maintained by joint Federal and State contributions;
- (4) provide, by agreement or contract with public or private institutions or establishments, for such additional training facilities as may be suitable and necessary;
- (5) cooperate with and employ the facilities of other governmental and State employment agencies for the purpose of placing in gainful employment persons who have received vocational rehabilitation.

§ 1504. Subsistence allowances

(a) While pursuing a course of vocational rehabilitation training and for two months after his employability is determined, each veteran shall be paid a subsistence allowance as prescribed in this section.

(b) If a veteran has no dependent, his subsistence allowance each month shall equal \$65, increased by an amount which bears the same ratio to \$10 as the institutional part of the veterans' training course bears to a course of full-time institutional training. In no event shall the veterans' subsistence allowance be an amount less than an amount which, when added to any compensation or other benefit payable to him, will equal \$105 monthly if his service-connected disability is less than 30 per centum, or \$115 monthly if his service-connected disability is 30 per centum or more.

(c) If a veteran has one dependent, his subsistence allowance each month shall equal \$90, increased by an amount which bears the same ratio to \$15 as the institutional part of the veterans' training course bears to a course of full-time training. If a veteran has more than one dependent, his subsistence allowance each month shall equal \$90, increased by an amount which bears the same ratio to \$30 as the institutional part of the veterans' training course bears to a course of full-time training. In no event shall the veteran's subsistence allowance be an amount less than an amount which, when added to any compensation or other benefit payable to him, will equal—

(1) if his service-connected disability is less than 30 per centum, \$115, plus the following amounts for additional dependents: (A) \$10 for one child and \$7 for each additional child, plus (B) \$15 for a dependent parent; or

(2) if his service-connected disability is 30 per centum or more, \$135, plus the following amounts for additional dependents: (A) \$20 for one child and \$15 for each additional child, plus (B) \$15 for a dependent parent.

(d) Where the course of vocational rehabilitation training consists of training on the job by an employer, such employer shall be required to submit monthly to the Administrator a statement in writing showing any wage, compensation, or other income paid by him to the veteran during the month, directly or indirectly. Based upon such written statements, the Administrator is authorized to reduce the subsistence allowance of such veteran to an amount considered equitable and just.

§ 1505. Leaves of absence

The Administrator shall prescribe such regulations as he deems necessary for granting leaves of absence to veterans pursuing a course of vocational rehabilitation training. Such leaves of absence shall not be granted to any veteran in excess of thirty days in any consecu-

tive twelve months, except in exceptional circumstances. During authorized leaves of absence, a veteran shall be considered as pursuing his course of vocational rehabilitation training.

§ 1506. Medical care for trainees

The Administrator may furnish veterans receiving vocational rehabilitation such medical care, treatment, hospitalization, and prosthesis as may be necessary to accomplish the purposes of this chapter, whether or not such medical care, treatment, hospitalization, or prosthesis is otherwise authorized under chapter 17 of this title.

§ 1507. Loans to trainees

The revolving fund which was established pursuant to part VII of Veterans Regulation Numbered 1 (a) is continued in effect, and may be used by the Administrator, under regulations prescribed by him, for making advances, not in excess of \$100 in any case, to veterans commencing or undertaking courses of vocational rehabilitation. Such advances, and advances heretofore made, shall bear no interest and shall be repaid in such installments as may be determined by the Administrator, by proper deductions from future payments of subsistence allowance, compensation, pension, or retirement pay.

38 USC ch. 12A.

§ 1508. Regulations to promote good conduct

The Administrator shall prescribe such rules and regulations as he deems necessary in order to promote good conduct and cooperation on the part of veterans who are receiving vocational rehabilitation. Penalties for the breach of such rules and regulations may extend to (1) forfeiture by the offender for three months of subsistence allowance otherwise payable, and (2) permanent disqualification for further vocational rehabilitation.

§ 1509. Books, supplies, and equipment

(a) Any books, supplies, or equipment furnished a veteran under this chapter shall be deemed released to him, except that if, because of fault on his part, he fails to complete the course of vocational rehabilitation, he may be required by the Administrator to return any or all of such books, supplies, or equipment not actually expended, or to repay the reasonable value thereof.

(b) Returned books, supplies, and equipment may be turned in to educational or training institutions for credit under such terms as may be approved by the Administrator, or may be disposed of in such other manner as he may approve.

§ 1510. Vocational rehabilitation for hospitalized persons

Vocational rehabilitation may be afforded under this chapter to any person who is hospitalized pending final discharge from the active military, naval, or air service, if he is qualified for such vocational rehabilitation in every respect except for discharge. No subsistence allowance shall be payable to any person while he is receiving vocational rehabilitation solely by reason of this section.

CHAPTER 33—EDUCATION OF KOREAN CONFLICT VETERANS

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Sec.

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Subchapter I—Definitions

§ 1601. Definitions

(a) For the purpose of this chapter—

(1) The term "basic service period" means the Korean conflict, except that with respect to persons on active duty on January 31, 1955, such term means the period commencing on June 27, 1950, and ending on the date of the person's first discharge or release from such active duty after January 31, 1955.

(2) The term "eligible veteran" means any veteran who is not on active duty and who—

(A) served on active duty at any time during the Korean conflict;

(B) was discharged or released therefrom under conditions other than dishonorable; and

(C) served on active duty for ninety days or more (exclusive of any period he was assigned by the Armed Forces to a civilian institution for a course of education or training which was substantially the same as established courses offered to civilians, or as cadet or midshipman at one of the service academies), or was discharged or released from a period of active duty, any part of which occurred during the Korean conflict, for an actual service-connected disability.

(3) The term "program of education or training" means any single unit course or subject, any curriculum, or any combination of unit courses or subjects, which is generally accepted as necessary to fulfill requirements for the attainment of a predetermined and identified educational, professional, or vocational objective.

(4) The term "course" means an organized unit of subject matter in which instruction is offered within a given period of time or which covers a specific amount of related subject matter for which credit toward graduation or certification is usually given.

(5) The term "dependent" means—

(A) a child of an eligible veteran;

(B) a parent of an eligible veteran, if the parent is in fact dependent upon the veteran; and

(C) the wife of an eligible veteran, or, in the case of an eligible veteran who is a woman, her husband if he is in fact dependent upon her.

(6) The term "educational institution" means any public or private elementary school, secondary school, vocational school, correspondence school, business school, junior college, teachers college, college, normal school, professional school, university, scientific or technical institution, or other institution furnishing education for adults.

(7) The term "training establishment" means any business or other establishment providing apprentice or other training on the job, including those under the supervision of a college or university or any State department of education, or any State apprenticeship agency, or any State board of vocational education, or any joint apprentice committee, or the Bureau of Apprenticeship established in accordance with chapter 4C of title 29, or any agency of the Federal Government authorized to supervise such training.

29 USC 50-50b.

(8) The term "State" includes the Canal Zone.

(9) The term "Commissioner" means the United States Commissioner of Education.

(b) Benefits shall not be afforded under this chapter to any individual on account of service as a commissioned officer of the Coast and Geodetic Survey, or of the Regular or Reserve Corps of the Public Health Service, unless such service would have qualified such individual for benefits under title II of the Veterans' Readjustment Assistance Act of 1952.

66 Stat. 663.
38 USC 911-984.

(c) The Congress of the United States hereby declares that the veterans' education and training program created by this chapter is for the purpose of providing vocational readjustment and restoring lost educational opportunities to those service men and women whose educational or vocational ambitions have been interrupted or impeded by reason of active duty during the Korean conflict and for the purpose of aiding such persons in attaining the educational and training status which they might normally have aspired to and obtained had they not served their country.

Subchapter II—Eligibility

§ 1610. Entitlement to education or training generally

Each eligible veteran shall, subject to the provisions of this chapter, be entitled to the education or training provided under this chapter.

§ 1611. Duration of veteran's education or training

(a) Each eligible veteran shall be entitled to education or training under this chapter for a period equal to one and a half times the duration of his service on active duty during his basic service period (or to the equivalent thereof in part-time training), except that—

(1) in computing the duration of such service, there shall be excluded a period equal to any period he was assigned by the Armed Forces to a civilian institution for a course of education or training which was substantially the same as established courses offered to civilians or served as a cadet or midshipman at one of the service academies;

(2) the period of education or training to which an eligible veteran shall be entitled under this chapter shall not, except as provided in subsection (b), exceed thirty-six months reduced by a period equivalent to any period of educational assistance afforded him under chapter 35 of this title; and

(3) the period of education or training to which an eligible veteran shall be entitled under this chapter together with education or training received under chapter 31 of this title, part VIII of Veterans Regulation Numbered 1 (a), and section 12 (a) of the Act enacting this title shall not, except as provided in subsection (b), exceed forty-eight months in the aggregate.

(b) Whenever the period of entitlement to education or training under this chapter of an eligible veteran who is enrolled in an educational institution regularly operated on the quarter or semester system ends during a quarter or semester and after a major part of such semester or quarter has expired, such period shall be extended to the termination of such unexpired quarter or semester. In all other courses offered by educational institutions, whenever the period of eligibility ends after a major portion of the course is completed such period may be extended to the end of the course or for nine weeks, whichever is the lesser period.

(c) In the case of any eligible veteran who is pursuing any program of education or training exclusively by correspondence, one-fourth of the elapsed time in following such program of education or training shall be charged against the veteran's period of entitlement.

§ 1612. Commencement; time limitations

(a) No eligible veteran shall be entitled to initiate a program of education or training under this chapter after three years after his discharge or release from active duty. Notwithstanding the preceding sentence, any otherwise eligible veteran whom the Administrator determines to have been prevented from initiating a program of education or training under this chapter within the period prescribed by this subsection because he had not met the nature of discharge requirements of section 1601 (a) (2) (B) of this title before a change, correction, or modification of a discharge or dismissal made pursuant to section 1553 of title 10, the correction of the military records of the proper service department under section 1552 of title 10, or other corrective action by competent authority, shall be permitted to initiate a program of education or training under this chapter within three years after whichever is later, September 1, 1958, or the date his discharge or dismissal was so changed, corrected, or modified.

38 USC ch. 12A.

70A Stat. 116.
10 USC 1552.

(b) The program of education and training of an eligible veteran under this chapter shall, on and after the delimiting date for the veteran to initiate his program, be pursued continuously until completion, except that an eligible veteran may suspend the pursuit of his program for periods of not more than 12 consecutive months, and may suspend the pursuit of such program for longer periods if the Administrator finds that the suspension for each such period was due to conditions beyond the control of the eligible veteran.

(c) If an eligible veteran returned to active duty before February 1, 1955, his date of discharge or release shall, for the purposes of this section and section 1613 of this title, be the date of his discharge or release from his last period of active duty which began before February 1, 1955.

§ 1613. Expiration of all education and training

No education or training shall be afforded an eligible veteran under this chapter beyond eight years after either his discharge or release from active duty or the end of his basic service period, whichever is earlier, except that any veteran who is eligible to initiate a program of education or training by reason of the second sentence of section 1612 (a) of this title shall be permitted to pursue, subject to the other provisions of this chapter, such program for a period of not more than five years after the date of initiation thereof; but in no event shall education or training be afforded under this chapter after January 31, 1965.

Subchapter III—Enrollment

§ 1620. Selection of program

Subject to the provisions of this chapter, each eligible veteran may select a program of education or training to assist him in attaining an educational, professional, or vocational objective at any educational institution or training establishment selected by him, whether or not located in the State in which he resides, which will accept and retain him as a student or trainee in any field or branch of knowledge which such institution or establishment finds him qualified to undertake or pursue. Notwithstanding the foregoing provisions of this section, an eligible veteran may not pursue a program of education or training at an educational institution or training establishment which is not located in a State, unless such program is pursued at an approved educational institution of higher learning. The Administrator in his discretion may deny or discontinue the enrollment under this chapter of any veteran in a foreign educational institution if he finds that such enrollment is not for the best interest of the veteran or the Government.

§ 1621. Applications; approval

Any eligible veteran who desires to initiate a program of education or training under this chapter shall submit an application to the Administrator which shall be in such form, and contain such information, as the Administrator shall prescribe. The Administrator shall approve such application unless he finds that such veteran is not eligible for or entitled to the education or training applied for or that his program of education or training fails to meet any of the requirements of this chapter, or that the eligible veteran is already qualified, by reason of previous education and training, for the educational, professional, or vocational objective for which the courses of the program of education or training are offered. The Administrator shall notify the eligible veteran of the approval or disapproval of his application.

§ 1622. Change of program

(a) Subject to the provisions of section 1621 of this title, each eligible veteran (except an eligible veteran whose program has been interrupted or discontinued due to his own misconduct, his own neglect, or his own lack of application) may, at any time before the end of the period during which he is entitled to initiate a program of education or training under this chapter, make not more than one change of program of education or training.

(b) Each eligible veteran, who has not made a change of program of education or training before the expiration of the period during which he is entitled to initiate a program of education or training under this chapter, may make not more than one change of program of education or training with the approval of the Administrator. The Administrator shall approve such a change if he finds that—

(1) the eligible veteran is not making satisfactory progress in his present program and that the failure is not due to his own misconduct, his own neglect, or his own lack of application, and if the program to which the eligible veteran desires to change is more in keeping with his aptitude or previous education and training; or

(2) the program to which the eligible veteran desires to change, while not a part of the program currently pursued by him, is a normal progression from such program.

§ 1623. Disapproval of enrollment in certain courses

(a) The Administrator shall not approve the enrollment of an eligible veteran in any bartending course, dancing course, or personality development course.

(b) The Administrator shall not approve the enrollment of an eligible veteran—

(1) in any photography course or entertainment course; or

(2) in any music course—instrumental or vocal—public speaking course, or course in sports or athletics such as horseback riding, swimming, fishing, skiing, golf, baseball, tennis, bowling, sports officiating, or other sport or athletic courses, except courses of applied music, physical education, or public speaking which are offered by institutions of higher learning for credit as an integral part of a program leading to an educational objective; or

(3) in any other type of course which the Administrator finds to be avocational or recreational in character;

unless the eligible veteran submits justification showing that the course will be of bona fide use in the pursuit of his present or contemplated business or occupation.

(c) The Administrator shall not approve the enrollment of any eligible veteran, not already enrolled, in any nonaccredited course below the college level offered by a proprietary profit or proprietary non-profit educational institution for any period during which the Administrator finds that more than eighty-five per centum of the students enrolled in the course are having all or any part of their tuition, fees, or other charges paid to or for them by the educational institution or the Veterans' Administration under this chapter, chapter 31 of this title, or section 12 (a) of the Act enacting this title.

§ 1624. Discontinuance for unsatisfactory progress

The Administrator shall discontinue the education and training allowance of an eligible veteran if, at any time, he finds that, according to the regularly prescribed standards and practices of the educational institution or training establishment, the conduct or progress of such veteran is unsatisfactory.

§ 1625. Period of operation for approval

(a) The Administrator shall not approve the enrollment of an eligible veteran in any course offered by an educational institution when such course has been in operation for less than two years.

(b) Subsection (a) shall not apply to—

(1) any course to be pursued in a public or other tax-supported educational institution;

(2) any course which is offered by an educational institution which has been in operation for more than two years, if such course is similar in character to the instruction previously given by such institution;

(3) any course which has been offered by an institution for a period of more than two years, notwithstanding the institution has moved to another location within the same general locality; or

(4) any course which is offered by a nonprofit educational institution of college level and which is recognized for credit toward a standard college degree.

§ 1626. Institutions listed by Attorney General

The Administrator shall not approve the enrollment of, or payment of an education and training allowance to, any eligible veteran in any course in an educational institution or training establishment while it is listed by the Attorney General under section 3 of part III of Executive Order 9835, as amended.

5 USC 631 note.

Subchapter IV—Payments to Veterans**§ 1631. Education and training allowance**

(a) The Administrator shall pay to each eligible veteran who is pursuing a program of education or training under this chapter, and who applies therefor, an education and training allowance to meet in part the expenses of his subsistence, tuition, fees, supplies, books, and equipment.

(b) The education and training allowance for an eligible veteran shall be paid, as provided in section 1632 of this title, only for the period of the veteran's enrollment as approved by the Administrator, but no allowance shall be paid—

(1) to any veteran enrolled in an institutional course which leads to a standard college degree or a course of institutional on-farm training for any period when the veteran is not pursuing his course in accordance with the regularly established policies and regulations of the institution and the requirements of this chapter;

(2) to any veteran enrolled in an institutional course which does not lead to a standard college degree or in a course of apprentice or other training on the job for any day of absence in excess of thirty days in a twelve-month period, not counting as absences weekends or legal holidays established by Federal or State law during which the institution or establishment is not regularly in session or operation; or

(3) to any veteran pursuing his program of education exclusively by correspondence for any period during which no lessons were serviced by the institution.

(c) No education and training allowance shall be paid to an eligible veteran for any period until the Administrator shall have received—

(1) from the eligible veteran (A) in the case of an eligible veteran enrolled in an institutional course which leads to a standard college degree or a course of institutional on-farm training,

a certification that he was actually enrolled in and pursuing the course as approved by the Administrator, or (B) in the case of an eligible veteran enrolled in an institutional course which does not lead to a standard college degree or a course of apprentice or other training on the job, a certification as to actual attendance during such period, or (C) in the case of an eligible veteran enrolled in a program of education or training by correspondence, a certification as to the number of lessons actually completed by the veteran and serviced by the institution; and

(2) from the educational institution or training establishment, a certification, or an endorsement on the veteran's certificate, that such veteran was enrolled in and pursuing a course of education or training during such period, and, in the case of an institution furnishing education or training to a veteran exclusively by correspondence, a certification, or an endorsement on the veteran's certificate, as to the number of lessons completed by the veteran and serviced by the institution.

Education and training allowances shall, insofar as practicable, be paid within twenty days after receipt by the Administrator of the certifications required by this subsection.

§ 1632. Computation of education and training allowances

(a) The education and training allowance of an eligible veteran who is pursuing a program of education or training in an educational institution and is not entitled to receive an education and training allowance under subsection (b), (c), (d), (e), or (f) shall be computed as follows:

(1) If such program is pursued on a full-time basis, such allowance shall be computed at the rate of \$110 per month, if the veteran has no dependent, or at the rate of \$135 per month, if he has one dependent, or at the rate of \$160 per month, if he has more than one dependent.

(2) If such program is pursued on a three-quarters time basis, such allowance shall be computed at the rate of \$80 per month, if the veteran has no dependent, or at the rate of \$100 per month, if he has one dependent, or at the rate of \$120 per month, if he has more than one dependent.

(3) If such program is pursued on a half-time basis, such allowance shall be computed at the rate of \$50 per month, if the veteran has no dependent, or at the rate of \$60 per month, if he has one dependent, or at the rate of \$80 per month, if he has more than one dependent.

(b) The education and training allowance of an eligible veteran who is pursuing a full-time program of education and training which consists of institutional courses and on-the-job training, with the on-the-job training portion of the program being strictly supplemental to the institutional portion, shall be computed at the rate of (1) \$90 per month, if he has no dependent, or (2) \$110 per month, if he has one dependent, or (3) \$130 per month, if he has more than one dependent.

(c) The education and training allowance of an eligible veteran pursuing apprentice or other training on the job shall be computed at the rate of (1) \$70 per month, if he has no dependent, or (2) \$85 per month, if he has one dependent, or (3) \$105 per month, if he has more than one dependent; except that his education and training allowance shall be reduced at the end of each four-month period as his program progresses by an amount which bears the same ratio to the basic education and training allowance as four months bears to the total duration of his apprentice or other training on the job; but in no case shall the Administrator pay an education and training allow-

ance under this subsection in an amount which, when added to the compensation to be paid to the veteran, in accordance with his approved training program, for productive labor performed as a part of his course, would exceed the rate of \$310 per month. For the purpose of computing allowances under this subsection, the duration of the training of an eligible veteran shall be the period specified in the approved application as the period during which he may receive an education and training allowance for such training, plus such additional period, if any, as is necessary to make the number of months of such training a multiple of four.

(d) The education and training allowance of an eligible veteran pursuing institutional on-farm training shall be computed at the rate of (1) \$95 per month, if he has no dependent, or (2) \$110 per month, if he has one dependent, or (3) \$130 per month, if he has more than one dependent; except that his education and training allowance shall be reduced at the end of the third, and each subsequent, four-month period as his program progresses by an amount which bears the same ratio to \$65 per month, if the veteran has no dependent, or \$80 per month, if he has one dependent, or \$100 per month, if he has more than one dependent, as four months bears to the total duration of such veteran's institutional on-farm training reduced by eight months. For the purpose of computing allowances under this subsection, the duration of the training of an eligible veteran shall be the period specified in the approved application as the period during which he may receive an education and training allowance for such training, plus such additional period, if any, as is necessary to make the number of such months of such training a multiple of four.

(e) The education and training allowance of an eligible veteran pursuing a program of education or training exclusively by correspondence shall be computed on the basis of the established charge which the institution requires nonveterans to pay for the course or courses pursued by the eligible veteran. Such allowance shall be paid quarterly on a pro rata basis for the lessons completed by the veteran and serviced by the institution, as certified by the institution.

(f) The education and training allowance of an eligible veteran who is pursuing a program of education or training under this chapter in an educational institution on a less-than-half-time basis shall be computed at the rate of (1) the established charges for tuition and fees which the institution requires similarly circumstanced nonveterans enrolled in the same course to pay, or (2) \$110 per month for a full-time course, whichever is the lesser.

(g) Each eligible veteran who is pursuing an approved course of flight training shall be paid an education and training allowance to be computed at the rate of 75 per centum of the established charge which similarly circumstanced nonveterans enrolled in the same flight course are required to pay for tuition for the course. If such veteran's program of education or training consists exclusively of flight training, he shall not be paid an education and training allowance under one of the preceding subsections of this section; if his program of education or training consists of flight training and other education or training, the allowance payable under this subsection shall be in addition to any education and training allowance payable to him under one of the preceding subsections of this section for education or training other than flight training. Such allowance shall be paid monthly upon receipt of certification from the eligible veteran and the institution as to the actual flight training received by the veteran. In each such case the eligible veteran's period of entitlement shall be charged (in addition to any charge made against his entitlement by reason of education or training other than flight training) with one day for

each \$1.25 which is paid to the veteran as an education and training allowance for such course.

(h) No eligible veteran shall be paid an education and training allowance under this chapter for any period during which (1) he is enrolled in and pursuing a course of education or training paid for by the United States under any provision of law other than this chapter, where the payment of such allowance would constitute a duplication of benefits paid to the veteran from the Federal Treasury, or (2) he is pursuing a course of apprentice or other training on the job, a course of institutional on-farm training, or a course of education and training described in subsection (b) on a less than full-time basis.

§ 1633. Measurement of courses

(a) For the purposes of this chapter, (1) an institutional trade or technical course offered on a clock-hour basis below the college level involving shop practice as an integral part thereof, shall be considered a full-time course when a minimum of thirty hours per week of attendance is required with not more than two and one-half hours of rest periods per week allowed, (2) an institutional course offered on a clock-hour basis below the college level in which theoretical or classroom instruction predominates shall be considered a full-time course when a minimum of twenty-five hours per week net of instruction is required, and (3) an institutional undergraduate course offered by a college or university on a quarter or semester-hour basis for which credit is granted toward a standard college degree shall be considered a full-time course when a minimum of fourteen semester hours or its equivalent is required.

(b) The Administrator shall define full-time training in the case of all types of courses of education or training other than institutional on-farm training and the types of courses referred to in subsection (a); except that, the Administrator shall not define full-time apprentice training for a particular establishment other than that established as the standard workweek through bona fide collective bargaining between employers and employees.

§ 1634. Overcharges by educational institutions

The Administrator may, if he finds that an institution has charged or received from any eligible veteran any amount in excess of the established charges for tuition and fees which the institution requires similarly circumstanced nonveterans enrolled in the same course to pay, disapprove such educational institution for the enrollment of any veteran not already enrolled therein, except that, in the case of a tax-supported public educational institution which does not have established charges for tuition and fees which it requires nonveteran residents to pay, such institution may charge and receive from each eligible veteran who is a resident an amount equal to the estimated cost of teaching personnel and supplies for instruction attributable to such veteran, but in no event to exceed the rate of \$10 per month for a full-time course.

Subchapter V—State Approving Agencies

§ 1641. Designation

(a) Unless otherwise established by the law of the State concerned, the chief executive of each State is requested to create or designate a State department or agency as the "State approving agency" for his State for the purposes of this chapter.

(b) (1) If any State fails or declines to create or designate a State approving agency, the provisions of this chapter which refer to the

State approving agency shall, with respect to such State, be deemed to refer to the Administrator.

(2) In the case of courses subject to approval by the Administrator under section 1642 of this title, the provisions of this chapter which refer to a State approving agency shall be deemed to refer to the Administrator.

§ 1642. Approval of courses

(a) An eligible veteran shall receive the benefits of this chapter while enrolled in a course of education or training offered by an educational institution or training establishment only if such course is approved by the State approving agency for the State where such educational institution or training establishment is situated or by the Administrator. Approval of courses by State approving agencies shall be in accordance with the provisions of this chapter and such other regulations and policies as the State approving agency may adopt. Each State approving agency shall furnish the Administrator with a current list of educational institutions and training establishments, specifying courses which it has approved, and, in addition to such list, it shall furnish such other information to the Administrator as it and the Administrator may determine to be necessary to carry out the purposes of this chapter. Each State approving agency shall notify the Administrator of the disapproval of any course previously approved and shall set forth the reasons for such disapproval.

(b) The Administrator shall be responsible for the approval of courses of education or training offered by any agency of the Federal Government authorized under other laws to supervise such education or training. The Administrator may approve any course in any other educational institution or training establishment in accordance with the provisions of this chapter.

§ 1643. Cooperation

(a) The Administrator and each State approving agency shall take cognizance of the fact that definite duties, functions, and responsibilities are conferred upon the Administrator and each State approving agency under the veterans' educational programs. To assure that such programs are effectively and efficiently administered, the cooperation of the Administrator and the State approving agencies is essential. It is necessary to establish an exchange of information pertaining to activities of educational institutions and training establishments, and particular attention should be given to the enforcement of approval standards, enforcement of wage and income limitations, enforcement of enrollment restrictions, and fraudulent and other criminal activities on the part of persons connected with educational institutions and training establishments in which veterans are enrolled under this chapter.

(b) The Administrator will furnish the State approving agencies with copies of such Veterans' Administration informational material as may aid them in carrying out this chapter.

§ 1644. Use of Office of Education and other Federal agencies

(a) In carrying out his functions under this chapter, the Administrator may utilize the facilities and services of any other Federal department or agency. The Administrator shall utilize the services of the Office of Education in developing cooperative agreements between the Administrator and State and local agencies relating to the approval of courses of education or training as provided for in section 1645 of this title, in reviewing the plan of operations of State approving agencies under such agreements, and in rendering technical assistance to such State and local agencies in developing and

improving policies, standards, and legislation in connection with their duties under this chapter.

(b) Any such utilization shall be pursuant to proper agreement with the Federal department or agency concerned; and payment to cover the cost thereof shall (except in the case of the Office of Education) be made either in advance or by way of reimbursement, as may be provided in such agreement. Funds necessary to enable the Office of Education to carry out its functions under this chapter are authorized to be appropriated directly to such Office.

§ 1645. Reimbursement of expenses

The Administrator is authorized to enter into contracts or agreements with State and local agencies to pay such State and local agencies for reasonable and necessary expenses of salary and travel incurred by employees of such agencies in (1) rendering necessary services in ascertaining the qualifications of educational institutions and training establishments for furnishing courses of education or training to eligible veterans under this chapter, and in the supervision of such educational institutions and training establishments, and (2) furnishing, at the request of the Administrator, any other services in connection with this chapter. Each such contract or agreement shall be conditioned upon compliance with the standards and provisions of this chapter.

Subchapter VI—Approval of Courses of Education and Training

§ 1651. Apprentice or other training on the job

(a) Apprentice or other training on the job shall consist of courses offered by training establishments whenever such courses of training are furnished in accordance with the provisions of this section. Any training establishment desiring to furnish a course of apprentice or other training on the job shall submit to the appropriate State approving agency a written application setting forth the course of training for each job for which an eligible veteran is to be trained. The written application covering the course of training shall include the following:

- (1) Title and description of the specific job objective for which the eligible veteran is to be trained;
- (2) The length of the training period;
- (3) A schedule listing various operations for major kinds of work or tasks to be learned and showing for each, job operations or work, tasks to be performed, and the approximate length of time to be spent on each operation or task;
- (4) The wage or salary to be paid at the beginning of the course of training, at each successive step in the course, and at the completion of training;
- (5) The entrance wage or salary paid by the establishment to employees already trained in the kind of work for which the veteran is to be trained; and
- (6) The number of hours of supplemental related instruction required.

(b) The appropriate State approving agency may approve a course of apprentice or other training on the job specified in an application submitted by a training establishment in accordance with subsection (a) if such training establishment is found upon investigation to have met the following criteria:

- (1) The training content of the course is adequate to qualify the eligible veteran for appointment to the job for which he is to be trained.

(2) There is reasonable certainty that the job for which the eligible veteran is to be trained will be available to him at the end of the training period.

(3) The job is one in which progression and appointment to the next higher classification are based upon skills learned through organized training on the job and not on such factors as length of service and normal turnover.

(4) The wages to be paid the eligible veteran for each successive period of training are not less than those customarily paid in the training establishment and in the community to a learner in the same job who is not a veteran.

(5) The job customarily requires a period of training of not less than three months and not more than two years of full-time training, except that this provision shall not apply to apprentice training.

(6) The length of the training period is no longer than that customarily required by the training establishment and other training establishments in the community to provide an eligible veteran with the required skills, arrange for the acquiring of job knowledge, technical information, and other facts which the eligible veteran will need to learn in order to become competent on the job for which he is being trained.

(7) Provision is made for related instruction for the individual eligible veteran who may need it.

(8) There is in the training establishment adequate space, equipment, instructional material, and instructor personnel to provide satisfactory training on the job.

(9) Adequate records are kept to show the progress made by each eligible veteran toward his job objective.

(10) Appropriate credit is given the eligible veteran for previous training and job experience, whether in the military service or elsewhere, his beginning wage adjusted to the level to which such credit advances him, and his training period shortened accordingly, and provision is made for certification by the training establishment that such credit has been granted and the beginning wage adjusted accordingly. No course of training will be considered bona fide if given to an eligible veteran who is already qualified by training and experience for the job objective.

(11) A signed copy of the training agreement for each eligible veteran, including the training program and wage scale as approved by the State approving agency, is provided to the veteran and to the Administrator and the State approving agency by the employer.

(12) Upon completion of the course of training furnished by the training establishment the eligible veteran is given a certificate by the employer indicating the length and type of training provided and that the eligible veteran has completed the course of training on the job satisfactorily.

(13) That the course meets such other criteria as may be established by the State approving agency.

§ 1652. Institutional on-farm training

(a) An eligible veteran shall be entitled to the benefits of this chapter while enrolled in a course of full-time institutional on-farm training which has been approved by the appropriate State approving agency in accordance with the provisions of this section.

(b) The State approving agency may approve a course of institutional on-farm training when it satisfies the following requirements:

(1) The course combines organized group instruction in agricultural and related subjects of at least two hundred hours per year (and of at least eight hours each month) at an educational institution, with supervised work experience on a farm or other agricultural establishment.

(2) The eligible veteran will perform a part of such course on a farm or other agricultural establishment under his control.

(3) The course is developed with due consideration to the size and character of the farm or other agricultural establishment on which the eligible veteran will receive his supervised work experience and to the need of such eligible veteran, in the type of farming for which he is training, for proficiency in planning, producing, marketing, farm mechanics, conservation of resources, food conservation, farm financing, farming management, and the keeping of farm and home accounts.

(4) The eligible veteran will receive not less than one hundred hours of individual instruction per year, not less than fifty hours of which shall be on such farm or other agricultural establishment (with at least two visits by the instructor to such farm each month). Such individual instruction shall be given by the instructor responsible for the veteran's institutional instruction and shall include instruction and home-study assignments in the preparation of budgets, inventories, and statements showing the production, use on the farm, and sale of crops, livestock, and livestock products.

(5) The eligible veteran will be assured of control of such farm or other agricultural establishment (whether by ownership, lease, management agreement, or other tenure arrangement) until the completion of his course.

(6) Such farm or other agricultural establishment shall be of a size and character which (A) will, together with the group-instruction part of the course, occupy the full time of the eligible veteran, (B) will permit instruction in all aspects of the management of the farm or other agricultural establishment of the type for which the eligible veteran is being trained, and will provide the eligible veteran an opportunity to apply to the operation of his farm or other agricultural establishment the major portion of the farm practices taught in the group instruction part of the course, and (C) will assure him a satisfactory income for a reasonable living under normal conditions at least by the end of his course.

(7) Provision shall be made for certification by the institution and the veteran that the training offered does not repeat or duplicate training previously received by the veteran.

(8) The institutional on-farm training meets such other fair and reasonable standards as may be established by the State approving agency.

§ 1653. Approval of accredited courses

(a) A State approving agency may approve the courses offered by an educational institution when—

(1) such courses have been accredited and approved by a nationally recognized accrediting agency or association;

(2) credit for such course is approved by the State department of education for credit toward a high school diploma;

(3) such courses are conducted under sections 11-28 of title 20; or

(4) such courses are accepted by the State department of education for credit for a teacher's certificate or a teacher's degree.

For the purposes of this chapter the Commissioner shall publish a

list of nationally recognized accrediting agencies and associations which he determines to be reliable authority as to the quality of training offered by an educational institution and the State approving agencies may, upon concurrence, utilize the accreditation of such accrediting associations or agencies for approval of the courses specifically accredited and approved by such accrediting association or agency. In making application for approval, the institution shall transmit to the State approving agency copies of its catalog or bulletin.

(b) As a condition to approval under this section, the State approving agency must find that adequate records are kept by the educational institution to show the progress of each eligible veteran. The State approving agency must also find that the educational institution maintains a written record of the previous education and training of the veteran and clearly indicates that appropriate credit has been given by the institution for previous education and training, with the training period shortened proportionately and the veteran and the Administrator so notified.

§ 1654. Approval of nonaccredited courses

(a) No course of education or training (other than a course of institutional on-farm training) which has not been approved by a State approving agency pursuant to section 1653 of this title, which is offered by a public or private, profit or nonprofit, educational institution shall be approved for the purposes of this chapter unless the educational institution offering such course submits to the appropriate State approving agency a written application for approval of such course in accordance with the provisions of this chapter.

(b) Such application shall be accompanied by not less than two copies of the current catalog or bulletin which is certified as true and correct in content and policy by an authorized owner or official and includes the following:

(1) Identifying data, such as volume number and date of publication;

(2) Names of the institution and its governing body, officials and faculty;

(3) A calendar of the institution showing legal holidays, beginning and ending date of each quarter, term, or semester, and other important dates;

(4) Institution policy and regulations on enrollment with respect to enrollment dates and specific entrance requirements for each course;

(5) Institution policy and regulations relative to leave, absences, class cuts, make-up work, tardiness and interruptions for unsatisfactory attendance;

(6) Institution policy and regulations relative to standards of progress required of the student by the institution (this policy will define the grading system of the institution, the minimum grades considered satisfactory, conditions for interruption for unsatisfactory grades or progress and a description of the probationary period, if any, allowed by the institution, and conditions of reentrance for those students dismissed for unsatisfactory progress. A statement will be made regarding progress records kept by the institution and furnished the student);

(7) Institution policy and regulations relating to student conduct and conditions for dismissal for unsatisfactory conduct;

(8) Detailed schedules of fees, charges for tuition, books, supplies, tools, student activities, laboratory fees, service charges, rentals, deposits, and all other charges;

(9) Policy and regulations of the institution relative to the refund of the unused portion of tuition, fees, and other charges in the event the student does not enter the course or withdraws or is discontinued therefrom;

(10) A description of the available space, facilities, and equipment;

(11) A course outline for each course for which approval is requested, showing subjects or units in the course, type of work or skill to be learned, and approximate time and clock hours to be spent on each subject or unit; and

(12) Policy and regulations of the institution relative to granting credit for previous educational training.

(c) The appropriate State approving agency may approve the application of such institution when the institution and its non-accredited courses are found upon investigation to have met the following criteria:

(1) The courses, curriculum, and instruction are consistent in quality, content, and length with similar courses in public schools and other private schools in the State, with recognized accepted standards.

(2) There is in the institution adequate space, equipment, instructional material, and instructor personnel to provide training of good quality.

(3) Educational and experience qualifications of directors, administrators, and instructors are adequate.

(4) The institution maintains a written record of the previous education and training of the veteran and clearly indicates that appropriate credit has been given by the institution for previous education and training, with the training period shortened proportionately and the veteran and the Administrator so notified.

(5) A copy of the course outline, schedule of tuition, fees, and other charges, regulations pertaining to absence, grading policy, and rules of operation and conduct will be furnished the veteran upon enrollment.

(6) Upon completion of training, the veteran is given a certificate by the institution indicating the approved course and indicating that training was satisfactorily completed.

(7) Adequate records as prescribed by the State approving agency are kept to show attendance and progress or grades, and satisfactory standards relating to attendance, progress, and conduct are enforced.

(8) The institution complies with all local, city, county, municipal, State, and Federal regulations, such as fire codes, building and sanitation codes. The State approving agency may require such evidence of compliance as is deemed necessary.

(9) The institution is financially sound and capable of fulfilling its commitments for training.

(10) The institution does not utilize advertising of any type which is erroneous or misleading, either by actual statement, omission, or intimation. The institution shall not be deemed to have met this requirement until the State approving agency (A) has ascertained from the Federal Trade Commission whether the Commission has issued an order to the institution to cease and desist from any act or practice, and (B) has, if such an order has been issued, given due weight to that fact.

(11) The institution does not exceed its enrollment limitations as established by the State approving agency.

(12) The institution's administrators, directors, owners, and instructors are of good reputation and character.

(13) The institution has and maintains a policy for the refund of the unused portion of tuition, fees, and other charges in the event the veteran fails to enter the course or withdraws or is discontinued therefrom at any time prior to completion and such policy must provide that the amount charged to the veteran for tuition, fees, and other charges for a portion of the course shall not exceed the approximate pro rata portion of the total charges for tuition, fees, and other charges that the length of the completed portion of the course bears to its total length.

(14) Such additional criteria as may be deemed necessary by the State approving agency.

§ 1655. Notice of approval of courses

The State approving agency, upon determining that an educational institution has complied with all the requirements of this chapter, will issue a letter to such institution setting forth the courses which have been approved for the purposes of this chapter, and will furnish an official copy of such letter and any subsequent amendments to the Administrator. The letter of approval shall be accompanied by a copy of the catalog or bulletin of the institution, as approved by the State approving agency, and shall contain the following information:

- (1) date of letter and effective date of approval of courses;
 - (2) proper address and name of each educational institution or training establishment;
 - (3) authority for approval and conditions of approval, referring specifically to the approved catalog or bulletin published by the educational institution;
 - (4) name of each course approved;
 - (5) where applicable, enrollement limitations such as maximum numbers authorized and student-teacher ratio;
 - (6) signature of responsible official of State approving agency;
- and
- (7) such other fair and reasonable provisions as are considered necessary by the appropriate State approving agency.

§ 1656. Disapproval of courses and discontinuance of allowances

(a) Any course approved for the purposes of this chapter which fails to meet any of the requirements of this chapter shall be immediately disapproved by the appropriate State approving agency. An educational institution or training establishment which has its courses disapproved by a State approving agency will be notified of such disapproval by a certified or registered letter of notification and a return receipt secured.

(b) The Administrator may discontinue the education and training allowance of any eligible veteran if he finds that the course of education or training in which such veteran is enrolled fails to meet any of the requirements of this chapter or if he finds that the educational institution or training establishment offering such course has violated any provisions of this chapter or fails to meet any of its requirements.

(c) Each State approving agency shall notify the Administrator of each course which it has disapproved under this section. The Administrator shall notify the State approving agency of his disapproval of any educational institution or training establishment under chapter 31 of this title.

Subchapter VII—Miscellaneous Provisions

§ 1661. Authority and duties of Administrator

(a) Payments under this chapter shall be subject to audit and review by the General Accounting Office as provided by the Budget and Accounting Act of 1921 and the Budget and Accounting Procedures Act of 1950.

42 Stat. 20; 64
Stat. 832.
31 USC 1,2 note.

(b) The Administrator may arrange for educational and vocational counseling to persons eligible for education and training under this chapter. At such intervals as he deems necessary, he shall make available information respecting the need for general education and for trained personnel in the various crafts, trades, and professions. Facilities of other Federal agencies collecting such information shall be utilized to the extent he deems practicable.

§ 1662. Advisory Committee

(a) There shall be an Advisory Committee formed by the Administrator, which shall be composed of persons who are eminent in their respective fields of education, labor, and management, and of representatives of the various types of institutions and establishments furnishing education and training to veterans enrolled under this chapter. The Commissioner and the Director, Bureau of Apprenticeship, Department of Labor shall be ex officio members of the Advisory Committee. The Administrator shall advise and consult with the committee from time to time with respect to the administration of this chapter and the committee may make such reports and recommendations as it deems desirable to the Administrator and to the Congress.

(b) The Administrator may advise and consult with the committee from time to time with respect to the administration of chapters 31 and 35 of this title.

§ 1663. Control by agencies of United States

No department, agency, or officer of the United States, in carrying out this chapter, shall exercise any supervision or control, whatsoever, over any State approving agency, State educational agency, or State apprenticeship agency, or any educational institution or training establishment. Nothing in this section shall be deemed to prevent any department, agency, or officer of the United States from exercising any supervision or control which such department, agency, or officer is authorized by law to exercise over any Federal educational institution or training establishment, or to prevent the furnishing of education or training under this chapter in any institution or establishment over which supervision or control is exercised by such other department, agency, or officer under authority of existing provisions of law.

§ 1664. Conflicting interests

(a) Every officer or employee of the Veterans' Administration, or of the Office of Education, who has, while such an officer or employee, owned any interest in, or received any wages, salary, dividends, profits, gratuities, or services from, any educational institution operated for profit in which an eligible veteran was pursuing a course of education or training under this chapter shall be immediately dismissed from his office or employment.

(b) If the Administrator finds that any person who is an officer or employee of a State approving agency has, while he was such an officer or employee, owned any interest in, or received any wages, salary, dividends, profits, gratuities, or services from, an educational institution operated for profit in which an eligible veteran was pur-

suings a course of education or training under this chapter, he shall discontinue making payments under section 1645 of this title to such State approving agency unless such agency shall, without delay, take such steps as may be necessary to terminate the employment of such person and such payments shall not be resumed while such person is an officer or employee of the State approving agency, or State Department of Veterans Affairs or State Department of Education.

(c) A State approving agency shall not approve any course offered by an educational institution operated for profit and, if any such course has been approved, shall disapprove each such course, if it finds that any officer or employee of the Veterans' Administration, the Office of Education, or the State approving agency owns an interest in, or receives any wages, salary, dividends, profits, gratuities, or services from, such institution.

(d) The Administrator may, after reasonable notice and public hearings, waive in writing the application of this section in the case of any officer or employee of the Veterans' Administration, of the Office of Education, or of a State approving agency, if he finds that no detriment will result to the United States or to eligible veterans by reason of such interest or connection of such officer or employee.

§ 1665. Reports by institutions

(a) Educational institutions and training establishments shall, without delay, report to the Administrator in the form prescribed by him, the enrollment, interruption, and termination of the education or training of each eligible veteran enrolled therein under this chapter.

(b) The Administrator shall pay to each educational institution which is required to submit reports and certifications to the Administrator under this chapter, an allowance at the rate of \$1 per month for each eligible veteran enrolled in and attending such institution under the provisions of this chapter to assist the educational institution in defraying the expense of preparing and submitting such reports and certifications. Such allowances shall be paid in such manner and at such times as may be prescribed by the Administrator, except that if any institution fails to submit reports or certifications to the Administrator as required by this chapter, no allowance shall be paid to such institution for the month or months during which such reports or certifications were not submitted as required by the Administrator.

§ 1666. Overpayments to veterans

Whenever the Administrator finds that an overpayment has been made to a veteran as the result of (1) the willful or negligent failure of the educational institution or training establishment to report, as required by this chapter and applicable regulations, to the Veterans' Administration excessive absences from a course, or discontinuance or interruption of a course by the veteran or (2) false certification by the educational institution or training establishment, the amount of such overpayment shall constitute a liability of such institution or establishment, and may be recovered in the same manner as any other debt due the United States. Any amount so collected shall be reimbursed if the overpayment is recovered from the veteran. This section shall not preclude the imposition of any civil or criminal liability under this or any other law.

§ 1667. Examination of records

The records and accounts of educational institutions and training establishments pertaining to eligible veterans who received education or training under this chapter shall be available for examination by duly authorized representatives of the Government.

§ 1668. False or misleading statements

The Administrator shall not make any payments under this chapter to any person found by him to have willfully submitted any false or misleading claims. In each case where the Administrator finds that an educational institution or training establishment has willfully submitted a false or misleading claim, or where a veteran, with the complicity of an educational institution or training establishment, has submitted such a claim, he shall make a complete report of the facts of the case to the appropriate State approving agency and where deemed advisable to the Attorney General of the United States for appropriate action.

§ 1669. Information furnished by Federal Trade Commission

The Federal Trade Commission shall keep all State approving agencies advised of any information coming to its attention which would be of assistance to such agencies in carrying out their duties under this chapter.

CHAPTER 35—WAR ORPHANS' EDUCATIONAL ASSISTANCE

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Subchapter I—Definitions**§ 1701. Definitions**

(a) For the purposes of this chapter—

(1) The term “eligible person” means a child of a person who died of a service-connected disability arising out of active military, naval, or air service during World War I, World War II, or the Korean conflict, but only if such service did not terminate under dishonorable conditions. The standards and criteria for determining whether or not a disability is service-connected shall be those applicable under chapter 11 of this title.

(2) The term “child” includes individuals who are married and individuals who are above the age of twenty-one years.

(3) The term “duty with the Armed Forces” as used in section 1712 of this title means (A) active duty, (B) active duty for training for a period of six or more consecutive months, or (C) active duty for training required by section 1013 (c) (1) of title 50.

50 USC 1013.

(4) The term “guardian” includes a fiduciary legally appointed by a court of competent jurisdiction, or any person who is determined by the Administrator in accordance with section 3202 of this title to be otherwise legally vested with the care of the eligible person.

(5) The term “program of education” means any curriculum or any combination of unit courses or subjects pursued at an educational institution which is generally accepted as necessary to fulfill the requirements for the attainment of a predetermined and identified educational, professional, or vocational objective.

(6) The term “educational institution” means any public or private secondary school, vocational school, business school, junior college, teachers’ college, college, normal school, professional school, university, or scientific or technical institution, or any other institution if it furnishes education at the secondary school level or above.

(7) The term “special restorative training” means training furnished under subchapter V of this chapter.

(8) The term “State” includes the Canal Zone.

(b) If an eligible person has attained his majority and is under no known legal disability, all references in this chapter to “parent or guardian” shall refer to the eligible person himself.

(c) Any provision of this chapter which requires any action to be taken by or with respect to the parent or guardian of an eligible person who has not attained his majority, or who, having attained his majority, is under a legal disability, shall not apply when the Administrator determines that its application would not be in the best interest of the eligible person, would result in undue delay, or would not be administratively feasible. In such a case the Administrator, where necessary to protect the interest of the eligible person, may designate some other person (who may be the eligible person himself) as the person by or with respect to whom the action so required should be taken.

(d) The Congress hereby declares that the educational program established by this chapter is for the purpose of providing opportunities for education to children whose education would otherwise be impeded or interrupted by reason of the death of a parent from a disease or injury incurred or aggravated in the Armed Forces during World War I, World War II, or the Korean conflict, and for the purpose of aiding such children in attaining the educational status which they might normally have aspired to and obtained but for the death of such parent.

Subchapter II—Eligibility and Entitlement

§ 1710. Eligibility and entitlement generally

Each eligible person shall, subject to the provisions of this chapter, be entitled to receive educational assistance.

§ 1711. Duration of educational assistance

(a) Each eligible person shall be entitled to educational assistance under this chapter for a period not in excess of thirty-six months (or to the equivalent thereof in part-time training).

(b) The period of entitlement of an eligible person under this chapter shall be reduced by a period equivalent to any period of education or training received by him under chapter 31 or 33 of this title.

(c) If an eligible person is entitled to educational assistance under this chapter and also to vocational rehabilitation under chapter 31 of this title, he must elect whether he will receive educational assistance or vocational rehabilitation. If an eligible person is entitled to educational assistance under this chapter and is not entitled to such vocational rehabilitation, but after beginning his program of education or special restorative training becomes entitled (as determined by the Administrator) to such vocational rehabilitation, he must elect whether to continue to receive educational assistance or whether to receive such vocational rehabilitation. If he elects to receive vocational rehabilitation, the program of education or special restorative training pursued under this chapter shall be utilized to the fullest extent practicable in determining the character and duration of vocational rehabilitation to be furnished him.

§ 1712. Periods of eligibility

(a) The educational assistance to which an eligible person is entitled under section 1711 of this title or subchapter V of this chapter may be afforded him during the period beginning on his eighteenth birthday, or on the successful completion of his secondary schooling, whichever first occurs, and ending on his twenty-third birthday, except that—

(1) if he is above the age of compulsory school attendance under applicable State law, and the Administrator determines that his best interests will be served thereby, such period may begin before his eighteenth birthday;

(2) if he has a mental or physical handicap, and the Administrator determines that his best interests will be served by pursuing a program of special restorative training or a specialized course of vocational training approved under section 1737 of this title, such period may begin before his eighteenth birthday, but not before his fourteenth birthday;

(3) if he had not reached his twenty-third birthday on June 29, 1956, and—

(A) he had reached his eighteenth birthday on such date;

or

(B) he serves on duty with the Armed Forces as an eligible person before his twenty-third birthday and on or after such date; or

(C) the death of the parent from whom eligibility was derived occurs after such date and after his eighteenth birthday but before his twenty-third birthday;

then such period shall end five years after such date, his first discharge or release after such date from duty with the Armed Forces if such duty began before his twenty-third birthday, or the death of such parent, whichever occurs last, except that in

no event shall such period be extended beyond his thirty-first birthday by reason of this paragraph; and

(4) (A) if he is enrolled in an educational institution regularly operated on a quarter or semester system and such period ends during the last half of a quarter or semester, such period shall be extended to the end of the quarter or semester; or

(B) if he is enrolled in an educational institution operated other than on a quarter or semester system and such periods ends during the last half of the course, such period shall be extended to the end of the course, or until nine weeks have expired, whichever first occurs.

(b) No eligible person may be afforded educational assistance under this chapter unless he was discharged or released after each period he was on duty with the Armed Forces under conditions other than dishonorable, or while he is on duty with the Armed Forces.

§ 1713. Application

The parent or guardian of a person for whom educational assistance is sought under this chapter shall submit an application to the Administrator which shall be in such form and contain such information as the Administrator shall prescribe. If the Administrator finds that the person on whose behalf the application is submitted is an eligible person, he shall approve the application provisionally. The Administrator shall notify the parent or guardian of his provisional approval, or of his disapproval of the application.

§ 1714. Processing of applications

(a) Further processing of an application for educational assistance and the award of such assistance shall be pursuant to the requirements of subchapters III and IV of this chapter unless the parent or guardian requests special restorative training for the eligible person, in which case the application will be processed under subchapter V of this chapter.

(b) If the request for special restorative training is approved, educational assistance will be afforded pursuant to the terms of subchapter V of this chapter. If the request for special restorative training is disapproved, or if approved the restorative training is completed or discontinued, any educational assistance subsequently afforded will be in accordance with subchapters III and IV of this chapter.

Subchapter III—Program of Education

§ 1720. Development of educational plan

Upon provisional approval of an application for educational assistance, the Administrator shall arrange for, and the eligible person shall take advantage of, educational or vocational counseling to assist the parent or guardian and the eligible person in selecting his educational, vocational, or professional objective and in developing his program of education. During, or after, such counseling, the parent or guardian shall prepare for the eligible person an educational plan which shall set forth the selected objective, the proposed program of education, a list of the educational institutions at which such program would be pursued, an estimate of the sum which would be required for tuition and fees in completion of such program, and such other information as the Administrator shall require. This educational plan shall be signed by the parent or guardian and shall become an integral part of the application for educational assistance under this chapter.

§ 1721. Final approval of application

The Administrator shall finally approve an application if he finds (1) that section 1720 of this title has been complied with, (2) that the proposed program of education constitutes a "program of education" as that term is defined in this chapter, (3) that the eligible person is not already qualified, by reason of previous education or training, for the educational, professional, or vocational objective for which the courses of the program of education are offered, and (4) that it does not appear that the pursuit of such program would violate any provision of this chapter.

§ 1722. Change of program

An eligible person, with the concurrence of his parent or guardian, may request changes in his program. The Administrator shall approve an initial change of program, and may approve not more than one additional change, if he finds that—

(1) the program of education which the eligible person proposes to pursue is suitable to his aptitudes, interests, and abilities; and

(2) in any instance where the eligible person has interrupted, or failed to progress in, his program due to his own misconduct, his own neglect, or his own lack of application, there exists a reasonable likelihood with respect to the program which the eligible person proposes to pursue that there will not be a recurrence of such an interruption or failure to progress.

§ 1723. Disapproval of enrollment in certain courses

(a) (1) The Administrator shall not approve the enrollment of an eligible person in any bartending course, dancing course, or personality development course.

(2) The Administrator shall not approve the enrollment of an eligible person—

(A) in any photography course or entertainment course; or

(B) in any music course—instrumental or vocal—public speaking course, or course in sports or athletics such as horseback riding, swimming, fishing, skiing, golf, baseball, tennis, bowling, sports officiating, or other sport or athletic courses, except courses of applied music, physical education, or public speaking which are offered by institutions of higher learning for credit as an integral part of a program leading to an educational objective; or

(C) in any other type of course which the Administrator finds to be avocational or recreational in character;

unless the eligible person submits justification showing that the course will be of bona fide use in the pursuit of his present or contemplated business or occupation.

(b) The Administrator shall not approve the enrollment of an eligible person in any course of flight training other than one given by an educational institution of higher learning for credit toward a standard college degree the eligible person is seeking.

(c) The Administrator shall not approve the enrollment of an eligible person in any course of apprentice or other training on the job, any course of institutional on-farm training, any course to be pursued by correspondence, television, or radio, or any course to be pursued at an educational institution not located in a State or in the Republic of the Philippines.

(d) The Administrator shall not approve the enrollment of an eligible person in any course which is to be pursued as a part of his regular secondary school education, but this subsection shall not prevent the enrollment of an eligible person in a course to be pursued

below the college level if the Administrator finds that such person has ended his secondary school education (by completion or otherwise) and that such course is a specialized vocational course pursued for the purpose of qualifying in a bona fide vocational objective.

§ 1724. Discontinuance for unsatisfactory progress

The Administrator shall discontinue the educational assistance allowance on behalf of an eligible person if, at any time, the Administrator finds that according to the regularly prescribed standards and practices of the educational institution he is attending, his conduct or progress is unsatisfactory. The Administrator may renew the payment of the educational assistance allowance only if he finds that—

- (1) the cause of the unsatisfactory conduct or progress of the eligible person has been removed; and
- (2) the program which the eligible person now proposes to pursue (whether the same or revised) is suitable to his aptitudes, interests, and abilities.

§ 1725. Period of operation for approval

(a) The Administrator shall not approve the enrollment of an eligible person in any course offered by an educational institution when such course has been in operation for less than two years.

(b) Subsection (a) shall not apply to—

- (1) any course to be pursued in a public or other tax-supported educational institution;
- (2) any course which is offered by an educational institution which has been in operation for more than two years, if such course is similar in character to the instruction previously given by such institution;
- (3) any course which has been offered by an institution for a period of more than two years, notwithstanding the institution has moved to another location within the same general locality; or
- (4) any course which is offered by a nonprofit educational institution of college level and which is recognized for credit toward a standard college degree.

§ 1726. Institutions listed by Attorney General

The Administrator shall not approve the enrollment of, or payment of an educational assistance allowance to, any eligible person in any course in an educational institution while it is listed by the Attorney General under section 3 of part III of Executive Order 9835, as amended.

5 USC 631 note.

Subchapter IV—Payments to Eligible Persons

§ 1731. Educational assistance allowance

(a) The Administrator shall pay to the parent or guardian of each eligible person who is pursuing a program of education under this chapter, and who applies therefor on behalf of such eligible person, an educational assistance allowance to meet, in part, the expenses of the eligible person's subsistence, tuition, fees, supplies, books, equipment, and other educational costs.

(b) The educational assistance allowance on behalf of an eligible person shall be paid, as provided in section 1732 of this title, only for the period of his enrollment as approved by the Administrator, but no allowance shall be paid—

- (1) on behalf of any person enrolled in a course which leads to a standard college degree for any period when such person is not pursuing his course in accordance with the regularly established policies and regulations of the educational institution and the requirements of this chapter; or

(2) on behalf of any person enrolled in a course which does not lead to a standard college degree for any day of absence in excess of thirty days in a twelve-month period, not counting as absences weekends or legal holidays established by Federal or State law (or in the case of the Republic of the Philippines, Philippine law) during which the institution is not regularly in session.

(c) No educational assistance allowance shall be paid on behalf of an eligible person for any period until the Administrator shall have received—

(1) from the eligible person (A) in the case of an eligible person enrolled in a course which leads to a standard college degree, a certification that he was actually enrolled in and pursuing the course as approved by the Administrator, or (B) in the case of an eligible person enrolled in a course which does not lead to a standard college degree, a certification as to actual attendance during such period; and

(2) from the educational institution a certification, or an endorsement on the eligible person's certificate, that he was enrolled in and pursuing a course of education during such period. Educational assistance allowances shall, insofar as practicable, be paid within twenty days after receipt by the Administrator of the certifications required by this subsection.

§ 1732. Computation of educational assistance allowance

(a) The educational assistance allowance on behalf of an eligible person who is pursuing a program of education consisting of institutional courses shall be computed at the rate of (1) \$110 per month if pursued on a full-time basis, (2) \$80 per month if pursued on a three-quarters time basis, and (3) \$50 per month if pursued on a half-time basis.

(b) The educational assistance allowance to be paid on behalf of an eligible person who is pursuing a full-time program of education which consists of institutional courses and alternate phases of training in a business or industrial establishment with the training in the business or industrial establishment being strictly supplemental to the institutional portion, shall be computed at the rate of \$90 per month.

(c) No educational assistance allowance shall be paid on behalf of an eligible person for any period during which he is enrolled in and pursuing an institutional course on a less than half-time basis, or any course described in subsection (b), on a less than full-time basis.

§ 1733. Measurement of courses

(a) For the purposes of this chapter, (1) an institutional trade or technical course offered on a clock-hour basis below the college level involving shop practice as an integral part thereof, shall be considered a full-time course when a minimum of thirty hours per week of attendance is required with no more than two and one-half hours of rest periods per week allowed, (2) an institutional course offered on a clock-hour basis below the college level in which theoretical or classroom instruction predominates shall be considered a full-time course when a minimum of twenty-five hours per week net of instruction is required, and (3) an institutional undergraduate course offered by a college or university on a quarter or semester hour basis for which credit is granted toward a standard college degree shall be considered a full-time course when a minimum of fourteen semester hours or its equivalent is required.

(b) The Administrator shall define part-time training in the case of the types of courses referred to in subsection (a), and shall define

full-time and part-time training in the cases of all other types of courses pursued under this chapter.

§ 1734. Overcharges by educational institutions

(a) If the Administrator finds that an educational institution has charged or received from any eligible person pursuing a course of education under this chapter any amount in excess of the charges for tuition and fees which such institution requires similarly circumstanced students, not receiving educational assistance under this chapter, who are enrolled in the same course to pay, he may disapprove such educational institution for the enrollment of any eligible person not already enrolled therein under this chapter and any eligible veteran not already enrolled therein under chapter 31 or 33 of this title.

(b) Any educational institution which has been disapproved under section 1634 of this title shall be deemed to be disapproved for the enrollment under this chapter of any eligible person not already enrolled therein.

§ 1735. Approval of courses

(a) An eligible person shall receive the benefits of this subchapter while enrolled in a course of education offered by an educational institution only if such course (1) is approved in accordance with the provisions of this section, or (2) is approved for the enrollment of the particular individual under the provisions of section 1737 of this title.

(b) Any course offered by an educational institution (as defined in this chapter) shall be considered approved for the purposes of this chapter if it is approved under either section 1653 or section 1654 of this title before the date for the expiration of all education and training under chapter 33 of this title, and has not been disapproved under section 1656 of this title.

(c) After the date for the expiration of all education and training under chapter 33 of this title, the Administrator shall be responsible for the approval of any additional courses for the purposes of this chapter. In approving such a course, the criteria of sections 1653 and 1654 of this title shall be applicable to approvals under this subsection and the Administrator may utilize the services of State educational agencies in connection therewith.

§ 1736. Discontinuance of allowances

The Administrator may discontinue the educational assistance allowance of any eligible person if he finds that the course of education in which the eligible person is enrolled fails to meet any of the requirements of this chapter or any of the standards and criteria of sections 1653 and 1654 of this title or if he finds that the educational institution offering such course has violated any provision of this chapter or fails to meet any of its requirements.

§ 1737. Specialized vocational training courses

Notwithstanding the provisions of subsections (b) and (c) of section 1735 of this title, the Administrator may approve a specialized course of vocational training leading to a predetermined vocational objective for the enrollment of an eligible person under this subchapter if he finds that such course, either alone or when combined with other courses, constitutes a program of education which is suitable for that person and is required because of a mental or physical handicap.

Subchapter V—Special Restorative Training

§ 1740. Purpose

The purpose of special restorative training is to overcome, or lessen, the effects of a manifest physical or mental disability which would handicap an eligible person in the pursuit of a program of education.

§ 1741. Entitlement to special restorative training

(a) The Administrator at the request of the parent or guardian of an eligible person is authorized—

(1) to determine whether such person is in need of special restorative training; and

(2) where need is found to exist, to prescribe a course which is suitable to accomplish the purposes of this chapter.

Such a course, at the discretion of the Administrator, may contain elements that would contribute toward an ultimate objective of a program of education.

(b) In no event shall the total period of educational assistance under this subchapter and other subchapters of this chapter exceed the amount of entitlement as established in section 1711 of this title.

§ 1742. Special training allowance

(a) While the eligible person is enrolled in and pursuing a full-time course of special restorative training, the parent or guardian shall be entitled to receive on his behalf a special training allowance computed at the basic rate of \$110 per month. If the charges for tuition and fees applicable to any such course are more than \$35 per calendar month the basic monthly allowance may be increased by the amount that such charges exceed \$35 a month, upon election by the parent or guardian of the eligible person to have such person's period of entitlement reduced by one day for each \$3.60 that the special training allowance paid exceeds the basic monthly allowance.

(b) No payments of a special training allowance shall be made for the same period for which the payment of an educational assistance allowance is made or for any period during which the training is pursued on less than a full-time basis.

(c) Full-time training for the purpose of this section shall be determined by the Administrator with respect to the capacities of the individual trainee.

§ 1743. Special administrative provisions

(a) In carrying out his responsibilities under this chapter the Administrator may by agreement arrange with public or private educational institutions or others to provide training arrangements as may be suitable and necessary to accomplish the purposes of this subchapter. In any instance where the Administrator finds that a customary tuition charge is not applicable, he may agree on the fair and reasonable amounts which may be charged the parent or guardian for the training provided to an eligible person.

(b) The Administrator shall make such rules and regulations as he may deem necessary in order to promote good conduct on the part of the persons who are following courses of special restorative training and otherwise to carry out the purposes of this chapter.

Subchapter VI—Miscellaneous Provisions

§ 1761. Authority and duties of Administrator

(a) Payments under this chapter shall be subject to audit and review by the General Accounting Office, as provided by the Budget and Accounting Act of 1921, and the Budget and Accounting Procedures Act of 1950.

(b) The Administrator may provide the educational and vocational counseling required under section 1720 of this title, and may provide or require additional counseling if he deems it to be necessary to accomplish the purposes of this chapter.

(c) In carrying out his functions under this chapter, the Administrator may utilize the facilities and services of any other Federal department or agency. Any such utilization shall be pursuant to proper agreement with the Federal department or agency concerned; and payment to cover the cost thereof shall be made either in advance or by way of reimbursement, as may be provided in such agreement.

(d) Where any provision of this chapter authorizes or requires any function, power, or duty to be exercised by a State, or by any officer or agency thereof, such function, power, or duty shall, with respect to the Republic of the Philippines, be exercised by the Administrator.

§ 1762. Nonduplication of benefits

(a) The commencement of a program of education or special restorative training under this chapter shall be a bar (1) to subsequent payments of compensation, dependency and indemnity compensation, or pension based on the death of a parent to an eligible person over the age of eighteen by reason of pursuing a course in an educational institution, or (2) to increased rates, or additional amounts, of compensation, dependency and indemnity compensation, or pension because of such a person.

(b) No educational assistance allowance or special training allowance shall be paid on behalf of any eligible person under this chapter for any period during which such person is enrolled in and pursuing a course of education or training paid for by the United States under any provision of law other than this chapter, where the payment of an allowance would constitute a duplication of benefits paid from the Federal Treasury to the eligible person or to his parent or guardian in his behalf.

§ 1763. Control by agencies of the United States

No department, agency, or officer of the United States, in carrying out this chapter, shall exercise any supervision or control, whatsoever, over any State approving agency, or State educational agency, or any educational institution. Nothing in this section shall be deemed to prevent any department, agency, or officer of the United States from exercising any supervision or control which such department, agency, or officer is authorized by law to exercise over any Federal educational institution or to prevent the furnishing of education under this chapter in any institution over which supervision or control is exercised by such other department, agency, or officer under authority of law.

§ 1764. Conflicting interests

(a) Every officer or employee of the Veterans' Administration who has, while such an officer or employee, owned any interest in, or received any wages, salary, dividends, profits, gratuities, or services from, any educational institution operated for profit in which an eligible person was pursuing a course of education under this chapter shall be immediately dismissed from his office or employment.

(b) The Administrator may, after reasonable notice and public hearings, waive in writing the application of this section in the case of any officer or employee of the Veterans' Administration, if he finds that no detriment will result to the United States or to eligible persons by reason of such interest or connection of such officer or employee.

§ 1765. Reports by institutions

(a) Educational institutions shall, without delay, report to the Administrator in the form prescribed by him, the enrollment, interruption, and termination of the education of each eligible person enrolled therein under this chapter.

(b) The Administrator shall pay to each educational institution which is required to submit reports and certifications to the Administrator under this chapter, an allowance at the rate of \$1 per month for each eligible person enrolled in and attending such institution under the provisions of this chapter to assist the educational institution in defraying the expense of preparing and submitting such reports and certifications. Such allowances shall be paid in such manner and at such times as may be prescribed by the Administrator, except that in the event any institution fails to submit reports or certifications to the Administrator as required by this chapter, no allowance shall be paid to such institution for the month or months during which such reports or certifications were not submitted as required by the Administrator.

§ 1766. Overpayments to eligible persons

Whenever the Administrator finds that an overpayment has been made to an eligible person as the result of (1) the willful or negligent failure of an educational institution to report, as required by this chapter and applicable regulations, to the Veterans' Administration excessive absences from a course, or discontinuance or interruption of a course by the eligible person, or (2) false certification by an educational institution, the amount of such overpayment shall constitute a liability of such institution, and may be recovered in the same manner as any other debt due the United States. Any amount so collected shall be reimbursed if the overpayment is recovered from the eligible person. This section shall not preclude the imposition of any civil or criminal liability under this or any other law.

§ 1767. Examination of records

The records and accounts of educational institutions pertaining to eligible persons who received education under this chapter shall be available for examination by duly authorized representatives of the Government.

§ 1768. False or misleading statements

The Administrator shall not make any payments under this chapter to any person found by him to have willfully submitted any false or misleading claims. Whenever the Administrator finds that an educational institution has willfully submitted a false or misleading claim, or that a person, with the complicity of an educational institution, has submitted such a claim, he shall make a complete report of the facts of the case to the appropriate State approving agency and, where deemed advisable, to the Attorney General of the United States for appropriate action.

CHAPTER 37—HOME, FARM, AND BUSINESS LOANS

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Subchapter I—General

§ 1801. Definitions

(a) For the purposes of this chapter—

(1) The term "World War II" (A) means the period beginning on September 16, 1940, and ending on July 25, 1947, and (B) includes, in the case of any veteran who enlisted or reenlisted in a Regular component of the Armed Forces after October 6, 1945, and before October 7, 1946, the period of the first such enlistment or reenlistment.

(2) The term "veteran" includes the widow of any veteran (including a person who died in the active military, naval, or air service) who died from a service-connected disability, but only if such widow is not eligible for benefits under this chapter on the basis of her own active duty. The active duty of her husband shall be deemed to have been active duty by such widow for the purposes of this chapter.

(b) Benefits shall not be afforded under this chapter to any individual on account of service as a commissioned officer of the Coast and Geodetic Survey, or of the Regular or Reserve Corps of the Public Health Service, unless such service would have qualified such individual for benefits under title III of the Servicemen's Readjustment Act of 1944.

58 Stat. 291.
38 U.S.C. 694-
694o.

§ 1802. Basic entitlement

(a) Each veteran who served on active duty at any time during World War II or the Korean conflict and whose total service was for ninety days or more, or who was discharged or released from a period of active duty, any part of which occurred during World War II or the Korean conflict, for a service-connected disability, shall be eligible for the benefits of this chapter. Entitlement derived from service during the Korean conflict (1) shall cancel any unused entitlement derived from service during World War II, and (2) shall be reduced by the amount by which entitlement from service during World War II, has been used to obtain a direct, guaranteed, or insured loan—

(A) on real property which the veteran owns at the time of application; or

(B) as to which the Administrator has incurred actual liability or loss, unless in the event of loss or the incurrence and payment

of such liability by the Administrator the resulting indebtedness of the veteran to the United States has been paid in full.

(b) In computing the aggregate amount of guaranty or insurance entitlement available to a veteran under this chapter—

(1) the Administrator may exclude the initial use of the veteran's entitlement for any loan with respect to which the security has been (A) taken (by condemnation or otherwise) by the United States or any State, or by any local government agency for public use, (B) destroyed by fire or other natural hazard, or (C) disposed of because of other compelling reasons devoid of fault on the part of the veteran; and

(2) the Administrator shall exclude the amount of guaranty or insurance entitlement previously used for any guaranteed or insured home loan which has been repaid in full, and with respect to which the real property which served as security for the loan has been disposed of because the veteran, while on active duty, was transferred by the service department with which he was serving.

Entitlement restored under this subsection may be used at any time before February 1, 1965.

(c) An honorable discharge shall be deemed to be a certificate of eligibility to apply for a guaranteed loan. Any veteran who does not have a discharge certificate, or who received a discharge other than honorable, may apply to the Administrator for a certificate of eligibility. Upon making a loan guaranteed or insured under this chapter, the lender shall forthwith transmit to the Administrator a report thereon in such detail as the Administrator may, from time to time, prescribe. Where the loan is guaranteed, the Administrator shall provide the lender with a loan guaranty certificate or other evidence of the guaranty. He shall also endorse on the veteran's discharge, or eligibility certificate, the amount and type of guaranty used, and the amount, if any, remaining. Nothing in this chapter shall preclude the assignment of any guaranteed loan or the security therefor.

(d) Loans will be automatically guaranteed under this chapter only if made (1) by any Federal land bank, national bank, State bank, private bank, building and loan association, insurance company, credit union, or mortgage and loan company, that is subject to examination and supervision by an agency of the United States or of any State, or (2) by any State. Any loan proposed to be made to a veteran pursuant to this chapter by any lender not of a class specified in the preceding sentence may be guaranteed by the Administrator if he finds that it is in accord otherwise with the provisions of this chapter.

(e) The Administrator may at any time upon thirty days' notice require loans to be made by any lender or class of lenders to be submitted to him for prior approval. No guaranty or insurance liability shall exist with respect to any such loan unless evidence of guaranty or insurance is issued by the Administrator.

(f) Any loan at least 20 per centum of which is guaranteed under this chapter may be made by any national bank or Federal savings and loan association, or by any bank, trust company, building and loan association, or insurance company, organized or authorized to do business in the District of Columbia. Any such loan may be so made without regard to the limitations and restrictions of any other law relating to—

- (1) ratio of amount of loan to the value of the property;
- (2) maturity of loan;
- (3) requirement for mortgage or other security;
- (4) dignity of lien; or
- (5) percentage of assets which may be invested in real estate loans.

§ 1803. Basic provisions relating to loan guaranty

(a) (1) Any loan made to a World War II veteran, if made before July 26, 1960 (or, in the case of a veteran described in section 1801 (a) (1) (B) of this title, before the expiration of thirteen years after World War II is deemed to have ended with respect to him), or to a Korean conflict veteran, if made before February 1, 1965, for any of the purposes, and in compliance with the provisions, specified in this chapter, is automatically guaranteed by the United States in an amount not more than 60 per centum of the loan if the loan is made for any of the purposes specified in section 1810 of this title and not more than 50 per centum of the loan if the loan is for any of the purposes specified in section 1812, 1813, or 1814 of this title.

(2) If a loan report or an application for loan guaranty relating to a loan under this chapter to a World War II veteran whose entitlement would otherwise expire on July 25, 1960, has been received by the Administrator before July 26, 1960, such loan may be guaranteed or insured under the provisions of this chapter before July 26, 1961.

(b) Except as provided in sections 1810 and 1811 of this title, the aggregate amount guaranteed shall not be more than \$2,000 in the case of non-real-estate loans, nor \$4,000 in the case of real-estate loans, or a prorated portion thereof on loans of both types or combination thereof. The liability of the United States under any guaranty, within the limitations of this chapter, shall decrease or increase pro rata with any decrease or increase of the amount of the unpaid portion of the obligation.

(c) (1) Loans guaranteed or insured under this chapter shall be payable upon such terms and conditions as may be agreed upon by the parties thereto, subject to the provisions of this chapter and regulations of the Administrator issued pursuant to this chapter, and shall bear interest not in excess of such rate as the Administrator, with the approval of the Secretary of the Treasury, may from time to time find the loan market demands, but the rate of interest so prescribed by the Administrator shall not exceed at any time the rate of interest (exclusive of premium charges for insurance, and service charges if any), established by the Federal Housing Commissioner under section 203 (b) (5) of the National Housing Act, less one-half of 1 per centum per annum; except that such rate shall in no event exceed 4¾ per centum per annum.

12 USC 1709.

(2) The provisions of the Servicemen's Readjustment Act of 1944 which were in effect before April 1, 1958, with respect to the interest chargeable on loans made or guaranteed under such Act shall, notwithstanding the provisions of paragraph (1) of this subsection, continue to be applicable—

38 USC 693 note.

(A) to any loan made or guaranteed before April 1, 1958; and

(B) to any loan with respect to which a commitment to guarantee was entered into by the Administrator before April 1, 1958.

(d) (1) The maturity of any non-real-estate loan shall not be more than ten years. The maturity of any real-estate loan (other than a loan on farm realty) shall not be more than thirty years, and in the case of a loan on farm realty, shall not be more than forty years.

(2) Any loan for a term of more than five years shall be amortized in accordance with established procedure.

(3) Any real-estate loan (other than for repairs, alterations, or improvements) shall be secured by a first lien on the realty. Any non-real-estate loan (other than for working or other capital, merchandise, goodwill, and other intangible assets) shall be secured by personalty to the extent legal and practicable.

§ 1804. Restrictions on loans

(a) No loan for the purchase or construction of residential property shall be financed through the assistance of this chapter unless the property meets or exceeds minimum requirements for planning, construction, and general acceptability prescribed by the Administrator; however, this subsection shall not apply to a loan for the purchase of residential property on which construction is fully completed more than one year before such loan is made.

(b) The Administrator may refuse to appraise any dwelling or housing project owned, sponsored, or to be constructed by any person identified with housing previously sold to veterans under this chapter as to which substantial deficiencies have been discovered, or as to which there has been a failure or indicated inability to discharge contractual liabilities to veterans, or as to which it is ascertained that the type of contract of sale or the methods or practices pursued in relation to the marketing of such properties were unfair or unduly prejudicial to veteran purchasers.

(c) No loan for the purchase or construction of residential property shall be financed through the assistance of this chapter unless the veteran applicant, at the time that he applies for the loan, and also at the time that the loan is closed, certifies in such form as the Administrator may require, that he intends to occupy the property as his home. No loan for the repair, alteration, or improvement of residential property shall be financed through the assistance of the provisions of this chapter unless the veteran applicant, at the time that he applies to the lender for the loan, and also at the time that the loan is closed, certifies, in such form as may be required by the Administrator, that he occupies the property as his home. For the purposes of this chapter the requirement that the veteran recipient of a guaranteed or direct home loan must occupy or intend to occupy the property as his home means that the veteran as of the date of his certification actually lives in the property personally as his residence or actually intends upon completion of the loan and acquisition of the dwelling unit to move into the property personally within a reasonable time and to utilize such property as his residence.

(d) Whenever the Administrator finds with respect to guaranteed or insured loans that any lender or holder has failed to maintain adequate loan accounting records, or to demonstrate proper ability to service loans adequately or to exercise proper credit judgment or has willfully or negligently engaged in practices otherwise detrimental to the interest of veterans or of the Government, he may refuse either temporarily or permanently to guarantee or insure any loans made by such lender or holder and may bar such lender or holder from acquiring loans guaranteed or insured under this chapter; however, the Administrator shall not refuse to pay a guaranty or insurance claim on loans theretofore entered into in good faith between a veteran and such lender.

§ 1805. Warranties

(a) The Administrator shall require that in connection with any property upon which there is located a dwelling designed principally for not more than a four-family residence and which is approved for guaranty or insurance before the beginning of construction, the seller or builder, and such other person as may be required by the Administrator to become warrantor, shall deliver to the purchaser or owner of such property a warranty that the dwelling is constructed in substantial conformity with the plans and specifications (including any amendments thereof, or changes and variations therein, which have been approved in writing by the Administrator) on which the Administrator based his valuation of the dwelling. The Adminis-

trator shall deliver to the builder, seller, or other warrantor his written approval (which shall be conclusive evidence of such approval) of any amendment of, or change or variation in, such plans and specifications which the Administrator deems to be a substantial amendment thereof, or change or variation therein, and shall file a copy of such written approval with such plans and specifications. Such warranty shall apply only with respect to such instances of substantial nonconformity to such approved plans and specifications (including any amendments thereof, or changes or variations therein, which have been approved in writing, as provided in this section, by the Administrator) as to which the purchaser or home owner has given written notice to the warrantor within one year from the date of conveyance of title to, or initial occupancy of, the dwelling, whichever first occurs. Such warranty shall be in addition to, and not in derogation of, all other rights and privileges which such purchaser or owner may have under any other law or instrument. The provisions of this section shall apply to any such property covered by a mortgage insured or guaranteed by the Administrator on and after October 1, 1954, unless such mortgage is insured or guaranteed pursuant to a commitment therefor made before October 1, 1954.

(b) The Administrator shall permit copies of the plans and specifications (including written approvals of any amendments thereof, or changes or variations therein, as provided in this section) for dwellings in connection with which warranties are required by subsection (a) of this section to be made available in their appropriate local offices for inspection or for copying by any purchaser, home owner, or warrantor during such hours or periods of time as the Administrator may determine to be reasonable.

Subchapter II—Loans

§ 1810. Purchase or construction of homes

(a) Any loan to a veteran, if made pursuant to the provisions of this chapter, is automatically guaranteed if such loan is for one or more of the following purposes:

- (1) To purchase or construct a dwelling to be owned and occupied by him as a home.
- (2) To purchase a farm on which there is a farm residence to be owned and occupied by him as his home.
- (3) To construct on land owned by him a farm residence to be occupied by him as his home.
- (4) To repair, alter, or improve a farm residence or other dwelling owned by him and occupied by him as his home.

If there is an indebtedness which is secured by a lien against land owned by the veteran, the proceeds of a loan guaranteed under this section or made under section 1811 of this title for construction of a dwelling or farm residence on such land may be used also to liquidate such lien, but only if the reasonable value of the land is equal to or greater than the amount of the lien.

(b) No loan may be guaranteed under this section or made under section 1811 of this title unless—

- (1) the proceeds of such loan will be used to pay for the property purchased, constructed, or improved;
- (2) the contemplated terms of payment required in any mortgage to be given in part payment of the purchase price or the construction cost bear a proper relation to the veteran's present and anticipated income and expenses;
- (3) the veteran is a satisfactory credit risk;
- (4) the nature and condition of the property is such as to be suitable for dwelling purposes;

(5) the price paid or to be paid by the veteran for such property, or for the cost of construction, repairs, or alterations, does not exceed the reasonable value thereof as determined by the Administrator; and

(6) if the loan is for repair, alteration, or improvement of property, such repair, alteration, or improvement substantially protects or improves the basic livability or utility of such property.

(c) The amount of guaranty entitlement available to a veteran under this section shall not be more than \$7,500 less such entitlement as may have been used previously under this section and other sections of this chapter.

§ 1811. Direct loans to veterans

(a) The Congress finds that housing credit under section 1810 of this title is not and has not been generally available to veterans living in rural areas, or in small cities and towns not near large metropolitan areas. It is therefore the purpose of this section to provide housing credit for veterans living in such rural areas and such small cities and towns.

(b) Whenever the Administrator finds that private capital is not generally available in any rural area or small city or town for the financing of loans guaranteed under section 1810 of this title, he shall designate such rural area or small city or town as a "housing credit shortage area". He shall make, or enter into commitments to make, to any veteran eligible under this title, a loan for any or all of the purposes listed in section 1810 (a) in such area.

(c) No loan may be made under this section to a veteran unless he shows to the satisfaction of the Administrator that—

(1) he is unable to obtain from a private lender in such housing credit shortage area, at an interest rate not in excess of the rate authorized for guaranteed home loans, a loan for such purpose for which he is qualified under section 1810 of this title; and

(2) he is unable to obtain a loan for such purpose from the Secretary of Agriculture under sections 1000-1029 of title 7 or under sections 1471-1483 of title 42.

(d) (1) Loans made under this section shall bear interest at a rate determined by the Administrator, not to exceed the rate authorized for guaranteed home loans, and shall be subject to such requirements or limitations prescribed for loans guaranteed under this title as may be applicable.

(2) The original principal amount of any loan made under this section shall not exceed an amount which bears the same ratio to \$13,500 as the amount of guaranty to which the veteran is entitled under section 1810 of this title at the time the loan is made bears to \$7,500; and the guaranty entitlement of any veteran who heretofore or hereafter has been granted a loan under this section shall be charged with an amount which bears the same ratio to \$7,500 as the amount of the loan bears to \$13,500.

(3) No veteran may obtain loans under this section aggregating more than \$13,500.

(e) Loans made under this section shall be repaid in monthly installments, except that in the case of any such loan made for any of the purposes described in paragraphs (2), (3), or (4) of section 1810 (a) of this title, the Administrator may provide that such loan shall be repaid in quarterly, semiannual, or annual installments.

(f) In connection with any loan under this section, the Administrator may make advances in cash to pay taxes and assessments on the real estate, to provide for repairs, alterations, and improvements, and to meet the incidental expenses of the transaction. The Adminis-

trator shall determine the expenses incident to origination of loans made under this section, which expenses, or a reasonable flat allowance in lieu thereof, shall be paid by the veteran in addition to the loan closing costs.

(g) The Administrator may sell, and shall offer for sale, to any person or entity approved for such purpose by him, any loan made under this section at a price not less than par; that is, the unpaid balance plus accrued interest, and shall guarantee any loan thus sold subject to the same conditions, terms, and limitations which would be applicable were the loan guaranteed under section 1810 of this title.

(h) No loan may be made under this section after July 25, 1960, except pursuant to commitments issued by the Administrator before that date.

(i) (1) If any builder or sponsor proposes to construct one or more dwellings in a housing credit shortage area, the Administrator may enter into commitment with such builder or sponsor, under which funds available for loans under this section will be reserved for a period not in excess of three months, or such longer period as the Administrator may authorize to meet the needs in any particular case, for the purpose of making loans to veterans to purchase such dwellings. Such commitment may not be assigned or transferred except with the written approval of the Administrator. The Administrator shall not enter into any such commitment unless such builder or sponsor pays a nonrefundable commitment fee to the Administrator in an amount determined by the Administrator, not to exceed 2 per centum of the funds reserved for such builder or sponsor.

(2) Whenever the Administrator finds that a dwelling with respect to which funds are being reserved under this subsection has been sold, or contracted to be sold, to a veteran eligible for a direct loan under this section, the Administrator shall enter into a commitment to make the veteran a loan for the purchase of such dwelling. With respect to any loan made to an eligible veteran under this subsection, the Administrator may make advances during the construction of the dwelling, up to a maximum in advances of (A) the cost of the land plus (B) 80 per centum of the value of the construction in place.

(3) After the Administrator has entered into a commitment to make a veteran a loan under this subsection, he may refer the proposed loan to the Voluntary Home Mortgage Credit Committee, in order to afford a private lender the opportunity to acquire such loan subject to guaranty as provided in subsection (g) of this section. If, before the expiration of sixty days after the loan made to the veteran by the Administrator is fully disbursed, a private lender agrees to purchase such loan, all or any part of the commitment fee paid to the Administrator with respect to such loan may be paid to such private lender when such loan is so purchased. If a private lender has not purchased or agreed to purchase such loan before the expiration of sixty days after the loan made by the Administrator is fully disbursed, the commitment fee paid with respect to such loan shall become a part of the special deposit account referred to in subsection (c) of section 1823 of this title. If a loan is not made to a veteran for the purchase of a dwelling, the commitment fee paid with respect to such dwelling shall become a part of such special deposit account.

(4) The Administrator may exempt dwellings constructed through assistance provided by this subsection from the minimum land planning and subdivision requirements prescribed pursuant to subsection (a) of section 1804 of this title, and with respect to such dwellings may prescribe special minimum land planning and subdivision requirements which shall be in keeping with the general housing facilities in the locality but shall require that such dwellings meet minimum requirements of structural soundness and general acceptability.

(j) (1) The Administrator shall commence the processing of any application for a loan under this section upon the receipt of such application, and shall continue such processing notwithstanding the fact that the assistance of the Voluntary Home Mortgage Credit Committee has been requested by the Administrator for the purpose of ascertaining whether or not such loan can be placed with a private lender.

(2) If the assistance of such Committee has been requested by the Administrator in connection with any such application, and the Administrator is not notified by such Committee within twenty working days after such assistance has been requested that it has been successful in enabling the applicant to place such loan with a private lender or expects to do so within ten additional working days, the Administrator shall proceed forthwith to complete any part of the processing of such application remaining unfinished, and to grant or deny the application in accordance with the provisions of this section.

(3) As used in this subsection, the term "working days" means calendar days exclusive of Saturdays, Sundays, and legal holidays.

(k) Without regard to any other provision of this chapter, the Administrator may take or cause to be taken such action as in his judgment may be necessary or appropriate for or in connection with the custody, management, protection, and realization or sale of investments under this section, may determine his necessary expenses and expenditures, and the manner in which the same shall be incurred, allowed and paid, may make such rules, regulations, and orders as he may deem necessary or appropriate for carrying out his functions under this section and section 1823 of this title and, except as otherwise expressly provided in this chapter, may employ, utilize, compensate, and, to the extent not inconsistent with his basic responsibilities under this chapter, delegate any of his functions under this section and section 1823 of this title to such persons and such corporate or other agencies, including agencies of the United States, as he may designate.

§ 1812. Purchase of farms and farm equipment

(a) Any loan to a veteran, if made pursuant to the provisions of this chapter, is automatically guaranteed if such loan is for one or more of the following purposes:

(1) To purchase any lands, buildings, livestock, equipment, machinery, supplies or implements, or to repair, alter, construct, or improve any land, equipment, or building, including a farmhouse, to be used in farming operations conducted by the veteran involving production in excess of his own needs.

(2) For working capital requirements necessary for such farming operations.

(3) To purchase stock in a cooperative association where the purchase of such stock is required by Federal law as an incident to obtaining the loan.

(b) No loan may be guaranteed under this section unless—

(1) the proceeds of the loan will be used for one of the purposes listed in subsection (a) in connection with bona fide farming operations conducted by the veteran;

(2) such property will be useful in and reasonably necessary for efficiently conducting such operations;

(3) the ability and experience of the veteran, and the nature of the proposed farming operations to be conducted by him, are such that there is a reasonable likelihood that such operations will be successful; and

(4) the price paid or to be paid by the veteran for such property, or for the cost of construction, repairs, or alterations, does not exceed the reasonable value thereof as determined by the Administrator.

(c) For the purpose of encouraging the construction and improvement of farm housing, the Administrator may guarantee a loan for the construction or improvement of a farmhouse which loan is secured by a first lien on a portion of the farm suitable in size and location as an independent home site, and may permit payment out of the proceeds of such loan any sum required to obtain the release of such site from existing indebtedness. The Administrator may, in his discretion, except any loan for the construction or improvement of a farmhouse from the first lien requirement imposed by section 1803 (d) (3) of this title.

§ 1813. Purchase of business property

(a) Any loan to a veteran, if made pursuant to the provisions of this chapter, is automatically guaranteed if such loan is for one or more of the following purposes:

(1) To be used for the purpose of engaging in business or pursuing a gainful occupation.

(2) For the cost of acquiring for such purpose land, buildings, supplies, equipment, machinery, tools, inventory, or stock in trade.

(3) For the cost of the construction, repair, alteration, or improvement of any realty or personalty used for such purpose.

(4) To provide the funds needed for working capital for such purpose.

(b) No loan may be guaranteed under this section unless—

(1) the proceeds of such loan will be used by the veteran for any of the specified purposes in connection with bona fide pursuit of a gainful occupation by the veteran;

(2) such property will be useful in and reasonably necessary for the efficient and successful pursuit of such business or occupation;

(3) the ability and experience of the veteran, and the conditions under which he proposes to pursue such business or occupation, are such that there is a reasonable likelihood that he will be successful in the pursuit of such business or occupation; and

(4) the price paid or to be paid by the veteran for such property, or for the cost of construction, repairs, or alterations, does not exceed the reasonable value thereof as determined by the Administrator.

§ 1814. Loans to refinance delinquent indebtedness

(a) Any loan to a veteran, if made pursuant to the provisions of this chapter, is automatically guaranteed if such loan is for one or more of the following purposes:

(1) To refinance any indebtedness of the veteran which is secured of record on property to be used or occupied by him as a home or for farming purposes.

(2) To refinance any indebtedness incurred by him in the pursuit of a gainful occupation which he is pursuing or which he proposes in good faith to pursue.

(3) To pay any delinquent taxes or assessments on such property or business.

(b) No loan may be guaranteed under this section unless—

(1) such refinancing will aid the veteran in his economic readjustment;

(2) the amount of the loan does not exceed the reasonable value of the property or business as determined by the Administrator; and

(3) such loan became in default or the delinquency occurred (A) before July 26, 1960, in the case of a World War II veteran (or, in the case of a veteran described in section 1801 (a) (1) (B) of this title, before the expiration of thirteen years after World War II is deemed to have ended with respect to him), or (B) before February 1, 1965, in the case of a Korean conflict veteran.

§ 1815. Insurance of loans

(a) Any loan which might be guaranteed under the provisions of this chapter, when made or purchased by any financial institution subject to examination and supervision by an agency of the United States or of any State may, in lieu of such guaranty, be insured by the Administrator under an agreement whereby he will reimburse any such institution for losses incurred on such loan up to 15 per centum of the aggregate of loans so made or purchased by it.

(b) Loans insured under this section shall be made on such other terms, conditions, and restrictions as the Administrator may prescribe within the limitations set forth in this chapter. The Administrator may fix the maximum rate of interest payable on any class of non-real-estate loans insured under this section at a figure not in excess of a 3 per centum discount rate or an equivalent straight interest rate on nonamortized loans.

§ 1816. Procedure on default

In the event of default in the payment of any loan guaranteed under this chapter, the holder of the obligation shall notify the Administrator who shall thereupon pay to such holder the guaranty not in excess of the pro rata portion of the amount originally guaranteed, and shall be subrogated to the rights of the holder of the obligation to the extent of the amount paid on the guaranty. Before suit or foreclosure the holder of the obligation shall notify the Administrator of the default, and within thirty days thereafter the Administrator may, at his option, pay the holder of the obligation the unpaid balance of the obligation plus accrued interest and receive an assignment of the loan and security. Nothing in this section shall preclude any forbearance for the benefit of the veteran as may be agreed upon by the parties to the loan and approved by the Administrator. The Administrator may establish the date, not later than the date of judgment and decree of foreclosure or sale, upon which accrual of interest or charges shall cease.

§ 1817. Release from liability under guaranty

Whenever any veteran disposes of residential property securing a guaranteed, insured, or direct loan obtained by him, the Administrator, upon application made by such veteran and by the transferee incident to such disposal, shall issue to such veteran in connection with such disposal a release relieving him of all further liability to the Administrator on account of such loan (including liability for any loss resulting from any default of the transferee or any subsequent purchaser of such property) if the Administrator has determined, after such investigation as he may deem appropriate, that (1) the loan is current, and (2) the purchaser of such property from such veteran (A) has obligated himself by contract to purchase such property and to assume full liability for the repayment of the balance of the loan remaining unpaid, and has assumed by contract all of the obligations of the veteran under the terms of the instruments creating and securing the loan, and (B) qualifies from a credit standpoint, to the same extent as if he were a veteran eligible under section 1810 of this title, for a guaranteed or insured or direct loan in an amount equal to the unpaid balance of the obligation for which he has assumed liability.

Subchapter III—Administrative Provisions**§ 1820. Powers of Administrator**

(a) Notwithstanding the provisions of any other law, with respect to matters arising by reason of this chapter, the Administrator may—

(1) sue and be sued in his official capacity in any court of competent jurisdiction, State or Federal;

(2) subject to specific limitations in this chapter, consent to the modification, with respect to rate of interest, time of payment of principal or interest or any portion thereof, security or other provisions of any note, contract, mortgage or other instrument securing a loan which has been guaranteed or insured under this chapter;

(3) pay, or compromise, any claim on, or arising because of, any such guaranty or insurance;

(4) pay, compromise, waive or release any right, title, claim, lien or demand, however acquired, including any equity or any right of redemption;

(5) purchase at any sale, public or private, upon such terms and for such prices as he determines to be reasonable, and take title to, property, real, personal or mixed; and similarly sell, at public or private sale, exchange, assign, convey, or otherwise dispose of any such property; and

(6) complete, administer, operate, obtain and pay for insurance on, and maintain, renovate, repair, modernize, lease, or otherwise deal with any property acquired or held pursuant to this chapter. The acquisition of any such property shall not deprive any State or political subdivision thereof of its civil or criminal jurisdiction of, on, or over such property (including power to tax) or impair the rights under the State or local law of any persons on such property.

(b) The powers granted by this section may be exercised by the Administrator without regard to any other provision of law not enacted expressly in limitation of this section, which otherwise would govern the expenditure of public funds; however, section 5 of title 41 shall apply to any contract for services or supplies on account of any property acquired pursuant to this section if the amount of such contract exceeds \$1,000.

41 USC 5.

(c) The financial transactions of the Administrator incident to, or arising out of, the guaranty or insurance of loans pursuant to this chapter, and the acquisition, management, and disposition of property, real, personal, or mixed, incident to such activities and pursuant to this section, shall be final and conclusive upon all officers of the Government.

(d) The right to redeem provided for by section 2410 (c) of title 28 shall not arise in any case in which the subordinate lien or interest of the United States derives from a guaranteed or insured loan.

28 USC 2410.

§ 1821. Incontestability

Any evidence of guaranty or insurance issued by the Administrator shall be conclusive evidence of the eligibility of the loan for guaranty or insurance under the provisions of this chapter and of the amount of such guaranty or insurance. Nothing in this section shall preclude the Administrator from establishing, as against the original lender, defenses based on fraud or material misrepresentation. The Administrator shall not, by reason of anything contained in this section, be barred from establishing, by regulations in force at the date of such issuance or disbursement, whichever is the earlier, partial defenses to the amount payable on the guaranty or insurance.

§ 1822. Recovery of damages

(a) Whoever knowingly makes, effects, or participates in a sale of any property to a veteran for a consideration in excess of the reasonable value of such property as determined by the Administrator, shall, if the veteran pays for such property in whole or in part with the proceeds of a loan guaranteed by the Veterans' Administration under section 1810, 1812, or 1813 of this title, be liable for three times the amount of such excess consideration irrespective of whether such person has received any part thereof.

(b) Actions pursuant to the provisions of this section may be instituted by the veteran concerned, in any United States district court, which court may, as a part of any judgment, award costs and reasonable attorneys' fees to the successful party. If the veteran does not institute an action under this section within thirty days after discovering he has overpaid, or having instituted an action shall fail diligently to prosecute the same, or upon request by the veteran, the Attorney General, in the name of the Government of the United States, may proceed therewith, in which event one-third of any recovery in said action shall be paid over to the veteran and two-thirds thereof shall be paid into the Treasury of the United States.

(c) The remedy provided in this section shall be in addition to any and all other penalties imposed by law.

§ 1823. Direct loan revolving fund

(a) For the purposes of section 1811 of this title, the revolving fund heretofore established by section 513 of the Servicemen's Readjustment Act of 1944 is continued in effect. For the purposes of further augmenting the revolving fund, the Secretary of the Treasury is authorized and directed to advance to the Administrator from time to time after December 31, 1958, and until June 30, 1960, such sums (not in excess of \$150,000,000 in any one fiscal year, including prior advancements in fiscal year 1959) as the Administrator may request, except that the aggregate so advanced in any one quarter annual period shall not exceed the sum of \$50,000,000, less that amount which has been returned to the revolving fund during the preceding quarter annual period from the sale of loans pursuant to section 1811 (g) of this title. In addition the Secretary is authorized and directed to make available to the Administrator for this purpose from time to time as he may request the amount of any funds which may have been deposited to the credit of miscellaneous receipts under this subsection or subsection (c) of this section, except that no sums may be made available after July 25, 1960. After the last day on which the Administrator may make loans under section 1811 of this title, he shall cause to be deposited with the Treasurer of the United States, to the credit of miscellaneous receipts, that part of all sums in such revolving fund, and all amounts thereafter received, representing unexpended advances or the repayment or recovery of the principal of direct home loans, retaining, however, a reasonable reserve for making loans with respect to which he has entered into commitments with veterans before such last day.

(b) On advances to such revolving fund by the Secretary of the Treasury, less those amounts deposited in miscellaneous receipts under subsections (a) and (c) the Administrator shall pay semiannually to the Treasurer of the United States interest at the rate or rates determined by the Secretary of the Treasury, taking into consideration the current average rate on outstanding marketable obligations of the United States as of the last day of the month preceding the advance.

(c) In order to make advances to such revolving fund, as authorized by law to effectuate the purposes and functions authorized in section 1811 of this title, the Secretary of the Treasury may use, as a public

debt transaction, the proceeds of the sale of any securities issued under the Second Liberty Bond Act, and the purposes for which securities may be issued under the Second Liberty Bond Act include such purposes. Such sums, together with all receipts under this section and section 1811 of this title, shall be deposited with the Treasurer of the United States, in a special deposit account, and shall be available, respectively, for disbursement for the purposes of section 1811 of this title. Except as otherwise provided in subsection (a) of this section, the Administrator shall from time to time cause to be deposited into the Treasury of the United States, to the credit of miscellaneous receipts, such of the funds in such account as in his judgment are not needed for the purposes for which they were provided, including the proceeds of the sale of any loans, and not later than June 30, 1961, he shall cause to be so deposited all sums in such account and all amounts received thereafter in repayment of outstanding obligations, or otherwise, except so much thereof as he may determine to be necessary for purposes of liquidation of loans made from the revolving fund.

31 USC 774.

§ 1824. Waiver of discharge requirements for hospitalized persons

The benefits of this chapter may be afforded to any person who is hospitalized pending final discharge from active duty, if he is qualified therefor in every respect except for discharge.

CHAPTER 39—AUTOMOBILES FOR DISABLED VETERANS

Sec.

1901. Veterans eligible for assistance.

1902. Limitation on types of assistance furnished and veterans otherwise entitled.

1903. Limitation on amounts paid by United States.

1904. Prohibition against duplication of benefits.

1905. Applications.

§ 1901. Veterans eligible for assistance

(a) The Administrator, under such regulations as he may prescribe, shall provide or assist in providing an automobile or other conveyance by paying not to exceed \$1,600 on the purchase price, including equipment with such special attachments and devices as the Administrator may deem necessary, for each veteran who is entitled to compensation under chapter 11 of this title for any of the following due to disability incurred in or aggravated by active military, naval, or air service during World War II or the Korean conflict:

- (1) Loss or permanent loss of use of one or both feet;
- (2) Loss or permanent loss of use of one or both hands;
- (3) Permanent impairment of vision of both eyes of the following status: Central visual acuity of 20/200 or less in the better eye, with corrective glasses, or central visual acuity of more than 20/200 if there is a field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends an angular distance no greater than twenty degrees in the better eye.

(b) For the purposes of this section, the term "World War II" includes, in the case of any veteran, any period of continuous service performed by him after December 31, 1946, and before July 26, 1947, if such period began before January 1, 1947.

§ 1902. Limitation on types of assistance furnished and veterans otherwise entitled

No payment shall be made under this chapter for the repair, maintenance, or replacement of any such automobile or other conveyance and no veteran shall be given an automobile or other conveyance until it is established to the satisfaction of the Administrator that such veteran will be able to operate such automobile or other conveyance in a manner consistent with his own safety and the safety of others and will be licensed to operate such automobile or other conveyance by the State of his residence or other proper licensing authority; however, a veteran who cannot qualify to operate a vehicle shall nevertheless be entitled to the payment of not to exceed \$1,600 on the purchase price of an automobile or other conveyance, as provided in section 1901 of this title, to be operated for him by another person, but only if such veteran meets the other eligibility requirements of this chapter.

§ 1903. Limitation on amounts paid by United States

The furnishing of such automobile or other conveyance, or the assisting therein, shall be accomplished by the Administrator paying the total purchase price, if not in excess of \$1,600, or the amount of \$1,600, if the total purchase price is in excess of \$1,600, to the seller from whom the veteran is purchasing under sales agreement between the seller and the veteran.

§ 1904. Prohibition against duplication of benefits

No veteran shall be entitled to receive more than one automobile or other conveyance under the provisions of this chapter.

§ 1905. Applications

The benefits provided in this chapter shall not be available to any veteran who has not made application for such benefits to the Administrator within five years after the date of the veteran's discharge or release from active military, naval, or air service; except that in the case of any veteran whose loss or permanent loss of use of one or both feet, or one or both hands, or permanent impairment of vision, as specified in section 1901 of this title, shall have occurred after his discharge or release from active military, naval, or air service, application may be made within three years after the occurrence of such disability. Notwithstanding the foregoing time limits, no otherwise eligible veteran shall be denied the benefits of this chapter who makes application within one year from the date on which his entitlement to compensation for loss or permanent loss of use of one or both feet, or one or both hands, or permanent impairment of vision, as specified in section 1901 of this title, shall have been determined.

CHAPTER 41—UNEMPLOYMENT BENEFITS FOR VETERANS

SUBCHAPTER I—UNEMPLOYMENT COMPENSATION

Sec.

- 2001. Compensation for veterans under State agreements.
- 2002. Unemployment compensation in absense of State agreements.
- 2003. Payments to States.
- 2004. Information.
- 2005. Penalties.
- 2006. Regulations.
- 2007. Definitions.
- 2008. Nonduplication of benefits.
- 2009. Terminations.

SUBCHAPTER II—EMPLOYMENT SERVICE FOR VETERANS

- 2010. Purpose.
- 2011. Assignment of veterans' employment representative.
- 2012. Employees of local offices.
- 2013. Cooperation of Federal agencies.
- 2014. Estimate of funds for administration.

Subchapter I—Unemployment Compensation

§ 2001. Compensation for veterans under State agreements

(a) The Secretary of Labor is authorized on behalf of the United States to enter into an agreement with any State, or with the agency administering the unemployment compensation law of such State, under which such State agency (1) will make, as agent of the United States, payments of unemployment compensation to Korean conflict veterans, in accordance with the provisions of this chapter, and (2) will otherwise cooperate with the Secretary, and with other State agencies, in making payments of unemployment compensation under this chapter.

(b) Any such agreement shall, except as provided in section 2008 of this title, provide that unemployment compensation at the rate of \$26 per week will be paid by the State to any Korean conflict veteran in such State with respect to weeks of unemployment (not in excess of a total of twenty-six weeks). If a Korean conflict veteran is eligible to receive mustering-out payment under section 2102 of this title, he shall not be eligible to receive unemployment compensation under this chapter with respect to weeks of unemployment completed within thirty days after his discharge or release, if he receives \$100 in such mustering-out payment; within sixty days after his discharge or release if he receives \$200 in such mustering-out payment; or within ninety days after his discharge or release if he receives \$300 in such mustering-out payment.

(c) Any such agreement shall provide that any determination by a State agency with respect to entitlement to unemployment compensation pursuant to an agreement under this section shall be made in accordance with the State unemployment compensation law, insofar as such law is applicable, and shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in such manner and to such extent.

(d) Each agreement shall provide the terms and conditions upon which it may be amended or terminated.

(e) Each agreement entered into pursuant to title IV of the Veterans' Readjustment Assistance Act of 1952 shall be deemed to have been entered into pursuant to this chapter.

(f) Benefits shall not be afforded under this chapter to any individual on account of service as a commissioned officer of the Coast and Geodetic Survey, or of the Regular or Reserve Corps of the Public Health Service, unless such service would have qualified such individual for benefits under title IV of the Veterans' Readjustment Assistance Act of 1952.

§ 2002. Unemployment compensation in absence of State agreements

(a) In the case of a Korean conflict veteran who is in a State which has no agreement under this chapter with the Secretary of Labor, the Secretary, in accordance with regulations prescribed by him, shall, upon the filing by such veteran of a claim for unemployment compensation under this subsection, make payments of unemployment compensation to him in the same amounts and for the same periods as provided in section 2001 (b) of this title. Any determination by the Secretary with respect to entitlement to unemployment compensation under this subsection shall be made in accordance with the State unemployment compensation law of the State in which the veteran is insofar as such law is applicable.

(b) In the case of a Korean conflict veteran who is in Puerto Rico or in the Virgin Islands, the Secretary, in accordance with regulations prescribed by him, shall, upon the filing by such veteran of a claim for unemployment compensation under this subsection, make payments of unemployment compensation to him in the same amounts and for the same periods as provided in section 2001 (b) of this title. Any determination by the Secretary with respect to entitlement to unemployment compensation under this subsection shall be made in accordance with the unemployment compensation law of the District of Columbia insofar as such law is applicable.

(c) Any Korean conflict veteran whose claim for unemployment compensation under subsection (a) or (b) of this section has been denied shall be entitled to a fair hearing in accordance with regulations prescribed by the Secretary. Any final determination by the Secretary with respect to entitlement to unemployment compensation under this section shall be subject to review by the courts in the same manner and to the extent as is provided in section 405 (g) of title 42, with respect to final decisions of the Secretary of Health, Education, and Welfare under such title.

42 USC 405.

(d) The Secretary may utilize for the purposes of this section the personnel and facilities of the agencies in Puerto Rico and the Virgin Islands cooperating with the United States Employment Service under sections 49-49c, 49d-49k of title 29. For the purpose of payments made to such agencies under such Act, the furnishing of such personnel and facilities shall be deemed to be a part of the administration of the public employment offices of such agencies.

29 USC 49-49c,
49d-49k.

§ 2003. Payments to States

(a) Each State shall be entitled to be paid by the United States an amount equal to payments of unemployment compensation made by such State under and in accordance with an agreement under this chapter.

(b) In making payments pursuant to subsection (a) of this section there shall be paid to the State, either in advance or by way of reimbursement, as may be determined by the Secretary of Labor, such sum as the Secretary estimates the State will be entitled to receive under this chapter for each calendar month, reduced or increased, as the case may be, by any sum by which the Secretary finds that his estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made upon the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency.

(c) The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State sums payable to such State under this section. The Secretary of the Treasury, before audit or settlement by the General Accounting Office, shall make payment to the State in accordance with such certification, from the funds for carrying out the purposes of this chapter.

(d) All money paid to a State under this chapter shall be used solely for the purposes for which it is paid; and any money so paid which is not used for such purposes shall be returned, at the time specified in the agreement under this chapter, to the Treasury and credited to current applicable appropriations, funds, or accounts from which payments to States under this chapter may be made.

(e) An agreement under this chapter may require any officer or employee of the State certifying payments or disbursing funds pursuant to the agreement, or otherwise participating in its performance, to give a surety bond to the United States in such amount as the Secretary may deem necessary, and may provide for the payment of the cost of such bond from funds for carrying out the purposes of this chapter.

(f) No person designated by the Secretary, or designated pursuant to an agreement under this chapter, as a certifying officer, shall, in the absence of gross negligence or intent to defraud the United States, be liable with respect to the payment of any unemployment compensation certified by him under this chapter.

(g) No disbursing officer shall, in the absence of gross negligence or intent to defraud the United States, be liable with respect to any payment by him under this chapter if it was based upon a voucher signed by a certifying officer designated as provided in subsection (f) of this section.

(h) For the purpose of payments made to a State under subchapter III of chapter 7 of title 42, administration by the State agency of such State pursuant to an agreement under this chapter shall be deemed to be a part of the administration of the State unemployment compensation law.

42 USC 501-503.

§ 2004. Information

(a) All Federal departments and agencies shall make available to State agencies which have agreements under this chapter or to the Secretary, as the case may be, such information with respect to military service of any veteran as the Secretary may find practicable and necessary for the determination of such veteran's entitlement to unemployment compensation under this chapter.

(b) The agency administering the unemployment compensation law of any State shall furnish to the Secretary such information as the Secretary may find necessary or appropriate in carrying out the provisions of this chapter, and such information shall be deemed reports required by the Secretary for the purposes of paragraph (6) of subsection (a) of section 503 of title 42.

42 USC 503.

§ 2005. Penalties

(a) Whoever makes a false statement or representation of a material fact knowing it to be false, or knowingly fails to disclose a material fact, to obtain or increase for himself or for any other individual any payment authorized to be paid under this chapter or under an agreement thereunder shall be fined not more than \$1,000 or imprisoned for not more than one year, or both.

(b) Any person who makes, or causes to be made by another, a false statement or representation of a material fact knowing it to be false or knowingly fails, or causes another to fail, to disclose a material fact, and, as a result thereof, has received any amount as unemployment compensation under this chapter to which he was not entitled, shall be liable to repay such amount to the State agency or the Secretary of Labor, as the case may be, for the fund from which the amount was paid or, in the discretion of the State agency or the Secretary, as the case may be, to have such amount deducted from any future unemployment compensation payable to him under this chapter within the two-year period following the finding, if the existence of such non-disclosure or misrepresentation has been found by a court of competent jurisdiction or in connection with a reconsideration or appeal.

§ 2006. Regulations

The Secretary is hereby authorized to make such rules and regulations as may be necessary to carry out the provisions of this chapter. The Secretary shall, insofar as practicable, consult with representatives of the State unemployment compensation agencies before prescribing any rules or regulations which may affect the performance by such agencies of functions pursuant to agreements under this chapter.

§ 2007. Definitions

When used in this subchapter—

(a) The term "Korean conflict veteran" means any person who has served in the active service in the Armed Forces at any time on or after June 27, 1950, and before February 1, 1955, and who has been discharged or released from such active service under conditions other than dishonorable after continuous service of ninety days or more, or by reason of an actual service-incurred injury or disability.

(b) The term "unemployment compensation" means the money payments to individuals with respect to their unemployment.

(c) The term "State" includes Hawaii, Alaska, Puerto Rico, the Virgin Islands, and the District of Columbia.

§ 2008. Nonduplication of benefits

(a) Notwithstanding any other provision of this chapter, no payment shall be made under any agreement under this chapter, or, in the absence of such an agreement, by the Secretary under this chapter to a veteran—

(1) for any week or any part of a week he is eligible (or would be eligible except for the provisions of this chapter or except for any action taken by such veteran under this chapter) to receive unemployment benefits at a rate equal to or in excess of \$26 per week under any Federal or State unemployment compensation law;

(2) for any period with respect to which he receives an education and training allowance under subsection (a), (b), (c) or (d) of section 1632 of this title or a subsistence allowance under chapter 31 of this title or section 12 (a) of the Act enacting this title; or

(3) for any period he receives additional compensation necessary for his maintenance under section 756 (b) (2) of title 5.

(b) In any case in which, for any week or any part of a week, a veteran is eligible for payment of unemployment compensation under this chapter and is also eligible (or would be eligible except for the provisions of this chapter or except for any action taken by such veteran under this chapter) to receive for such week or such part of a week unemployment benefits at a rate of less than \$26 per week under any Federal or State unemployment compensation law, such veteran may elect to receive payment of unemployment compensation under this chapter; but if the veteran so elects, the amount of unemployment compensation payable under this chapter shall be reduced by the amount of such unemployment compensation benefits for which such veteran is eligible (or would be eligible except for the provisions of this chapter or except for any action taken by such veteran under this chapter) under such Federal or State unemployment compensation law.

(c) If the veteran elects under subsection (b) to receive payment of unemployment compensation under this chapter, he shall be entitled to unemployment compensation at the rate of \$26 per week after the exhaustion of State unemployment benefits until the total unemployment compensation received under this chapter and title IV of the Veterans' Readjustment Assistance Act of 1952 equals \$676.

(d) Under no circumstances shall any veteran receive unemployment compensation under this chapter and title IV of the Veterans' Readjustment Assistance Act of 1952 from more than one State at one time or in a total amount in excess of \$676.

5 USC 756.

38 USC 991-999.

§ 2009. Terminations

(a) No unemployment compensation shall be paid under this chapter for any benefit week which begins more than three years after the effective date of the discharge or release prescribed in section 2007 (a) of this title.

(b) In no event shall unemployment compensation be paid under this chapter for any benefit week which begins after January 31, 1960.

Subchapter II—Employment Service for Veterans**§ 2010. Purpose**

The Congress declares as its intent and purpose that there shall be an effective job counseling and employment placement service for veterans of any war, and that, to this end, policies shall be promulgated and administered, so as to provide for them the maximum of job opportunity in the field of gainful employment.

§ 2011. Assignment of veterans' employment representative

The Secretary of Labor shall assign to each of the States a veterans' employment representative, who shall be a veteran of any war, who at the time of appointment shall have been a bona fide resident of the State for at least two years, and who shall be appointed in accordance with the civil-service laws, and whose compensation shall be fixed in accordance with the Classification Act of 1949. Each such veterans' employment representative shall be attached to the staff of the public employment service in the State to which he has been assigned. He shall be administratively responsible to the Secretary of Labor, for the execution of the Secretary's veterans' placement policies through the public employment service in the State. In cooperation with the public employment service staff in the State, he shall—

(1) be functionally responsible for the supervision of the registration of veterans of any war in local employment offices for suitable types of employment and for placement of veterans of any war in employment;

(2) assist in securing and maintaining current information as to the various types of available employment in public works and private industry or business;

(3) promote the interests of employers in employing veterans of any war;

(4) maintain regular contact with employers and veterans' organizations with a view of keeping employers advised of veterans of any war available for employment and veterans of any war advised of opportunities for employment; and

(5) assist in every possible way in improving working conditions and the advancement of employment of veterans of any war.

§ 2012. Employees of local offices

Where deemed necessary by the Secretary of Labor, there shall be assigned by the administrative head of the employment service in the State one or more employees, preferably veterans of any war, of the staffs of local employment service offices, whose services shall be primarily devoted to discharging the duties prescribed for the veterans' employment representative.

§ 2013. Cooperation of Federal agencies

All Federal agencies shall furnish the Secretary such records, statistics, or information as may be deemed necessary or appropriate in administering the provisions of this chapter, and shall otherwise cooperate with the Secretary in providing continuous employment opportunities for veterans of any war.

63 Stat. 954.
5 U S C 1071-
1153.

§ 2014. Estimate of funds for administration

The Secretary shall estimate the funds necessary for the proper and efficient administration of this subchapter; such estimated sums shall include the annual amounts necessary for salaries, rents, printing and binding, travel and communications. Sums thus estimated shall be included as a special item in the annual budget of the Bureau of Employment Security. Any funds appropriated pursuant to this special item as contained in the budget of the Bureau of Employment Security shall not be available for any purpose other than that for which they were appropriated, except with the approval of the Secretary.

CHAPTER 43—MUSTERING-OUT PAYMENTS

Sec.

- 2101. Eligibility.
- 2102. Determination of payments.
- 2103. Deceased members.
- 2104. Time limitations.
- 2105. Administration of chapter.

§ 2101. Eligibility

(a) Except as provided in subsection (b) of this section, each member of the Armed Forces who served on active duty during the Korean conflict and who is discharged or released from active duty under honorable conditions, shall be eligible for mustering-out payment.

(b) No mustering-out payment shall be made—

(1) to any member of the Armed Forces who, at the time of discharge or release is in a pay grade higher than O-3, or if he is a commissioned officer, unless he was discharged or released before January 31, 1958;

(2) to any member of the Armed Forces who, at the time of discharge or release is entitled to severance pay, or is transferred or returned to the retired list with retired pay, retirement pay, retainer pay, or equivalent pay, or to a status in which he receives such pay; except that this paragraph shall not apply upon retirement or separation pursuant to chapter 61 of title 10;

(3) to any member of the Armed Forces for any active duty performed before the date of his discharge or release from active duty on his own initiative to accept employment, or in the case of any member so released from active duty, for any active duty performed before the date of his discharge while in such inactive status, unless he served outside the continental limits of the United States or in Alaska;

(4) to any member of the Armed Forces whose total period of active duty has been as a student assigned by the Armed Forces to a civilian institution for a course of education or training substantially the same as established courses offered to civilians;

(5) to any member of the Armed Forces for any active duty performed before the date of his discharge from such forces for the purpose of entering the United States Military, Air Force, Naval, or Coast Guard Academy;

(6) to any member of the Armed Forces whose sole service has been as a cadet or midshipman at one of such academies;

(7) to any member of the Armed Forces who has received mustering-out payments under title V of the Veterans' Readjustment Assistance Act of 1952, or to any such member for any period elected by him to be taken into account in determining his eligibility for, or the amount of, mustering-out payment under the Mustering-Out Payment Act of 1944.

70A Stat. 91,
10 U S C 1201-
1217.

38 U S C 1011-
1016.

58 Stat. 10,
38 U S C 691-
691g.

(c) Benefits shall not be afforded under this chapter to any individual on account of service as a commissioned officer of the Coast and Geodetic Survey, or of the Regular or Reserve Corps of the Public Health Service, unless such service would have qualified such individual for benefits under title V of the Veterans' Readjustment Assistance Act of 1952.

§ 2102. Determination of payments

(a) Mustering-out-payment for persons eligible under section 2101 of this title shall be in sums as follows:

(1) \$300 for persons who, having performed active duty for sixty days or more, have served outside the continental limits of the United States or in Alaska.

(2) \$200 for persons who, having performed active duty for sixty days or more, have served no part thereof outside the continental limits of the United States or in Alaska.

(3) \$100 for persons who have performed active duty for less than sixty days.

(b) Each person eligible to receive mustering-out payment under subsection (a) (1) shall receive one-third of the stipulated amount at the time of final discharge or ultimate relief from active service, or at the option of the person so eligible, at the time of discharge or release for the purpose of enlistment, reenlistment, or appointment in a regular component of the Armed Forces; and the remaining amount of such payment shall be paid in two equal installments—one month and two months, respectively, from the date of the original payment. Each person eligible to receive mustering-out payment under subsection (a) (2) shall receive one-half of the stipulated amount at the time of final discharge or ultimate relief from active service or, at the option of the person so eligible, at the time of discharge or release for the purpose of enlistment, reenlistment, or appointment in a regular component of the Armed Forces; and the remaining amount of such payment shall be paid one month from the date of the original payment. Each person eligible to receive mustering-out payment under subsection (a) (3) shall receive the stipulated amount at the time of such discharge or relief from active service or, at the option of the person so eligible, at the time of discharge or release for the purpose of enlistment, reenlistment, or appointment in a regular component of the Armed Forces. A person entitled to receive the first installment of the mustering-out payment at the time of discharge or release for the purpose of enlistment, reenlistment, or appointment in a regular component of the Armed Forces shall, at his election, receive the whole of such payment in one lump sum, rather than in installments.

§ 2103. Deceased members

If any member of the Armed Forces, after his discharge or release from active duty, shall die before receiving any portion of or the full amount of his mustering-out payment, the balance of the amount due him shall be payable, on appropriate application therefor, to his surviving lawful wife or husband, if any; and if he shall leave no surviving lawful wife or husband, then in equal shares to his child or children (without regard to their age or marital status), then in equal shares to his surviving parents, if any. No payments under this chapter shall be made to any other person.

§ 2104. Time limitations

Any member of the Armed Forces entitled to mustering-out payment who was discharged or relieved from active service under honorable conditions before July 16, 1952, shall, if application therefor is made before July 17, 1959, be paid such mustering-out payment by the Secretary concerned beginning within one month after application

has been received and approved. No member of the Armed Forces shall receive mustering-out payment under this chapter more than once, and such payment shall accrue and the amount thereof shall be computed as of the time of discharge for the purpose of effecting a permanent separation from the service or of ultimate relief from active service or, at the option of such member, for the purpose of enlistment, reenlistment, or appointment in a regular component of the Armed Forces.

§ 2105. Administration of chapter

(a) Mustering-out payments due or to become due under this chapter shall not be assignable and any payments made to or on account of a veteran under this chapter shall be exempt from taxation, shall be exempt from the claims of creditors, including any claim of the United States, and shall not be subject to attachment, levy, or seizure by or under any legal or equitable process whatever either before or after receipt by the payee.

(b) The Secretaries of the Army, Navy, Air Force, and Treasury may make such regulations not inconsistent with this chapter as may be necessary effectively to carry out the provisions thereof, and their decisions shall be final and not subject to review by any court or other Government official.

(c) The Secretaries of the Army, Navy, Air Force, and Treasury, or such subordinate officers as they may designate, are authorized to make direct payment to survivors over seventeen years of age, and to select a proper person or persons to whom mustering-out payments may be made for the use and benefit of former active members of the Armed Forces, or survivors thereof, as defined by section 2103 of this title, without the necessity of appointment by judicial proceedings of a legal representative of any such former member or such survivors when, in the opinion of the respective Secretaries or their designees, the interests of persons under seventeen years of age so justify, or where the former active member or his survivors is suffering from a mental disability sufficient to make direct payment not in the best interests of such person or persons. Payments made under the provisions of this subsection shall constitute a complete discharge of the obligation of the United States as provided in this chapter; and the selection of a proper person or persons, as provided in this subsection, and the correctness of the amount due and paid to such person or persons shall have the same finality as that accorded decisions made pursuant to subsection (b). The provisions of this subsection shall not apply where a legal guardian or committee has been judicially appointed, except as to any payments made under this subsection before the receipt of notice of appointment.

(d) No person entitled to mustering-out payment under this chapter shall be eligible for such payment under title V of the Veterans' Readjustment Assistance Act of 1952.

38 U S C 1011-
1016.

PART IV—GENERAL ADMINISTRATIVE PROVISIONS

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CHAPTER 51—APPLICATIONS, EFFECTIVE DATES, AND PAYMENTS

SUBCHAPTER I—APPLICATIONS

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- 3001. Claims and forms.
- 3002. Application forms furnished upon request.
- 3003. Incomplete applications.
- 3004. Disallowed claims.
- 3005. Joint applications for social security and dependency and indemnity compensation.

SUBCHAPTER II—EFFECTIVE DATES

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- 3020. Payment of benefits by check; delivery.
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Subchapter I—Applications

§ 3001. Claims and forms

(a) A specific claim in the form prescribed by the Administrator (or jointly with the Secretary of Health, Education, and Welfare, as prescribed by section 3005 of this title) must be filed in order for benefits to be paid or furnished to any individual under the laws administered by the Veterans' Administration.

(b) (1) A claim by a widow or child for compensation or dependency and indemnity compensation shall also be considered to be a claim for death pension and accrued benefits, and a claim by a widow or child for death pension shall be considered to be a claim for death compensation (or dependency and indemnity compensation) and accrued benefits.

(2) A claim by a parent for compensation or dependency and indemnity compensation shall also be considered to be a claim for accrued benefits.

§ 3002. Application forms furnished upon request

Upon request made in person or in writing by any person claiming or applying for benefits under the laws administered by the Veterans' Administration, the Administrator shall furnish such person, free of all expense, all such printed instructions and forms as may be necessary in establishing such claim.

§ 3003. Incomplete applications

(a) If a claimant's application for benefits under the laws administered by the Veterans' Administration is incomplete, the Administrator shall notify the claimant of the evidence necessary to complete the application. If such evidence is not received within one year from the date of such notification, no benefits may be paid or furnished by reason of such application.

(b) This section shall not apply to any application or claim for Government life insurance benefits.

§ 3004. Disallowed claims

(a) Where a claim has been finally disallowed, a later claim on the same factual basis, if supported by new and material evidence, shall have the attributes of a new claim, except that whenever any disallowed claim is reopened and thereafter allowed on the basis of new and material evidence resulting from the correction of the military

10 USC 1552.

records of the proper service department under section 1552 of title 10, or the change, correction, or modification of a discharge or dismissal under section 1553 of title 10, or from other corrective action by competent authority, the effective date of commencement of the benefits so awarded shall be the date on which an application was filed for correction of the military record or for the change, modification, or correction of a discharge or dismissal, as the case may be, the date such disallowed claim was filed, or August 1, 1956, whichever date is the later.

(b) This section shall not apply to any application or claim for Government life insurance benefits.

§ 3005. Joint applications for social security and dependency and indemnity compensation

42 USC 401-420.

The Administrator and the Secretary of Health, Education, and Welfare shall jointly prescribe forms for use by survivors of members and former members of the uniformed services in filing application for benefits under chapter 13 of this title and subchapter II of chapter 7 of title 42. Each such form shall request information sufficient to constitute an application for benefits under both chapter 13 of this title and subchapter II of chapter 7 of title 42; and when an application on such form has been filed with either the Administrator or the Secretary of Health, Education, and Welfare, it shall be deemed to be an application for benefits under both chapter 13 of this title and subchapter II of chapter 7 of title 42. A copy of each such application filed with the Administrator, together with any additional information and supporting documents (or certifications thereof) which may have been received by the Administrator with such application, and which may be needed by the Secretary in connection therewith, shall be transmitted by the Administrator to the Secretary; and a copy of each such application filed with the Secretary, together with any additional information and supporting documents (or certifications thereof) which may have been received by the Secretary with such form, and which may be needed by the Administrator in connection therewith, shall be transmitted by the Secretary to the Administrator. The preceding sentence shall not prevent the Secretary and the Administrator from requesting the applicant, or any other individual, to furnish such additional information as may be necessary for purposes of chapter 13 of this title and subchapter II of chapter 7 of title 42, respectively.

Subchapter II—Effective Dates

§ 3010. Effective dates of awards

(a) Unless specifically provided otherwise in this chapter, the effective date of an award of compensation, dependency and indemnity compensation, or pension, shall be fixed in accordance with the facts found, but shall not be earlier than the date of receipt of application therefor.

(b) The effective date of an award of disability compensation to a veteran shall be the day following the date of his discharge or release if application therefor is received within one year from such date of discharge or release.

(c) The effective date of an award of death compensation, dependency and indemnity compensation, or death pension shall be the day after the date of death if application therefor is received within one year from such date of death.

(d) The effective date of an award of dependency and indemnity compensation to a child shall be the date the child's entitlement arose if application therefor is received within one year from such date the entitlement arose.

(e) Where a report or a finding of death of any person in the active military, naval, or air service has been made by the Secretary concerned, the effective date of an award of death compensation, dependency and indemnity compensation, or death pension, as applicable, shall be the day after the date fixed by the Secretary as the date of death in such report or finding, if application therefor is received within one year from the date such report or finding has been made; however, such benefits shall not be payable to any person for any period for which such person has received, or was entitled to receive, an allowance, allotment, or service pay of the deceased.

§ 3011. Effective dates of increases

The effective date of an award of increased compensation, dependency and indemnity compensation, or pension (amending, reopening, or supplementing a previous award, authorizing any payments not previously authorized to the individual involved) shall be fixed in accordance with the facts found, but shall not be earlier than the date of receipt of evidence showing entitlement thereto.

§ 3012. Effective dates of reductions and discontinuances

(a) Except as otherwise specified in this section, the effective date of reduction or discontinuance of compensation, dependency and indemnity compensation, or pension shall be fixed in accordance with the facts found.

(b) Where compensation, dependency and indemnity compensation, or pension has been awarded and a reduction or discontinuance is thereafter effected as to rates, such reduction or discontinuance shall be effective the last day of the month in which the reduction or discontinuance is approved.

(c) The effective date of a reduction or discontinuance of compensation, dependency and indemnity compensation, or pension—

- (1) by reason of death, shall be the date of death;
- (2) by reason of marriage or remarriage, shall be the day before the date of marriage or remarriage;
- (3) by reason of attaining age eighteen (or twenty-one, as applicable), shall be the day before the eighteenth (or twenty-first) birthday;
- (4) by reason of fraud on the part of the beneficiary, or with his knowledge, shall be the effective date of the award; and
- (5) by reason of receipt of active service pay or retirement pay, shall be the day before the date such pay began.

§ 3013. Effective dates of educational benefits

Effective dates relating to awards under chapters 31, 33, and 35 of this title shall, to the extent feasible, correspond to effective dates relating to awards of disability compensation.

Subchapter III—Payment of Benefits

§ 3020. Payment of benefits by check; delivery

(a) Monetary benefits under laws administered by the Veterans' Administration shall be paid by checks drawn, pursuant to certification by the Administrator, in such form as to protect the United States against loss, and payable by the Treasurer of the United States. Such checks shall be payable without separate vouchers or receipts except in any case in which the Administrator may consider a voucher necessary for the protection of the Government. Such checks shall be transmitted by mail to the payee thereof at his last known address and, if he has moved and filed a regular change of address notice with the Post Office Department, shall be forwarded to him. The envelope or cover of each such check shall bear on the face thereof

the following notice: "POSTMASTER: PLEASE FORWARD if addressee has moved and filed a regular change-of-address notice. If addressee is deceased, return the letter with date of death, if known."

(b) Postmasters, delivery clerks, letter carriers, and all other postal employees are prohibited from delivering any mail addressed by the United States and containing any such check to any person whomsoever if he has died or in the case of a widow, if the postal employee believes that she has remarried (unless the mail is addressed to her in the name she has acquired by her remarriage). The preceding sentence shall apply in the case of checks in payment of benefits other than pension, compensation, dependency and indemnity compensation, and insurance, only insofar as the Administrator deems it necessary to protect the United States against loss.

(c) Whenever mail is not delivered because of the prohibition of subsection (b), such mail shall be returned forthwith by the postmaster with a statement of the reason for so doing, and if because of death or remarriage, the date thereof, if known. Checks returned under this subsection because of death or remarriage shall be canceled.

§ 3021. Payment of certain accrued benefits upon death of a beneficiary

31 USC 123-128.

(a) Except as provided in section 3203 (a) (2) (A) of this title and sections 123-128 of title 31, periodic monetary benefits (other than insurance and servicemen's indemnity) under laws administered by the Veterans' Administration to which an individual was entitled at his death under existing ratings or decisions, or those based on evidence in the file at date of death (hereafter in this section and section 3022 of this title referred to as "accrued benefits") and due and unpaid for a period not to exceed one year, shall, upon the death of such individual be paid as follows:

(1) Upon the death of a person receiving an apportioned share of benefits payable to a veteran, all or any part of such benefits to the veteran or to any other dependent or dependents of the veteran, as may be determined by the Administrator;

(2) Upon the death of a veteran, to the living person first listed below:

(A) His spouse;

(B) His children (in equal shares);

(C) His dependent parents (in equal shares);

(3) Upon the death of a widow or remarried widow, to the children of the deceased veteran;

(4) Upon the death of a child, to the surviving children of the veteran who are entitled to death compensation, dependency and indemnity compensation, or death pension; and

(5) In all other cases, only so much of the accrued benefits may be paid as may be necessary to reimburse the person who bore the expense of last sickness and burial.

(b) No part of any accrued benefits shall be used to reimburse any political subdivision of the United States for expenses incurred in the last sickness or burial of any beneficiary.

(c) Applications for accrued benefits must be filed within one year after the date of death. If a claimant's application is incomplete at the time it is originally submitted, the Administrator shall notify the claimant of the evidence necessary to complete the application. If such evidence is not received within one year from the date of such notification, no accrued benefits may be paid.

§ 3022. Cancellation of checks mailed to deceased payees

A check received by a payee in payment of accrued benefits shall, if the payee died on or after the last day of the period covered by the check, be returned to the issuing office and canceled, unless negotiated by the payee or the duly appointed representative of his estate. The amount represented by such check, or any amount recovered by reason of improper negotiation of any such check, shall be payable in the manner provided in section 3021 of this title, without regard to section 3021 (c) of this title. Any amount not paid in the manner provided in section 3021 of this title shall be paid upon settlement by the General Accounting Office to the estate of the deceased payee unless the estate will escheat.

CHAPTER 53—SPECIAL PROVISIONS RELATING TO BENEFITS

Sec.

- 3101. Nonassignability and exempt status of benefits.
- 3102. Waiver of recovery of overpayments.
- 3103. Certain bars to benefits.
- 3104. Prohibition against duplication of benefits.
- 3105. Waiver of retired pay.
- 3106. Renouncement of right to benefits.
- 3107. Apportionment of benefits.
- 3108. Withholding benefits of persons in territory of the enemy.
- 3109. Payment of certain withheld benefits.

§ 3101. Nonassignability and exempt status of benefits

(a) Payments of benefits due or to become due under any law administered by the Veterans' Administration shall not be assignable except to the extent specifically authorized by law, and such payments made to, or on account of, a beneficiary shall be exempt from taxation, shall be exempt from the claim of creditors, and shall not be liable to attachment, levy, or seizure by or under any legal or equitable process whatever, either before or after receipt by the beneficiary. The preceding sentence shall not apply to claims of the United States arising under such laws nor shall the exemption therein contained as to taxation extend to any property purchased in part or wholly out of such payments. The provisions of this section shall not be construed to prohibit the assignment of insurance otherwise authorized under chapter 19 of this title, or of servicemen's indemnity.

(b) This section shall prohibit the collection by setoff or otherwise out of any benefits payable pursuant to any law administered by the Veterans' Administration and relating to veterans, their estates, or their dependents, of any claim of the United States or any agency thereof against (1) any person other than the indebted beneficiary or his estate; or (2) any beneficiary or his estate except amounts due the United States by such beneficiary or his estate by reason of overpayments or illegal payments made under such laws to such beneficiary or his estate or to his dependents as such. If the benefits referred to in the preceding sentence are insurance payable by reason of yearly renewable term insurance, United States Government life insurance, or National Service Life Insurance issued by the United States, the exemption provided in this section shall not apply to indebtedness existing against the particular insurance contract upon the maturity of which the claim is based, whether such indebtedness is in the form of liens to secure unpaid premiums or loans, or interest on such premiums or loans, or indebtedness arising from overpayments of dividends, refunds, loans, or other insurance benefits.

(c) Notwithstanding subsection (a), payments of benefits under laws administered by the Veterans' Administration shall not be exempt from levy under subchapter D of chapter 64 of the Internal Revenue Code of 1954 (relating to seizure of property for collection of taxes).

§ 3102. Waiver of recovery of overpayments

(a) There shall be no recovery of payments or overpayments of any benefits (except servicemen's indemnity) under any of the laws administered by the Veterans' Administration from any person who, in the judgment of the Administrator, is without fault on his part, and where, in the judgment of the Administrator, such recovery would defeat the purpose of benefits otherwise authorized or would be against equity and good conscience.

(b) No certifying or disbursing officer shall be liable for any amount paid to any person where the recovery of such amount is waived under subsection (a).

(c) Where the recovery of a payment or overpayment made from the National Service Life Insurance Fund or United States Government life insurance fund is waived under this section, the fund from which the payment was made shall be reimbursed from the National Service Life Insurance appropriation or the military and naval insurance appropriation, as applicable.

§ 3103. Certain bars to benefits

(a) The discharge or dismissal by reason of the sentence of a general court-martial of any person from the Armed Forces, or the discharge of any such person on the ground that he was a conscientious objector who refused to perform military duty or refused to wear the uniform or otherwise to comply with lawful orders of competent military authority, or as a deserter, or of an officer by the acceptance of his resignation for the good of the service, or (except as provided in subsection (c)) the discharge of any individual during a period of hostilities as an alien, shall bar all rights of such person under laws administered by the Veterans' Administration based upon the period of service from which discharged or dismissed.

(b) Notwithstanding subsection (a), if it is established to the satisfaction of the Administrator that, at the time of the commission of an offense leading to his court-martial, discharge, or resignation, any person was insane, such person shall not be precluded from benefits under laws administered by the Veterans' Administration based upon the period of service from which he was separated.

(c) Subsection (a) shall not apply to any alien whose service was honest and faithful, and who was not discharged on his own application or solicitation as an alien.

(d) This section shall not apply to any war-risk insurance, Government (converted) or National Service Life Insurance policy.

§ 3104. Prohibition against duplication of benefits

(a) Except to the extent that retirement pay is waived under other provisions of law, not more than one award of pension, compensation, emergency officers', regular, or reserve retirement pay, or initial award of naval pension granted after July 13, 1943, shall be made concurrently to any person based on his own service.

(b) (1) Except as provided in paragraph (2), the receipt of pension, compensation, or dependency and indemnity compensation by a widow, child, or parent on account of the death of any person, or receipt by any person of pension or compensation on account of his own service, shall not bar the payment of pension, compensation, or dependency and indemnity compensation on account of the death or disability of any other person.

(2) If a child receives or there is paid by the Veterans' Administration on account of a child dependency and indemnity compensation, or death compensation, by reason of the death of a parent, dependency and indemnity compensation by reason of the death of another parent in the same parental line may not be paid to or on account of such child.

(c) Pension, compensation, or retirement pay on account of his own service shall not be paid to any person for any period for which he receives active service pay.

§ 3105. Waiver of retired pay

Any person who is receiving pay pursuant to any provision of law providing retired or retirement pay to persons in the Armed Forces, or as a commissioned officer of the Coast and Geodetic Survey or of the Public Health Service, and who would be eligible to receive pension or compensation under the laws administered by the Veterans' Administration if he were not receiving such retired or retirement pay, shall be entitled to receive such pension or compensation upon the filing by such person with the department by which such retired or retirement pay is paid of a waiver of so much of his retired or retirement pay as is equal in amount to such pension or compensation. To prevent duplication of payments, the department with which any such waiver is filed shall notify the Veterans' Administration of the receipt of such waiver, the amount waived, and the effective date of the reduction in retired or retirement pay.

§ 3106. Renunciation of right to benefits

(a) Any person entitled to pension, compensation, or dependency and indemnity compensation under any of the laws administered by the Veterans' Administration may renounce his right thereto. The application renouncing the right shall be in writing over the person's signature. Upon the filing of such an application, payment of such benefits and the right thereto shall be terminated, and such person shall be denied any and all rights thereto from such filing.

(b) Renunciation of rights shall not preclude any person from filing a new application for pension, compensation, or dependency and indemnity compensation at a later date, but such new application shall be treated as an original application, and no payments shall be made for any period before the date such new application is filed.

§ 3107. Apportionment of benefits

(a) All or any part of the compensation, pension, or emergency officers' retirement pay payable on account of any veteran may—

(1) if the veteran is being furnished hospital treatment, institutional, or domiciliary care by the United States, or any political subdivision thereof, be apportioned on behalf of his wife, children, or dependent parents; and

(2) if the veteran is not living with his wife, or if his children are not in his custody, be apportioned as may be prescribed by the Administrator.

(b) Where any of the children of a deceased veteran are not in the custody of the veteran's widow, the pension, compensation, or dependency and indemnity compensation otherwise payable to the widow may be apportioned as prescribed by the Administrator.

(c) If a veteran is not living with his wife, or if any of his children are not in his custody, any subsistence allowance payable to him under chapter 31 of this title may be apportioned as may be prescribed by the Administrator.

§ 3108. Withholding benefits of persons in territory of the enemy

(a) When any alien entitled to gratuitous benefits under laws administered by the Veterans' Administration is located in territory of, or under military control of, an enemy of the United States or of any of its allies, any award of such benefits in favor of such alien shall be terminated forthwith.

(b) Any alien whose award is terminated under subsection (a) shall not thereafter be entitled to any such gratuitous benefits except

upon the filing of a new claim, accompanied by evidence satisfactory to the Administrator showing that such alien was not guilty of mutiny, treason, sabotage, or rendering assistance to such enemy. Except as provided in section 3109 of this title, such gratuitous benefits shall not be paid for any period before the date the new claim is filed.

(c) While such alien is located in territory of, or under military control of, an enemy of the United States or of any of its allies, the Administrator, in his discretion, may apportion and pay any part of such benefits to the dependents of such alien. No dependent of such alien shall receive benefits by reason of this subsection in excess of the amount to which he would be entitled if such alien were dead.

§ 3109. Payment of certain withheld benefits

(a) Any person who, but for section 3108 of this title, was entitled to benefits under any of the laws administered by the Veterans' Administration, whose award of benefits was terminated under such section, or whose benefits were not paid pursuant to sections 123-128 of title 31, and who was not guilty of mutiny, treason, sabotage, or rendering assistance to an enemy of the United States or its allies, shall be paid the full amount of any benefits not paid because of such section 3108, or withheld (including the amount of any checks covered on his account into the Treasury as miscellaneous receipts together with any amount to his credit in the special-deposit account) pursuant to sections 123-128 of title 31. The Administrator shall certify to the Secretary of the Treasury the amounts of payments which, but for this section, would have been made from the special deposit account, and the Secretary of the Treasury, as directed by the Administrator, shall reimburse the appropriations of the Veterans' Administration from such special deposit account, or cover into the Treasury as miscellaneous receipts the amounts so certified.

31 USC 123-128.

(b) No payments shall be made for any period before the date claim therefor is filed under this section to any person whose award was terminated, or whose benefits were not paid, before July 1, 1954, because he was a citizen or subject of Germany or Japan residing in Germany or Japan.

CHAPTER 55—MINORS, INCOMPETENTS, AND OTHER WARDS

Sec.

3201. Commitment actions.

3202. Payments to and supervision of guardians.

3203. Hospitalized veterans and estates of incompetent institutionalized veterans.

3204. Administration of trust funds.

§ 3201. Commitment actions

The Administrator may incur necessary court costs and other expenses incident to proceedings for the commitment of mentally incompetent veterans to a Veterans' Administration hospital or domiciliary when necessary for treatment or domiciliary purposes.

§ 3202. Payments to and supervision of guardians

(a) Except as provided in section 1701 (c) of this title, where any payment of benefits under any law administered by the Veterans' Administration is to be made to a minor, other than a person in the active military, naval, or air service, or to a person mentally incompetent, or under other legal disability adjudged by a court of competent jurisdiction, such payment may be made to the person who is constituted guardian, curator, or conservator by the laws of the State of residence of the claimant, or who is otherwise legally vested with the care of the claimant or his estate. Where in the opinion of the Administrator any guardian, curator, conservator, or other person is

acting as fiduciary in such a number of cases as to make it impracticable to conserve properly the estates or to supervise the persons of the wards, the Administrator may refuse to make future payments in such cases as he may deem proper. Before receipt of notice by the Veterans' Administration that any such person is under such other legal disability adjudged by some court of competent jurisdiction, payment may be made to such person direct. Where no guardian, curator, or conservator of the person under a legal disability has been appointed under the laws of the State of residence of the claimant, the Administrator shall determine the person who is otherwise legally vested with the care of the claimant or his estate.

(b) Whenever it appears that any guardian, curator, conservator, or other person, in the opinion of the Administrator, is not properly executing or has not properly executed the duties of his trust or has collected or paid, or is attempting to collect or pay, fees, commissions, or allowances that are inequitable or in excess of those allowed by law for the duties performed or expenses incurred, or has failed to make such payments as may be necessary for the benefit of the ward or the dependents of the ward, then the Administrator may appear, by his duly authorized attorney, in the court which has appointed such fiduciary, or in any court having original, concurrent, or appellate jurisdiction over said cause, and make proper presentation of such matters. The Administrator, in his discretion, may suspend payments to any such guardian, curator, conservator, or other person who shall neglect or refuse, after reasonable notice, to render an account to the Administrator from time to time showing the application of such payments for the benefit of such incompetent or minor beneficiary, or who shall neglect or refuse to administer the estate according to law. The Administrator may appear or intervene by his duly authorized attorney in any court as an interested party in any litigation instituted by himself or otherwise, directly affecting money paid to such fiduciary under this section.

(c) Authority is hereby granted for the payment of any court or other expenses incident to any investigation or court proceeding for the appointment of any guardian, curator, conservator, or other person legally vested with the care of the claimant or his estate or the removal of such fiduciary and appointment of another, and of expenses in connection with the administration of such estates by such fiduciaries, or in connection with any other court proceeding hereby authorized, when such payment is authorized by the Administrator.

(d) All or any part of any benefits the payment of which is suspended or withheld under this section may, in the discretion of the Administrator, be paid temporarily to the person having custody and control of the incompetent or minor beneficiary, to be used solely for the benefit of such beneficiary, or, in the case of an incompetent veteran, may be apportioned to the dependent or dependents, if any, of such veteran. Any part not so paid and any funds of a mentally incompetent or insane veteran not paid to the chief officer of the institution in which such veteran is an inmate nor apportioned to his dependent or dependents may be ordered held in the Treasury to the credit of such beneficiary. All funds so held shall be disbursed under the order and in the discretion of the Administrator for the benefit of such beneficiary or his dependents. Any balance remaining in such fund to the credit of any beneficiary may be paid to him if he recovers and is found competent, or if a minor, attains majority, or otherwise to his guardian, curator, or conservator, or, in the event of his death, to his personal representative, except as otherwise provided by law; however, payment will not be made to his personal representative if, under the law of his last legal residence, his estate would escheat to the State.

(e) Any funds in the hands of a guardian, curator, conservator, or person legally vested with the care of the beneficiary or his estate, derived from benefits payable under laws administered by the Veterans' Administration, which under the law of the State wherein the beneficiary had his last legal residence would escheat to the State, shall escheat to the United States and shall be returned by such guardian, curator, conservator, or person legally vested with the care of the beneficiary or his estate, or by the personal representative of the deceased beneficiary, less legal expenses of any administration necessary to determine that an escheat is in order, to the Veterans' Administration, and shall be deposited to the credit of the applicable revolving fund, trust fund, or appropriation.

(f) In the case of any incompetent veteran having no guardian, payment of compensation, pension, or retirement pay may be made in the discretion of the Administrator to the wife of such veteran for the use of the veteran and his dependents.

(g) Payment of death benefits to a widow for herself and child or children, if any, may be made directly to such widow, notwithstanding she may be a minor.

§ 3203. Hospitalized veterans and estates of incompetent institutionalized veterans

(a) (1) Where any veteran having neither wife, child, nor dependent parent is being furnished hospital treatment, institutional or domiciliary care by the Veterans' Administration any pension, compensation, or retirement pay otherwise payable shall continue without reduction until the first day of the seventh calendar month following the month of admission of such veteran for treatment or care. If treatment or care extends beyond that period, the pension, compensation, or retirement pay, if \$30 per month or less, shall continue without reduction, but if greater than \$30 per month, the pension, compensation, or retirement pay shall not exceed 50 per centum of the amount otherwise payable or \$30 per month, whichever is the greater. If such veteran is discharged from such treatment or care upon certification by the officer in charge of the hospital, institution, or home, that maximum benefits have been received or that release is approved, he shall be paid in a lump sum such additional amount as would equal the total sum by which his pension, compensation, or retirement pay has been reduced under this section. If treatment or care is terminated by the veteran against medical advice or as the result of disciplinary action the amount by which any pension, compensation, or retirement pay is reduced hereunder, shall be paid to him at the expiration of six months after such termination or, in the event of his prior death, as provided in paragraph (2) of this subsection; and the pension, compensation, or retirement pay of any veteran leaving against medical advice or as the result of disciplinary action shall, upon a succeeding readmission for treatment or care, be subject to reduction, as herein provided, from the date of such readmission, but if such subsequent treatment or care is continued until discharged therefrom upon certification, by the officer in charge of the hospital, institution, or home in which treatment or care was furnished, that maximum benefits have been received or that release is approved, the veteran shall be paid in a lump sum such additional amount as would equal the total sum by which his pension, compensation, or retirement pay has been reduced under this section after such readmission.

(2) (A) In the event of the death of any veteran subject to the provisions of this section, while receiving hospital treatment, institutional or domiciliary care, or before payment of any lump sum authorized herein, such lump sum shall be paid in the following order of precedence: First, to the spouse; second, if the decedent left no spouse, or if

the spouse is dead at time of settlement, then to the children (without regard to their age or marital status) in equal parts; third, if no spouse or child, then to the father and mother in equal parts; fourth, if either the father or mother is dead, then to the one surviving; fifth, if there is no spouse, child, father, or mother at the time of settlement, then to the brothers and sisters in equal parts. If there are no persons in the classes named to whom payment may be made under this paragraph, no payment shall be made, except there may be paid only so much of the lump sum as may be necessary to reimburse a person who bore the expenses of last sickness or burial, but no part of the lump sum shall be used to reimburse any political subdivision of the United States for expenses incurred in the last sickness or burial of such veteran.

(B) No payment shall be made under this paragraph (2) unless claim therefor is filed with the Veterans' Administration within five years after the death of the veteran, except that, if any person so entitled under this paragraph is under legal disability at the time of death of the veteran, such five-year period of limitation shall run from the termination or removal of the legal disability.

(b) (1) Where any veteran having neither wife, child, nor dependent parent is being furnished hospital treatment, institutional or domiciliary care by the Veterans' Administration, and is rated by the Veterans' Administration in accordance with regulations as being incompetent by reason of mental illness, the pension, compensation, or retirement pay of such veteran shall be subject to the provisions of subsection (a) of this section; however, no payment of a lump sum herein authorized shall be made until after the expiration of six months following a finding of competency.

(2) In any case where the estate of such incompetent veteran derived from any source equals or exceeds \$1,500, further payments of such benefits (except retired pay, but including emergency officers' retirement pay) shall not be made until the estate is reduced to \$500. The amount which would be payable but for this subsection shall be paid to the veteran as provided for the lump sum in paragraph (1) of this subsection, but in the event of the veteran's death no part thereof shall be payable.

(3) All or any part of the pension, compensation, or retirement pay payable on account of any incompetent veteran who is being furnished hospital treatment, institutional or domiciliary care may, in the discretion of the Administrator, be paid to the chief officer of the institution wherein the veteran is being furnished such treatment or care, to be properly accounted for by such chief officer and to be used for the benefit of the veteran.

(c) Any veteran subject to the provisions of subsection (a) or (b) shall be deemed to be single and without dependents in the absence of satisfactory evidence to the contrary. In no event shall increased compensation, pension, or retirement pay of such veteran be granted for any period more than one year before receipt of satisfactory evidence showing such veteran has a wife, child, or dependent parent.

(d) Notwithstanding any other provision of this section or any other provision of law, no reduction shall be made in the pension, compensation, or retirement pay of any veteran for any part of the period during which he is furnished hospital treatment, or institutional or domiciliary care, for Hansen's disease, by the United States or any political subdivision thereof.

§ 3204. Administration of trust funds

All cash balances in the personal funds of patients and the funds due incompetent beneficiaries trust funds administered by the Veterans' Administration, and all moneys received which are properly for deposit into these funds, may be deposited, respectively, into de-

31 USC 725a.

posit fund accounts with the United States Treasury and such balances and deposits shall thereupon be available for disbursement for properly authorized purposes. When any balances have been on deposit with the Treasurer of the United States for more than one year and represent moneys belonging to individuals whose whereabouts are unknown, they shall be transferred and disposed of as directed in the last proviso of subsection (a) of section 725s of title 31.

CHAPTER 57—RECORDS AND INVESTIGATIONS

SUBCHAPTER I—RECORDS

Sec.

- 3301. Confidential nature of claims.
- 3302. Furnishing of records.
- 3303. Certification of records of District of Columbia.
- 3304. Transcript of trial records.

SUBCHAPTER II—INVESTIGATIONS

- 3311. Authority to issue subpoenas.
- 3312. Validity of affidavits.
- 3313. Disobedience to subpoena.

Subchapter I—Records

§ 3301. Confidential nature of claims

All files, records, reports, and other papers and documents pertaining to any claim under any of the laws administered by the Veterans' Administration shall be confidential and privileged, and no disclosure thereof shall be made except as follows:

(1) To a claimant or his duly authorized agent or representative as to matters concerning himself alone when, in the judgment of the Administrator, such disclosure would not be injurious to the physical or mental health of the claimant.

(2) When required by process of a United States court to be produced in any suit or proceeding therein pending.

(3) When required by any department or other agency of the United States Government.

(4) In all proceedings in the nature of an inquest into the mental competency of a claimant.

(5) In any suit or other judicial proceeding when in the judgment of the Administrator such disclosure is deemed necessary and proper.

(6) The amount of pension, compensation, or dependency and indemnity compensation of any beneficiary shall be made known to any person who applies for such information, and the Administrator, with the approval of the President, upon determination that the public interest warrants or requires, may, at any time and in any manner, publish any or all information of record pertaining to any claim.

(7) The Administrator in his discretion may authorize an inspection of Veterans' Administration records by duly authorized representatives of recognized organizations.

(8) The Administrator may release information, statistics, or reports to individuals or organizations when in his judgment such release would serve a useful purpose.

§ 3302. Furnishing of records

Any person desiring a copy of any record, paper, and so forth, in the custody of the Veterans' Administration, which may be disclosed

under section 3301 of this title, must make written application therefor to the Veterans' Administration, stating specifically—

(1) the particular record, paper, and so forth, a copy of which is desired and whether certified or uncertified; and

(2) the purpose for which such copy is desired to be used.

(b) The Administrator is authorized to fix a schedule of fees for copies and certification of such records.

§ 3303. Certification of records of District of Columbia

When a copy of any public record of the District of Columbia is required by the Veterans' Administration to be used in determining the eligibility of any person for benefits under laws administered by the Veterans' Administration, the official custodian of such public record shall without charge provide the applicant for such benefits or any person (including any veterans' organization) acting on his behalf or the authorized representative of the Veterans' Administration with a certified copy of such record.

§ 3304. Transcript of trial records

The Administrator may purchase transcripts of the record, including all evidence, of trial of litigated cases.

Subchapter II—Investigations

§ 3311. Authority to issue subpoenas

For the purposes of the laws administered by the Veterans' Administration, the Administrator, and those employees to whom the Administrator may delegate such authority, to the extent of the authority so delegated, shall have the power to issue subpoenas for and compel the attendance of witnesses within a radius of one hundred miles from the place of hearing, to require the production of books, papers, documents, and other evidence, to take affidavits, to administer oaths and affirmations, to aid claimants in the preparation and presentation of claims, and to make investigations and examine witnesses upon any matter within the jurisdiction of the Veterans' Administration. Any person required by such subpoena to attend as a witness shall be allowed and paid the same fees and mileage as are paid witnesses in the district courts of the United States.

§ 3312. Validity of affidavits

Any such oath, affirmation, affidavit, or examination, when certified under the hand of any such employee by whom it was administered or taken and authenticated by the seal of the Veterans' Administration, may be offered or used in any court of the United States and without further proof of the identity or authority of such employee shall have like force and effect as if administered or taken before a clerk of such court.

§ 3313. Disobedience to subpoena

In case of disobedience to any such subpoena, the aid of any district court of the United States may be invoked in requiring the attendance and testimony of witnesses and the production of documentary evidence, and such court within the jurisdiction of which the inquiry is carried on may, in case of contumacy or refusal to obey a subpoena issued to any officer, agent, or employee of any corporation or to any other person, issue an order requiring such corporation or other person to appear or to give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

CHAPTER 59—AGENTS AND ATTORNEYS

Sec.

- 3401. Prohibition against acting as claims agent or attorney.
- 3402. Recognition of representatives of organizations.
- 3403. Recognition with respect to particular claims.
- 3404. Recognition of agents and attorneys generally.
- 3405. Penalty for certain acts.

§ 3401. Prohibition against acting as claims agent or attorney

No individual may act as an agent or attorney in the preparation, presentation, or prosecution of any claim under laws administered by the Veterans' Administration unless he has been recognized for such purposes by the Administrator.

§ 3402. Recognition of representatives of organizations

(a) (1) The Administrator may recognize representatives of the American National Red Cross, the American Legion, the Disabled American Veterans, the United Spanish War Veterans, the Veterans of Foreign Wars, and such other organizations as he may approve, in the preparation, presentation, and prosecution of claims under laws administered by the Veterans' Administration.

(2) The Administrator may, in his discretion, furnish, if available, space and office facilities for the use of paid full-time representatives of national organizations so recognized.

(b) No individual shall be recognized under this section—

(1) unless he has certified to the Administrator that no fee or compensation of any nature will be charged any individual for services rendered in connection with any claim; and

(2) unless, with respect to each claim, such individual has filed with the Administrator a power of attorney, executed in such manner and form as the Administrator may prescribe.

(c) Service rendered in connection with any such claim, while not on active duty, by any retired officer, warrant officer, or enlisted man of the Armed Forces recognized under this section shall not be a violation of section 281 or 283 of title 18, or a violation of section 99 of title 5.

18 USC 281, 283;
5 USC 99.

§ 3403. Recognition with respect to particular claims

The Administrator may recognize any individual for the preparation, presentation, and prosecution of any particular claim for benefits under any of the laws administered by the Veterans' Administration if—

(1) such individual has certified to the Administrator that no fee or compensation of any nature will be charged any individual for services rendered in connection with such claim; and

(2) such individual has filed with the Administrator a power of attorney, executed in such manner and in such form as the Administrator may prescribe.

§ 3404. Recognition of agents and attorneys generally

(a) The Administrator may recognize any individual as an agent or attorney for the preparation, presentation, and prosecution of claims under laws administered by the Veterans' Administration. The Administrator may require that individuals, before being recognized under this section, show that they are of good moral character and in good repute, are qualified to render claimants valuable service, and otherwise are competent to assist claimants in presenting claims.

(b) The Administrator, after notice and opportunity for a hearing, may suspend or exclude from further practice before the Veterans'

Administration any agent or attorney recognized under this section if he finds that such agent or attorney—

- (1) has engaged in any unlawful, unprofessional, or dishonest practice;
- (2) has been guilty of disreputable conduct;
- (3) is incompetent;
- (4) has violated or refused to comply with any of the laws administered by the Veterans' Administration, or with any of the regulations or instructions governing practice before the Veterans' Administration; or
- (5) has in any manner deceived, misled, or threatened any actual or prospective claimant.

(c) The Administrator shall determine and pay fees to agents or attorneys recognized under this section in allowed claims for monetary benefits under laws administered by the Veterans' Administration. Such fees—

- (1) shall be determined and paid as prescribed by the Administrator;
- (2) shall not exceed \$10 with respect to any one claim; and
- (3) shall be deducted from monetary benefits claimed and allowed.

§ 3405. Penalty for certain acts

Whoever (1) directly or indirectly solicits, contracts for, charges, or receives, or attempts to solicit, contract for, charge, or receive, any fee or compensation except as provided in sections 3404 or 784 of this title, or (2) wrongfully withholds from any claimant or beneficiary any part of a benefit or claim allowed and due him, shall be fined not more than \$500 or imprisoned at hard labor for not more than two years, or both.

CHAPTER 61—PENAL AND FORFEITURE PROVISIONS

Sec.

3501. Misappropriation by fiduciaries.
 3502. Fraudulent acceptance of payments.
 3503. Forfeiture for fraud.
 3504. Forfeiture for treason.

§ 3501. Misappropriation by fiduciaries

(a) Whoever, being a guardian, curator, conservator, committee, or person legally vested with the responsibility or care of a claimant or his estate, or any other person having charge and custody in a fiduciary capacity of money heretofore or hereafter paid under any of the laws administered by the Veterans' Administration for the benefit of any minor, incompetent, or other beneficiary, shall lend, borrow, pledge, hypothecate, use, or exchange for other funds or property, except as authorized by law, or embezzle or in any manner misappropriate any such money or property derived therefrom in whole or in part and coming into his control in any manner whatever in the execution of his trust, or under color of his office or service as such fiduciary, shall be fined not more than \$2,000 or imprisoned not more than five years, or both.

(b) Any willful neglect or refusal to make and file proper accountings or reports concerning such money or property as required by law shall be taken to be sufficient evidence prima facie of such embezzlement or misappropriation.

§ 3502. Fraudulent acceptance of payments

(a) Any person entitled to monetary benefits under any of the laws administered by the Veterans' Administration whose right to payment thereof ceases upon the happening of any contingency, who thereafter fraudulently accepts any such payment, shall be fined not more than \$2,000, or imprisoned not more than one year, or both.

(b) Whoever obtains or receives any money or check under any of the laws administered by the Veterans' Administration without being entitled to it, and with intent to defraud the United States or any beneficiary of the United States, shall be fined not more than \$2,000, or imprisoned not more than one year, or both.

§ 3503. Forfeiture for fraud

(a) Whoever knowingly makes or causes to be made or conspires, combines, aids, or assists in, agrees to, arranges for, or in any way procures the making or presentation of a false or fraudulent affidavit, declaration, certificate, statement, voucher, or paper, concerning any claim for benefits under any of the laws administered by the Veterans' Administration (except laws pertaining to insurance benefits) shall forfeit all rights, claims, and benefits under all laws administered by the Veterans' Administration (except laws pertaining to insurance benefits).

(b) Whenever a veteran entitled to disability compensation has forfeited his right to such compensation under this section, the compensation payable but for the forfeiture shall thereafter be paid to his wife, children, and parents. Payments made to a wife, children, and parents under the preceding sentence shall not exceed the amounts payable to each if the veteran had died from service-connected disability. No wife, child, or parent who participated in the fraud for which forfeiture was imposed shall receive any payment by reason of this subsection.

(c) Forfeiture of benefits by a veteran shall not prohibit payment of the burial allowance, death compensation, dependency and indemnity compensation, or death pension in the event of his death.

§ 3504. Forfeiture for treason

(a) Any person shown by evidence satisfactory to the Administrator to be guilty of mutiny, treason, sabotage, or rendering assistance to an enemy of the United States or of its allies shall forfeit all accrued or future gratuitous benefits under laws administered by the Veterans' Administration.

(b) The Administrator, in his discretion, may apportion and pay any part of benefits forfeited under subsection (a) to the dependents of the person forfeiting such benefits. No dependent of any person shall receive benefits by reason of this subsection in excess of the amount to which he would be entitled if such person were dead.

PART V—BOARDS AND DEPARTMENTS

CHAPTER	Sec.
71. Board of Veterans' Appeals.....	4001
73. Department of Medicine and Surgery.....	4101
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CHAPTER 71—BOARD OF VETERANS' APPEALS

Sec.
4001. Composition of Board of Veterans' Appeals.
4002. Assignment of members of Board.
4003. Determinations by the Board.
4004. Jurisdiction of the Board.
4005. Applications for review on appeal.
4006. Docketing of appeals.
4007. Simultaneously contested claims.
4008. Rejection of applications.

§ 4001. Composition of Board of Veterans' Appeals

(a) There shall be in the Veterans' Administration a Board of Veterans' Appeals (hereafter in this chapter referred to as the "Board") under the administrative control and supervision of a chairman di-

rectly responsible to the Administrator. The Board shall consist of a Chairman, a Vice Chairman, such number (not more than fifty) of associate members as may be found necessary, and such other professional, administrative, clerical, and stenographic personnel as are necessary in conducting hearings and considering and disposing of appeals properly before the Board.

(b) Members of the Board (including the Chairman and Vice Chairman) shall be appointed by the Administrator with the approval of the President.

§ 4002. Assignment of members of Board

The Chairman may from time to time divide the Board into sections of three members, assign the members of the Board thereto, and designate the chief thereof. If a section as a result of a vacancy or absence or inability of a member assigned thereto to serve thereon is composed of a number of members less than designated for the section, the Chairman may assign other members to the section or direct the section to proceed with the transaction of business without awaiting any additional assignment of members thereto. A hearing docket shall be maintained and formal recorded hearings shall be held by such associate member or members as the Chairman may designate, the associate member or members being of the section which will make final determination in the claim. A section of the Board shall make a determination on any proceeding instituted before the Board and on any motion in connection therewith assigned to such section by the Chairman and shall make a report of any such determination, which report shall constitute its final disposition of the proceeding.

§ 4003. Determinations by the Board

(a) The determination of the section, when unanimously concurred in by the members of the section shall be the final determination of the Board, except that the Board on its own motion may correct an obvious error in the record, or may upon the basis of additional official information from the service department concerned reach a contrary conclusion.

(b) When there is a disagreement among the members of the section the concurrence of the Chairman with the majority of members of such section shall constitute the final determination of the Board, except that the Board on its own motion may correct an obvious error in the record, or may upon the basis of additional official information from the service department concerned reach a contrary conclusion.

§ 4004. Jurisdiction of the Board

(a) All questions on claims involving benefits under the laws administered by the Veterans' Administration shall be subject to one review on appeal to the Administrator. Final decisions on such appeals shall be made by the Board.

(b) When a claim is disallowed by the Board, it may not thereafter be reopened and allowed, and no claim based upon the same factual basis shall be considered; however, where subsequent to disallowance of a claim, new and material evidence in the form of official reports from the proper service department is secured, the Board may authorize the reopening of the claim and review of the former decision.

(c) The Board shall be bound in its decisions by the regulations of the Veterans' Administration, instructions of the Administrator, and the precedent opinions of the chief law officer.

§ 4005. Applications for review on appeal

(a) Except in the case of simultaneously contested claims, applications for review on appeal shall be filed within one year from the date of mailing of notice of the result of initial review or determina-

tion. Such applications must be filed with the activity which entered the denial. If such an application is timely filed, a reasonable time thereafter will be allowed, if requested, for the perfection of the appeal and the presentation of additional evidence before final determination or decision is made. Applications postmarked before the expiration of the one-year period will be accepted as timely filed.

(b) If no application for review on appeal is filed in accordance with this chapter within the one-year period, the action taken on initial review or determination shall become final and the claim will not thereafter be reopened or allowed, except that where subsequent to such disallowance new and material evidence in the form of official reports from the proper service department is secured the Administrator may authorize the reopening of the claim and review of the former decision.

(c) (1) Application for review on appeal may be made in writing by the claimant, his legal guardian, or such accredited representative, or authorized agent, as may be selected by him. Not more than one recognized organization or authorized agent will be recognized at any one time in the prosecution of a claim.

(2) Application for review on appeal may be made within the one-year period prescribed by this section by such officials of the Veterans' Administration as may be designated by the Administrator. An application entered under this paragraph shall not operate to deprive the claimant of the right of review on appeal as provided in this chapter.

(d) In each application for review on appeal the name and service of the veteran on account of whose service the claim is based must be stated, together with the number of the claim and the date of the action from which the appeal is taken. The application must clearly identify the benefit sought.

(e) Each application for review on appeal should contain specific assignments of the alleged mistake of fact or error of law in the adjudication of the claim. Any application which is insufficient may be dismissed.

§ 4006. Docketing of appeals

All cases received pursuant to application for review on appeal shall be considered and decided in regular order according to their places upon the docket; however, for cause shown a case may be advanced on motion for earlier consideration and determination. Every such motion shall set forth succinctly the grounds upon which it is based. No such motion shall be granted except in cases involving interpretation of law of general application affecting other claims, or for other sufficient cause shown.

§ 4007. Simultaneously contested claims

(a) In simultaneously contested claims where one is allowed and one rejected, the time allowed for the filing of an application for review on appeal shall be sixty days from the date notice is mailed of the original action to the claimant to whom the action is adverse. In such cases the activity concerned shall promptly notify all parties in interest of the original action taken, expressly inviting attention to the fact that an application for review on appeal will not be entertained unless filed with the sixty-day period prescribed by this subsection. Such notices shall be forwarded to the parties in interest to the last known address of record.

(b) Upon the filing of an application for review on appeal in simultaneously contested claims, all parties other than the applicant for review on appeal whose interest may be adversely affected by the decision, shall be notified of the substance thereof and allowed thirty days

from the date of mailing of such notice within which to file brief or argument in answer thereto before the record is forwarded on application for review on appeal. Such notice shall be forwarded to the last known address of record of the parties whose interests may be adversely affected, and such action shall constitute sufficient evidence of notice.

§ 4008. Rejection of applications

An application for review on appeal shall not be entertained unless it is in conformity with this chapter.

CHAPTER 73—DEPARTMENT OF MEDICINE AND SURGERY

Sec.

- 4101. Functions of Department.
- 4102. Divisions of Department.
- 4103. Appointments and compensation.
- 4104. Additional appointments.
- 4105. Qualifications of appointees.
- 4106. Period of appointment; promotions.
- 4107. Grades and pay scales.
- 4108. Specialist ratings.
- 4109. Retirement rights.
- 4110. Disciplinary boards.
- 4111. Appointment of additional employees.
- 4112. Medical advisory group.
- 4113. Travel expenses of employees.
- 4114. Temporary and part-time appointments.
- 4115. Regulations.

§ 4101. Functions of Department

There shall be in the Veterans' Administration a Department of Medicine and Surgery under a Chief Medical Director. The functions of the Department of Medicine and Surgery shall be those necessary for a complete medical and hospital service, including medical research, as prescribed by the Administrator pursuant to this chapter and other statutory authority, for the medical care and treatment of veterans.

§ 4102. Divisions of Department

The Department of Medicine and Surgery shall include the following: Office of the Chief Medical Director, Medical Service, Dental Service, Nursing Service, and Auxiliary Service.

§ 4103. Appointments and compensation

(a) The Office of the Chief Medical Director shall consist of the Chief Medical Director, one Deputy Chief Medical Director, not to exceed eight Assistant Chief Medical Directors, and such other personnel and employees as may be authorized by this chapter.

(b) The Chief Medical Director shall be the Chief of the Department of Medicine and Surgery and shall be directly responsible to the Administrator for the operations of the Department. He shall be a qualified doctor of medicine, appointed by the Administrator. During the period of his service as such, the Chief Medical Director shall be paid a salary of \$19,580 a year.

(c) The Deputy Chief Medical Director shall be the principal assistant of the Chief Medical Director. He shall be a qualified doctor of medicine, appointed by the Administrator. During the period of his service as such, the Deputy Chief Medical Director shall be paid a salary of \$18,480 a year.

(d) Each Assistant Chief Medical Director shall be appointed by the Administrator upon the recommendation of the Chief Medical Director and shall be paid a salary of \$17,380 a year. One Assistant Chief Medical Director shall be a qualified doctor of dental surgery

or dental medicine who shall be directly responsible to the Chief Medical Director for the operations of the Dental Service. Not to exceed twenty-five directors of service or chiefs of division, designated by the Chief Medical Director, shall, within the limitations otherwise prescribed in this chapter, be paid a salary of \$14,545 minimum to \$16,500 maximum.

(e) The Director and Deputy Director of Nursing Service shall be qualified registered nurses, appointed by the Administrator and shall be responsible to the Chief Medical Director for the operation of the Nursing Service. During the period of her service as such, the Director of Nursing Service shall be paid a salary of \$12,770 minimum to \$13,970 maximum a year and the Deputy Director shall be paid a salary of \$11,355 minimum to \$12,555 maximum a year.

(f) The Administrator may appoint a chief pharmacist, a chief dietitian, a chief physical therapist, and a chief occupational therapist. During the period of his service as such, the chief pharmacist and the chief dietitian shall be paid a salary of \$12,770 minimum to \$13,970 maximum a year and the chief physical therapist and the chief occupational therapist shall be paid a salary of \$11,355 minimum to \$12,555 maximum a year.

(g) Any appointment under this section shall be for a period of four years subject to removal by the Administrator for cause.

(h) Reappointments may be made for successive like periods.

§ 4104. Additional appointments

There shall be appointed by the Administrator additional personnel as he may find necessary for the medical care of veterans, as follows:

- (1) Physicians, dentists, and nurses;
- (2) Managers, pharmacists, physical therapists, occupational therapists, dietitians, and other scientific and professional personnel, such as optometrists, pathologists, bacteriologists, chemists, biostatisticians, and medical and dental technologists.

§ 4105. Qualifications of appointees

Any person to be eligible for appointment in the Department of Medicine and Surgery must—

- (1) be a citizen of the United States;
- (2) in the Medical Service—
 - hold the degree of doctor of medicine or of doctor of osteopathy from a college or university approved by the Administrator, have completed an internship satisfactory to the Administrator, and be licensed to practice medicine, surgery, or osteopathy in a State;
- (3) in the Dental Service—
 - hold the degree of doctor of dental surgery or dental medicine from a college or university approved by the Administrator, and be licensed to practice dentistry in a State;
- (4) in the Nursing Service—
 - have successfully completed a full course of nursing in a recognized school of nursing, approved by the Administrator, and be registered as a graduate nurse in a State;
- (5) in the Auxiliary Service—
 - (A) manager of hospital, home, or center—
 - have such business and administrative experience and qualifications as the Administrator shall prescribe;
 - (B) optometrist—
 - be licensed to practice optometry in a State;

(C) pharmacist—

hold the degree of bachelor of science in pharmacy, or its equivalent, from a school of pharmacy approved by the Administrator, and be registered as a pharmacist in a State;

(D) physical therapists, occupational therapists, dietitians, and other auxiliary employees shall have such scientific or technical qualifications as the Administrator shall prescribe.

§ 4106. Period of appointments; promotions

(a) Appointments of physicians, dentists, and nurses shall be made only after qualifications have been satisfactorily established in accordance with regulations prescribed by the Administrator, without regard to civil-service requirements.

(b) Such appointments as described in subsection (a) of this section shall be for a probationary period of three years and the record of each person serving under such appointment in the Medical, Dental, and Nursing Services shall be reviewed from time to time by a board, appointed in accordance with regulations of the Administrator, and if said board shall find him not fully qualified and satisfactory he shall be separated from the service.

(c) Promotions of physicians, dentists, and nurses shall be made only after examination given in accordance with regulations prescribed by the Administrator. Automatic promotions within grade may be made in increments of the minimum pay of the grade in accordance with regulations prescribed by the Administrator.

(d) In determining eligibility for reinstatement in Federal civil service of persons appointed to positions in the Department of Medicine and Surgery, who at the time of appointment shall have a civil-service status, and whose employment in the Department of Medicine and Surgery is terminated, the period of service performed in the Department of Medicine and Surgery shall be included in computing the period of service under applicable civil-service rules and regulations.

§ 4107. Grades and pay scales

(a) The grades and per annum full-pay ranges for positions provided in paragraph (1) of section 4104 of this title shall be as follows:

MEDICAL SERVICE

Chief grade, \$12,770 minimum to \$13,970 maximum.
 Senior grade, \$11,355 minimum to \$12,555 maximum.
 Intermediate grade, \$9,890 minimum to \$11,090 maximum.
 Full grade, \$8,330 minimum to \$9,530 maximum.
 Associate grade, \$7,030 minimum to \$8,230 maximum.
 Junior grade, \$6,505 minimum to \$7,405 maximum.

DENTAL SERVICE

Chief grade, \$12,770 minimum to \$13,970 maximum.
 Senior grade, \$11,355 minimum to \$12,555 maximum.
 Intermediate grade, \$9,890 minimum to \$11,090 maximum.
 Full grade, \$8,330 minimum to \$9,530 maximum.
 Associate grade, \$7,030 minimum to \$8,230 maximum.
 Junior grade, \$6,505 minimum to \$7,405 maximum.

NURSING SERVICE

Assistant Director, \$8,330 minimum to \$9,530 maximum.
Senior grade, \$7,030 minimum to \$8,230 maximum.
Full grade, \$5,985 minimum to \$6,885 maximum.
Associate grade, \$5,205 minimum to \$6,165 maximum.
Junior grade, \$4,425 minimum to \$5,385 maximum.

ADMINISTRATION

(b) Notwithstanding any law, Executive order, or regulation, the Administrator shall prescribe by regulation the hours and conditions of employment and leaves of absence of physicians, dentists, and nurses.

§ 4108. Specialist ratings

(a) Within the restrictions herein imposed, the Chief Medical Director may rate any physician appointed under paragraph (1) of section 4104 of this title as a medical or surgical specialist, and, upon the recommendation of the Assistant Chief Medical Director for Dentistry, may rate any doctor of dental surgery or dental medicine, appointed under paragraph (1) of section 4104 of this title as a dental specialist; however, no person shall at any one time hold more than one such rating.

(b) No person may be rated as a medical, surgical, or dental specialist unless he is certified as a specialist by an American specialty board, recognized by the Administrator where such boards exist; or if no such boards exist, he has been examined and found qualified by a board appointed by the Chief Medical Director from specialists of the Department of Medicine and Surgery holding ratings in the specialty to which the candidate aspires. Whenever there are insufficient specialists, rated in the proper specialty, who are readily available to constitute such a board, the Chief Medical Director may substitute consultants with comparable qualifications employed under section 4114 of this title.

(c) Any person, rated as a medical, surgical, or dental specialist under the provisions of this section shall retain such rating until it shall be withdrawn by the Chief Medical Director. The Chief Medical Director shall not withdraw any such rating until it shall have been determined by a board of specialists that the person holding such rating is no longer qualified in his specialty.

(d) Any person, rated as a medical, surgical, or dental specialist under the provisions of this section, shall receive, in addition to his basic pay, an allowance equal to 15 percent of such pay, but in no event shall the pay plus the allowance authorized by this subsection exceed \$16,000 per annum.

§ 4109. Retirement rights

Persons appointed to the Department of Medicine and Surgery shall be subject to the provisions of and entitled to benefits under the Civil Service Retirement Act.

§ 4110. Disciplinary boards

(a) The Chief Medical Director, under regulations prescribed by the Administrator shall from time to time appoint boards to be known as disciplinary boards, each such board to consist of not less than three nor more than five employees, senior in grade, of the Department of Medicine and Surgery, to determine, upon notice and fair hearing, charges of inaptitude, inefficiency, or misconduct of any person employed in a position provided in paragraph (1) of section 4104 of this title. When such charges concern a dentist, the majority of employees on the disciplinary board shall be dentists.

(b) The Administrator shall appoint the chairman and secretary of the board, each of whom shall have authority to administer oaths.

(c) The Chief Medical Director may designate or appoint one or more investigators, to assist each disciplinary board in the collection and presentation of evidence. Any person answering to charges before a disciplinary board may be represented by counsel of his own choosing.

(d) A disciplinary board, when in its judgment charges are sustained, shall recommend to the Administrator suitable disciplinary action, within limitations prescribed by the Administrator, which shall include reprimand, suspension without pay, reduction in grade, and discharge from the Department of Medicine and Surgery of such person. The Administrator shall either approve the recommendation of the board, approve such recommendation with modification or exception, approve such recommendation and suspend further action at the time, or disapprove such recommendation. He shall cause to be executed such action as he approves. The decision of the Administrator shall be final.

§ 4111. Appointment of additional employees

(a) There shall be appointed by the Administrator under civil-service laws, rules, and regulations, such additional employees, other than those provided in section 4103, paragraph (1) of section 4104, and those specified in section 4114 of this title, as may be necessary to carry out the provisions of this chapter.

(b) Notwithstanding any other provision of law, the per annum rate of salary of each individual serving as a manager of a hospital, domiciliary, or center who is not a physician in the medical service shall not be less than the rate of salary which he would receive under section 4107 of this title if his service as a manager of a hospital, domiciliary, or center had been service as a physician in the medical service in the chief grade. This subsection shall not affect the allocation of any position of manager of a hospital, domiciliary, or center to any grade of the General Schedule of the Classification Act of 1949, except with respect to changes in rate of salary pursuant to the preceding sentence, and shall not affect the applicability of the Performance Rating Act of 1950 to any individual.

64 Stat. 1098.
5 USC 2001 note.

§ 4112. Medical advisory group

The Administrator shall establish a special medical advisory group composed of members of the medical, dental, and allied scientific professions, nominated by the Chief Medical Director, whose duties shall be to advise the Administrator, through the Chief Medical Director, and the Chief Medical Director direct, relative to the care and treatment of disabled veterans, and other matters pertinent to the Department of Medicine and Surgery. The special medical advisory group shall conduct regular calendar quarterly meetings. The number, terms of service, compensation, and allowances to members of such advisory group shall be in accord with existing law and regulations.

§ 4113. Travel expenses of employees

The Administrator may pay the expenses, except membership fees, of employees described in section 4103 and paragraph (1) of section 4104 of this title detailed by the Chief Medical Director to attend meetings of associations for the promotion of medical and related science.

§ 4114. Temporary and part-time appointments

(a) The Administrator, upon the recommendation of the Chief Medical Director, may employ, without regard to the Classification

63 Stat. 954.
5 U S C 1071-
1153.

Act of 1949, physicians, dentists, and nurses, on a temporary full-time, part-time, or fee basis; and dietitians, social workers, librarians, and such other professional, clerical, technical, and unskilled personnel, in addition to personnel described in section 4103, paragraph (1) of section 4104, and section 4111, of this title on a temporary full-time or part-time basis at such rates of pay as he may prescribe. No temporary full-time appointment shall be for a period of more than ninety days.

(b) The Administrator shall have authority to establish residencies and internships; to appoint qualified persons to such positions without regard to civil-service or classification laws, rules, or regulations; and to prescribe the conditions of such employment, including necessary training, and the customary amount and terms of pay during the period of such employment and training.

§ 4115. Regulations

The Chief Medical Director with the approval of the Administrator, unless specifically otherwise provided, shall promulgate all regulations necessary to the administration of the Department of Medicine and Surgery and consistent with existing law, including regulations relating to travel, transportation of household goods and effects, and deductions from pay for quarters and subsistence; and to the custody, use, and preservation of the records, papers, and property of the Department of Medicine and Surgery.

CHAPTER 75—VETERANS' CANTEEN SERVICE

Sec.

- 4201. Purpose of Veterans' Canteen Service.
- 4202. Duties of Administrator with respect to Service.
- 4203. Operation of Service.
- 4204. Financing of Service.
- 4205. Revolving fund.
- 4206. Budget of Service.
- 4207. Audit of accounts.
- 4208. Service to be independent unit.

§ 4201. Purpose of Veterans' Canteen Service

The Veterans' Canteen Service (hereafter in this chapter referred to as the "Service") in the Veterans' Administration is an instrumentality of the United States, created for the primary purpose of making available to veterans of the Armed Forces who are hospitalized or domiciled in hospitals and homes of the Veterans' Administration, at reasonable prices, articles of merchandise and services essential to their comfort and well-being.

§ 4202. Duties of Administrator with respect to Service

The Administrator shall—

- (1) establish, maintain, and operate canteens where deemed necessary and practicable at hospitals and homes of the Veterans' Administration and at other Veterans' Administration establishments where similar essential facilities are not reasonably available from outside commercial sources;
- (2) establish, maintain, and operate such warehouses and storage depots as may be necessary in operating the canteens;
- (3) furnish the Service, without charge, rental, or reimbursement, for its use in connection with the establishment, maintenance, and operation thereof, such space, buildings, and structures under control of the Veterans' Administration as he may consider necessary, including normal maintenance and repair service thereon;
- (4) transfer to the Service without charge, rental, or reimbursement such necessary equipment as may not be needed for

other purposes, and furnish the Service such services and utilities, including light, water, and heat, as may be available and necessary for its use. Reasonable charges, to be determined by the Administrator, shall be paid annually by the Service for the utilities so furnished;

(5) employ such persons as are necessary for the establishment, maintenance, and operation of the Service, and pay the salaries, wages, and expenses of all such employees from the funds of the Service. Personnel necessary for the transaction of the business of the Service at canteens, warehouses, and storage depots shall be appointed, compensated from funds of the Service, and removed by the Administrator without regard to civil-service laws and the Classification Act of 1949. Such employees shall be subject to the Veterans' Preference Act of 1944, the Civil Service Retirement Act, and laws administered by the Bureau of Employees' Compensation applicable to civilian employees of the United States;

5 USC 1071-
1153, 851 note,
2251 et seq.

(6) make all necessary contracts or agreements to purchase or sell merchandise, fixtures, equipment, supplies, and services, without regard to section 5 of title 41, and to do all things necessary to carry out such contracts or agreements, including the making of necessary adjustments and compromising of claims in connection therewith;

41 USC 5.

(7) fix the prices of merchandise and services in canteens so as to carry out the purposes of this chapter;

(8) accept gifts and donations of merchandise, fixtures, equipment, and supplies for the use and benefit of the Service;

(9) make such rules and regulations, not inconsistent with the provisions of this chapter, as he considers necessary or appropriate to effectuate its purposes;

(10) delegate such duties and powers to employees as he considers necessary or appropriate, whose official acts performed within the scope of the delegated authority shall have the same force and effect as though performed by the Administrator;

(11) authorize the use of funds of the Service when available, subject to such regulations as he may deem appropriate, and without regard to the provisions of sections 521 and 543 of title 5, for the purpose of cashing checks, money orders, and similar instruments in nominal amounts for the payment of money presented by veterans hospitalized or domiciled at hospitals and homes of the Veterans' Administration, and by other persons authorized by section 4203 of this title to make purchases at canteens. Such checks, money orders, and other similar instruments may be cashed outright or may be accepted, subject to strict administrative controls, in payment for merchandise or services, and the difference between the amount of the purchase and the amount of the tendered instrument refunded in cash.

5 USC 521, 543.

§ 4203. Operation of Service

(a) The canteens at hospitals and homes of the Veterans' Administration shall be primarily for the use and benefit of veterans hospitalized or domiciled at such hospitals and homes. Service at such canteens may also be furnished to personnel of the Veterans' Administration and recognized veterans' organizations employed at such hospitals and homes and to other persons so employed, to the families of all the foregoing persons who reside at the hospital or home concerned, and to relatives and other persons while visiting any of the persons named in this subsection; however, service to any person not hospitalized, domiciled, or residing at the hospital or home

shall be limited to the sale of merchandise or services for consumption or use on the premises.

(b) Service at canteens other than those established at hospitals and homes shall be limited to sales of merchandise and services for consumption or use on the premises, to personnel employed at such establishments, their visitors, and other persons at such establishments on official business.

§ 4204. Financing of Service

To finance the establishment, maintenance, and operation of the Service there is hereby authorized to be appropriated, from time to time, such amounts as are necessary to provide for (1) the acquisition of necessary furniture, furnishings, fixtures, and equipment for the establishment, maintenance, and operation of canteens, warehouses, and storage depots; (2) stocks of merchandise and supplies for canteens and reserve stocks of same in warehouses and storage depots; (3) salaries, wages, and expenses of all employees; (4) administrative and operation expenses and premiums on fidelity bonds of employees; and (5) adequate working capital for each canteen and for the Service as a whole. Amounts appropriated under the authority contained in this chapter, amounts heretofore appropriated to carry out Public Law 636, Seventy-ninth Congress, and all income from canteen operations become and will be administered as a revolving fund to effectuate the provisions of this chapter.

60 Stat. 887.
38 USC 13-13g.

§ 4205. Revolving fund

The revolving fund shall be deposited in a checking account with the Treasury of the United States. Such amounts thereof as the Administrator may determine to be necessary to establish and maintain operating accounts for the various canteens may be deposited in checking accounts in other depositories selected by the Administrator.

§ 4206. Budget of Service

The Service shall prepare annually and submit a budget program as provided for wholly owned Government corporations by sections 841-869 of title 31, which shall contain an estimate of the needs of the Service for the ensuing fiscal year including an estimate of the amount required to restore any impairment of the revolving fund resulting from operations of the current fiscal year. Any balance in the revolving fund at the close of the fiscal year in excess of the estimated requirements for the ensuing fiscal year shall be covered into the Treasury as miscellaneous receipts.

31 USC 841-869.

§ 4207. Audit of accounts

The Service shall maintain an integral set of accounts which shall be audited annually by the General Accounting Office in accordance with the principles and procedures applicable to commercial transactions as provided by sections 841-869 of title 31. No other audit shall be required.

31 USC 841-869.

§ 4208. Service to be independent unit

It is the purpose of this chapter that, under control and supervision of the Administrator, the Service shall function as an independent unit in the Veterans' Administration and shall have exclusive control over all its activities including sales, procurement and supply, finance, including disbursements, and personnel management, except as otherwise herein provided.

PART VI—ACQUISITION AND DISPOSITION OF PROPERTY

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CHAPTER 81—ACQUISITION AND OPERATION OF HOSPITAL AND DOMICILIARY FACILITIES; PROCUREMENT AND SUPPLY

SUBCHAPTER I—PROVISIONS RELATING TO HOSPITALS AND HOMES

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5001. Hospital and domiciliary facilities.
5002. Construction and repair of buildings.
5003. Use of Armed Forces facilities.
5004. Garages on hospital and domiciliary reservations.
5005. Acceptance of certain property.
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SUBCHAPTER II—PROCUREMENT AND SUPPLY

5011. Revolving supply fund.
5012. Authority to procure and dispose of property.
5013. Procurement of prosthetic appliances.
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Subchapter I—Provisions Relating to Hospitals and Homes

§ 5001. Hospital and domiciliary facilities

(a) The Administrator, subject to the approval of the President, shall provide hospitals, domiciliaries, and out-patient dispensary facilities for veterans entitled under this title to hospital or domiciliary care or medical services. Such hospitals, domiciliaries, and other facilities may be provided by (1) purchase, replacement, or remodeling or extension of existing plants, or (2) construction of such facilities on sites already owned by the United States or on sites acquired by purchase, condemnation, gift, or otherwise.

(b) Hospitals and domiciliaries provided by the Administrator under subsection (a) shall be of fireproof construction. Where an existing plant is purchased it shall be remodeled to be fireproof.

(c) The location of each hospital or domiciliary and its nature (whether for domiciliary care or the treatment of tuberculosis, neuropsychiatric cases, or general medical and surgical cases) shall be within the discretion of the Administrator, subject to the approval of the President.

(d) The Administrator may accept gifts or donations for any of the purposes of this section.

(e) The Administrator, subject to the approval of the President, may use as hospitals, domiciliaries, or out-patient dispensary facilities such suitable buildings, structures, and grounds owned by the United States on March 3, 1925, as may be available for such purposes, and the President may by Executive order transfer any such buildings, structures, and grounds to the control and jurisdiction of the Veterans' Administration upon the request of the Administrator.

(f) As used in this section and in sections 5002 and 5003 of this title, the term "hospitals, domiciliaries, or out-patient dispensary facilities" includes necessary buildings and auxiliary structures, mechanical equipment, approach work, roads, and trackage facilities leading thereto, sidewalks abutting hospital reservations, vehicles, livestock, furniture, equipment, accessories, accommodations for officers, nurses, and attending personnel, and proper and suitable recreational facilities.

§ 5002. Construction and repair of buildings

The construction of new hospitals, domiciliaries and out-patient dispensary facilities, or the replacement, extension, alteration, remodeling, or repair of all such facilities shall be done in such manner as the President may determine. The President may require the architectural, engineering, constructing, or other forces of any of the departments of the Government to do or assist in such work, and he may employ individuals and agencies not connected with the Government, if in his opinion desirable, at such compensation as he may consider reasonable.

§ 5003. Use of Armed Forces facilities

The Administrator and the Secretary of the Army, the Secretary of the Air Force, and the Secretary of the Navy may enter into agreements and contracts for the mutual use or exchange of use of hospitals and domiciliary facilities, and such supplies, equipment, and material as may be needed to operate such facilities properly, or for the transfer, without reimbursement of appropriations, of facilities, supplies, equipment, or material necessary and proper for authorized care for veterans, except that at no time shall the Administrator enter into any agreement which will result in a permanent reduction of Veterans' Administration hospital and domiciliary beds below the number established or approved on June 22, 1944, plus the estimated number required to meet the load of eligibles under this title, or in any way subordinate or transfer the operation of the Veterans' Administration to any other agency of the Government.

§ 5004. Garages on hospital and domiciliary reservations

The Administrator may construct and maintain on reservations of Veterans' Administration hospitals and domiciliaries, garages for the accommodation of privately owned automobiles of employees at such hospitals and domiciliaries. Employees using such garages shall make such reimbursement therefor as the Administrator may deem reasonable. Money received from the use of such garages shall be covered into the Treasury of the United States as miscellaneous receipts.

§ 5005. Acceptance of certain property

The President may accept from any State or other political subdivision, or from any person, any building, structure, equipment, or grounds suitable for the care of the disabled, with due regard to fire or other hazards, state of repair, and all other pertinent considerations. He may designate which agency of the Federal Government shall have the control and management of any property so accepted.

§ 5006. Property formerly owned by National Home for Disabled Volunteer Soldiers

If by reason of any defeasance or conditional clause or clauses contained in any deed of conveyance of property to the National Home for Disabled Volunteer Soldiers, which property is owned by the United States, the full and complete enjoyment and use of such property is threatened, the Attorney General, upon request of the President, shall institute in the United States district court for the district in which the property is located such proceedings as may be proper to extinguish all outstanding adverse interests. The Attorney General may procure and accept, on behalf of the United States by gift, purchase, cession, or otherwise, absolute title to and complete jurisdiction over all such property.

Subchapter II—Procurement and Supply

§ 5011. Revolving supply fund

(a) The revolving supply fund established for the operation and maintenance of a supply system for the Veterans' Administration (including procurement of supplies and equipment and personal services) shall be—

(1) available without fiscal year limitations for all expenses necessary for the operation and maintenance of such supply system;

(2) reimbursed from appropriations for the cost of all services, equipment, and supplies furnished, at rates determined by the Administrator on the basis of estimated or actual direct and indirect cost; and

(3) credited with advances from appropriations for activities to which services or supplies are to be furnished, and all other receipts resulting from the operation of the fund, including the proceeds of disposal of scrap, excess or surplus personal property of the fund, and receipts from carriers and others for loss of or damage to personal property.

At the end of each fiscal year, any net income of the fund, after making provision for prior losses, shall be covered into the Treasury of the United States as miscellaneous receipts.

(b) An adequate system of accounts for the fund shall be maintained on the accrual method, and financial reports prepared on the basis of such accounts. An annual business type budget shall be prepared for operations under the fund.

(c) The Administrator is authorized to capitalize, at fair and reasonable values as determined by him, all supplies and materials and depot stocks of equipment on hand or on order.

§ 5012. Authority to procure and dispose of property

(a) The Administrator may lease for a term not exceeding three years lands or buildings, or parts or parcels thereof, belonging to the United States and under his control. The proceeds from such leases, less expenses for maintenance, operation, and repair of buildings leased for living quarters, shall be covered into the Treasury of the United States as miscellaneous receipts.

(b) The Administrator may, for the purpose of extending benefits to veterans and dependents, and to the extent he deems necessary, procure the necessary space for administrative, clinical, medical, and outpatient treatment purposes by lease, purchase, or construction of buildings, or by condemnation or declaration of taking, pursuant to law.

§ 5013. Procurement of prosthetic appliances

The Administrator may procure prosthetic appliances and necessary services required in the fitting, supplying, and training and use of prosthetic appliances by purchase, manufacture, contract, or in such other manner as he may determine to be proper, without regard to any other provision of law.

§ 5014. Grant of easements in Government-owned lands

The Administrator, whenever he deems it advantageous to the Government and upon such terms and conditions as he deems advisable, may grant on behalf of the United States to any State, or any agency or political subdivision thereof, or to any public-service company, easements in and rights-of-way over lands belonging to the United States which are under his supervision and control. Such grant may include the use of such easements or rights-of-way by public utilities to the extent authorized and under the conditions imposed by the laws of such State relating to use of public highways. Such partial, concurrent, or exclusive jurisdiction over the areas covered by such easements or rights-of-way, as the Administrator deems necessary or desirable, is hereby ceded to the State in which the land is located. The Administrator may accept or secure on behalf of the United States from the State in which is situated any land conveyed in exchange for any such easement or right-of-way, such jurisdiction as he may deem necessary or desirable over the land so acquired. Any such easement or right-of-way shall be terminated upon abandonment or nonuse of the same and all right, title, and interest in the land covered thereby shall thereupon revert to the United States or its assignee.

CHAPTER 83—ACCEPTANCE OF GIFTS AND BEQUESTS

Sec.

5101. Authority to accept gifts, devises, and bequests.

5102. Legal proceedings.

5103. Restricted gifts.

5104. Disposition of property.

5105. Savings provision.

§ 5101. Authority to accept gifts, devises, and bequests

The Administrator may accept devises, bequests, and gifts, made in any manner, with respect to which the testator or donor shall have indicated his intention that such property shall be for the benefit of groups of persons formerly in the active military, naval, or air service who by virtue of such service alone, or disability suffered therein or therefrom, are or shall be patients or members of any one or more hospitals or homes operated by the United States Government, or has indicated his intention that such property shall be for the benefit of any such hospital or home, or shall be paid or delivered to any official, as such, or any agency in administrative control thereof.

§ 5102. Legal proceedings

For the purpose of acquiring title to and possession of any property which he is by this chapter authorized to accept, the Administrator may initiate and appear in any appropriate legal proceedings, and take such steps therein or in connection therewith as in his discretion may be desirable and appropriate to reduce said property to possession. He may incur such expenses incident to such proceedings as he deems necessary or appropriate, which shall be paid as are other administrative expenses of the Veterans' Administration. All funds received by devise, bequest, gift, or otherwise, for the purposes contemplated in this chapter, including net proceeds of sales authorized by this chapter, shall be deposited with the Treasurer of the United States to the credit of the General Post Fund.

§ 5103. Restricted gifts

Disbursements from the General Post Fund shall be made on orders by and within the discretion of the Administrator and in the manner prescribed in section 5223 of this title; except that (1) if the testator or donor has directed or shall direct that his devise, bequest, or gift be devoted to a particular use authorized by this chapter, the same, less expenses incurred, or the net proceeds thereof, shall be used or disbursed as directed, except that a precatory direction shall be fulfilled only insofar as may be proper or practicable; and (2) if the testator or donor shall have indicated his desire that his devise, bequest, or gift shall be for the benefit of persons in hospitals or homes, or other institutions operated by the United States but under the jurisdiction of an official other than the Administrator, the same, less expenses incurred, or the net proceeds thereof which may come into possession of the Administrator, shall be disbursed by transfer to the governing authorities of such institution, or otherwise, in such manner as the Administrator may determine, for the benefit of the persons in the institution indicated by the testator or donor, for proper purposes, as nearly as practicable in conformity with such desire of the testator or donor.

§ 5104. Disposition of property

If the Administrator receives any property other than moneys as contemplated by this chapter, he is authorized in his discretion to sell, assign, transfer, and convey the same, or any interest therein claimed by virtue of such devise, bequest, or gift, for such price and upon such terms as he deems advantageous (including consent to partition of realty and compromise of contested claim of title) and his assignment, deed, or other conveyance of any such property, executed in the name and on behalf of the United States, shall be valid to pass to the purchaser thereof such title to said property as the United States, beneficially or as trustee of the General Post Fund, may have by virtue of any such devise, bequest, or gift, and the proceedings incident thereto, subject to the conditions, limitations, and provisions of the instruments so executed by the Administrator.

§ 5105. Savings provision

(a) Nothing contained in this chapter shall be construed to repeal or modify any law authorizing the acceptance of devises, bequests, or gifts to the United States for their own use and benefit or for any particular purpose specified by the donors or testators.

(b) Whenever the United States receives property and it appears that it is, or shall have been, the intention of the testator or donor that such devise, bequest, or gift be for the benefit of those persons described in section 5101 of this title, or any particular hospital or other institution operated primarily for their benefit, such property or the proceeds thereof shall be credited to the General Post Fund, and shall be used or disbursed in accordance with the provisions of this chapter.

CHAPTER 85—DISPOSITION OF DECEASED VETERANS' PERSONAL PROPERTY

SUBCHAPTER I—PROPERTY LEFT ON VETERANS' ADMINISTRATION FACILITY

Sec.

- 5201. Vesting of property left by decedents.
- 5202. Disposition of unclaimed personal property.
- 5203. Notice of provisions of this subchapter.
- 5204. Disposition of other unclaimed property.
- 5205. Sale or other disposition of property.
- 5206. Notice of sale.
- 5207. Payment of small shipping charges.
- 5208. Relinquishment of Federal jurisdiction.
- 5209. Definitions.
- 5210. Finality of decisions.

SUBCHAPTER II—DEATH WHILE INMATE OF VETERANS' ADMINISTRATION FACILITY

- 5220. Vesting of property left by decedents.
- 5221. Presumption of contract for disposition of personalty.
- 5222. Sale of assets accruing to the Fund.
- 5223. Disbursements from the Fund.
- 5224. Disposal of remaining assets.
- 5225. Court actions.
- 5226. Filing of claims for assets.
- 5227. Notice of provisions of subchapter.
- 5228. Investment of the Fund.

Subchapter I—Property Left on Veterans' Administration Facility

§ 5201. Vesting of property left by decedents

(a) Personal property left by any decedent upon premises used as a Veterans' Administration facility, which premises are subject to the exclusive legislative jurisdiction of the United States and are within the exterior boundaries of any State or dependency of the United States, shall vest and be disposed of as provided in this subchapter, except that—

(1) if such person died leaving a last will and testament probated under the laws of the place of his domicile or under the laws of the State or dependency of the United States within the exterior boundaries of which such premises or a part thereof may be, the personal property of such decedent situated upon such premises shall vest in the person or persons entitled thereto under the provisions of such last will and testament; and

(2) if such person died leaving any such property not disposed of by a last will and testament probated in accord with the provisions of paragraph (1) such property shall vest in the persons entitled to take such property by inheritance under and upon the conditions provided by the law of the decedent's domicile. This paragraph shall not apply to property to which the United States is entitled except where such title is divested out of the United States.

(b) Any officer or employee of the United States in possession of any such property may deliver same to the executor (or the administrator with will annexed) who shall have qualified in either jurisdiction as provided in subsection (a) (1); or if none such then to the domiciliary administrator or to any other qualified administrator who shall demand such property. When delivery shall have been made to any such executor or administrator in accordance with this subsection, neither the United States nor any officer or employee thereof shall be liable therefor.

§ 5202. Disposition of unclaimed personal property

(a) Notwithstanding the provisions of section 5201 of this title, the Administrator may dispose of the personal property of such decedent left or found upon such premises as hereafter provided in this subchapter.

(b) If any veteran (admitted as a veteran), upon his last admission to, or during his last period of maintenance in, a Veterans' Administration facility, shall have designated in writing a person (natural or corporate) to whom he desires his personal property situated upon such facility to be delivered, upon the death of such veteran the Administrator or employee of the Veterans' Administration authorized by him so to act, may transfer possession of such personal property to the person so designated. If there exists no person so designated by the veteran or if the one so designated declines to receive such property, or if he has failed to request such property within ninety days after the Veterans' Administration mails to such designate a notice of death and of the fact of such designation, a description of the property, and an estimate of transportation cost, which shall be paid by such designate if required under the regulations hereinafter mentioned, or if the Administrator declines to transfer possession to such designate, possession of such property may in the discretion of the Administrator or his designated subordinate, be transferred to the following persons in the order and manner herein specified unless the parties otherwise agree as provided in this subchapter, namely, executor or administrator, or if no notice of appointment received, to the spouse, child, grandchild, mother, father, grandmother, grandfather, brother, or sister of the veteran. In case two or more of those named above request the property, only one shall be entitled to possession thereof and in the order hereinbefore set forth, unless they otherwise agree in writing delivered to the Veterans' Administration. If claim is made by two or more such relatives having equal priorities, as hereinabove prescribed, or if there are conflicting claims the Administrator or his designee may in such case select the one to receive such possession, or may make delivery as may be agreed upon by those entitled, or may in his discretion withhold delivery from them and require the qualification of an administrator or executor of the veterans' estate and thereupon make delivery to such.

(c) If the property of any decedent is not so delivered or claimed and accepted the Administrator or his designee may dispose of such property by public or private sale in accordance with the provisions of this subchapter and regulations prescribed by the Administrator.

(d) All sales authorized by this subchapter shall be for cash upon delivery at the premises where sold and without warranty, express or implied. The proceeds of such sales after payment of any expenses incident thereto as may be prescribed by regulations, together with any other moneys left or found on a facility, not disposed of in accordance with this subchapter, shall be credited to the General Post Fund, National Homes, Veterans' Administration, a trust fund provided for in section 725s (a) (45) of title 31. In addition to the purposes for which such fund may be used under the existing law, disbursements may be made therefrom as authorized by the Administrator by regulation or otherwise for the purpose of satisfying any legal liability incurred by any employee in administering the provisions of this subchapter, including any expense incurred in connection therewith. Legal liability shall not exist when delivery or sale shall have been made in accordance with this subchapter.

(e) If, notwithstanding such sale, a claim is filed with the Administrator within five years after notice of sale as herein required, by or on behalf of any person or persons who if known would have been

entitled to the property under section 5201 of this title or to possession thereof under this section, the Administrator shall determine the person or persons entitled under the provisions of this subchapter and may pay to such person or persons so entitled the proceeds of sale of such property, less expenses. Such payment shall be made out of the said trust fund, and in accord with the provisions of this section or section 5201 of this title. Persons under legal disability to sue in their own name may make claim for the proceeds of sale of such property at any time within five years after termination of such legal disability.

(f) Any such property, the sale of which is authorized under this subchapter and which remains unsold, may be used, destroyed, or otherwise disposed of in accordance with regulations promulgated by the Administrator.

§ 5203. Notice of provisions of this subchapter

All persons having or bringing personal property on the premises of a Veterans' Administration facility shall be given reasonable notice of the provisions of this subchapter. In case of a mentally incompetent person, notice hereof shall be given the guardian or other person having custody or control of such person or, if none, to his nearest relative if known. The admission to or continued maintenance in such facility after reasonable notice of the provisions of this subchapter shall constitute consent to the provisions hereof. The death of any person on any such facility or the leaving of property thereon shall be prima facie evidence of a valid agreement for the disposition of such property in accordance with the provisions of this subchapter.

§ 5204. Disposition of other unclaimed property

Any other unclaimed property found on the premises under the control of the Veterans' Administration shall be stored by the officer in charge of such premises and may be sold, used, destroyed, or otherwise disposed of in accordance with regulations promulgated by the Administrator if the owner thereof fails to claim same within ninety days. If undisposed of, the same may be reclaimed by the owner, his personal representative or next of kin, upon payment of reasonable storage charges prescribed by regulations. If sold, the net proceeds thereof shall be credited to said post fund to be expended as other assets of such fund. The person who was entitled to such property, or his legal representative, or assignee, shall be paid the proceeds of sale thereof, less expenses if claim therefor be made within five years from the date of finding. If the owner shall have died intestate without creditors or next of kin surviving, such proceeds shall not be paid to his legal representative.

§ 5205. Sale or other disposition of property

Any unclaimed personal property as described in section 5202 of this title of veterans who have heretofore died or who may hereafter die while maintained as such in a Veterans' Administration facility, and also any unclaimed property heretofore or hereafter found or situated in such facility, may be sold, used, destroyed, or otherwise disposed of in accordance with this subchapter, and subject to regulations promulgated by the Administrator pursuant hereto; and the net proceeds of sale thereof shall be credited and be subject to disbursement as provided in this subchapter.

§ 5206. Notice of sale

At least ninety days before any sale pursuant to this subchapter, written or printed notice thereof describing the property to be sold shall be mailed to the owner of the property or, if deceased, to his executor or administrator, or to the nearest kin, if any such appear

by the records of the Veterans' Administration. If none such appears from said records, similar notice shall be posted at the facility where the death occurred or property shall have been found (if in existence) and at the place where such property is situated at the time of such notice, and also at the place where probate notices are posted in the county wherein the sale is to be had. The person posting such notice shall make an affidavit setting forth the time and place of such posting and attaching thereto a copy of such notice, and such affidavit shall be prima facie evidence of such posting and admissible in evidence as proof of the same.

§ 5207. Payment of small shipping charges

Upon receipt of a proper claim for such property under the provisions of this subchapter the Administrator is hereby authorized, in his discretion and in accordance with regulations by him promulgated, to pay mailing or shipping charges not to exceed \$25 in the case of each deceased veteran as hereinabove defined.

§ 5208. Relinquishment of Federal jurisdiction

Subject to the provisions of this subchapter and to the extent necessary to effectuate the purposes of this subchapter, there is hereby relinquished to the respective State or dependency of the United States such jurisdiction pertaining to the administration of estates of decedents as may have been ceded to the United States by said State or dependency of the United States respecting the Federal reservation on which is situated any Veterans' Administration facility while such facility is operated by the Veterans' Administration; such jurisdiction with respect to any such property on any such reservation to be to the same extent as if such premises had not been ceded to the United States. Nothing in this section shall be construed to deprive any State or dependency of the United States of any jurisdiction which it now has nor to give any State, possession, or dependency of the United States authority over any Federal official as such on such premises or otherwise.

§ 5209. Definitions

The term "facility" or "Veterans' Administration facility" as used in this subchapter means those facilities over which the Veterans' Administration has direct and exclusive administrative jurisdiction, including hospitals or other facilities on property owned or leased by the United States while operated by the Veterans' Administration.

§ 5210. Finality of decisions

Decisions by the Administrator under this subchapter shall not be reviewable administratively by any other officer of the United States.

Subchapter II—Death While Inmate of Veterans' Administration Facility

§ 5220. Vesting of property left by decedents

(a) Whenever any veteran (admitted as a veteran) shall die while a member or patient in any facility, or any hospital while being furnished care or treatment therein by the Veterans' Administration, and shall not leave surviving him any spouse, next of kin, or heirs entitled, under the laws of his domicile, to his personal property as to which he dies intestate, all such property, including money and choses in action, owned by him at the time of death and not disposed of by will or otherwise, shall immediately vest in and become the property of the United States as trustee for the sole use and benefit of the General Post Fund (hereafter in this subchapter referred to as the "Fund"), a trust fund prescribed by section 725s (a) (45) of title 31.

(b) The provisions of subsection (a) are conditions precedent to the initial, and also to the further furnishing of care or treatment by the Veterans' Administration in a facility or hospital. The acceptance and the continued acceptance of care or treatment by any veteran (admitted as a veteran to a Veterans' Administration facility or hospital) shall constitute an acceptance of the provisions and conditions of this subchapter and have the effect of an assignment, effective at his death, of such assets in accordance with and subject to the provisions of this subchapter and regulations issued in accordance with this subchapter.

§ 5221. Presumption of contract for disposition of personalty

The fact of death of a veteran (admitted as such) in a facility or hospital, while being furnished care or treatment therein by the Veterans' Administration, leaving no spouse, next of kin, or heirs, shall give rise to a conclusive presumption of a valid contract for the disposition in accordance with this subchapter, but subject to its conditions, of all property described in section 5220 of this title owned by said decedent at death and as to which he dies intestate.

§ 5222. Sale of assets accruing to the Fund

Any assets heretofore or hereafter accruing to the benefit of the Fund, other than money, but including jewelry and other personal effects, may be sold at the times and places and in the manner prescribed by regulations issued by the Administrator. Upon receipt of the purchase price he is authorized to deliver at the place of sale, said property sold, and upon request to execute and deliver appropriate assignments or other conveyances thereof in the name of the United States, which shall pass to the purchaser such title as decedent had at date of death. The net proceeds after paying any proper sales expense as determined by the Administrator shall forthwith be paid to the Treasurer of the United States to the credit of the Fund; and may be disbursed as are other moneys in the Fund by the Division of Disbursements, Treasury Department, upon order of said Administrator. Articles of personal adornment which are obviously of sentimental value, shall be retained and not sold or otherwise disposed of until the expiration of five years from the date of death of the veteran, without a claim therefor, unless for sanitary or other proper reasons it is deemed unsafe to retain same, in which event they may be destroyed forthwith. Any other articles coming into possession of the Administrator or his representative by virtue of this subchapter which, under regulations promulgated by the Administrator, are determined to be unsalable may be destroyed forthwith or at the time prescribed by regulations, or may be used for the purposes for which disbursements might properly be made from the Fund, or if not usable, otherwise disposed of in accordance with regulations.

§ 5223. Disbursements from the Fund

Disbursements from the Fund shall be made by the Division of Disbursements, Treasury Department, upon the order and within the discretion of the Administrator for the benefit of members and patients while being supplied care or treatment by the Veterans' Administration in any facility or hospital. The authority contained in the preceding sentence is not limited to facilities or hospitals under direct administrative control of the Veterans' Administration. There shall be paid out of the assets of the decedent so far as may be the valid claims of creditors against his estate that would be legally payable therefrom in the absence of this subchapter and without the benefit of any exemption statute, and which may be presented to the Veterans'

Administration within one year from the date of death, or within the time, to the person, and in the manner required or permitted by the law of the State wherein administration, if any, is had upon the estate of the deceased veteran; and also the proper expenses and costs of administration, if any. If the decedent's estate is insolvent the distribution to creditors shall be in accordance with the laws of his domicile, and the preferences and priorities prescribed thereby shall govern, subject to any applicable law of the United States.

§ 5224. Disposal of remaining assets

The remainder of such assets or their proceeds shall become assets of the United States as trustee for the Fund and disposed of in accordance with this subchapter. If there is administration upon the decedent's estate such assets, other than money, upon claim therefor within the time required by law, shall be delivered by the administrator of the estate to the Administrator or his authorized representative, as upon final distribution; and upon the same claim there shall be paid to the Treasurer of the United States for credit to the Fund any such money, available for final distribution. In the absence of administration, any money, chose in action, or other property of the deceased veteran held by any person shall be paid or transferred to the Administrator upon demand by him or his duly authorized representative, who shall deliver itemized receipt therefor. Such payment or transfer shall constitute a complete acquittance of the transferor with respect to any claims by any administrator, creditor, or next of kin of such decedent.

§ 5225. Court actions

If necessary to obtain such assets the Administrator, through his authorized attorneys, may bring and prosecute appropriate actions at law or other legal proceedings, the costs and expenses thereof to be paid as are other administrative expenses of the Veterans' Administration.

§ 5226. Filing of claims for assets

Notwithstanding the crediting to said Fund of the assets, or proceeds thereof, of any decedent, whether upon determination by a court or the Veterans' Administration pursuant to the provisions of section 5220 of this title, any person claiming a right to such assets may within five years after the death of the decedent file a claim on behalf of himself and any others claiming with the Administrator. Upon receipt of due proof that any person was at date of death of the veteran entitled to his personal property, or a part thereof, under the laws of the State of domicile of the decedent, the Administrator may pay out of the Fund, but not to exceed the net amount credited thereto from said decedent's estate less any necessary expenses, the amount to which such person, or persons, was or were so entitled, and upon similar claim any assets of the decedent which shall not have been disposed of shall be delivered in kind to the parties legally entitled thereto. If any person so entitled is under legal disability at the date of death of such decedent, such five-year period of limitation shall run from the termination or removal of legal disability. In the event of doubt as to entitlement, the Administrator may cause administration or other appropriate proceedings to be instituted in any court having jurisdiction. In determining questions of fact or law involved in the adjudication of claims made under this section, no judgment, decree, or order entered in any action at law, suit in equity, or other legal proceeding of any character purporting to determine entitlement to said assets or any part thereof, shall be binding upon the United States or the Administrator or determina-

tive of any fact or question involving entitlement to any such property or the proceeds thereof, or any part of the Fund, unless the Administrator has been seasonably served with notice and permitted to become a party to such suit or proceeding if he makes a request therefor within thirty days after such notice. Notice may be served in person or by registered mail upon the Administrator, or upon his authorized attorney in the State wherein the action or proceedings may be pending. Notice may be waived by the Administrator or by his authorized attorney, in which event the finding, judgment, or decree shall have the same effect as if the Administrator were a party and served with notice. Any necessary court costs or expenses if authorized by the Administrator may be paid as are other administrative expenses of the Veterans' Administration.

§ 5227. Notice of provisions of subchapter

The Administrator shall prescribe a form of application for hospital treatment and domiciliary care which shall include notice of the provisions of this subchapter.

§ 5228. Investment of the Fund

Money in the Fund not required for current disbursements may be invested and reinvested by the Secretary of the Treasury in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

EFFECTIVE DATE AND SAVINGS PROVISIONS

EFFECTIVE DATE

SEC. 2. Except as otherwise provided in this Act, this Act shall take effect on January 1, 1959.

OFFENSES COMMITTED UNDER REPEALED LAWS

SEC. 3. (a) All offenses committed and all penalties and forfeitures incurred under any of the provisions of law amended or repealed by this Act or the Veterans' Benefits Act of 1957 may be prosecuted and punished in the same manner and with the same effect as if such Acts had not been enacted.

(b) Forfeitures of benefits under laws administered by the Veterans' Administration occurring before January 1, 1959 shall continue to be effective.

CONTINUATION OF AUTHORITY UNDER ACT OF JULY 3, 1930

SEC. 4. All functions, powers, and duties conferred upon and vested in the President and the Administrator by the Act of July 3, 1930 (46 Stat. 1016) and which were in effect on December 31, 1957, are continued in effect.

CROSS REFERENCES

SEC. 5. (a) References in other laws to any provision of law replaced by title 38, United States Code, shall, where applicable, be deemed to refer also to the corresponding provision of title 38, United States Code.

(b) References in title 38, United States Code, to any provision of title 38, United States Code, shall, where applicable, be deemed to refer also to the prior corresponding provisions of law.

(c) Amendments effective after August 18, 1958, made to any provision of law replaced by title 38, United States Code, shall, notwithstanding the repeal of such provision by section 14 of this Act, supersede the corresponding provisions of title 38, United States Code, to the extent that such amendments are inconsistent therewith.

71 Stat. 83,
38 USC 2101
note.

CONTINUING AVAILABILITY OF APPROPRIATIONS

SEC. 6. (a) Amounts heretofore appropriated to carry out the purposes of any provision of law repealed by this Act, and available on December 31, 1958, shall be available to carry out the purposes of the corresponding provisions of title 38, United States Code.

(b) The availability and use of appropriations made for the purposes of the Act of July 1, 1948 (62 Stat. 1210; 50 App. U. S. C. 1991-1996) shall not be affected by the repeal of such Act.

OUTSTANDING RULES, REGULATIONS, AND ORDERS

SEC. 7. All rules, regulations, orders, permits, and other privileges issued or granted by the Administrator of Veterans' Affairs before December 31, 1958, and in effect on such date (or scheduled to take effect after such date) shall remain in full force and effect until modified, suspended, overruled, or otherwise changed by the Administrator.

PUBLICATION OF THIS ACT

SEC. 8. This Act shall be printed in slip-law form with a table of contents and a comprehensive index and tables furnished by the Committee on Veterans' Affairs of the House of Representatives; however, such table of contents, comprehensive index and tables shall not be printed in the United States Statutes at Large.

PENDING CLAIMS

SEC. 9. A claim for benefits which is pending in the Veterans' Administration on January 1, 1959, or filed thereafter, shall be adjudicated under the laws in effect on December 31, 1958, with respect to the period before January 1, 1959, and, except as provided in section 10, under title 38, United States Code, thereafter.

PERSONS RECEIVING BENEFITS

SEC. 10. Any individual receiving benefits as a veteran, or as the widow, child, or parent of a veteran, under public laws administered by the Veterans' Administration on December 31, 1958, shall, as long as entitlement under such laws continues, receive benefits under the corresponding provisions of title 38, United States Code, thereafter, or benefits at the rate payable under such public laws, whichever will result in the greater benefit being paid to the individual. The provisions of this section shall apply to those claims within the purview of section 9 in which it is determined that benefits are payable for December 31, 1958.

PERSONS ENTITLED TO EMERGENCY OFFICERS' RETIREMENT PAY

SEC. 11. Any person who was receiving, or entitled to receive, emergency officers' retirement pay, or other privileges or benefits as a retired emergency officer of World War I, on December 31, 1958, under the laws in effect on that day, shall, except where there was fraud, clear and unmistakable error as to conclusion of fact or law, or misrepresentation of material facts, continue to receive, or be entitled to receive, emergency officers' retirement pay at the rate otherwise payable on December 31, 1958, and such other privileges and benefits, so long as the conditions warranting such pay, privileges, and benefits under those laws continue.

CONTINUATION OF CERTAIN RIGHTS AND BENEFITS

38 USC ch. 12A.
57 Stat. 43.
38 USC 701, ch.
12A.
38 USC 697g.

SEC. 12. (a) The repeal of part VIII, and paragraphs 10 and 11 of part VII, of Veterans Regulation Numbered 1 (a), sections 3 and 4 of Public Law 16, Seventy-eighth Congress, and section 1507 of the Servicemen's Readjustment Act of 1944, shall not apply in the case of any veteran (1) who enlisted or reenlisted in a regular component of the Armed Forces after October 6, 1945, and before October 7, 1946, or (2) whose discharge or dismissal is changed, corrected, or modified before February 1, 1965, pursuant to section 1552 or 1553 of title 10, United States Code, or by other corrective action by competent authority.

43 Stat. 121; 49
Stat. 1099.
38 U S C 5 9 1,
688b.

(b) Nothing in this Act or any amendment or repeal made by it, shall affect any right, liability, penalty, authorization or requirement pertaining to World War adjusted compensation authorized or prescribed under the provisions of the World War Adjusted Compensation Act, or the Adjusted Compensation Payment Act, 1936, or any related Act, which was in effect on December 31, 1958.

38 USC 691.

(c) Nothing in this Act, or any amendment or repeal made by it, shall deprive any person of benefits under the Mustering-Out Payment Act of 1944 to which he would have been entitled if this Act had not been enacted.

(d) Nothing in this Act, or any amendment or repeal made by it, shall affect any right of any person based on a contract entered into before the effective date of this Act, or affect the manner in which such right could have been enforced or obtained but for this Act, or such amendment or repeal.

38 U S C 694-
694o.

(e) Chapter 37 of title 38, United States Code, is a continuation and restatement of the provisions of title III of the Servicemen's Readjustment Act of 1944, and may be considered to be an amendment to such title III.

AMENDMENTS AND REPEALS

AMENDMENTS

24 Stat. 387.

SEC. 13. (a) Section 22 of Part I of the Interstate Commerce Act (49 U. S. C. 22) is amended by striking out "the National Homes or" and inserting in lieu thereof "Veterans' Administration facilities or".

(b) The paragraph which begins "The Secretary of War" under the center heading "MISCELLANEOUS OBJECTS." in the Act of March 3, 1901 (31 Stat. 1163; 24 U. S. C. 197), is amended by striking out ", and inmates of the National Home for Disabled Volunteer Soldiers on the Pacific coast at any State asylum in California,".

70 Stat. 745.

(c) Clause (2) of subsection (b) of section 3 of the Civil Service Retirement Act (5 U. S. C. 2253) is amended by striking out "title III of the Veterans' Benefits Act of 1957" and inserting in lieu thereof "chapter 11 of title 38, United States Code".

(d) Subsection (b) of section 212 of the Act of June 30, 1932 (47 Stat. 406; 5 U. S. C. 59a), is amended by striking out "title III of the Veterans' Benefits Acts of 1957" and inserting in lieu thereof "chapter 11 of title 38, United States Code".

47 Stat. 731.

(e) The first sentence of section 10 (b) of the Federal Home Loan Bank Act (12 U. S. C. 1430 (b)) is amended by inserting immediately after "Servicemen's Readjustment Act of 1944, as amended," the following: "chapter 37 of title 38, United States Code,".

48 Stat. 132.

(f) The second paragraph and the last sentence of the first paragraph of section 5 (c) of the Home Owners' Loan Act of 1933 (12 U. S. C. 1464 (c)) are each amended by inserting immediately after "Servicemen's Readjustment Act of 1944, as amended" the following: ", or chapter 37 of title 38, United States Code".

(g) Section 302 (b) of the Federal National Mortgage Association Charter Act (12 U. S. C. 1717 (b)) is amended by inserting immediately after "Servicemen's Readjustment Act of 1944, as amended" the following: ", chapter 37 of title 38, United States Code".

68 Stat. 613.

(h) Section 512 of the National Housing Act (12 U. S. C. 1731a) is amended (1) by inserting "or of chapter 37 of title 38, United States Code" immediately after "Servicemen's Readjustment Act of 1944, as amended," each time it occurs, and (2) by inserting "or chapter 37" immediately after "said title III" each time it occurs.

68 Stat. 610.

(i) (1) Section 202 (o) of the Social Security Act (42 U. S. C. 402 (o)) is amended by striking out "prescribed under section 601 of the Servicemen's and Veterans' Survivor Benefits Act" and inserting in lieu thereof "described in section 3005 of title 38, United States Code".

70 Stat. 807.

(2) Section 217 (b) (2) of such Act (42 U. S. C. 417 (b) (2)) is amended by striking out "section 3 of the Act of August 12, 1935, as amended (38 U. S. C., sec. 454a)" and inserting "section 3101 of title 38, United States Code".

64 Stat. 512.

(3) (A) Subsection (g) of section 1511 of such Act is amended by striking out "title V of the Veterans' Readjustment Assistance Act of 1952 (38 U. S. C. 1011 et seq.)" and inserting in lieu thereof the following: "chapter 43 of title 38, United States Code".

Ante, p. 1088.

(B) Subsection (h) of such section 1511 is amended by striking out "232 of the Veterans' Readjustment Assistance Act of 1952 (38 U. S. C. 942), a subsistence allowance under part VII or part VIII of Veterans Regulation Numbered 1 (a), as amended, or an educational assistance allowance under the War Orphan's Educational Assistance Act of 1956 (38 U. S. C. 1031 et seq.)" and inserting in lieu thereof "1632 of title 38, United States Code, a subsistence allowance under chapter 31 of such title 38 or under part VIII of Veterans Regulation Numbered 1 (a), or an educational assistance allowance under chapter 35 of such title 38".

(C) Subsection (i) of such section 1511 is amended by striking out "title IV of the Veterans' Readjustment Assistance Act of 1952 (38 U. S. C. 991 et seq.)" and inserting in lieu thereof "subchapter I of chapter 41 of title 38, United States Code".

(j) Section 1 (b) (2) of the Bankhead-Jones Farm Tenant Act (7 U. S. C. 1001 (b) (2)) is amended by adding at the end thereof the following: "Any veteran who is eligible for the benefits of chapter 37 of title 38, United States Code, who is found by the Secretary, by reason of his ability and experience (including training as a vocational trainee), to be likely to carry out successfully undertakings required of him under a loan which may be made under this Act, shall be eligible for the benefits of this Act to the same extent as if he were a farm tenant."

50 Stat. 522.

(k) Section 408 of the Federal Employees' Pay Act of 1945 (5 U. S. C. 948) is amended by striking out "section 422 of the Veterans' Benefits Act of 1957" and inserting in lieu thereof "section 522 of title 38, United States Code".

59 Stat. 305;
71 Stat. 159.

(l) (1) Section 2 (a) of the District of Columbia Servicemen's Readjustment Enabling Act of 1945 (D. C. Code 45-1701 (a)) is amended (A) by inserting "or chapter 37 of title 38 of the United States Code" immediately after "(58 Stat. L. 284)" and (B) by inserting "or chapter" immediately after "said Act".

60 Stat. 159.

(2) Section 2 (b) of such Act is amended by inserting "or chapter 37 of title 38 of the United States Code" immediately after "Servicemen's Readjustment Act of 1944".

(m) Section 8 of the Act of August 4, 1947 (61 Stat. 728; 5 U. S. C. 1057) is amended by striking out "title XIV of the Veterans' Bene-

fits Act of 1957" and inserting in lieu thereof "chapter 73 of title 38, United States Code".

(n) The Act of August 4, 1947 (61 Stat. 747; 25 U. S. C. 331 note) is amended (1) by inserting "or chapter 37 of title 38, United States Code" immediately after "Servicemen's Readjustment Act of 1944" and (2) by inserting "or chapter 37" immediately after "such title III".

71 Stat. 159.

(o) (1) Paragraph (3) of section 202 of the Classification Act of 1949 (5 U. S. C. 1082) is amended by striking out "title XIV of the Veterans' Benefits Act of 1957" and inserting in lieu thereof "chapter 73 of title 38, United States Code".

63 Stat. 956.

(2) Paragraph (23) of such section 202 is amended by striking out "Classification Act of 1923, as amended, pursuant to Public Law 636, Seventy-ninth Congress, approved August 7, 1946, as amended" and inserting in lieu thereof "Classification Act of 1949, pursuant to section 4202 of title 38, United States Code".

(3) Paragraph (25) of such section 202 is amended by striking out "section 14 (b) of Public Law 293, Seventy-ninth Congress, approved January 3, 1946, as amended by Public Law 722, Eightieth Congress, approved June 19, 1948" and inserting in lieu thereof "section 4114 (b) of title 38, United States Code".

71 Stat. 159.

(p) Paragraph (3) of subsection (b) of section 2 of the Performance Rating Act of 1950 (5 U. S. C. 2001) is amended by striking out "title XIV of the Veterans' Benefits Act of 1957" and inserting in lieu thereof "chapter 73 of title 38, United States Code".

64 Stat. 81.

(q) Section 505 of the Housing Act of 1950 (12 U. S. C. 1701k) is amended by striking out all that follows "National Housing Act, as amended" and inserting a period.

70 Stat. 517.

(r) Section 265 (a) of the Armed Forces Reserve Act of 1952 (50 U. S. C. 1016 (a)) is amended by inserting immediately before the period at the end thereof "or chapter 43 of title 38, United States Code".

68 Stat. 637, 639.

(s) (1) Sections 602 (a) and 607 of the Housing Act of 1954 are each amended by striking out "Servicemen's Readjustment Act of 1944, as amended" each place it occurs and inserting in lieu thereof "chapter 37 of title 38, United States Code".

68 Stat. 642.

(2) Section 801 of such Act (12 U. S. C. 1701j-1) is amended (1) by striking out "and the Administrator of Veterans' Affairs, respectively, are" each place it occurs and inserting "is"; and (2) by striking out each of the following phrases wherever they appear:

(A) "or guaranty";

(B) "or Administrator";

(C) "or the Administrator of Veterans' Affairs";

(D) "or the Administrator";

(E) "or guaranteed"; and

(F) "and Administrator".

71 Stat. 160.
26 USC 121.

(t) Paragraph (18) of section 121 (a) of the Internal Revenue Code of 1954 is amended by striking out "section 1001 of the Veterans' Benefits Act of 1957" and inserting in lieu thereof "section 3101 of title 38, United States Code".

70 Stat. 883.

(u) Section 501 (c) (2) of the Servicemen's and Veterans' Survivor Benefits Act (5 U. S. C. 2091 note) is amended by striking out "under this Act" and inserting "under chapter 13 of title 38, United States Code".

70A Stat.
10 USC 1441.

(v) Title 10 of the United States Code is amended as follows:

(1) By amending section 1441 by striking out "1115" and inserting in lieu thereof "415 (g)".

(2) By amending chapter 79 by adding at the end thereof the following:

10 USC 1551,
1552.

“§ 1553. Review of discharges and dismissals

“(a) There is in each military department, and in the Coast Guard when it is not operating as a service in the Navy, a board of review established by the Secretary of that department after conference with the Administrator of Veterans' Affairs. Each such board has five members, and shall review, on its own motion, upon the request of any former member of an armed force, or in the case of a deceased member or former member of an armed force, upon the request of his surviving spouse, next of kin, or legal representative, the type and nature of the discharge or dismissal of such member or former member, unless such discharge or dismissal resulted from the sentence of a general court-martial. Such review shall be based upon all available records of the military department concerned, or the Coast Guard, relating to the member or former member, and such other evidence as may be presented. Witnesses shall be permitted to present testimony either in person or by affidavit, and the person requesting review shall be allowed to appear before such board in person or by counsel.

“(b) Each board shall have authority, except in the case of a discharge or dismissal resulting from the sentence of a general court-martial, to change, correct, or modify any discharge or dismissal, and to issue a new discharge in accord with the facts presented to the board. The findings of each board shall be subject to review only by the Secretary concerned.

“(c) No review is authorized under this section unless application therefor is filed with the proper board within fifteen years after whichever last occurred, (1) the date of the discharge or dismissal sought to be reviewed, or (2) June 22, 1944.

“§ 1554. Review of decisions of retiring boards and similar boards

“(a) The Secretary of each military department, and with respect to the Coast Guard, the Secretary of the Treasury, shall establish, from time to time, boards of review composed of five officers, two of whom shall be selected from the Medical Corps of the Army, from the Bureau of Medicine and Surgery of the Navy, from officers of the Air Force designated as medical officers, or from the Public Health Service. Each board shall review, at the request of any officer retired or released from active duty, without pay, for physical disability pursuant to the decision of a retiring board, board of medical survey, or disposition board, the findings and decisions of such board. Such review shall be based upon all available records of the military department concerned, or the Coast Guard, relating to the officer, and such other evidence as may be presented by him. Witnesses shall be permitted to present testimony either in person or by affidavit, and the officer requesting review shall be allowed to appear before such board in person or by counsel.

“(b) Each board of review shall have the same powers as are exercised by, or vested in, the board whose findings and decision are being reviewed. The findings of each board of review shall be transmitted to the Secretary concerned and shall be laid by him before the President for his approval or disapproval and orders in the case.

“(c) No review is authorized under this section unless application therefor is filed within fifteen years after whichever last occurred, (1) the date of the retirement or release for disability sought to be reviewed, or (2) June 22, 1944.

“(d) As used in this section and section 1553, the term ‘counsel’ includes any accredited representative of a service organization recognized by the Administrator of Veterans' Affairs under chapter 59 of title 38.”

(3) The analysis of such chapter 79 is amended by inserting immediately below

"1552. Correction of military records: claims incident thereto."

the following:

"1553. Review of discharges and dismissals.

"1554. Review of decisions of retiring boards and similar boards."

10 USC 6160.

(4) Effective as of January 1, 1958, section 6160 is amended by adding at the end thereof the following: "In the case of any initial award of naval pension granted before July 14, 1943, where the person granted the naval pension is also entitled to pension or compensation under laws administered by the Veterans' Administration, such naval pension shall not exceed one-fourth of such pension or compensation."

(w) Effective as of January 1, 1958, the Veterans' Benefits Act of 1957 is amended as follows:

71 Stat. 83.
38 USC 2103.

(1) By adding at the end of section 103 thereof the following new subsection:

"(c) In determining whether or not a woman is or was the wife of a veteran, their marriage shall be proven as valid for the purposes of all laws administered by the Veterans' Administration according to the law of the place where the parties resided at the time of the marriage or the law of the place where the parties resided when the right to benefits accrued."

38 USC 2351.

(2) By striking out "disability compensation" in section 351 and inserting "disability or death compensation".

(3) By striking out "parts D and E" in section 352 and inserting "this title".

38 USC 2901.

(4) By striking out "under section 921" each place it occurs in section 901.

(5) By inserting "day following the" immediately before "date of his discharge" in section 910 (b).

38 USC 2921.

(6) By striking out "Pension" in section 921 (a) and inserting "Except as provided in section 1503 (a) (2) (A) and Public Law 828, Seventy-sixth Congress, pension".

38 USC 2121.

(7) By inserting in subsection (a) of section 2101 immediately after "vocational rehabilitation," the following: "counseling required by the Administrator pursuant to the War Orphans' Educational Assistance Act of 1956 or title II of the Veterans' Readjustment Assistance Act of 1952,"; and by inserting "counseling" immediately after "vocational rehabilitation," in subsection (b) of such section.

REPEALS

SEC. 14. The following provisions of law are repealed, except with respect to rights and duties that matured, penalties, liabilities, and forfeitures that were incurred, and proceedings that were begun, before January 1, 1959:

(1) In the Revised Statutes of the United States, sections 4825 (24 U. S. C. 71); 4826 (24 U. S. C. 73); 4827 (24 U. S. C. 74); 4829 (24 U. S. C. 91); 4830 (24 U. S. C. 77); 4831 (24 U. S. C. 111); 4833 (24 U. S. C. 133); and 4834 (24 U. S. C. 76).

(2) The paragraph which begins "That so much" under the center heading "WAR DEPARTMENT" in the Act of March 3, 1875 (18 Stat. 359; 24 U. S. C. 111, 122).

(3) The provisos in the paragraph which begins "Support of National Home" under the center heading "MISCELLANEOUS OBJECTS UNDER WAR DEPARTMENT" in the Act of March 3, 1879 (20 Stat. 390; 24 U. S. C. 80).

(4) Section 2 of the Act of February 26, 1881 (21 Stat. 350; 24 U. S. C. 138).

(5) The paragraph which begins "That all pensions" under the center heading "MISCELLANEOUS OBJECTS." in the Act of August 7, 1882 (22 Stat. 322; 24 U. S. C. 138).

(6) The second sentence in the paragraph which begins "For out-door relief" under the center heading "NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS" in the Act of March 3, 1885 (23 Stat. 510; 24 U. S. C. 76).

(7) The Act of July 9, 1886 (24 Stat. 129; 24 U. S. C. 117, 117 note).

(8) The Act of March 2, 1887 (ch. 316, 24 Stat. 444; 24 U. S. C. 73 note).

(9) In the Act of March 3, 1887, all of the paragraph which begins "For out-door relief" under the center heading "NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS" except the first sentence therein (24 Stat. 539; 24 U. S. C. 76, 120).

(10) The Act of August 27, 1888 (25 Stat. 450; 24 U. S. C. 134).

(11) The second sentence in the paragraph which begins "For out-door relief" in the Act of October 2, 1888 (25 Stat. 543; 31 U. S. C. 719).

(12) The proviso in the paragraph which begins "STATE OR TERRITORIAL HOMES:" under the center heading "NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS" in section 3 of the Act of March 2, 1889 (25 Stat. 975).

(13) The Joint Resolution of March 3, 1891 (No. 21, 26 Stat. 1117; 24 U. S. C. 73 note).

(14) The paragraph which begins "In all, two million" under the center heading "NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS" in the Act of August 5, 1892 (27 Stat. 384; 24 U. S. C. 123).

(15) In the Act of March 3, 1893, the portion of the paragraph which begins "OFFICE OF THE INSPECTOR GENERAL:" under the center heading "WAR DEPARTMENT" which begins "; and the Secretary of War" and ends "Army" (27 Stat. 653; 24 U. S. C. 118).

(16) In the Act of August 18, 1894, the provisos in the paragraph which begins "In all, two million" under the center heading "NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS"; the seven paragraphs immediately following such paragraph (24 U. S. C. 75, 85, 93, 94, 112, 119; 39 U. S. C. 321); and the proviso in the paragraph which begins "For construction" under the heading "AT THE MARION BRANCH, AT MARION, INDIANA" (28 Stat. 411).

(17) The proviso in the paragraph which begins "For repairs" under the heading "AT THE MARION BRANCH, AT MARION, INDIANA:" under the center heading "NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS" in each of the following Acts—

- (A) the Act of March 2, 1895 (28 Stat. 954);
- (B) the Act of June 11, 1896 (29 Stat. 448);
- (C) the Act of June 7, 1897 (30 Stat. 54);
- (D) the Act of July 1, 1898 (30 Stat. 639);
- (E) the Act of March 3, 1899 (30 Stat. 1112);
- (F) the Act of June 6, 1900 (31 Stat. 635);
- (G) the Act of March 3, 1901 (31 Stat. 1177);
- (H) the Act of June 28, 1902 (32 Stat. 471);
- (I) the Act of March 3, 1903 (32 Stat. 1135);
- (J) the Act of April 28, 1904 (33 Stat. 503);
- (K) the Act of March 3, 1905 (33 Stat. 1203)

(18) The paragraph which begins "That hereafter" under the center heading "NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS" in the Act of June 11, 1896 (29 Stat. 445; 24 U. S. C. 82).

(19) The second sentence in the paragraph which begins "In all, two million" under the center heading "NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS" in the Act of July 1, 1898 (30 Stat. 640; 24 U. S. C. 81).

(20) The paragraph which begins "For president" under the center heading "NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS" in the Act of July 1, 1898 (30 Stat. 639; 24 U. S. C. 95 note).

(21) The paragraph which begins "Hereafter the following" under the center heading "ORDNANCE DEPARTMENT" in the Act of May 26, 1900 (31 Stat. 217; 24 U. S. C. 131 note).

(22) The paragraph which begins "That appropriations" under the center heading "NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS" in the Act of June 6, 1900 (31 Stat. 294; 24 U. S. C. 114).

(23) The paragraph which begins "For president" under the center heading "NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS" in the Act of June 6, 1900 (31 Stat. 636; 24 U. S. C. 95).

(24) The Act of January 28, 1901 (ch. 184, 31 Stat. 745).

(25) In the Act of March 3, 1901 (31 Stat. 1178), under the center heading "NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS" the paragraph which begins "Hereafter the Board" (24 U. S. C. 96); and the proviso in the paragraph which begins "In all, three million" (24 U. S. C. 121).

(26) The paragraph which begins "Hereafter" under the center heading "NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS" in the Act of July 1, 1902 (32 Stat. 564; 24 U. S. C. 139).

(27) The paragraph which begins "Appropriations herein" under the center heading "NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS" in the Act of March 3, 1903 (32 Stat. 1137; 24 U. S. C. 115).

(28) The Joint Resolution of March 31, 1904 (No. 15, 33 Stat. 585; 44 U. S. C. 276).

(29) The proviso in the paragraph which begins "For repairs, namely:" under the center heading "NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS" in each of the following Acts—

- (A) the Act of June 30, 1906 (34 Stat. 746);
- (B) the Act of March 4, 1907 (34 Stat. 1352);
- (C) the Act of May 27, 1908 (35 Stat. 369);
- (D) the Act of March 4, 1909 (35 Stat. 1008);
- (E) the Act of June 25, 1910 (36 Stat. 732);
- (F) the Act of March 4, 1911 (36 Stat. 1409);
- (G) the Act of August 24, 1912 (37 Stat. 449); and
- (H) the Act of June 23, 1913 (38 Stat. 39).

(30) The paragraph which begins "In addition to those classes" under the center heading "NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS" in each of the following Acts—

- (A) the Act of May 27, 1908 (35 Stat. 372; 24 U. S. C. 131 note); and
- (B) the Act of March 4, 1909 (35 Stat. 1012; 24 U. S. C. 131).

(31) The paragraph which begins "Hereafter vacancies" under the center heading "NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS" in the Act of June 23, 1913 (38 Stat. 43; 24 U. S. C. 73 note).

(32) The proviso in the paragraph which begins "Repairs:" under the center heading "NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS" in the Act of August 1, 1914 (38 Stat. 639; 24 U. S. C. 116).

(33) The proviso in the joint resolution of October 19, 1914 (No. 49, 38 Stat. 780; 24 U. S. C. 73 note).

(34) In the Act of March 3, 1915, under the center heading "NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS", the proviso in the paragraph which begins "Repairs:" (38 Stat. 850; 24 U. S. C. 116); and the paragraph which begins "The following persons" (24 U. S. C. 131 note).

(35) The paragraph which begins "The headquarters of" under the center heading "NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS" in the Act of July 1, 1916 (39 Stat. 297; 24 U. S. C. 72).

(36) The paragraph under the center heading "NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS" in the Act of October 6, 1917 (40 Stat. 368; 24 U. S. C. 131 note).

(37) The joint resolution of February 12, 1918 (40 Stat. 438).

(38) Section 20 of the Act of June 25, 1918 (40 Stat. 615).

(39) The Act of February 26, 1919 (ch. 46, 40 Stat. 1179).

(40) The Act of February 28, 1919 (ch. 82, 40 Stat. 1212).

(41) The paragraph which begins "The following persons" under the center heading "NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS" in the Act of June 5, 1920 (41 Stat. 905; 24 U. S. C. 131 note).

(42) The joint resolution of August 24, 1921 (ch. 93, 42 Stat. 202).

(43) The Act of April 20, 1922 (42 Stat. 496).

(44) The paragraph which begins "For the fiscal year 1924" under the center heading "NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS" in the Act of June 30, 1922 (24 Stat. 763; 42 U. S. C. 113 note).

(45) The Act of September 22, 1922 (ch. 426, 42 Stat. 1038).

(46) In the Act of March 2, 1923, the paragraph which begins "Provided" and the paragraph which begins "For the fiscal year 1925" under the center heading "NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS" (42 Stat. 1424; 24 U. S. C. 113, 113 note).

(47) The World War Adjusted Compensation Act (38 U. S. C. 591-613, 614-618, 619-649, 661-668, 681-683).

(48) The Act of June 5, 1924 (ch. 262, 43 Stat. 389).

(49) (A) The amendment made to the Act of June 7, 1924, by the Act of March 26, 1928 (ch. 245, 45 Stat. 366), which amendment is hereby declared to have been solely an amendment to the paragraph which begins "The following persons" on page 519 of volume 43 of the United States Statutes at Large (24 U. S. C. 131).

(B) The paragraph referred to in subparagraph (A).

(50) The Act of June 7, 1924 (43 Stat. 534; 24 U. S. C. 135).

(51) In the World War Veterans Act, 1924, title I (38 U. S. C. 421-445, 447-459c); title III (38 U. S. C. 511-512b, 512c-518); and section 605 (38 U. S. C. 574).

(52) The proviso in the paragraph which begins "State and Territorial homes for disabled soldiers and sailors:" under the center heading "NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS" in each of the following Acts:

(A) the Act of February 12, 1925 (43 Stat. 933);

(B) the Act of April 15, 1926 (44 Stat. 294);

(C) the Act of February 23, 1927 (44 Stat. 1145);

(D) the First Deficiency Act, fiscal year 1928 (45 Stat. 39);

(E) the Act of March 23, 1928 (45 Stat. 362);

(F) the Act of February 28, 1929 (45 Stat. 1385); and

(G) the Act of May 28, 1930 (46 Stat. 466).

(53) The fourth proviso in the paragraph which begins "Vocational rehabilitation" under the center heading "UNITED STATES VETERANS' BUREAU" in the Act of March 3, 1925 (43 Stat. 1211).

(54) The Act of July 3, 1926 (44 Stat. 826; 38 U. S. C. 618a-618e, 669).

(55) The Act of March 4, 1927 (ch. 490, 44 Stat. 1410).

(56) The Act of March 4, 1927 (ch. 491, 44 Stat. 1411).

(57) The Act of March 4, 1927 (ch. 504, 44 Stat. 1421).

42 Stat. 763.

43 Stat. 121.
38 USC 591.

- (58) Section 7 of the Act of May 29, 1928 (45 Stat. 949; 38 U. S. C. 670).
- (59) The Act of February 20, 1929 (ch. 272, 45 Stat. 1248).
- (60) The Act of May 16, 1930 (ch. 290, 46 Stat. 366).
- (61) Sections 4 and 5 of the Act of June 5, 1930 (46 Stat. 497; 38 U. S. C. 613a).
- (62) The Act of June 21, 1930 (ch. 562, 46 Stat. 792).
- (63) The Act of July 3, 1930 (ch. 832, 46 Stat. 852).
- (64) The proviso in the paragraph which begins "State and Territorial Homes for Disabled Soldiers and Sailors:" under the center heading "VETERANS' ADMINISTRATION" in each of the following Acts—
- (A) the Independent Offices Appropriation Act, 1932 (46 Stat. 1375); and
- (B) the Independent Offices Appropriation Act, 1933 (47 Stat. 472).
- (65) Sections 3 and 4 of the Emergency Adjusted Compensation Act, 1931 (46 Stat. 1430; 38 U. S. C. 650).
- (66) The joint resolution of July 8, 1932 (47 Stat. 654).
- (67) Parts VII and VIII of Veterans Regulation Numbered 1 (a) (38 U. S. C. ch. 12A) except that the repeal of part VII shall not take effect in such manner as to impair the operation of the deferred repeal of a portion of paragraph 9 of such part as provided in section 21 of the Government Employees Training Act (72 Stat. 338).
- (68) In the Independent Offices Appropriation Act, 1934 (48 Stat. 283), the sixth paragraph under the center heading "VETERANS' ADMINISTRATION" (38 U. S. C. 445b); and section 20.
- (69) The joint resolution of January 28, 1935 (49 Stat. 1; 38 U. S. C. 445c).
- (70) Section 5 of the Act of August 23, 1935 (49 Stat. 730; 38 U. S. C. 622 note).
- (71) The Adjusted Compensation Payment Act, 1936 (49 Stat. 1099; 38 U. S. C. ch. 11A).
- (72) Section 404 of the Act of June 29, 1936 (38 U. S. C. 445d).
- (73) Section 7 of the Act of July 19, 1939 (53 Stat. 1070; 38 U. S. C. 512b-1).
- (74) Section 2 of the Act of August 1, 1939 (53 Stat. 1145; 24 U. S. C. 134 note).
- (75) The National Service Life Insurance Act of 1940 (38 U. S. C. 801-805, 806-818, 820-824).
- (76) The last sentence of section 407 of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 App. U. S. C. 547).
- (77) The Act of February 10, 1942 (56 Stat. 87; 38 U. S. C. 805a).
- (78) Section 4 of the Act of July 11, 1942 (56 Stat. 658).
- (79) Section 2 of the Act of December 3, 1942 (56 Stat. 1038; 38 U. S. C. 855a).
- (80) Section 2 of the Act of December 18, 1942 (ch. 768, 56 Stat. 1066).
- (81) Sections 3 and 4 of the Act of March 24, 1943 (57 Stat. 45; 38 U. S. C. ch. 12A, note to pt. VII of VR 1 (a)).
- (82) The paragraph headed "VETERANS' ADMINISTRATION" in title I of the Urgent Deficiency Appropriation Act, 1943 (57 Stat. 434; 38 U. S. C. ch. 12A, note to pt. VII of VR 1 (a)).
- (83) The Act of October 25, 1943 (ch. 276, 57 Stat. 575).
- (84) The Act of November 22, 1943 (57 Stat. 590; 36 U. S. C. 183-184).
- (85) Section 2 of the Act of December 17, 1943 (57 Stat. 603; 24 U. S. C. 134 note).
- (86) The Mustering-Out Payment Act of 1944 (58 Stat. 8; 38 U. S. C. 691-691g).

38 USC 722.

49 Stat. 2034.

54 Stat. 1014.
38 USC 818.

54 Stat. 1185.

38 USC 802 note.

34 USC 853c-6.

38 USC 11a note.

- (87) The Servicemen's Readjustment Act of 1944 (38 U. S. C. 693 note, 693h-694n, 695-696f, 696g-697g). 58 Stat. 284.
38 USC 693 note.
38 USC ch. 12A.
- (88) Section 4 of the Act of September 27, 1944 (58 Stat. 753).
- (89) The first section and section 3 of the Act of September 30, 1944 (58 Stat. 764; 38 U. S. C. 819, 819 note).
- (90) Section 3 of the Act of September 20, 1945 (59 Stat. 535). 38 USC note foll.
ch. 12.
- (91) The paragraph which begins "Hospital and domiciliary facilities:" under the centerheading "VETERANS' ADMINISTRATION" in the First Deficiency Appropriation Act, 1946 (59 Stat. 642).
- (92) The paragraph which begins "Operation of canteens:" under the centerheading "VETERANS' ADMINISTRATION" in the Third Deficiency Appropriation Act, 1946 (60 Stat. 615).
- (93) The proviso in the paragraph which begins "Operation of canteens:" in the Independent Offices Appropriation Act, 1948 (61 Stat. 606).
- (94) Section 5 of the Act of August 6, 1947 (61 Stat. 791; 38 U. S. C. ch. 12A, note to pt. VIII of VR 1 (a)).
- (95) Section 2 of the Act of May 18, 1948 (62 Stat. 237; 24 U. S. C. 134 note).
- (96) The Act of June 3, 1948 (ch. 380, 62 Stat. 292).
- (97) Section 3 of the Act of June 19, 1948 (62 Stat. 501).
- (98) Section 2 of the Act of June 23, 1950 (64 Stat. 254; 38 U. S. C. ch. 12A, note to pt. VIII of VR 1 (a)).
- (99) The last proviso in the paragraph which begins "Administration" under the centerheading "VETERANS' ADMINISTRATION" in the Independent Offices Appropriation Act, 1951 (64 Stat. 718; 38 U. S. C. 696f-1).
- (100) The Act of December 28, 1950 (64 Stat. 1121; 38 U. S. C. 701a).
- (101) The Veterans' Readjustment Assistance Act of 1952 (38 U. S. C. 901-975, 976-1016). 66 Stat. 663.
38 USC 901 note.
- (102) The Act of June 18, 1953 (ch. 127, 67 Stat. 64). 38 USC 11a note.
- (103) The last proviso in the paragraph which begins "Readjustment benefits" under the centerheading "VETERANS' ADMINISTRATION" in the Second Independent Offices Appropriation Act, 1954 (67 Stat. 192; 38 U. S. C. ch. 12A, note to pt. VIII of VR 1 (a)).
- (104) In the Independent Offices Appropriation Act, 1955, under the centerheading "VETERANS' ADMINISTRATION", the last proviso in the paragraph which begins "General operating expenses" (68 Stat. 290; 38 U. S. C. 975a); and the provisos in the paragraph which begins "Readjustment benefits" (38 U. S. C. 694o note).
- (105) The Act of July 15, 1954 (ch. 506, 68 Stat. 477).
- (106) Section 2 of the Act of August 21, 1954 (68 Stat. 758; 24 U. S. C. 134 note).
- (107) The Act of August 28, 1954 (ch. 1049, 68 Stat. 916). 38 USC 750.
- (108) Subsection (b) of the first section of the Act of June 16, 1955 (38 U. S. C., ch. 12A, note to VR 7 (a)). 69 Stat. 161.
38 USC ch. 12A.
- (109) Sections 2 (b) and 4 (b) of the Act of June 21, 1955 (69 Stat. 168; 38 U. S. C. 694l note). 38 USC 942 note.
- (110) In the Independent Offices Appropriation Act, 1956, under the centerheading "VETERANS' ADMINISTRATION", the last proviso in the paragraph which begins "General operating expenses" (69 Stat. 209; 38 U. S. C. 975a); and the provisos in the paragraph which begins "Readjustment benefits" (38 U. S. C. 694o).
- (111) Section 2 of the Act of August 9, 1955 (ch. 640, 69 Stat. 559).
- (112) The last proviso in the paragraph which begins "General operating expenses" under the centerheading "VETERANS' ADMINISTRATION" in the Independent Offices Appropriation Act, 1957 (70 Stat. 348; 38 U. S. C. 975a).

Ante, p. 200.

(113) The War Orphans' Educational Assistance Act of 1956 (38 U. S. C. 1031-1084).

70 Stat. 857.
38 USC 1101.

(114) In the Servicemen's and Veterans' Survivor Benefits Act, paragraphs (1), (6) (B), (7), (8), (11), and (12) of section 102; title II (38 U. S. C. 1111-1119); section 405 (38 U. S. C. 1103); in section 501, subsections (a) (3) (B) (38 U. S. C. 823 note), (s) (2) (38 U. S. C., ch. 12A), and (u) (2) (38 U. S. C., ch. 12A, note to VR 2 (a)); and section 601 (38 U. S. C. 1102).

(115) In the Act of August 27, 1957 (71 Stat. 424), the first section (38 U. S. C. 748 note; ch. 12A); section 2 (38 U. S. C. 473-480 note); and section 8 (38 U. S. C. 2315 note).

(116) The first section and section 2 of the Act of September 7, 1957 (71 Stat. 632; 38 U. S. C. 503 note).

71 Stat. 88.
Ante, pp. 608,
624.

(117) The Veterans' Benefits Act of 1957 (except title XXII) (38 U. S. C. 2101-4008), except that the repeal of sections 235 and 1413 (b) and (c) of such Act shall not take effect in such manner as to impair the operation of the deferred repeal of such sections as provided in section 21 of the Government Employees Training Act (72 Stat. 338).

Ante, p. 75.

(118) Paragraph (e) (2) of section 5 of the Act of April 1, 1958 (72 Stat. 77; 38 U. S. C. 694 note).

(119) Section 2 of the Act of June 18, 1958 (72 Stat. 200; 38 U. S. C. 911 note).

(120) Section 2 of the Act of August 14, 1958 (Public Law 85-652).

(121) Section 2 of the Act of August 18, 1958 (Public Law 85-674), except that such repeal shall not permit payment of the \$250 burial allowance under sections 902 or 903 of title 38, United States Code, with respect to deaths occurring before August 19, 1958, as to which the amount authorized by the laws in effect on the date of death shall apply.

Approved September 2, 1958.

Public Law 85-858

AN ACT

September 2, 1958
[S. 1903]

To amend section 7 of the Administrative Expenses Act of 1946, as amended, relating to travel expenses of civilian officers and employees assigned to duty posts outside the continental United States.

Federal employ-
ees.
Travel expenses
outside U.S.
68 Stat. 1008.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7 of the Administrative Expenses Act of 1946, as amended (5 U. S. C. 73b-3), is amended by inserting after the third proviso the following new proviso: "*Provided further,* Any officer or employee of the United States appointed by the President, by and with the advice and consent of the Senate, to serve for a term fixed by law, whose post of duty is outside the continental United States, shall be allowed expenses of round trip travel for himself and transportation of his immediate family, but excluding household effects, from his post of duty outside the continental United States to the place of his actual residence at the time of his appointment to such overseas post of duty, at the end of each two years of satisfactory service completed overseas, if he is returning to his actual place of residence for the purpose of taking leave prior to serving at least two more years of overseas duty."

Approved September 2, 1958.

Public Law 85-859

AN ACT

To make technical changes in the Federal excise tax laws, and for other purposes.

September 2, 1958
[H. R. 7125]

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

SECTION 1. SHORT TITLE, ETC.

(a) **SHORT TITLE.**—This Act may be cited as the “Excise Tax Technical Changes Act of 1958”.

Excise Tax
Technical
Changes Act of
1958.

(b) **AMENDMENT OF 1954 CODE.**—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

(c) **EFFECTIVE DATE.**—Except as otherwise provided, the amendments and repeals made by title I of this Act shall take effect on the first day of the first calendar quarter which begins more than 60 days after the date on which this Act is enacted. For effective dates of amendments made by title II of this Act, see section 210.

TITLE I—MISCELLANEOUS EXCISE TAXES

PART I—RETAILERS EXCISE TAXES

SEC. 101. SEMI-PRECIOUS STONES.

Section 4001 (tax on jewelry) is amended by striking out “Pearls, precious and semi-precious stones, and imitations thereof.” and inserting in lieu thereof the following:

68A Stat. 473.
26 USC 4001.

“The following stones, by whatever name called, whether real or synthetic:

“Amber

Beryl of the following types:

Aquamarine
Emerald
Golden Beryl
Hellodor
Morganite

Chrysoberyl of the following types:

Alexandrite
Cat's eye
Chrysolite

Coral

Corundum of the following types:

Ruby
Sapphire

Diamond

Feldspar of the following type:

Moonstone

Garnet

Jadeite (Jade)

Jet

Lapis Lazuli

Nephrite (Jade)

Opal

Pearls (natural and cultured)

Peridot

Quartz of the following types:

Amethyst
Bloodstone
Citrine
Moss agate
Onyx
Sardonyx
Tiger-eye

Spinel
Topaz
Tourmaline
Turquoise
Zircon."

SEC. 102. CERTAIN CLOCKS, CASES, AND MOVEMENTS.

26 USC 4003.

Section 4003 (exemptions from tax on jewelry and related items) is amended by adding at the end thereof the following new subsections:

"(c) CLOCKS SUBJECT TO MANUFACTURERS TAX.—The tax imposed by section 4001 shall not apply to a clock or watch, or to a case or movement for a clock or watch, if a tax in respect of such clock, watch, case, or movement was imposed under chapter 32 by reason of its sale (1) as a part or accessory, or (2) on or in connection with or with the sale of any article:

26 USC 4061-4226.

"(d) CERTAIN PARTS OF CONTROL OR REGULATORY DEVICES.—The tax imposed by section 4001 shall not apply to a clock or watch, or to a case or movement for a clock or watch, if such clock, watch, case, or movement is (1) a part of a control or regulatory device which is an article (or part thereof) not taxable under chapter 32, or (2) sold as a repair or replacement part for such a device."

SEC. 103. LUGGAGE TAX.

26 USC 4031.

Section 4031 (tax on luggage) is amended to read as follows:

"SEC. 4031. IMPOSITION OF TAX.

"There is hereby imposed upon the following articles, by whatever name called, sold at retail (including in each case fittings or accessories therefor sold on or in connection with the sale thereof) a tax equivalent to 10 percent of the price for which so sold—

"Bathing suit bags.	Manicure set cases.
Beach bags or kits.	Memorandum pad cases (suitable for use as card or pass cases, billfolds, purses, or wallets).
Billfolds.	Musette bags.
Briefcases.	Overnight bags.
Brief bags.	Pocketbooks.
Camping bags.	Purses and handbags.
Card and pass cases.	Ring binders, capable of closure on all sides.
Collar cases.	Salesmen's sample or display cases, bags, or trunks.
Cosmetic bags and kits.	Satchels.
Dressing cases.	Shoe and slipper bags.
Dufflebags.	Suitcases.
Furlough bags.	Tie cases.
Garment bags designed for use by travelers.	Toilet kits and cases.
Hatboxes designed for use by travelers.	Traveling bags.
Haversacks.	Trunks.
Key cases or containers.	Vanity bags or cases.
Knapsacks.	Valises.
Knitting or shopping bags (suitable for use as purses or handbags).	Wallets.
Makeup boxes.	"Wardrobe cases."

SEC. 104. SALES OF INSTALLMENT ACCOUNTS BY RETAILERS.

26 USC 4053.

Section 4053 (computation of tax on installment sales, etc.) is amended—

(1) by striking out "In the case of—" and inserting in lieu thereof the following:

"(a) GENERAL RULE.—In the case of—"; and

(2) by adding at the end thereof the following new subsections:

"(b) SALES OF INSTALLMENT ACCOUNTS.—If installment accounts, with respect to payments on which tax is being computed as provided in subsection (a), are sold or otherwise disposed of, then subsection (a) shall not apply with respect to any subsequent payments on such accounts (other than subsequent payments on returned accounts with

respect to which credit or refund is allowable by reason of section 6416 (b) (5)), but instead there shall be paid—

“(1) an amount equal to the difference between (A) the tax previously paid on the payments on such installment accounts, and (B) the total tax; except that

“(2) if any such sale is pursuant to the order of, or subject to the approval of, a court of competent jurisdiction in a bankruptcy or insolvency proceeding, the amount computed under paragraph (1) shall not exceed the amount computed by multiplying (A) the amount for which such accounts are sold, by (B) the rate of tax under this chapter which applied on the day on which the transaction giving rise to such installment accounts took place.

“(c) LIMITATION.—The sum of the amounts payable under this section in respect to the sale of any article shall not exceed the total tax.”

SEC. 105. EXEMPTION FROM RETAILERS EXCISE TAXES FOR NON-PROFIT EDUCATIONAL ORGANIZATIONS.

(a) EXEMPTION.—Subchapter F of chapter 31 (special provisions applicable to retailers tax) is amended by renumbering section 4057 as 4058, and by inserting after section 4056 the following new section:

26 U.S.C. 4051-4057.

“SEC. 4057. EXEMPTION FOR NONPROFIT EDUCATIONAL ORGANIZATIONS.

“Under regulations prescribed by the Secretary or his delegate, no tax shall be imposed under this chapter with respect to the sale of any article to a nonprofit educational organization for its exclusive use, or, in the case of a tax imposed by section 4041, with respect to the use by a nonprofit educational organization of any liquid as a fuel. For purposes of this section, the term ‘nonprofit educational organization’ means an educational organization described in section 503 (b) (2) which is exempt from income tax under section 501 (a).”

26 USC 4041.

26 USC 503, 501.

(b) CLERICAL AMENDMENT.—The table of sections for subchapter F of chapter 31 is amended by striking out

“Sec. 4057. Cross reference.”

and inserting in lieu thereof

“Sec. 4057. Exemption for nonprofit educational organizations.

“Sec. 4058. Cross reference.”

PART II—MANUFACTURERS EXCISE TAXES

SEC. 111. REFRIGERATOR COMPONENTS.

(a) REPEAL OF TAX.—Section 4111 (tax on refrigeration equipment) is amended by striking out “Refrigerator components.”

26 USC 4111.

(b) TECHNICAL AMENDMENTS.—

(1) Section 4112 (definition of refrigerator components) is hereby repealed.

26 USC 4112.

(2) The table of sections for part I of subchapter B of chapter 32 (refrigeration equipment) is amended by striking out

“Sec. 4112. Definition of refrigerator components.”

SEC. 112. ELECTRIC, GAS, AND OIL APPLIANCES.

Section 4121 (tax on electric, gas, and oil appliances) is amended—

26 USC 4121.

(1) by striking out “(a) HOUSEHOLD-TYPE ARTICLES.—”,

(2) by striking out subsection (b) thereof,

(3) by striking out “Electric belt-driven fans.” and inserting in lieu thereof

“Electric direct-motor and belt-driven fans and air circulators.”,

(4) by striking out “Electric floor polishers and waxers.”, and

(5) by striking out "Electric garbage disposal units." and inserting in lieu thereof
 "Electric, gas, or oil incinerator units and garbage disposal units."

SEC. 113. RADIO AND TELEVISION COMPONENTS; RECORD PLAYERS; ETC.

26 USC 4141-4143.

(a) **IN GENERAL.**—Part I of subchapter C of chapter 32 (radio and television sets, phonographs and records) is amended to read as follows:

"PART I—RADIO AND TELEVISION SETS, PHONOGRAPHS AND RECORDS, ETC.

"Sec. 4141. Imposition of tax.

"Sec. 4142. Definition of radio and television component.

"Sec. 4143. Exemption for communication, etc., equipment.

"SEC. 4141. IMPOSITION OF TAX.

"There is hereby imposed upon the sale by the manufacturer, producer, or importer of the following articles (including in each case parts or accessories therefor sold on or in connection with the sale thereof), a tax equivalent to 10 percent of the price for which so sold:

"Radio receiving sets.
 Automobile radio receiving sets.
 Television receiving sets.
 Automobile television receiving sets.
 Phonographs.
 Combinations of any of the foregoing.
 Radio and television components.
 Phonograph records.

"SEC. 4142. DEFINITION OF RADIO AND TELEVISION COMPONENT.

"As used in section 4141, the term 'radio and television components' means chassis, cabinets, tubes, speakers, amplifiers, power supply units, antennae of the 'built-in' type, phonograph mechanisms, and phonograph record-players, which are suitable for use on or in connection with, or as component parts of, any of the articles enumerated in section 4141, whether or not primarily adapted for such use.

"SEC. 4143. EXEMPTION FOR COMMUNICATION, ETC., EQUIPMENT.

"(a) **IN GENERAL.**—Except in the case of radio and television components and phonograph records, the tax imposed by section 4141 shall not apply to communication, detection, or navigation equipment of the type used in commercial, military, or marine installations.

"(b) **COMPONENTS.**—The tax imposed by section 4141 on radio and television components shall not apply to any article which is suitable for use only on or in connection with, or as a component of, articles exempt from tax under subsection (a)."

(b) **TECHNICAL AMENDMENT.**—The table of parts for such subchapter C is amended by striking out "records." and inserting in lieu thereof "records, etc."

SEC. 114. STENCIL CUTTING MACHINES OF THE TYPE USED IN MARKING FREIGHT SHIPMENTS.

26 USC 4192.

(a) **EXEMPTION.**—Section 4192 (exemption from tax on business machines) is amended to read as follows:

"SEC. 4192. EXEMPTIONS.

26 USC 4191.

"No tax shall be imposed under section 4191 on the sale of cash registers of the type used in registering over-the-counter retail sales, or on the sale of stencil cutting machines of the type used in shipping departments in making cutout stencils for marking freight shipments."

(b) CLERICAL AMENDMENT.—The table of sections for part I of subchapter E of chapter 32 is amended by striking out

“Sec. 4192. Exemption for retail sales cash register.”

and inserting in lieu thereof

“Sec. 4192. Exemptions.”

SEC. 115. CONSTRUCTIVE SALE PRICE FOR MANUFACTURERS EXCISE TAXES.

Section 4216 (b) (constructive sale price) is amended to read as follows: 26 USC 4216.

“(b) CONSTRUCTIVE SALE PRICE.—

“(1) IN GENERAL.—If an article is—

“(A) sold at retail,

“(B) sold on consignment, or

“(C) sold (otherwise than through an arm's length transaction) at less than the fair market price,

the tax under this chapter shall (if based on the price for which the article is sold) be computed on the price for which such articles are sold, in the ordinary course of trade, by manufacturers or producers thereof, as determined by the Secretary or his delegate. In the case of an article sold at retail, the computation under the preceding sentence shall be on whichever of the following prices is the lower: (i) the price for which such article is sold, or (ii) the highest price for which such articles are sold to wholesale distributors, in the ordinary course of trade, by manufacturers or producers thereof, as determined by the Secretary or his delegate. This paragraph shall not apply if paragraph (2) applies.

“(2) SPECIAL RULE.—If an article is sold at retail, to a retailer, or to a special dealer (as defined in paragraph (3)), and if—

“(A) the manufacturer, producer, or importer of such article regularly sells such articles at retail, to retailers, or to special dealers, as the case may be,

“(B) the manufacturer, producer, or importer of such article regularly sells such articles to one or more wholesale distributors (other than special dealers) in arm's length transactions and he establishes that his prices in such cases are determined without regard to any tax benefit under this paragraph,

“(C) the normal method of sales for such articles within the industry is not to sell such articles at retail or to retailers, or combinations thereof, and

“(D) the transaction is an arm's length transaction, the tax under this chapter shall (if based on the price for which the article is sold) be computed on whichever of the following prices is the lower: (i) the price for which such article is sold, or (ii) the highest price for which such articles are sold by such manufacturer, producer, or importer to wholesale distributors (other than special dealers).

“(3) SPECIAL DEALER.—For purposes of paragraph (2), the term ‘special dealer’ means a distributor of articles taxable under section 4121 who does not maintain a sales force to resell the article whose constructive price is established under paragraph (2) but relies on salesmen of the manufacturer, producer, or importer of the article for resale of the article to retailers.”

SEC. 116. SALES OF INSTALLMENT ACCOUNTS BY MANUFACTURERS.

Section 4216 (computation of tax on installment sales, etc.) is amended by adding at the end thereof the following new subsection:

“(e) SALES OF INSTALLMENT ACCOUNTS.—If installment accounts, with respect to payments on which tax is being computed as provided in subsection (c), are sold or otherwise disposed of, then subsection (c) shall not apply with respect to any subsequent payments on such accounts (other than subsequent payments on returned accounts with respect to which credit or refund is allowable by reason of section 6416 (b) (5)), but instead—

26 USC 6416.

“(1) there shall be paid an amount equal to the difference between (A) the tax previously paid on the payments on such installment accounts, and (B) the total tax; except that

“(2) if any such sale is pursuant to the order of, or subject to the approval of, a court of competent jurisdiction in a bankruptcy or insolvency proceeding, the amount computed under paragraph (1) shall not exceed the amount computed by multiplying (A) the amount for which such accounts are sold, by (B) the rate of tax under this chapter which applied on the day on which the transaction giving rise to such installment accounts took place.

The sum of the amounts payable under this subsection and subsection (c) in respect of the sale of any article shall not exceed the total tax.”

SEC. 117. LEASES OF CERTAIN ARTICLES SUBJECT TO MANUFACTURERS EXCISE TAXES.

26 USC 4217.

(a) IN GENERAL.—Section 4217 (lease considered as sale) is amended to read as follows:

“SEC. 4217. LEASES.

“(a) LEASE CONSIDERED AS SALE.—For purposes of this chapter, the lease of an article (including any renewal or any extension of a lease or any subsequent lease of such article) by the manufacturer, producer, or importer shall be considered a sale of such article.

“(b) LIMITATION ON TAX.—In the case of any lease described in subsection (a) of an article taxable under this chapter, if the tax under this chapter is based on the price for which such articles are sold, there shall be paid on each lease payment with respect to such article a percentage of such payment equal to the rate of tax in effect on the date of such payment, until the total of the tax payments under such lease and any prior lease to which this subsection applies equals the total tax.

“(c) DEFINITION OF TOTAL TAX.—For purposes of this section, the term ‘total tax’ means—

“(1) except as provided in paragraph (2), the tax computed on the constructive sale price for such article which would be determined under section 4216 (b) if such article were sold at retail on the date of the first lease to which subsection (b) applies; or

“(2) if the first lease to which subsection (b) applies is not the first lease of the article, the tax computed on the fair market value of such article on the date of the first lease to which subsection (b) applies.

Any such computation of tax shall be made at the applicable rate specified in this chapter in effect on the date of the first lease to which subsection (b) applies.

“(d) SPECIAL RULES.—

“(1) LESSOR MUST ALSO BE ENGAGED IN SELLING.—Subsection (b) shall not apply to any lease of an article unless at the time of making the lease, or any prior lease of such article to which subsection (b) applies, the person making the lease or prior lease was

also engaged in the business of selling in arm's length transactions the same type and model of article.

"(2) **SALE BEFORE TOTAL TAX BECOMES PAYABLE.**—If the taxpayer sells an article before the total tax has become payable, then the tax payable on such sale shall be whichever of the following is the smaller:

"(A) the difference between (i) the tax imposed on lease payments under leases of such article to which subsection (b) applies, and (ii) the total tax, or

"(B) a tax computed, at the rate in effect on the date of the sale, on the price for which the article is sold.

For purposes of subparagraph (B), if the sale is at arm's length, section 4216 (b) shall not apply.

"(3) **SALE AFTER TOTAL TAX HAS BECOME PAYABLE.**—If the taxpayer sells an article after the total tax has become payable, no tax shall be imposed under this chapter on such sale.

"(4) **TRANSITIONAL RULES.**—For purposes of this subsection and subsections (b) and (c), in the case of any lease entered into before the effective date of subsection (b) and existing on such date—

"(A) such lease shall be considered as having been entered into on such date;

"(B) the total tax shall be computed on the fair market value of the article on such date; and

"(C) the lease payments under such lease shall include only payments attributable to periods on and after such date."

(b) **REPEAL OF SECTION 4216 (d); CORRECTION OF CROSS REFERENCE.**—Section 4216 (definition of price) is amended by striking out subsection (d) thereof. Section 4216 (c) (partial payments) is amended by striking out "subsection (d)" and inserting in lieu thereof "section 4217 (b)".

26 USC 4216.

(c) **APPLICATION OF SECTION.**—The amendments made by subsections (a) and (b) shall not apply to any lease of an article if section 4216 (d) of the Internal Revenue Code of 1954 applied to any lease of such article before the effective date specified in section 1 (c) of this Act.

(d) **TECHNICAL AMENDMENT.**—The table of sections for subchapter F of chapter 32 is amended by striking out "Lease considered sale." and inserting in lieu thereof "Leases."

26 USC 4216-4226.

SEC. 118. USE BY MANUFACTURER OR IMPORTER CONSIDERED SALE.

Section 4218 (use by manufacturer or importer considered sale) is amended to read as follows:

26 USC 4218.

"SEC. 4218. USE BY MANUFACTURER OR IMPORTER CONSIDERED SALE.

"(a) **GENERAL RULE.**—If any person manufactures, produces, or imports an article (other than an article specified in subsection (b) or (c)) and uses it (otherwise than as material in the manufacture or production of, or as a component part of, another article taxable under this chapter to be manufactured or produced by him), then he shall be liable for tax under this chapter in the same manner as if such article were sold by him.

"(b) **TIRES, TUBES, AND AUTOMOBILE RECEIVING SETS.**—If any person manufactures, produces, or imports a tire or inner tube taxable under section 4071, or an automobile radio or television receiving set taxable under section 4141, and sells it on or in connection with the sale of any article, or uses it, then he shall be liable for tax under this chapter in the same manner as if such article were sold by him.

26 USC 4071.

26 USC 4061. “(c) **AUTOMOBILE PARTS, RADIO COMPONENTS, CAMERA LENSES, ETC.**—If any person manufactures, produces, or imports a part or accessory taxable under section 4061 (b), a radio or television component taxable under section 4141, or a camera lens taxable under section 4171, and uses it (otherwise than as material in the manufacture or production of, or as a component part of, any other article to be manufactured or produced by him), then he shall be liable for tax under this chapter in the same manner as if such article were sold by him.

26 USC 4171. “(d) **COMPUTATION OF TAX.**—Except as provided in section 4223 (b), in any case in which a person is made liable for tax by the preceding provisions of this section, the tax (if based on the price for which the article is sold) shall be computed on the price at which such or similar articles are sold, in the ordinary course of trade, by manufacturers, producers, or importers, thereof, as determined by the Secretary or his delegate.”

SEC. 119. UNIFORM SYSTEM OF EXEMPTIONS; REGISTRATION; ETC.

26 USC 4061-4226. (a) **IN GENERAL.**—Chapter 32 (manufacturers excise taxes) is amended by striking out sections 4220 to 4225, inclusive, and by inserting after section 4219 the following:

“Subchapter G—Exemptions, Registration, Etc.

“Sec. 4221. Certain tax-free sales.

“Sec. 4222. Registration.

“Sec. 4223. Special rules relating to further manufacture.

“Sec. 4224. Exemption for articles taxable as jewelry.

“Sec. 4225. Exemption of articles manufactured or produced by Indians.

“Sec. 4226. Floor stocks taxes.

“Sec. 4227. Cross references.

“SEC. 4221. CERTAIN TAX-FREE SALES.

“(a) **GENERAL RULE.**—Under regulations prescribed by the Secretary or his delegate, no tax shall be imposed under this chapter on the sale by the manufacturer of an article—

“(1) for use by the purchaser for further manufacture, or for resale by the purchaser to a second purchaser for use by such second purchaser in further manufacture,

“(2) for export, or for resale by the purchaser to a second purchaser for export,

“(3) for use by the purchaser as supplies for vessels or aircraft,

“(4) to a State or local government for the exclusive use of a State or local government, or

“(5) to a nonprofit educational organization for its exclusive use,

but only if such exportation or use is to occur before any other use.

“(b) **PROOF OF RESELL FOR FURTHER MANUFACTURE; PROOF OF EXPORT.**—Where an article has been sold free of tax under subsection (a)—

“(1) for resale by the purchaser to a second purchaser for use by such second purchaser in further manufacture, or

“(2) for export, or for resale by the purchaser to a second purchaser for export,

subsection (a) shall cease to apply in respect of such sale of such article unless, within the 6-month period which begins on the date of the sale by the manufacturer (or, if earlier, on the date of shipment by the manufacturer), the manufacturer receives proof that the article has been exported or resold for use in further manufacture.

“(c) **MANUFACTURER RELIEVED FROM LIABILITY IN CERTAIN CASES.**—In the case of any article sold free of tax under this section

(other than a sale to which subsection (b) applies), and in the case of any article sold free of tax under section 4063 (b), 4083, or 4093, if the manufacturer in good faith accepts a certification by the purchaser that the article will be used in accordance with the applicable provisions of law, no tax shall thereafter be imposed under this chapter in respect of such sale by such manufacturer.

26 U S C 4063,
4083, 4093.

“(d) DEFINITIONS.—For purposes of this section—

“(1) MANUFACTURER.—The term ‘manufacturer’ includes a producer or importer of an article.

“(2) EXPORT.—The term ‘export’ includes shipment to a possession of the United States; and the term ‘exported’ includes shipped to a possession of the United States.

“(3) SUPPLIES FOR VESSELS OR AIRCRAFT.—The term ‘supplies for vessels or aircraft’ means fuel supplies, ships’ stores, sea stores, or legitimate equipment on vessels of war of the United States or of any foreign nation, vessels employed in the fisheries or in the whaling business, or vessels actually engaged in foreign trade or trade between the Atlantic and Pacific ports of the United States or between the United States and any of its possessions. For purposes of the preceding sentence, the term ‘vessels’ includes civil aircraft employed in foreign trade or trade between the United States and any of its possessions, and the term ‘vessels of war of the United States or of any foreign nation’ includes aircraft owned by the United States or by any foreign nation and constituting a part of the armed forces thereof.

“(4) STATE OR LOCAL GOVERNMENT.—The term ‘State or local government’ means any State, Alaska, Hawaii, the District of Columbia, or any political subdivision of any of the foregoing.

“(5) NONPROFIT EDUCATIONAL ORGANIZATION.—The term ‘non-profit educational organization’ means an educational organization described in section 503 (b) (2) which is exempt from income tax under section 501 (a).

26 USC 503, 501.

“(6) USE IN FURTHER MANUFACTURE.—An article shall be treated as sold for use in further manufacture if—

“(A) such article (other than an article referred to in subparagraph (B)) is sold for use by the purchaser as material in the manufacture or production of, or as a component part of, another article taxable under this chapter to be manufactured or produced by him; or

“(B) in the case of a part or accessory taxable under section 4061 (b), a radio or television component taxable under section 4141, or a camera lens taxable under section 4171, such article is sold for use by the purchaser as material in the manufacture or production of, or as a component part of, another article to be manufactured or produced by him.

26 USC 4061.

26 USC 4171.

“(e) SPECIAL RULES.—

“(1) RECIPROCITY REQUIRED IN CASE OF CIVIL AIRCRAFT.—In the case of articles sold for use as supplies for aircraft, the privileges granted under subsection (a) (3) in respect of civil aircraft employed in foreign trade or trade between the United States and any of its possessions, in respect of aircraft registered in a foreign country, shall be allowed only if the Secretary of the Treasury has been advised by the Secretary of Commerce that he has found that such foreign country allows, or will allow, substantially reciprocal privileges in respect of aircraft registered in the United States. If the Secretary of the Treasury is advised by the Secretary of Commerce that he has found that a foreign country has discontinued or will discontinue the allowance of such privileges, the privileges granted under subsection (a) (3)

shall not apply thereafter in respect of civil aircraft registered in that foreign country and employed in foreign trade or trade between the United States and any of its possessions.

“(2) TIRES, TUBES, AND AUTOMOBILE RECEIVING SETS.—

“(A) TAX-FREE SALES.—Under regulations prescribed by the Secretary or his delegate, no tax shall be imposed under section 4071 or 4141 on the sale by the manufacturer of a tire, inner tube, or automobile radio or television receiving set if—

26 USC 4071.

“(i) such tire, tube, or receiving set is sold for use by the purchaser for sale on or in connection with the sale of another article manufactured or produced by such purchaser; and

“(ii) such other article is to be sold by such purchaser in a sale which either will satisfy the requirements of paragraph (2), (3), (4), or (5) of subsection (a) for a tax-free sale, or would satisfy such requirements but for the fact that such other article is not subject to tax under this chapter.

“(B) PROOF.—Where a tire, tube, or receiving set has been sold free of tax under this paragraph, this paragraph shall cease to apply unless, within the 6-month period which begins on the date of the sale by him (or, if earlier, on the date of the shipment by him), the manufacturer of such tire, tube, or receiving set receives proof that the other article referred to in clause (ii) of subparagraph (A) has been sold in a manner which satisfies the requirements of such clause (ii) (including in the case of a sale for export, proof of export of such other article).

“(C) SUBSECTION (a) (1) DOES NOT APPLY.—Paragraph (1) of subsection (a) shall not apply with respect to the tax imposed under section 4071 or 4141 on the sale of a tire, inner tube, or automobile radio or television receiving set.

“(3) MUSICAL INSTRUMENTS SOLD FOR RELIGIOUS USE.—Under regulations prescribed by the Secretary or his delegate, the tax imposed by section 4151 shall not apply to musical instruments sold to a religious institution for exclusively religious purposes.

26 USC 4151.

“(f) SALES OF MECHANICAL PENCILS AND PENS FOR EXPORT.—Under regulations prescribed by the Secretary or his delegate, mechanical pencils, fountain pens, and ball point pens subject to the tax imposed by section 4201 may be sold by the manufacturer free of tax for export or for resale for export upon receipt by him of notice of intent to export or to resell for export.

26 USC 4201.

“SEC. 4222. REGISTRATION.

“(a) GENERAL RULE.—Except as provided in subsection (b), section 4221 shall not apply with respect to the sale of any article unless the manufacturer, the first purchaser, and the second purchaser (if any) are all registered under this section. Registration under this section shall be made at such time, in such manner and form, and subject to such terms and conditions, as the Secretary or his delegate may by regulations prescribe. A registration under this section may be used only in accordance with regulations prescribed under this section.

“(b) EXCEPTIONS.—

“(1) PURCHASES BY STATE AND LOCAL GOVERNMENTS.—Subsection (a) shall not apply to any State or local government in connection with the purchase by it of any article if such State or local government complies with such regulations relating to the use of exemption certificates in lieu of registration as the Secre-

tary or his delegate shall prescribe to carry out the purpose of this paragraph.

“(2) EXPORT.—Subject to such regulations as the Secretary or his delegate may prescribe for the purpose of this paragraph, in the case of any sale or resale for export, the Secretary or his delegate may relieve the purchaser or the second purchaser, or both, from the requirement of registering under this section.

“(3) CERTAIN PURCHASES AND SALES BY THE UNITED STATES.—Subsection (a) shall apply to purchases and sales by the United States only to the extent provided by regulations prescribed by the Secretary or his delegate.

“(4) MECHANICAL PENCILS, FOUNTAIN PENS, AND BALL POINT PENS.—Subsection (a) shall not apply in the case of mechanical pencils, fountain pens, and ball point pens subject to the tax imposed by section 4201 sold by the manufacturer for export or for resale for export.

26 USC 4201.

“(c) REVOCATION OR SUSPENSION OF REGISTRATION.—Under regulations prescribed by the Secretary or his delegate, the registration of any person under this section may be revoked or suspended if the Secretary or his delegate determines—

“(1) that such person has used such registration to avoid the payment of any tax imposed by this chapter, or to postpone or in any manner to interfere with the collection of any such tax, or

“(2) that such revocation or suspension is necessary to protect the revenue.

The revocation or suspension under this subsection shall be in addition to any penalty provided by law for any act or failure to act.

“(d) REGISTRATION IN THE CASE OF CERTAIN OTHER EXEMPTIONS.—The provisions of this section may be extended to, and made applicable with respect to, the exemptions provided by sections 4063 (b), 4083, 4093, and 4182 (b), and the exemptions authorized under section 4293 in respect of the taxes imposed by this chapter, to the extent provided by regulations prescribed by the Secretary or his delegate.

26 USC 4063,
4083, 4093, 4182,
4293.

“(e) DEFINITIONS.—Terms used in this section which are defined in section 4221 (d) shall have the meaning given to them by section 4221 (d).

“SEC. 4223. SPECIAL RULES RELATING TO FURTHER MANUFACTURE.

“(a) PURCHASING MANUFACTURER TO BE TREATED AS THE MANUFACTURER.—For purposes of this chapter, a manufacturer or producer to whom an article is sold or resold free of tax under section 4221 (a) (1) for use by him in further manufacture shall be treated as the manufacturer or producer of such article.

“(b) COMPUTATION OF TAX.—If the manufacturer or producer referred to in subsection (a) incurs liability for tax under this chapter on his sale or use of an article referred to in subsection (a) and the tax is based on the price for which the article is sold, the article shall be treated as having been sold by him—

“(1) at the price for which the article was sold by him (or, where the tax is on his use of the article, at the price referred to in section 4218 (d)); or

“(2) if he so elects and establishes such price to the satisfaction of the Secretary or his delegate—

“(A) at the price for which the article was sold to him; or

“(B) at the price for which the article was sold by the person who (without regard to subsection (a)) is the manufacturer, producer, or importer of such article.

For purposes of this subsection, the price for which the article was sold shall be determined as provided in section 4216. For purposes of paragraph (2) no adjustment or readjustment shall be made in such price by reason of any discount, rebate, allowance, return or repossession of a container or covering, or otherwise. An election under paragraph (2) shall be made in the return reporting the tax applicable to the sale or use of the article, and may not be revoked.

“SEC. 4224. EXEMPTION FOR ARTICLES TAXABLE AS JEWELRY.

“No tax shall be imposed under this chapter on any article taxable under section 4001 (relating to jewelry tax). This section shall not apply to any clock or watch, or to any case or movement for a clock or watch, sold (1) as a part or accessory, or (2) on or in connection with or with the sale of any article.

“SEC. 4225. EXEMPTION OF ARTICLES MANUFACTURED OR PRODUCED BY INDIANS.

“No tax shall be imposed under this chapter on any article of native Indian handicraft manufactured or produced by Indians on Indian reservations, or in Indian schools, or by Indians under the jurisdiction of the United States Government in Alaska.”

(b) **TECHNICAL AMENDMENTS.—**

26 USC 4041.

(1) Section 4041 is amended by adding at the end thereof the following new subsection:

“(e) **EXEMPTION FOR USE AS SUPPLIES FOR VESSELS.—**Under regulations prescribed by the Secretary or his delegate, no tax shall be imposed under subsection (b) in the case of any fuel sold for use or used as supplies for vessels or aircraft (within the meaning of section 4221 (d) (3)).”

26 USC 4151,
4152.

(2) Part II of subchapter C of chapter 32 is amended by striking out section 4152, and by striking out

“Sec. 4152. Exemption for religious or educational use.”

in the table of sections for such part.

26 USC 4216-
4226.

(3) The table of sections for subchapter F of chapter 32 is amended by striking out

“Sec. 4220. Exemptions for sales or resales to manufacturers.”

and all that follows.

26 USC 4601.

(4) Section 4601 (applicability of tariff provisions) is amended by adding at the end thereof the following:

“Articles manufactured or produced with the use of articles upon the importation of which tax has been paid under subchapter A, B, C, or D of this chapter, if laden for use as supplies on vessels referred to in section 4221 (d) (3), shall be held to be exported for purposes of this section.”

PART III—FACILITIES AND SERVICES

SEC. 131. ADMISSIONS.

26 USC 4231.

(a) **EXEMPTION OF FIRST \$1 PAID FOR ADMISSION.—**Section 4231 (1) (general admissions tax) is amended to read as follows:

“(1) **GENERAL.—**

“(A) **SINGLE ADMISSION.—**A tax of 1 cent for each 10 cents or major fraction thereof of the amount in excess of \$1 paid for admission to any place.

“(B) **SEASON TICKET.—**In the case of a season ticket or subscription for admission to any place, a tax of 1 cent for each 10 cents or major fraction thereof of the amount paid for such season ticket or subscription which is in excess of \$1 multiplied by the number of admissions provided by such season ticket or subscription.

“(C) BY WHOM PAID.—The taxes imposed under subparagraphs (A) and (B) shall be paid by the person paying for the admission.”

(b) APPLICATION OF ADMISSIONS TAX OUTSIDE THE UNITED STATES.—Section 4231 (admissions tax) is amended by adding at the end thereof the following new sentences:

“This section shall apply with respect to amounts paid within or outside the United States, but only if the place of admission or performance is within the United States. In the case of any payment outside the United States in respect of which tax is imposed under paragraph (1), (2), or (3) of this section, such tax shall be collected by the person who is to furnish the facility or service, and if such person does not collect the tax he shall be liable for the payment of such tax.”

(c) COLLECTION OF CABARET TAX ON PAYMENTS TO CONCESSIONAIRES.—The second sentence of paragraph (6) of section 4231 (tax on cabarets) is amended to read as follows: “The tax imposed under this paragraph shall be returned and paid by the person receiving such payments; except that if the person receiving such payments is a concessionaire, the tax imposed under this paragraph shall be paid by such concessionaire and collected from him by the proprietor of the roof garden, cabaret, or other similar place.”

(d) APPLICATION OF CABARET TAX TO MILK BARS.—Section 4232 (b) (defining the term “roof garden, cabaret, or other similar place”) is amended by adding at the end thereof the following new sentence: “Such term does not include any place if—

26 USC 4232.

“(1) no beverage subject to tax under chapter 51 (distilled spirits, wines, and beer) is served or permitted to be consumed;

26 USC 5001-5693.

“(2) only light refreshment is served;

“(3) where space is provided for dancing, no charge is made for dancing; and

“(4) where music is provided or permitted, such music is (A) instrumental or other music which is supplied without any charge to the owner, lessee, or operator of such place (or to any concessionaire), or (B) mechanical music.”

(e) ADMISSIONS INURING TO BENEFIT OF SCHOLARSHIP AND FELLOWSHIP FUNDS.—Section 4233 (a) (1) (A) (exemptions from admissions tax) is amended by striking out “possessions—” at the end of clause (vi) and inserting in lieu thereof “possessions;”, and by inserting after clause (vi) the following new clause:

26 USC 4233.

“(vii) a trust or organization described in section 501

(c) (3) which is exempt from tax under section 501 (a) and which is organized and operated exclusively to provide scholarships and fellowships for study above the secondary level—”.

(f) ADMISSIONS TO PRIVATELY OPERATED SWIMMING POOLS, ETC.—Section 4233 (a) (4) (exemption from admissions tax in case of certain places for physical exercise) is amended to read as follows:

“(4) SWIMMING POOLS, ETC.—Any admissions to swimming pools, bathing beaches, skating rinks, or other places providing facilities for physical exercise (other than dancing).”

(g) TECHNICAL AMENDMENT.—Section 4291 (cases where persons receiving payment must collect tax) is amended by striking out “Except as provided in section 4264 (a),” and inserting in lieu thereof “Except as otherwise provided in sections 4231 and 4264 (a),”.

26 USC 4291.

26 USC 4264.

SEC. 132. CLUB DUES.

(a) **TAX ON LIFE MEMBERSHIPS.**—Section 4241 (a) (3) (club dues tax in the case of life memberships) is amended to read as follows:

“(3) **LIFE MEMBERSHIPS.**—In the case of life memberships—

“(A) a tax equivalent to the tax upon the amount paid as dues or membership fees by members (other than life members) having privileges most nearly comparable to those of the person holding the life membership; or

“(B) at the election (made at such time not later than the day on which the first amount is paid for life membership, and made in such manner and form, as the Secretary or his delegate shall by regulations prescribe) of the person holding the life membership, a tax equivalent to 20 percent of any amount paid for the life membership. Any election under this subparagraph shall be irrevocable.

If subparagraph (A) applies, no tax shall be paid under this subsection on amounts paid for the life membership, and the tax under subparagraph (A) shall be paid at the time for the payment of dues or membership fees by members (other than life members) having privileges most nearly comparable to those of the person holding the life membership. Any tax payable under this paragraph shall be in addition to any tax payable under paragraph (1) or (2). No tax shall be payable under this paragraph on any life membership for which no charge is made to any person.”

(b) **ASSESSMENTS PAID FOR CAPITAL IMPROVEMENTS; NONPROFIT SWIMMING OR SKATING FACILITIES.**—Section 4243 (exemption from the tax on club dues in the case of fraternal organizations) is amended—

(1) by striking out the heading and inserting in lieu thereof

“**SEC. 4243. EXEMPTIONS.**”;

(2) by striking out “There” and inserting in lieu thereof “(a) **FRATERNAL ORGANIZATIONS.**—There”; and

(3) by adding at the end thereof the following new subsections:

“(b) **ASSESSMENTS FOR CAPITAL IMPROVEMENTS.**—Notwithstanding any other provision of this part, there shall be exempted from the provisions of section 4241 any assessment paid for the construction or reconstruction of any social, athletic, or sporting facility (or for the construction or reconstruction of any capital addition to, or capital improvement of, any such facility).

“(c) **NONPROFIT SWIMMING OR SKATING FACILITIES.**—Under regulations prescribed by the Secretary or his delegate, there shall be exempted from the provisions of section 4241 all amounts paid as dues or fees to any club or other organization organized and operated primarily for the purpose of providing swimming or skating facilities for its members, if no part of the net earnings of such organization inures to the benefit of any private stockholder or individual. This subsection shall apply with respect to an organization only if it is established to the satisfaction of the Secretary or his delegate that—

“(1) children will be permitted to use the swimming or skating facilities, on the basis of their own membership or the membership of adults;

“(2) no beverage subject to tax under chapter 51 (distilled spirits, wines, and beer) will be served or permitted to be consumed on any premises under the control of such organization;

“(3) no dining facilities (other than facilities for light refreshment), and no dancing facilities, will be provided on any premises under the control of such organization; and

“(4) such organization is not controlled by, or under common control with, any other organization.”

(c) **TECHNICAL AMENDMENT.**—The table of sections for part II of subchapter A of chapter 33 is amended by striking out 26 U S C 4241-4243.

“Sec. 4243. Exemption—Fraternal organizations.”

and inserting in lieu thereof

“Sec. 4243. Exemptions.”

(d) **EFFECTIVE DATES.**—

(1) Subparagraph (A) of section 4241 (a) (3) of the Internal Revenue Code of 1954, as amended by subsection (a) of this section, shall apply only with respect to amounts paid on or after the effective date specified in section 1 (c) of this Act. Subparagraph (B) of such section 4241 (a) (3), as so amended, shall apply with respect to all amounts paid for the life membership and without regard to the tax imposed by such section for any period before such effective date. For purposes of such subparagraph (B), and for purposes of the preceding sentence, all amounts paid at any time before the day which is 6 months after such effective date shall be treated as paid on such day.

(2) Subsection (b) of section 4243 of the Internal Revenue Code of 1954, as added by subsection (b) of this section, shall apply only with respect to assessments paid on or after the effective date specified in section 1 (c) of this Act for construction or reconstruction begun on or after such effective date. Subsection (c) of such section 4243, as added by subsection (b) of this section, shall apply only with respect to amounts (including assessments for construction or reconstruction) paid on or after January 1, 1958. No interest shall be allowed or paid on any overpayment in respect of dues or fees paid on or before the date of the enactment of this Act, if refund or credit of such overpayment would not be allowable but for subsection (c) of such section 4243, as added by subsection (b) of this section.

SEC. 133. COMMUNICATIONS TAX.

(a) **IN GENERAL.**—Subchapter B of chapter 33 (communications taxes) is amended to read as follows: 26 U S C 4251-4254.

“Subchapter B—Communications

“Sec. 4251. Imposition of tax.

“Sec. 4252. Definitions.

“Sec. 4253. Exemptions.

“Sec. 4254. Computation of tax.

“SEC. 4251. IMPOSITION OF TAX.

“There is hereby imposed on amounts paid for the communication services enumerated in the following table a tax equal to the percent of the amount so paid as is specified in such table:

“Taxable service	Rate of tax
	<i>Percent</i>
General telephone service.....	10
Toll telephone service.....	10
Telegraph service.....	10
Teletypewriter exchange service.....	10
Wire mileage service.....	10
Wire and equipment service.....	8

The taxes imposed by this section shall be paid by the person paying for the services.

“SEC. 4252. DEFINITIONS.

“(a) **GENERAL TELEPHONE SERVICE.**—For purposes of this subchapter, the term ‘general telephone service’ means any telephone or radio telephone service furnished in connection with any fixed or mobile telephone or radio telephone station which may be connected (directly or indirectly) to an exchange operated by a person engaged in the business of furnishing communication service, if by means of such connection communication may be established with any other fixed or mobile telephone or radio telephone station. Without limiting the preceding sentence, any service described therein shall be treated as including the use of—

“(1) any private branch exchange (and any fixed or mobile telephone or radio telephone station connected, directly or indirectly, with such an exchange), and

“(2) any tie line or extension line.

The term ‘general telephone service’ does not include any service which is toll telephone service or wire and equipment service.

“(b) **TOLL TELEPHONE SERVICE.**—For purposes of this subchapter, the term ‘toll telephone service’ means a telephone or radio telephone message or conversation for which (1) there is a toll charge, and (2) the charge is paid within the United States.

“(c) **TELEGRAPH SERVICE.**—For purposes of this subchapter, the term ‘telegraph service’ means a telegram, cable, or radio dispatch or message for which the charge is paid within the United States.

“(d) **TELETYPEWRITER EXCHANGE SERVICE.**—For purposes of this subchapter, the term ‘teletypewriter exchange service’ means any service where a teletypewriter (or similar device) may be connected (directly or indirectly) to an exchange operated by a person engaged in the business of furnishing communication service, if by means of such connection communication may be established with any other teletypewriter (or similar device).

“(e) **WIRE MILEAGE SERVICE.**—For purposes of this subchapter, the term ‘wire mileage service’ means—

“(1) any telephone or radio telephone service, and

“(2) any other wire or radio circuit service,

not included in any other subsection of this section; except that such term does not include service used exclusively in furnishing wire and equipment service.

“(f) **WIRE AND EQUIPMENT SERVICE.**—For purposes of this subchapter, the term ‘wire and equipment service’ includes stock quotation and information services, burglar alarm or fire alarm service, and all other similar services (whether or not oral transmission is involved). Such term does not include teletypewriter exchange service.

“SEC. 4253. EXEMPTIONS.

“(a) **CERTAIN COIN-OPERATED SERVICE.**—Services paid for by inserting coins in coin-operated telephones available to the public shall not be subject to the tax imposed by section 4251 with respect to general telephone service, or with respect to toll telephone service or telegraph service if the charge for such toll telephone service or telegraph service is less than 25 cents; except that where such coin-operated telephone service is furnished for a guaranteed amount, the amounts paid under such guarantee plus any fixed monthly or other periodic charge shall be subject to the tax.

“(b) **NEWS SERVICES.**—No tax shall be imposed under section 4251, except with respect to general telephone service, on any payment received from any person for services used in the collection of news for the public press, or a news ticker service furnishing a general news service similar to that of the public press, or radio broadcasting, or in

the dissemination of news through the public press, or a news ticker service furnishing a general news service similar to that of the public press, or by means of radio broadcasting, if the charge for such services is billed in writing to such person.

“(c) CERTAIN ORGANIZATIONS.—No tax shall be imposed under section 4251 on any payment received for services furnished to an international organization, or to the American National Red Cross.

“(d) SERVICEMEN IN COMBAT ZONE.—No tax shall be imposed under section 4251 on any payment received for any toll telephone service which originates within a combat zone, as defined in section 112, from a member of the Armed Forces of the United States performing service in such combat zone, as determined under such section, provided a certificate, setting forth such facts as the Secretary or his delegate may by regulations prescribe, is furnished to the person receiving such payment.

26 USC 112.

“(e) FOR ITEMS OTHERWISE TAXED.—Only one payment of tax under section 4251 shall be required with respect to the tax on toll telephone service, telegraph service, or teletypewriter exchange service, notwithstanding the lines or stations of one or more persons are used in furnishing such service.

“(f) SPECIAL WIRE SERVICE IN COMPANY BUSINESS.—No tax shall be imposed under section 4251 on the amount paid for so much of any wire mileage service or wire and equipment service as is used in the conduct, by a common carrier or a telephone or telegraph company or radio broadcasting station or network, of its business as such.

“(g) INSTALLATION CHARGES.—No tax shall be imposed under section 4251 on so much of any amount paid for the installation of any instrument, wire, pole, switchboard, apparatus, or equipment as is properly attributable to such installation.

“(h) TERMINAL FACILITIES IN CASE OF WIRE MILEAGE SERVICE.—No tax shall be imposed under section 4251 on so much of any amount paid for wire mileage service as is paid for, and properly attributable to, the use of any sending or receiving set or device which is station terminal equipment.

“(i) CERTAIN INTERIOR COMMUNICATION SYSTEMS.—No tax shall be imposed under section 4251 on any amount paid for wire mileage service or wire and equipment service, if such service is rendered through the use of an interior communication system. For purposes of the preceding sentence, the term ‘interior communication system’ means any system—

“(1) no part of which is situated off the premises of the subscriber, and which may not be connected (directly or indirectly) with any communication system any part of which is situated off the premises of the subscriber, or

“(2) which is situated exclusively in a vehicle of the subscriber.

“SEC. 4254. COMPUTATION OF TAX.

“(a) GENERAL RULE.—If a bill is rendered the taxpayer for general telephone service, toll telephone service, or telegraph service—

“(1) the amount on which the tax with respect to such services shall be based shall be the sum of all charges for such services included in the bill; except that

“(2) if the person who renders the bill groups individual items for purposes of rendering the bill and computing the tax, then (A) the amount on which the tax with respect to each such group shall be based shall be the sum of all items within that group, and (B) the tax on the remaining items not included in any such group shall be based on the charge for each item separately.

“(b) WHERE PAYMENT IS MADE FOR TOLL TELEPHONE SERVICE OR TELEGRAPH SERVICE IN COIN-OPERATED TELEPHONES.—If the tax imposed by section 4251 with respect to toll telephone service or telegraph service is paid by inserting coins in coin-operated telephones, tax shall be computed to the nearest multiple of 5 cents, except that where the tax is midway between multiples of 5 cents, the next higher multiple shall apply.”

(b) EFFECTIVE DATE.—

(1) Subject to the provisions of paragraph (2), the amendment made by subsection (a) shall apply with respect to amounts paid on or after the effective date prescribed in section 1 (c) of this Act for services rendered on or after such date.

(2) The amendment made by subsection (a) shall not apply with respect to amounts paid pursuant to bills rendered before the effective date prescribed in section 1 (c) of this Act. In the case of amounts paid pursuant to bills rendered on or after such date for services for which no previous bill was rendered, such amendments shall apply except with respect to such services as were rendered more than 2 months before such date. In the case of services rendered more than 2 months before such date the provisions of subchapter B of chapter 33 of the Internal Revenue Code of 1954 in effect at the time such services were rendered shall apply to the amounts paid for such services.

26 USC 4251-4254.

SEC. 134. AIR TAXI TRANSPORTATION.

Section 4263 (exemptions from tax on transportation of persons) is amended by adding at the end thereof the following new subsection:

“(f) SMALL AIRCRAFT ON NONESTABLISHED LINES.—The tax imposed by section 4261 shall not apply to transportation by aircraft having—

“(1) a gross takeoff weight (as determined under regulations prescribed by the Secretary or his delegate) of less than 12,500 pounds, and

“(2) a passenger seating capacity of less than 10 adult passengers, including the pilot,

except when such aircraft is operated on an established line.”

SEC. 135. EXEMPTION FROM COMMUNICATIONS AND TRANSPORTATION TAXES FOR NONPROFIT EDUCATIONAL ORGANIZATIONS.

(a) EXEMPTION.—Subchapter E of chapter 33 (special provisions applicable to services and facilities taxes) is amended by renumbering section 4294 as 4295, and by inserting after section 4293 the following new section:

“SEC. 4294. EXEMPTION FOR NONPROFIT EDUCATIONAL ORGANIZATIONS.

“(a) EXEMPTION.—Under regulations prescribed by the Secretary or his delegate, no tax shall be imposed under section 4251 or 4261 on any amount paid by a nonprofit educational organization for services or facilities furnished to such organization.

“(b) DEFINITION.—For purposes of subsection (a), the term ‘nonprofit educational organization’ means an educational organization described in section 503 (b) (2) which is exempt from income tax under section 501 (a).”

(b) CLERICAL AMENDMENT.—The table of sections for subchapter E of chapter 33 is amended by striking out

“Sec. 4294. Cross reference to general administrative provisions.” and inserting in lieu thereof

“Sec. 4294. Exemption for nonprofit educational organizations.

“Sec. 4295. Cross reference to general administrative provisions.”

26 USC 4291-4294.

26 USC 4261.

26 USC 503, 501.

PART IV—DOCUMENTARY STAMP TAXES

SEC. 141. DOCUMENTARY STAMP TAXES.

(a) AMENDMENT OF CHAPTER 34.—Chapter 34 (documentary stamp taxes) is amended to read as follows: 26 USC 4301-4383.

“CHAPTER 34—DOCUMENTARY STAMP TAXES

“SUBCHAPTER A. Issuance of capital stock and certificates of indebtedness by a corporation.

“SUBCHAPTER B. Sales or transfers of capital stock and certificates of indebtedness of a corporation.

“SUBCHAPTER C. Conveyances.

“SUBCHAPTER D. Policies issued by foreign insurers.

“SUBCHAPTER E. Miscellaneous provisions applicable to documentary stamp taxes.

“Subchapter A—Issuance of Capital Stock and Certificates of Indebtedness by a Corporation

“Part I. Issuance of capital stock and similar interests.

“Part II. Issuance of certificates of indebtedness.

“PART I—ISSUANCE OF CAPITAL STOCK AND SIMILAR INTERESTS

“Sec. 4301. Imposition of tax.

“Sec. 4302. Recapitalization.

“Sec. 4303. Exemptions.

“Sec. 4304. Affixing of stamps.

“Sec. 4305. Cross references.

“SEC. 4301. IMPOSITION OF TAX.

“There is hereby imposed, on each original issue of shares or certificates of stock issued by a corporation (whether on organization or reorganization), a tax at the rate of 10 cents on each \$100 (or major fraction thereof) of the actual value of the certificates (or of the shares where no certificates are issued). The tax imposed by this section shall be computed on the basis of all certificates (or shares) so issued by the corporation on each day.

“SEC. 4302. RECAPITALIZATION.

“In the case of a recapitalization, the tax imposed by section 4301 shall be that proportion of the tax computed on the certificates (or on the shares where no certificates are issued) issued in the recapitalization that (1) the amount dedicated as capital for the first time by the recapitalization, whether by a transfer of earned surplus or otherwise, bears to (2) the total actual value of such certificates or shares issued in the recapitalization.

“SEC. 4303. EXEMPTIONS.

“(a) COMMON TRUST FUNDS.—The tax imposed by section 4301 shall not apply to the issue of shares or certificates of a common trust fund, as defined in section 584. 26 USC 584.

“(b) POOLED INVESTMENT FUNDS.—The tax imposed by section 4301 shall not apply to the issue of shares or certificates of a fund maintained by a bank exclusively for the collective investment and reinvestment of assets of qualified trusts (within the meaning of section 401, relating to qualified pension, profit-sharing, and stock bonus plans). 26 USC 401.

“(c) **INSTALLMENT PURCHASES OF CERTAIN SHARES OR CERTIFICATES.**—The tax imposed by section 4301 shall not apply to shares or certificates issued by a corporation pursuant to an installment purchase agreement which provides that—

“(1) the periodic payments by the purchaser will be applied (as received by the corporation) solely to the acquisition of shares or certificates in specified other corporations (and in specified percentages), and

“(2) the corporation will transfer to the purchaser, on or before the termination of the agreement, all shares or certificates in other corporations acquired by it for the purchaser.

For purposes of the preceding sentence, the term ‘purchaser’ includes a successor in interest of the purchaser.

“(d) **OTHER EXEMPTIONS.**—

“For other exemptions, see section 4382.

“**SEC. 4304. AFFIXING OF STAMPS.**

“The stamps representing the tax imposed by section 4301 shall be affixed to the stock books or corresponding records of the organization and not to the certificates issued.

“**SEC. 4305. CROSS REFERENCES.**

“For definitions, penalties, and other general and administrative provisions applicable to this part, see sections 4381 and 4384 and subtitle F.

“PART II—ISSUANCE OF CERTIFICATES OF INDEBTEDNESS

“Sec. 4311. Imposition of tax.

“Sec. 4312. Renewals.

“Sec. 4313. Bond as security for debt.

“Sec. 4314. Exemptions.

“Sec. 4315. Cross references.

“**SEC. 4311. IMPOSITION OF TAX.**

“There is hereby imposed, on all certificates of indebtedness issued by a corporation, a tax at the rate of 11 cents on each \$100 of face value or fraction thereof.

“**SEC. 4312. RENEWALS.**

“Every renewal of any certificate of indebtedness shall be taxed as a new issue.

“**SEC. 4313. BOND AS SECURITY FOR DEBT.**

“In the case where a bond conditioned for the repayment or payment of money is given in a penal sum greater than the debt secured, the tax imposed by section 4311 shall be based upon the amount secured.

“**SEC. 4314. EXEMPTIONS.**

“(a) **INSTALLMENT PURCHASE OF OBLIGATIONS.**—The tax imposed by section 4311 shall not apply to any instrument under the terms of which the obligee is required to make payment therefor in installments and is not permitted to make in any year a payment of more than 20 percent of the cash amount to which entitled upon maturity of the instrument.

“(b) **OTHER EXEMPTIONS.**—

“For other exemptions, see section 4382.

“**SEC. 4315. CROSS REFERENCES.**

“For definitions, penalties, and other general and administrative provisions applicable to this part, see sections 4381 and 4384 and subtitle F.

“Subchapter B—Sales or Transfers of Capital Stock and Certificates of Indebtedness of a Corporation

“Part I. Sales or transfers of capital stock and similar interests.

“Part II. Sales or transfers of certificates of indebtedness.

“Part III. Provisions common to sales or transfers of capital stock and certificates of indebtedness.

“PART I—SALES OR TRANSFERS OF CAPITAL STOCK AND SIMILAR INTERESTS

“Sec. 4321. Imposition of tax.

“Sec. 4322. Exemptions.

“Sec. 4323. Affixing of stamps.

“Sec. 4324. Cross references.

“SEC. 4321. IMPOSITION OF TAX.

“There is hereby imposed, on each sale or transfer of shares or certificates of stock, or of rights to subscribe for or to receive such shares or certificates, issued by a corporation, a tax at the rate of 4 cents on each \$100 (or major fraction thereof) of the actual value of the certificates (or of the shares where no certificates are sold or transferred). In no case shall the tax so imposed on any such sale or transfer be—

“(1) more than 8 cents on each share, or

“(2) less than 4 cents on the sale or transfer.

“SEC. 4322. EXEMPTIONS.

“(a) EXEMPTIONS FOR CERTAIN TRANSFERS.—The tax imposed by section 4321 shall not apply to any delivery or transfer of shares, certificates, or rights—

“(1) **BROKERS.**—To a broker or his registered nominee for sale of such shares, certificates, or rights; by a broker or his registered nominee to a customer for whom and upon whose order the broker has purchased same; or by a purchasing broker to his registered nominee to be held by such nominee for the same purpose as if held by the broker; or

“(2) **NOMINEES OF CORPORATIONS.**—From a corporation to a registered nominee of such corporation, or from one such nominee to another such nominee, provided that in each instance such shares, certificates, or rights are to be held by the nominee for the same purpose as if retained by the corporation; or from such nominee to such corporation.

“(b) **CERTAIN ODD-LOT TRANSACTIONS.**—

“(1) **EXEMPTION.**—The tax imposed by section 4321 shall not apply to any odd-lot sale by an odd-lot dealer if the shares, certificates, or rights are delivered or transferred to a broker pursuant to an order of a customer of such broker for such shares, certificates, or rights.

“(2) **DEFINITIONS.**—For purposes of paragraph (1)—

“(A) The term ‘odd-lot sale’ means an odd-lot transaction under the rules of the securities exchange of which the odd-lot dealer is a member.

“(B) The term ‘odd-lot dealer’ means a person who is (i) a member of a securities exchange which is registered with the Securities and Exchange Commission as a national securities exchange, and (ii) registered under the rules of such exchange as an odd-lot dealer or as a specialist.

“(c) OTHER EXEMPTIONS.—

“For other exemptions, see sections 4341, 4342, 4343, 4344, and 4382.

“SEC. 4323. AFFIXING OF STAMPS.

“(a) BOOKS OF THE CORPORATION.—The stamps representing the tax imposed by section 4321 shall be affixed to the books of the corporation in case of a sale where the evidence of transfer is shown only by the books of the corporation.

“(b) CERTIFICATION AS TO VALUE BY TRANSFEROR OR TRANSFEREE.—Where shares or certificates of stock, or of rights to subscribe for or to receive such shares or certificates, are presented for transfer and the tax thereon is paid by the use of adhesive stamps, such shares or certificates shall be accompanied by a certification signed by the transferor or his agent or the transferee or his agent as to the actual value of the shares or certificates so transferred and any corporation or transfer agent to whom such shares or certificates are presented shall be entitled to rely on such certification without further inquiry.

“(c) OTHER EVIDENCES OF SALE OR TRANSFER.—

“For provisions applicable to the affixing of stamps in cases of sale or transfer shown otherwise than only by the books of the corporation, see section 4352.

“SEC. 4324. CROSS REFERENCES.

“For definitions, penalties, and other general and administrative provisions applicable to this part, see sections 4345, 4351, 4353, 4381, and 4384, and subtitle F.

“PART II—SALES OR TRANSFERS OF CERTIFICATES OF INDEBTEDNESS

“Sec. 4331. Imposition of tax.

“Sec. 4332. Exemptions.

“Sec. 4333. Cross references.

“SEC. 4331. IMPOSITION OF TAX.

“There is hereby imposed, on each sale or transfer of any certificates of indebtedness issued by a corporation, a tax at the rate of 5 cents on each \$100 or fraction thereof of the face value.

“SEC. 4332. EXEMPTIONS.

“(a) BROKERS.—The tax imposed by section 4331 shall not apply to any delivery or transfer to a broker for sale, nor upon any delivery or transfer by a broker to a customer for whom and upon whose order he has purchased the certificates of indebtedness.

“(b) INSTALLMENT PURCHASE OF OBLIGATIONS.—The tax imposed by section 4331 shall not apply to any instrument under the terms of which the obligee is required to make payment therefor in installments and is not permitted to make in any year a payment of more than 20 percent of the cash amount to which entitled upon maturity of the instrument.

“(c) OTHER EXEMPTIONS.—

“For other exemptions, see sections 4341, 4342, 4343, 4344, and 4382.

“SEC. 4333. CROSS REFERENCES.

“For definitions, penalties, and other general and administrative provisions applicable to this part, see sections 4345, 4381, and 4384; sections 4351 to 4353 inclusive; and subtitle F.

“PART III—PROVISIONS COMMON TO SALES OR TRANSFERS OF CAPITAL STOCK AND CERTIFICATES OF INDEBTEDNESS

“Subpart A. Exemptions.

“Subpart B. Miscellaneous provisions.

“Subpart A—Exemptions

“Sec. 4341. Transfers as security.

“Sec. 4342. Fiduciaries and custodians.

“Sec. 4343. Transfers by operation of law.

“Sec. 4344. Certain other transfers.

“Sec. 4345. Exemption certificates.

“Sec. 4346. Cross references.

“SEC. 4341. TRANSFERS AS SECURITY.

“The taxes imposed by sections 4321 and 4331 shall not apply to any delivery or transfer of any of the instruments referred to in such sections—

“(1) **COLLATERAL SECURITY.**—To a lender as collateral security for money loaned thereon, if such collateral security is not actually sold, or by such lender as a return of such collateral security.

“(2) **SECURITY FOR PERFORMANCE.**—To a trustee or public officer made pursuant to Federal or State law as security for the performance of an obligation, or by such trustee or public officer as a return of such security.

“SEC. 4342. FIDUCIARIES AND CUSTODIANS.

“The taxes imposed by section 4321 and 4331 shall not apply to any delivery or transfer of any of the instruments referred to in such sections—

“(1) **FIDUCIARIES.**—From a fiduciary to his nominee, or from one nominee of the fiduciary to another nominee, provided that in each instance such instruments are to be held by the nominee for the same purpose as if retained by the fiduciary; or from the nominee to such fiduciary; or

“(2) **CUSTODIANS.**—

“(A) From the owner to a custodian if under a written agreement between the parties such instruments are to be held or disposed of by such custodian for, and subject at all times to the instructions of, the owner; or from such custodian to such owner; or

“(B) From a custodian as specified in subparagraph (A) to a registered nominee of such custodian, or from one such nominee to another such nominee, provided that in each instance such instruments are to be held by the nominee for the same purpose as if retained by the custodian; or from such nominee to such custodian.

“SEC. 4343. TRANSFERS BY OPERATION OF LAW.

“(a) **EXEMPT TRANSFERS.**—The taxes imposed by sections 4321 and 4331 shall not apply to any delivery or transfer of any of the instruments referred to in such sections—

“(1) **DECEDENTS.**—From a decedent to his executor or administrator.

“(2) **MINORS.**—From a minor to his guardian, or from a guardian to his ward upon attaining majority.

“(3) **INCOMPETENTS.**—From an incompetent to his committee or similar legal representative, or from a committee or similar legal representative to a former incompetent upon removal of disability.

"(4) FINANCIAL INSTITUTIONS.—From a bank, trust company, financial institution, insurance company, or other similar entity, or nominee, custodian, or trustee therefor, to a public officer or commission, or person designated by such officer or commission or by a court, in the taking over of its assets, in whole or part, under Federal or State law regulating or supervising such institutions, nor upon redelivery or retransfer by any such transferee or successor thereto.

"(5) BANKRUPTS.—From a bankrupt or person in receivership due to insolvency to the trustee in bankruptcy or receiver, from such receiver to such trustee, or from such trustee to such receiver, nor upon redelivery or retransfer by any such transferee or successor thereto.

"(6) SUCCESSORS.—From a transferee under paragraphs (1) to (5), inclusive, to his successor acting in the same capacity, or from one such successor to another.

"(7) FOREIGN GOVERNMENTS AND ALIENS.—From a foreign country or national thereof to the United States or any agency thereof, or to the government of any foreign country, directed pursuant to the authority vested in the President by section 5 (b) of the Trading With the Enemy Act, as amended by the First War Powers Act, 1941 (50 U. S. C. App. sec. 5).

"(8) TRUSTEES.—From trustees to surviving, substituted, succeeding, or additional trustees of the same trust.

"(9) SURVIVORS.—Upon the death of a joint tenant or tenant by the entireties, to the survivor or survivors.

"(b) NONEXEMPT TRANSFERS.—No delivery or transfer shall be exempt because effected by operation of law unless an exemption is otherwise specifically provided.

"SEC. 4344. CERTAIN OTHER TRANSFERS.

"(a) LOANS.—The taxes imposed by sections 4321 and 4331 shall not apply to any delivery or transfer of any of the instruments referred to in such sections to a borrower as a loan of such instruments, or to the lender as a return of such loan.

"(b) WORTHLESS STOCK AND OBLIGATIONS.—The taxes imposed by sections 4321 and 4331 shall not apply to any delivery or transfer of any of the instruments referred to in such sections by an executor or administrator to a legatee, heir, or distributee, if it is shown to the satisfaction of the Secretary or his delegate that the value of such instrument is not greater than the amount of the tax which would otherwise be imposed on such delivery or transfer.

"(c) TRANSFERS BETWEEN CERTAIN REVOCABLE TRUSTS.—The taxes imposed by sections 4321 and 4331 shall not apply to any delivery or transfer of any of the instruments referred to in such sections by one revocable trust to another revocable trust if—

"(1) the grantor of both trusts is the same person, and

"(2) at the time of such delivery or transfer, such grantor is treated under section 676 as the owner of both trusts.

For purposes of the preceding sentence, if 2 or more grantors are treated under section 676 as owners in the same relative proportions of both trusts, such grantors shall be treated as the same person.

"SEC. 4345. EXEMPTION CERTIFICATES.

"Except as provided in regulations prescribed by the Secretary or his delegate, no exemption shall be granted under section 4322, 4332 (a), 4341, 4342, 4343 (a), or 4344 (a) or (c) unless the delivery or transfer is evidenced by a certificate setting forth such facts as the Secretary or his delegate may by regulations prescribe.

"SEC. 4346. CROSS REFERENCES.

"For other exemptions, see sections 4322, 4332, and 4382.

“Subpart B—Miscellaneous Provisions

“Sec. 4351. Definitions.

“Sec. 4352. Affixing of stamps.

“Sec. 4353. Payment of tax through national securities exchanges without use of stamps.

“Sec. 4354. Cross references.

“SEC. 4351. DEFINITIONS.

“(a) REGISTERED NOMINEE.—For purposes of this subchapter, the term ‘registered nominee’ means any person registered in accordance with such regulations as the Secretary or his delegate shall prescribe.

“(b) SALE OR TRANSFER.—For purposes of this subchapter, the term ‘sale or transfer’ means any sale, agreement to sell, memorandum of sale or delivery, or transfer of legal title, whether or not shown by the books of the corporation or other organization (or by any assignment in blank, or by any delivery, or by any paper or agreement or memorandum or other evidence of transfer or sale), and whether or not the holder acquires a beneficial interest in the instruments.

“SEC. 4352. AFFIXING OF STAMPS.

“The stamps representing the taxes imposed by section 4321 and section 4331 shall be affixed to—

“(1) INSTRUMENT.—The instrument where the change of ownership is by transfer of the instrument.

“(2) BILL OR MEMORANDUM OF SALE.—The bill or memorandum of sale in cases of an agreement to sell or where the transfer is by delivery of the instrument assigned in blank. Such bill or memorandum of sale shall be made and delivered by the seller to the buyer, and shall show the date thereof, the name of the seller, the amount of the sale, and the instrument to which it refers.

“SEC. 4353. PAYMENT OF TAX THROUGH NATIONAL SECURITIES EXCHANGES WITHOUT USE OF STAMPS.

“(a) GENERAL RULE.—Under regulations prescribed by the Secretary or his delegate, if a member of a securities exchange which is registered with the Securities and Exchange Commission as a national securities exchange appoints such exchange, or the clearinghouse for such exchange, as his agent for purposes of paying the taxes imposed by sections 4321 and 4331 in respect of his transactions, the taxes imposed by such sections in respect of such transactions may be paid through such agent without the use of stamps.

“(b) TREATMENT AS STAMP TAX.—For purposes of this title—

“(1) any tax which is payable as provided under subsection (a) shall be treated as tax payable by stamp, and

“(2) any amount of tax which is paid as provided under subsection (a) shall be treated as tax paid by stamp.

“SEC. 4354. CROSS REFERENCES.

“For penalties and other general and administrative provisions applicable to this subchapter, see section 4384 and subtitle F.

“Subchapter C—Conveyances

“Sec. 4361. Imposition of tax.

“Sec. 4362. Exemptions.

“Sec. 4363. Cross references.

“SEC. 4361. IMPOSITION OF TAX.

“There is hereby imposed, on each deed, instrument, or writing by which any lands, tenements, or other realty sold shall be granted, assigned, transferred, or otherwise conveyed to, or vested in, the purchaser or purchasers, or any other person or persons, by his or their direction, when the consideration or value of the interest or property

conveyed (exclusive of the value of any lien or encumbrance remaining thereon at the time of sale) exceeds \$100, a tax at the rate of 55 cents for each \$500 or fractional part thereof.

"SEC. 4362. EXEMPTIONS.

26 USC 4361.

"(a) **SECURITY FOR DEBT.**—The tax imposed by section 4361 shall not apply to any instrument or writing given to secure a debt.

"(b) **STATE AND LOCAL GOVERNMENT CONVEYANCES.**—No State or Territory, or political subdivision thereof, or the District of Columbia, shall be liable for the tax imposed by section 4361 with respect to any deed, instrument, or writing to which it is a party, and affixing of stamps thereby shall not be deemed payment for the tax, which may be collected by assessment from any other party liable therefor.

"(c) **OTHER EXEMPTIONS.**—

"For other exemptions, see section 4382.

"SEC. 4363. CROSS REFERENCES.

"For penalties and other general and administrative provisions applicable to this subchapter, see section 4384 and subtitle F.

"Subchapter D—Policies Issued by Foreign Insurers

"Sec. 4371. Imposition of tax.

"Sec. 4372. Definitions.

"Sec. 4373. Exemptions.

"Sec. 4374. Affixing of stamps.

"Sec. 4375. Cross references.

"SEC. 4371. IMPOSITION OF TAX.

"There is hereby imposed, on each policy of insurance, indemnity bond, annuity contract, or policy of reinsurance issued by any foreign insurer or reinsurer, a tax at the following rates:

"(1) **CASUALTY INSURANCE AND INDEMNITY BONDS.**—Four cents on each dollar, or fractional part thereof, of the premium charged on the policy of casualty insurance or the indemnity bond, if issued to or for, or in the name of, an insured as defined in section 4372 (d).

26 USC 4372.

"(2) **LIFE INSURANCE, SICKNESS, AND ACCIDENT POLICIES, AND ANNUITY CONTRACTS.**—One cent on each dollar, or fractional part thereof, of the premium charged on the policy of life, sickness, or accident insurance, or annuity contract, unless the insurer is subject to tax under section 816.

26 USC 816.

"(3) **REINSURANCE.**—One cent on each dollar, or fractional part thereof, of the premium charged on the policy of reinsurance covering any of the contracts taxable under paragraph (1) or (2).

"SEC. 4372. DEFINITIONS.

"(a) **FOREIGN INSURER OR REINSURER.**—For purposes of this subchapter, the term 'foreign insurer or reinsurer' means an insurer or reinsurer who is a nonresident alien individual, a foreign partnership, or a foreign corporation. The term includes a nonresident alien individual, foreign partnership, or foreign corporation which shall become bound by an obligation of the nature of an indemnity bond.

"(b) **POLICY OF CASUALTY INSURANCE.**—For purposes of section 4371 (1), the term 'policy of casualty insurance' means any policy (other than life) or other instrument by whatever name called whereby a contract of insurance is made, continued, or renewed.

"(c) **INDEMNITY BOND.**—For purposes of this subchapter, the term 'indemnity bond' means any instrument by whatever name called whereby an obligation of the nature of an indemnity, fidelity, or surety bond is made, continued, or renewed. The term includes any bond for indemnifying any person who shall have become bound or

engaged as surety, and any bond for the due execution or performance of any contract, obligation, or requirement, or the duties of any office or position, and to account for money received by virtue thereof, where a premium is charged for the execution of such bond.

“(d) **INSURED.**—For purposes of section 4371 (1), the term ‘insured’ means—

“(1) a domestic corporation or partnership, or an individual resident of the United States, against, or with respect to, hazards, risks, losses, or liabilities wholly or partly within the United States, or

“(2) a foreign corporation, foreign partnership, or nonresident individual, engaged in a trade or business within the United States, against, or with respect to, hazards, risks, losses, or liabilities within the United States.

“(e) **POLICY OF LIFE, SICKNESS, OR ACCIDENT INSURANCE, OR ANNUITY CONTRACT.**—For purposes of section 4371 (2), the term ‘policy of life, sickness, or accident insurance, or annuity contract’ means any policy or other instrument by whatever name called whereby a contract of insurance or an annuity contract is made, continued, or renewed with respect to the life or hazards to the person of a citizen or resident of the United States.

“(f) **POLICY OF REINSURANCE.**—For purposes of section 4371 (3), the term ‘policy of reinsurance’ means any policy or other instrument by whatever name called whereby a contract of reinsurance is made, continued, or renewed against, or with respect to, any of the hazards, risks, losses, or liabilities covered by contracts taxable under paragraph (1) or (2) of section 4371.

“SEC. 4373. EXEMPTIONS.

“The tax imposed by section 4371 shall not apply to—

“(1) **DOMESTIC AGENT.**—Any policy, indemnity bond, or annuity contract signed or countersigned by an officer or agent of the insurer in a State, Territory, or District of the United States within which such insurer is authorized to do business.

“(2) **INDEMNITY BOND.**—Any indemnity bond required to be filed by any person to secure payment of any pension, allowance, allotment, relief, or insurance by the United States, or to secure a duplicate for, or the payment of, any bond, note, certificate of indebtedness, war-saving certificate, warrant, or check, issued by the United States.

“SEC. 4374. AFFIXING OF STAMPS.

“Any person to or for whom or in whose name any policy, indemnity bond, or annuity contract referred to in section 4371 is issued, or any solicitor or broker acting for or on behalf of such person in the procurement of any such instrument, shall affix the proper stamps to such instrument.

“SEC. 4375. CROSS REFERENCES.

“For penalties and other general and administrative provisions, see section 4384 and subtitle F.

“Subchapter E—Miscellaneous Provisions Applicable to Documentary Stamp Taxes

“Sec. 4381. Definitions.

“Sec. 4382. Exemptions.

“Sec. 4383. Certain changes in partnerships.

“Sec. 4384. Liability for tax.

“SEC. 4381. DEFINITIONS.

“(a) **CERTIFICATES OF INDEBTEDNESS.**—For purposes of the taxes imposed by sections 4311 and 4331, the term ‘certificates of indebtedness’ means bonds, debentures, or certificates of indebtedness; and includes all instruments, however termed, issued by a corporation with interest coupons or in registered form, known generally as corporate securities.

“(b) **CORPORATION.**—For purposes of the taxes imposed by this chapter, the term ‘corporation’ includes any investment trust or similar organization (or any person acting in behalf of such investment trust or similar organization) issuing, holding or dealing in shares or certificates of stock, or in certificates of indebtedness. For purposes of the tax imposed by section 4311, the term ‘corporation’ also includes any receiver, trustee in bankruptcy, assignee, or other person having custody of property of, or charge of the affairs of, the corporation. Nothing contained in this subsection shall be construed to limit the effect of the definition of the term ‘corporation’ provided in section 7701 (a) (3).

26 USC 7701.

“(c) **SHARES OR CERTIFICATES OF STOCK.**—For purposes of the taxes imposed by sections 4301 and 4321, the term ‘shares or certificates of stock’ includes shares or certificates of profits or of interest in property or accumulations.

“SEC. 4382. EXEMPTIONS.

“(a) **GOVERNMENTS; CERTAIN ASSOCIATIONS.**—The taxes imposed by this chapter shall not apply to—

“(1) **GOVERNMENT AND STATE OBLIGATIONS.**—Any certificate of indebtedness, note, or other instrument, issued by the United States, or by any foreign government, or by any State, Territory, or the District of Columbia, or local subdivision thereof, or municipal or other corporation exercising the taxing power.

“(2) **DOMESTIC BUILDING AND LOAN ASSOCIATIONS AND MUTUAL DITCH OR IRRIGATION COMPANIES.**—Shares or certificates of stock and certificates of indebtedness issued by domestic building and loan associations, savings and loan associations, cooperative banks, and homestead associations substantially all the business of which is confined to making loans to members, or by mutual ditch or irrigation companies.

“(3) **FARMERS’, FRUIT GROWERS’, OR COOPERATIVE ASSOCIATIONS.**—Shares or certificates of stock and certificates of indebtedness issued by any farmers’ or fruit growers’ or like associations organized and operated on a cooperative basis for the purposes, and subject to the conditions, prescribed in section 521.

26 USC 521.

“(b) **CERTAIN REORGANIZATIONS, ETC.**—The taxes imposed by sections 4301, 4311, 4321, 4331, and 4361 shall not apply to—

“(1) **CORPORATE AND RAILROAD REORGANIZATION.**—The issuance, transfer, or exchange of securities, or the making, delivery, or filing of conveyances, to make effective any plan of reorganization or adjustment—

11 USC 1 note.

“(A) confirmed under the Bankruptcy Act, as amended (11 U. S. C.),

“(B) approved in an equity receivership proceeding in a court involving a railroad corporation, as defined in section 77 (m) of the Bankruptcy Act, as amended (11 U. S. C. 205 (m)),

47 Stat. 1474.

“(C) approved in an equity receivership proceeding in a court involving a corporation, as defined in section 106 (3) of the Bankruptcy Act, as amended (11 U. S. C. 506), or

“(D) whereby a mere change in identity, form, or place of organization is effected,

but only if the issuance, transfer, or exchange of securities, or the making, delivery, or filing of instruments of transfer or conveyances, occurs within 5 years from the date of such confirmation, approval, or change.

“(2) **ORDERS OF THE SECURITIES AND EXCHANGE COMMISSION.**—The issuance, transfer, or exchange of securities, or making or delivery of conveyances, to make effective any order of the Securities and Exchange Commission as defined in section 1083 (a); but only if—

26 USC 1083.

“(A) the order of the Securities and Exchange Commission in obedience to which such issuance, transfer, exchange, or conveyance is made recites that such issuance, transfer, exchange, or conveyance is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935 (15 U. S. C. 79k (b)),

49 Stat. 820.

“(B) such order specifies and itemizes the securities and other property which are ordered to be issued, transferred, exchanged, or conveyed, and

“(C) such issuance, transfer, exchange, or conveyance is made in obedience to such order.

“SEC. 4383. CERTAIN CHANGES IN PARTNERSHIPS.

“(a) **CONTINUING PARTNERSHIPS.**—In the case of any share, certificate, right, or realty held by a partnership, no tax shall be imposed under section 4321, 4331, or 4361 by reason of any transfer of an interest in a partnership or otherwise, if—

“(1) such partnership (or another partnership) is considered as a continuing partnership (within the meaning of section 708), and

26 USC 708.

“(2) such continuing partnership continues to hold the share, certificate, right, or realty concerned.

“(b) **TERMINATED PARTNERSHIPS.**—If there is a termination of any partnership (within the meaning of section 708)—

“(1) for purposes of this chapter, such partnership shall be treated—

“(A) as having transferred all shares, certificates, and rights held by such partnership at the time of such termination; and

“(B) as having executed an instrument whereby there was conveyed, for fair market value (exclusive of the value of any lien or encumbrance remaining thereon), all realty held by such partnership at the time of such termination; but

“(2) not more than one tax shall be imposed under section 4321, 4331, or 4361, as the case may be, by reason of such termination (and any transfer pursuant thereto) with respect to the shares, certificates, rights, or realty held by such partnership at the time of such termination.

“SEC. 4384. LIABILITY FOR TAX.

“The taxes imposed by this chapter shall be paid by any person who makes, signs, issues, or sells any of the documents and instruments subject to the taxes imposed by this chapter, or for whose use or benefit the same are made, signed, issued, or sold. The United States or any agency or instrumentality thereof shall not be liable for the tax with respect to an instrument to which it is a party, and affixing of stamps thereby shall not be deemed payment for the tax, which may be collected by assessment from any other party liable therefor.”

(b) **EFFECTIVE DATE.**—In applying section 4383 of the Internal Revenue Code of 1954 as amended by subsection (a) of this section, the determination of whether a partnership is considered as a continuing or terminated partnership (within the meaning of section 708 of such Code) shall be made by taking into account only changes in the partnership occurring on or after the effective date specified in section 1 (c) of this Act.

26 USC 708.

PART V—TAXES ON WAGERING; CERTAIN OCCUPATIONAL TAXES

SEC. 151. PERSONS LIABLE FOR TAX ON WAGERS.

26 USC 4401.

(a) **FAILURE TO REGISTER NAME OF PRINCIPAL.**—Section 4401 (c) (persons liable for tax on wagers) is amended by adding at the end thereof the following: “Any person required to register under section 4412 who receives wagers for or on behalf of another person without having registered under section 4412 the name and place of residence of such other person shall be liable for and shall pay the tax under this subchapter on all such wagers received by him.”

26 USC 4412.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply with respect to wagers received after the date of the enactment of this Act.

SEC. 152. OCCUPATIONAL TAX ON COIN-OPERATED DEVICES.

26 USC 4462.

(a) **IN GENERAL.**—Section 4462 (definition of coin-operated amusement or gaming devices) is amended to read as follows:

“SEC. 4462. DEFINITION OF COIN-OPERATED AMUSEMENT OR GAMING DEVICE.

“(a) **IN GENERAL.**—For purposes of this subchapter, the term ‘coin-operated amusement or gaming device’ means—

“(1) any machine which is—

“(A) a music machine operated by means of the insertion of a coin, token, or similar object,

“(B) a vending machine operated by means of the insertion of a one cent coin, which, when it dispenses a prize, never dispenses a prize of a retail value of, or entitles a person to receive a prize of a retail value of, more than 5 cents, and if the only prize dispensed is merchandise and not cash or tokens,

“(C) an amusement machine operated by means of the insertion of a coin, token, or similar object, but not including any device defined in paragraph (2) of this subsection, or

“(D) a machine which is similar to machines described in subparagraph (A), (B), or (C), and is operated without the insertion of a coin, token, or similar object; and

“(2) any machine which is—

“(A) a so-called ‘slot’ machine which operates by means of the insertion of a coin, token, or similar object and which, by application of the element of chance, may deliver, or entitle the person playing or operating the machine to receive, cash, premiums, merchandise, or tokens, or

“(B) a machine which is similar to machines described in subparagraph (A) and is operated without the insertion of a coin, token, or similar object.

“(b) **EXCLUSION.**—The term ‘coin-operated amusement or gaming device’ does not include bona fide vending machines in which are not incorporated gaming or amusement features.”

(b) **TECHNICAL AMENDMENT.**—Section 4402 (2) (exemption from wagering taxes for coin-operated devices) is amended by striking out the period at the end thereof and inserting a comma and the following: “or on any amount paid, in lieu of inserting a coin, token, or similar object, to operate a device described in section 4462 (a) (2) (B), if an occupational tax is imposed with respect to such device by section 4461.”

26 USC 4402.

(c) **EFFECTIVE DATE.**—The amendments made by subsections (a) and (b) shall take effect on the effective date specified in section 1 (c) of this Act. In the case of the year beginning July 1, 1958, where the trade or business on which the tax is imposed under section 4461 of the Internal Revenue Code of 1954 was commenced before such effective date, the tax imposed for such year solely by reason of the amendment made by subsection (a)—

26 USC 4461.

(1) shall be the amount reckoned proportionately from such effective date through June 30, 1959, and

(2) shall be due on, and payable on or before, the last day of the month the first day of which is such effective date.

SEC. 153. EXEMPTION FROM OCCUPATIONAL TAX ON BOWLING ALLEYS, BILLIARD TABLES, AND POOL TABLES.

(a) **EXEMPTION.**—Section 4473 (exemptions from occupational tax on bowling alleys, billiard tables, and pool tables) is amended by striking out the period at the end of paragraph (2) and inserting in lieu thereof “; or”, and by adding after paragraph (2) the following new paragraph:

26 USC 4473.

“(3) **CERTAIN ORGANIZATIONS.**—Any bowling alley, billiard table, or pool table operated—

“(A) by, and located on the premises of, an organization not organized for profit and no part of the net earnings of which inures to the benefit of any private shareholder or individual, or

“(B) by any agency or instrumentality of the United States,

if no charge is made for the use of such alley or table.”

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall apply with respect to periods after June 30, 1959.

PART VI—PROCEDURE AND ADMINISTRATION

SEC. 161. RETURN OF RETAILERS EXCISE TAXES BY SUPPLIERS.

Section 6011 (general requirement of return, statement, or list) is amended by relettering subsection (c) as (d), and by inserting after subsection (b) the following new subsection:

26 USC 6011.

“(c) **RETURN OF RETAILERS EXCISE TAXES BY SUPPLIERS.**—

“(1) **GENERAL RULE.**—Under regulations prescribed by the Secretary or his delegate, the Secretary or his delegate may enter into an agreement with any supplier with respect to any retailers excise tax imposed by chapter 31 (not including the taxes imposed by section 4041), whereby such supplier will be liable to return and pay such tax (for the period for which such agreement is in effect) for the person who (without regard to this subsection) is required to return and pay such tax. Except as provided in the regulations prescribed under this subsection—

26 USC 4001-4057.

“(A) all provisions of law (including penalties) applicable in respect of the person who (without regard to this subsection) is required to return and pay the tax shall apply to the supplier entering into the agreement, and

“(B) the person who (without regard to this subsection) is required to return and pay such tax shall remain subject to all provisions of law (including penalties) applicable in respect of such person.

“(2) LIMITATIONS ON AGREEMENT AUTHORITY IN THE CASE OF HOUSE-TO-HOUSE SALESMEN.—In the case of sales, by house-to-house salesmen, of articles subject to tax under chapter 31 (other than section 4041) which are supplied by a manufacturer or distributor, if the manufacturer or distributor establishes the retail list price at which such articles are to be sold, the Secretary or his delegate shall not, as a condition to entering into an agreement under paragraph (1), require—

“(A) that such house-to-house salesmen execute powers of attorney making such manufacturer or distributor an agent for the return and payment of such tax,

“(B) that the manufacturer or distributor make separate returns with respect to each such house-to-house salesman, or

“(C) that the manufacturer or distributor assume any liability for tax on articles supplied by any person other than such manufacturer or distributor.”

SEC. 162. PERIOD FOR FILING CLAIM FOR FLOOR STOCKS REFUND WITH RESPECT TO IMPORT TAX ON SUGAR.

(a) PERIOD WITHIN WHICH CLAIM MAY BE FILED.—Section 6412 (d) (floor stocks refund with respect to import tax on sugar) is amended by inserting before the period at the end thereof a comma and the following: “if claim for such refund is filed with the Secretary or his delegate on or before September 30, 1961”.

(b) REPEAL OF DUPLICATE PROVISION.—The last sentence of section 4501 (c) (termination of tax with respect to sugar) is hereby repealed.

SEC. 163. CREDITS OR REFUNDS OF CERTAIN TAXES.

(a) GENERAL RULES.—Subsections (a), (b), and (c) of section 6416 (credits or refunds of certain taxes on sales and services) are amended to read as follows:

“(a) CONDITION TO ALLOWANCE.—

“(1) GENERAL RULE.—No credit or refund of any overpayment of tax imposed by section 4231 (4), (5), or (6) (cabarets, etc.), chapter 31 (retailers taxes), or chapter 32 (manufacturers taxes) shall be allowed or made unless the person who paid the tax establishes, under regulations prescribed by the Secretary or his delegate, that he—

“(A) has not included the tax in the price of the article, admission, or service with respect to which it was imposed and has not collected the amount of the tax from the person who purchased such article, admission, or service;

“(B) has repaid the amount of the tax—

“(i) in the case of any tax imposed by chapter 31 (other than the tax imposed by section 4041 (a) (1) or (b) (1)), to the purchaser of the article,

“(ii) in the case of any tax imposed by chapter 32 and the tax imposed by section 4041 (a) (1) or (b) (1) (diesel and special motor fuels), to the ultimate purchaser of the article, or

“(iii) in the case of any tax imposed by section 4231 (4), (5), or (6) (cabarets, etc.) to the person who paid for the admission, refreshment, service, or merchandise;

26 USC 4001-4057.

26 USC 6412.

26 USC 4501.

26 USC 6416.

26 USC 4231, 26 USC 4001-4057, 4061-4226.

26 USC 4231.

“(C) in the case of an overpayment under subsection (b) (2), (b) (3) (C) or (D), or (b) (4) of this section—

“(i) has repaid or agreed to repay the amount of the tax to the ultimate vendor of the article, or

“(ii) has obtained the written consent of such ultimate vendor to the allowance of the credit or the making of the refund; or

“(D) has filed with the Secretary or his delegate the written consent of the person referred to in subparagraph (B) (i), (ii), or (iii), as the case may be, to the allowance of the credit or the making of the refund.

“(2) EXCEPTIONS.—This subsection shall not apply to—

“(A) the tax imposed by section 4041 (a) (2) or (b) (2) (use of diesel and special motor fuels), and 26 USC 4041.

“(B) an overpayment of tax under paragraph (1), (3) (A) or (B), or (5) of subsection (b) of this section.

“(3) SPECIAL RULES.—For purposes of this subsection—

“(A) any tax collected under section 4231 (6) from a concessionaire and paid to the Secretary or his delegate shall be treated as paid by the concessionaire; 26 USC 4231.

“(B) if tax under chapter 31 was paid by a supplier pursuant to an agreement under section 6011 (c), either the person who (without regard to section 6011 (c)) was required to return and pay the tax or the supplier may be treated as the person who paid the tax; 26 USC 6011.

“(C) in any case in which the Secretary or his delegate determines that an article is not taxable, the term ‘ultimate purchaser’ (when used in paragraph (1) (B) (ii) of this subsection) includes a wholesaler, jobber, distributor, or retailer who, on the 15th day after the date of such determination, holds such article for sale; but only if claim for credit or refund by reason of this subparagraph is filed on or before the day for filing the return with respect to the taxes imposed under chapter 32 for the first period which begins more than 60 days after the date of such determination; and 26 USC 4061-4226.

“(D) in applying paragraph (1) (C) to any overpayment under paragraph (2) (F), (3) (C) or (D), or (4) of subsection (b), the term ‘ultimate vendor’ means the ultimate vendor of the other article.

“(b) SPECIAL CASES IN WHICH TAX PAYMENTS CONSIDERED OVERPAYMENTS.—Under regulations prescribed by the Secretary or his delegate, credit or refund (without interest) shall be allowed or made in respect of the overpayments determined under the following paragraphs:

“(1) PRICE READJUSTMENTS.—If the price of any article in respect of which a tax, based on such price, is imposed by chapter 31 or 32, is readjusted by reason of the return or repossession of the article or a covering or container, or by a bona fide discount, rebate, or allowance, the part of the tax proportionate to the part of the price repaid or credited to the purchaser shall be deemed to be an overpayment. The preceding sentence shall not apply in the case of an article in respect of which tax was computed under section 4223 (b) (2); but if the price for which such article was sold is readjusted by reason of the return or repossession of the article, the part of the tax proportionate to the part of such price repaid or credited to the purchaser shall be deemed to be an overpayment. 26 USC 4001-4057.

“(2) SPECIFIED USES AND REALES.—The tax paid under chapter 32 (or under section 4041 (a) (1) or (b) (1)) in respect of 26 USC 4041.

any article shall be deemed to be an overpayment if such article was, by any person—

“(A) exported (except in any case to which subsection (g) applies);

“(B) used or sold for use as supplies for vessels or aircraft;

“(C) sold to a State or local government for the exclusive use of a State or local government;

“(D) sold to a nonprofit educational organization for its exclusive use;

“(E) resold to a manufacturer or producer for use by him as provided in subparagraph (A) or (B) of paragraph (3);

“(F) in the case of a tire, inner tube, or receiving set, resold for use as provided in subparagraph (C) or (D) of paragraph (3) and the other article referred to in such subparagraph is by any person exported or sold as provided in such subparagraph;

26 USC 4041.

“(G) in the case of a liquid taxable under section 4041, sold for use as fuel in a diesel-powered highway vehicle or as fuel for the propulsion of a motor vehicle, motorboat, or airplane, if (i) the vendee used such liquid otherwise than as fuel in such a vehicle, motorboat, or airplane or resold such liquid, or (ii) such liquid was (within the meaning of paragraphs (1), (2), and (3) of section 6420 (c)) used on a farm for farming purposes;

26 USC 6421.

“(H) in the case of a liquid in respect of which tax was paid under section 4041 at the rate of 3 cents a gallon, used during any calendar quarter in vehicles while engaged in furnishing scheduled common carrier public passenger land transportation service along regular routes; except that (i) this subparagraph shall apply only if the 60 percent passenger fare revenue test set forth in section 6421 (b) (2) is met with respect to such quarter, and (ii) the amount of such overpayment for such quarter shall be an amount determined by multiplying 1 cent for each gallon of liquid so used by the percentage which such person's tax-exempt passenger fare revenue (as defined in section 6421 (d) (2)) derived from such scheduled service during such quarter was of his total passenger fare revenue (not including the tax imposed by section 4261, relating to the tax on transportation of persons) derived from such scheduled service during such quarter;

26 USC 4261.

“(I) in the case of a liquid in respect of which tax was paid under section 4041 (a) (1) at the rate of 3 cents a gallon, used or resold for use as a fuel in a diesel-powered highway vehicle (i) which (at the time of such use or resale) is not registered, and is not required to be registered, for highway use under the laws of any State or foreign country, or (ii) which, in the case of a diesel-powered highway vehicle owned by the United States, is not used on the highway; except that the amount of any overpayment by reason of this subparagraph shall not exceed an amount computed at the rate of 1 cent a gallon;

“(J) in the case of a liquid in respect of which tax was paid under section 4041 (b) (1) at the rate of 3 cents a gallon, used or resold for use otherwise than as a fuel for the propulsion of a highway vehicle (i) which (at the time of such use or resale) is registered, or is required to be registered, for highway use under the laws of any State or foreign

country, or (ii) which, in the case of a highway vehicle owned by the United States, is used on the highway; except that the amount of any overpayment by reason of this subparagraph shall not exceed an amount computed at the rate of 1 cent a gallon;

“(K) in the case of any article taxable under section 4061 (b) (other than spark plugs and storage batteries), used or sold for use as repair or replacement parts or accessories for farm equipment (other than equipment taxable under section 4061 (a)); 26 USC 4061.

“(L) in the case of tread rubber in respect of which tax was paid under section 4071 (a) (4), used or sold for use otherwise than in the recapping or retreading of tires of the type used on highway vehicles (as defined in section 4072 (c)), unless credit or refund of such tax is allowable under subsection (b) (3); 26 USC 4071.
26 USC 4072.

“(M) in the case of gasoline, used or sold for use in production of special motor fuels referred to in section 4041 (b); 26 USC 4041.

“(N) in the case of lubricating oil, used or sold for non-lubricating purposes;

“(O) in the case of lubricating oil in respect of which tax was paid at the rate of 6 cents a gallon, used or sold for use as cutting oils (within the meaning of section 4092 (b)); except that the amount of such overpayment shall not exceed an amount computed at the rate of 3 cents a gallon; 26 USC 4092.

“(P) in the case of any musical instrument taxable under section 4151, sold to a religious institution for exclusively religious purposes; 26 USC 4151.

“(Q) in the case of unexposed motion picture film, used or sold for use in the making of newsreel motion picture film.

“(3) TAX-PAID ARTICLES USED FOR FURTHER MANUFACTURE, ETC.— If the tax imposed by chapter 32 has been paid with respect to the sale of any article by the manufacturer, producer, or importer thereof to a second manufacturer or producer, such tax shall be deemed to be an overpayment by such second manufacturer or producer if— 26 USC 4061-4226.

“(A) in the case of any article other than an article to which subparagraph (B), (C), or (D) applies, such article is used by the second manufacturer or producer as material in the manufacture or production of, or as a component part of, another article taxable under chapter 32 manufactured or produced by him;

“(B) in the case of—

“(i) a part or accessory taxable under section 4061 (b),

“(ii) a radio or television component taxable under section 4141, or

“(iii) a camera lens taxable under section 4171, 26 USC 4171.

such article is used by the second manufacturer or producer as material in the manufacture or production of, or as a component part of, any other article manufactured or produced by him;

“(C) in the case of—

“(i) a tire or inner tube taxable under section 4071, or

“(ii) an automobile radio or television receiving set taxable under section 4141,

such article is sold by the second manufacturer or producer on or in connection with, or with the sale of, any other article manufactured or produced by him and such other article is by any person exported, sold to a State or local government

for the exclusive use of a State or local government, sold to a nonprofit educational organization for its exclusive use, or used or sold for use as supplies for vessels or aircraft; or

“(D) in the case of a radio receiving set or an automobile radio receiving set—

“(i) such set is used by the second manufacturer or producer as a component part of any other article manufactured or produced by him, and

“(ii) such other article is by any person exported, sold to a State or local government for the exclusive use of a State or local government, sold to a nonprofit educational organization for its exclusive use, or used or sold for use as supplies for vessels or aircraft.

For purposes of subparagraphs (A) and (B), an article shall be treated as having been used as a component part of another article if, had it not been broken or rendered useless in the manufacture or production of such other article, it would have been so used.

“(4) TIRES, INNER TUBES, AND AUTOMOBILE RADIO AND TELEVISION RECEIVING SETS.—If—

26 USC 4071.

“(A) (i) a tire or inner tube taxable under section 4071, or automobile radio or television receiving set taxable under section 4141, is sold by the manufacturer, producer, or importer thereof on or in connection with, or with the sale of, any other article manufactured or produced by him, or

“(ii) a radio receiving set or an automobile radio receiving set is used by the manufacturer thereof as a component part of any other article manufactured or produced by him; and

“(B) such other article is by any person exported, sold to a State or local government for the exclusive use of a State or local government, sold to a nonprofit educational organization for its exclusive use, or used or sold for use as supplies for vessels or aircraft,

26 USC 4061-4226.

any tax imposed by chapter 32 in respect of such tire, inner tube, or receiving set which has been paid by the manufacturer, producer, or importer thereof shall be deemed to be an overpayment by him.

“(5) RETURN OF CERTAIN INSTALLMENT ACCOUNTS.—If—

“(A) tax was paid under section 4053 (b) (1) or 4216 (e) (1) in respect of any installment account,

“(B) such account is, under the agreement under which the account was sold, returned to the person who sold such account, and

“(C) the consideration is readjusted as provided in such agreement,

the part of the tax paid under section 4053 (b) (1) or 4216 (e) (1) proportionate to the part of the consideration repaid or credited to the purchaser of such account shall be deemed to be an overpayment.

This subsection shall apply in respect of an article only if the exportation or use referred to in the applicable provision of this subsection occurs before any other use, or, in the case of a sale or resale, the use referred to in the applicable provision of this subsection is to occur before any other use.

“(c) CREDIT FOR TAX PAID ON TIRES, INNER TUBES, OR RADIO OR TELEVISION RECEIVING SETS.—If tires, inner tubes, or automobile radio or television receiving sets on which tax has been paid under chapter 32 are sold on or in connection with, or with the sale of, another article taxable under chapter 32, there shall (under regulations prescribed by the Secretary or his delegate) be credited (without interest) against

the tax imposed on the sale of such other article, an amount determined by multiplying the applicable percentage rate of tax for such other article by—

“(1) the purchase price (less, in the case of tires, the part of such price attributable to the metal rim or rim base) if such tires or inner tubes were taxable under section 4071 (relating to tax on tires and inner tubes) or, in the case of automobile radio or television receiving sets, if such sets were taxable under section 4141; or

26 USC 4071.

“(2) if such tires, inner tubes, or automobile radio or television receiving sets were taxable under section 4218 (relating to use by manufacturer, producer, or importer), the price (less, in the case of tires, the part of such price attributable to the metal rim or rim base) at which such or similar tires, inner tubes, or sets are sold, in the ordinary course of trade, by manufacturers, producers, or importers thereof, as determined by the Secretary or his delegate.

The credit provided by this subsection shall be allowable only in respect of the first sale on or in connection with, or with the sale of, another article on the sale of which tax is imposed under chapter 32.”

26 USC 4061-4226.

(b) EFFECTIVE DATE.—Section 6416 (b) of the Internal Revenue Code of 1954, as amended by this Act, shall apply only with respect to articles exported, sold, or resold, as the case may be, on or after the effective date specified in section 1 (c) of this Act.

(c) ACCOUNTING PROCEDURES; MEANING OF TERMS.—Section 6416 is amended by adding at the end thereof the following new subsections:

“(g) AUTOMOBILES, ETC.—Under regulations prescribed by the Secretary or his delegate, subsection (b) (2) (A) shall apply, in the case of any article subject to the tax imposed by sections 4061 (a), 4111, 4121, and 4141, only if the article with respect to which the tax was paid was sold by the manufacturer, producer, or importer for export after receipt by him of notice of intent to export or to resell for export.

“(h) ACCOUNTING PROCEDURES FOR LIKE ARTICLES.—Under regulations prescribed by the Secretary or his delegate, if any person uses or resells like articles, then for purposes of this section the manufacturer, producer, or importer of any such article may be identified, and the amount of tax paid under chapter 32 in respect of such article may be determined—

“(1) on a first-in-first-out basis,

“(2) on a last-in-first-out basis, or

“(3) in accordance with any other consistent method approved by the Secretary or his delegate.

“(i) MEANING OF TERMS.—For purposes of this section, any term used in this section has the same meaning as when used in chapter 31, 32, or 33, as the case may be.”

26 USC 4001-4057, 4231-4294.

(d) TECHNICAL AMENDMENTS.—

(1) Section 6415 (a) (credits or refunds to persons who collected certain taxes) is amended by adding at the end thereof the following: “For purposes of this subsection, in the case of any payment outside the United States in respect of which tax is imposed under paragraph (1), (2), or (3) of section 4231, the person who paid for the admission or for the use of the box or seat shall be considered the person from whom the tax was collected.”

26 USC 6415.

(2) Section 6420 (c) (3) (A) (gasoline used on farms) is amended by striking out “section 6416 (b) (2) (C) (ii)” each place it appears and inserting in lieu thereof “section 6416 (b) (2) (G) (ii)”.

26 USC 6420.

26 USC 6421.

(3) Section 6421 (i) (gasoline used for certain non-highway purposes) is amended (A) by striking out "section 6416 (b) (2) (J) and (K)" and inserting in lieu thereof "section 6416 (b) (2) (I) and (J)", and (B) by striking out "section 6416 (b) (2) (L)" and inserting in lieu thereof "section 6416 (b) (2) (H)".

(e) CERTAIN RADIO RECEIVING SETS AND RADIO AND TELEVISION COMPONENTS.—If—

(1) a radio receiving set, an automobile radio receiving set, or a radio or television component was (before any other use) used as a component part of any other article, and

(2) such other article was (before any other use) by any person exported, or sold to a State or local government for the exclusive use of a State or local government,

26 U S C 4061-4226.

then any tax imposed by chapter 32 of the Internal Revenue Code of 1954 (or the corresponding provisions of prior revenue law) in respect of such set or component which has been paid shall be deemed to have been an overpayment, by the manufacturer, producer, or importer of such other article, at the time paid. No credit or refund shall be allowed or made under this subsection unless the manufacturer, producer, or importer of such other article establishes to the satisfaction of the Secretary of the Treasury or his delegate that he did not include the amount of the tax in the price of such other article (and has not collected the amount of the tax from the purchaser of such other article), that the amount of the tax has been repaid to the ultimate purchaser of such other article, or that he has obtained the written consent of such ultimate purchaser to the allowance of the credit or the making of the refund. No interest shall be allowed or paid in respect of any such overpayment.

SEC. 164. PAYMENTS WITH RESPECT TO GASOLINE USED FOR CERTAIN NON-HIGHWAY PURPOSES OR BY LOCAL TRANSIT SYSTEMS.

(a) IN GENERAL.—Section 6421 (c) (payments with respect to gasoline used for certain non-highway purposes or for local transit systems) is amended to read as follows:

"(c) TIME FOR FILING CLAIMS; PERIOD COVERED.—

"(1) GENERAL RULE.—Except as provided in paragraph (2), not more than one claim may be filed under subsection (a), and not more than one claim may be filed under subsection (b), by any person with respect to gasoline used during the one-year period ending on June 30 of any year. No claim shall be allowed under this paragraph with respect to any one-year period unless filed on or before September 30 of the year in which such one-year period ends.

"(2) EXCEPTION.—If \$1,000 or more is payable under this section to any person with respect to gasoline used during a calendar quarter, a claim may be filed under this section by such person with respect to gasoline used during such quarter. No claim filed under this paragraph shall be allowed unless filed on or before the last day of the first calendar quarter following the calendar quarter for which the claim is filed."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply only with respect to claims the last day for the filing of which occurs after the effective date specified in section 1 (c) of this Act.

SEC. 165. STATUTE OF LIMITATIONS FOR STAMP TAXES; REDEMPTION OF STAMPS.

(a) **LIMITATION ON ASSESSMENT AND COLLECTION.**—Section 6501 (a) (general rule) is amended by striking out “within 3 years after such tax became due,” and inserting in lieu thereof “at any time after such tax became due and before the expiration of 3 years after the date on which any part of such tax was paid.” 26 USC 6501.

(b) **REDEMPTION OF STAMPS.**—Section 6805 (a) (authorization for redemption of stamps) is amended by striking out “, or which through mistake may have been improperly or unnecessarily used, or where the rates or duties represented thereby have been excessive in amount, paid in error, or in any manner wrongfully collected”. 26 USC 6805.

(c) **TECHNICAL AMENDMENT.**—Section 6805 (c) (time for filing claims) is amended by inserting “under this section” after “shall be allowed”.

TITLE II—ALCOHOL, TOBACCO, AND CERTAIN OTHER EXCISE TAXES

SEC. 201. AMENDMENT OF CHAPTER 51 OF THE INTERNAL REVENUE CODE OF 1954.

Chapter 51 of the Internal Revenue Code of 1954 is amended to read as follows: 26 USC 5001-5693.

“CHAPTER 51—DISTILLED SPIRITS, WINES, AND BEER

“SUBCHAPTER A. Gallonage and occupational taxes.

“SUBCHAPTER B. Qualification requirements for distilled spirits plants.

“SUBCHAPTER C. Operation of distilled spirits plants.

“SUBCHAPTER D. Industrial use of distilled spirits.

“SUBCHAPTER E. General provisions relating to distilled spirits.

“SUBCHAPTER F. Bonded and taxpaid wine premises.

“SUBCHAPTER G. Breweries.

“SUBCHAPTER H. Miscellaneous plants and warehouses.

“SUBCHAPTER I. Miscellaneous general provisions.

“SUBCHAPTER J. Penalties, seizures, and forfeitures relating to liquors.

“Subchapter A—Gallonage and Occupational Taxes

“Part I. Gallonage taxes.

“Part II. Occupational tax.

“PART I—GALLONAGE TAXES

“Subpart A. Distilled spirits.

“Subpart B. Rectification.

“Subpart C. Wines.

“Subpart D. Beer.

“Subpart E. General provisions.

“Subpart A—Distilled Spirits

“Sec. 5001. Imposition, rate, and attachment of tax.

“Sec. 5002. Definitions.

“Sec. 5003. Cross references to exemptions, etc.

“Sec. 5004. Lien for tax.

“Sec. 5005. Persons liable for tax.

“Sec. 5006. Determination of tax.

“Sec. 5007. Collection of tax on distilled spirits.

“Sec. 5008. Abatement, remission, refund, and allowance for loss or destruction of distilled spirits.

“Sec. 5009. Drawback.

“SEC. 5001. IMPOSITION, RATE, AND ATTACHMENT OF TAX.

“(a) RATE OF TAX—

“(1) GENERAL.—There is hereby imposed on all distilled spirits in bond or produced in or imported into the United States an internal revenue tax at the rate of \$10.50 on each proof gallon or wine gallon when below proof and a proportionate tax at a like rate on all fractional parts of such proof or wine gallon. On and after July 1, 1959, the rate of tax imposed by this paragraph shall be \$9 in lieu of \$10.50.

“(2) PRODUCTS CONTAINING DISTILLED SPIRITS.—All products of distillation, by whatever name known, which contain distilled spirits, on which the tax imposed by law has not been paid, shall be considered and taxed as distilled spirits.

“(3) IMPORTED PERFUMES CONTAINING DISTILLED SPIRITS.—There is hereby imposed on all perfumes imported into the United States containing distilled spirits a tax of \$10.50 per wine gallon, and a proportionate tax at a like rate on all fractional parts of such wine gallon. On and after July 1, 1959, the rate of tax imposed by this paragraph shall be \$9 in lieu of \$10.50.

“(4) WINES CONTAINING MORE THAN 24 PERCENT ALCOHOL BY VOLUME.—Wines containing more than 24 percent of alcohol by volume shall be taxed as distilled spirits.

“(5) DISTILLED SPIRITS WITHDRAWN FREE OF TAX.—Any person who removes, sells, transports, or uses distilled spirits, withdrawn free of tax under section 5214 (a) or section 7510, in violation of laws or regulations now or hereafter in force pertaining thereto, and all such distilled spirits shall be subject to all provisions of law relating to distilled spirits subject to tax, including those requiring payment of the tax thereon; and the person so removing, selling, transporting, or using the distilled spirits shall be required to pay such tax.

“(6) DENATURED DISTILLED SPIRITS OR ARTICLES.—Any person who produces, withdraws, sells, transports, or uses denatured distilled spirits or articles in violation of laws or regulations now or hereafter in force pertaining thereto, and all such denatured distilled spirits or articles shall be subject to all provisions of law pertaining to distilled spirits that are not denatured, including those requiring the payment of tax thereon; and the person so producing, withdrawing, selling, transporting, or using the denatured distilled spirits or articles shall be required to pay such tax.

“(7) FRUIT-FLAVOR CONCENTRATES.—If any volatile fruit-flavor concentrate (or any fruit mash or juice from which such concentrate is produced) containing one-half of 1 percent or more of alcohol by volume, which is manufactured free from tax under section 5511, is sold, transported, or used by any person in violation of the provisions of this chapter or regulations promulgated thereunder, such person and such concentrate, mash, or juice shall be subject to all provisions of this chapter pertaining to distilled spirits and wines, including those requiring the payment of tax thereon; and the person so selling, transporting, or using such concentrate, mash, or juice shall be required to pay such tax.

“(8) IMPORTED LIQUEURS AND CORDIALS.—Imported liqueurs and cordials, or similar compounds, containing distilled spirits, shall be taxed as distilled spirits.

“(9) IMPORTED DISTILLED SPIRITS WITHDRAWN FOR BEVERAGE PURPOSES.—There is hereby imposed on all imported distilled spirits withdrawn from customs custody under section 5232 without payment of the internal revenue tax, and thereafter withdrawn from

bonded premises for beverage purposes, an additional tax equal to the duty which would have been paid had such spirits been imported for beverage purposes, less the duty previously paid thereon.

“(10) ALCOHOLIC COMPOUNDS FROM PUERTO RICO.—Except as provided in section 5314, upon bay rum, or any article containing distilled spirits, brought from Puerto Rico into the United States for consumption or sale there is hereby imposed a tax on the spirits contained therein at the rate imposed on distilled spirits produced in the United States.

“(b) TIME OF ATTACHMENT ON DISTILLED SPIRITS.—The tax shall attach to distilled spirits as soon as this substance is in existence as such, whether it be subsequently separated as pure or impure spirits, or be immediately, or at any subsequent time, transferred into any other substance, either in the process of original production or by any subsequent process.

“(c) CROSS REFERENCE.—

“For provisions relating to the tax on shipments to the United States of taxable articles from Puerto Rico and the Virgin Islands, see section 7652.

“SEC. 5002. DEFINITIONS.

“(a) DEFINITIONS.—When used in this chapter—

“(1) DISTILLED SPIRITS PLANT.—The term ‘distilled spirits plant’ means an establishment which is qualified under subchapter B to perform any operation, or any combination of operations, for which qualification is required under such subchapter.

“(2) BONDED PREMISES.—The term ‘bonded premises’, when used with reference to distilled spirits, means the premises of a distilled spirits plant, or part thereof, as described in the application required by section 5171 (a), on which operations relating to production, storage, denaturation, or bottling of distilled spirits, prior to the payment or determination of the distilled spirits tax, are authorized to be conducted.

“(3) BOTTLING PREMISES.—The term ‘bottling premises’, when used with reference to distilled spirits plants, means the premises of a distilled spirits plant, or part thereof, as described in the application required by section 5171 (a), on which operations relating to the rectification or bottling of distilled spirits or wines on which the tax has been paid or determined, are authorized to be conducted.

“(4) BONDED WAREHOUSEMAN.—The term ‘bonded warehouseman’ means the proprietor of a distilled spirits plant who is authorized to store distilled spirits after entry for deposit in storage and prior to payment or determination of the internal revenue tax or withdrawal as provided in section 5214 or 7510.

“(5) DISTILLER.—The term ‘distiller’ shall include every person—

“(A) who produces distilled spirits from any source or substance; or

“(B) who brews or makes mash, wort, or wash, fit for distillation or for the production of distilled spirits (except a person making or using such material in the authorized production of wine or beer, or the production of vinegar by fermentation); or

“(C) who by any process separates alcoholic spirits from any fermented substance; or

“(D) who, making or keeping mash, wort, or wash, has also in his possession or use a still.

“(6) DISTILLED SPIRITS.—

“(A) General Definition.—The terms ‘distilled spirits’, ‘alcoholic spirits’, and ‘spirits’ mean that substance known as ethyl alcohol, ethanol, or spirits of wine, including all dilutions and mixtures thereof, from whatever source or by whatever process produced, and shall include whisky, brandy, rum, gin, and vodka.

“(B) Products of Rectification.—As used in section 5291 (a) the term ‘distilled spirits’ includes products produced in such manner that the person producing them is a rectifier within the meaning of section 5082.

“(7) PROOF SPIRITS.—The term ‘proof spirits’ means that liquid which contains one-half its volume of ethyl alcohol of a specific gravity of seven thousand nine hundred and thirty-nine ten-thousandths (.7939) at 60 degrees Fahrenheit referred to water at 60 degrees Fahrenheit as unity.

“(8) PROOF GALLON.—The term ‘proof gallon’ means a United States gallon of proof spirits, or the alcoholic equivalent thereof.

“(9) CONTAINER.—The term ‘container’, when used with respect to distilled spirits, means any receptacle, vessel, or form of package, bottle, tank, or pipeline used, or capable of use, for holding, storing, transferring, or conveying distilled spirits.

“(10) APPROVED CONTAINER.—The term ‘approved container’, when used with respect to distilled spirits, means a container the use of which is authorized by regulations prescribed by the Secretary or his delegate.

“(11) ARTICLES.—The term ‘articles’ means any substance or preparation in the manufacture of which denatured distilled spirits are used, unless another meaning is distinctly expressed or manifestly intended.

“(b) CROSS REFERENCES.—

“(1) For definition of wine gallon, see section 5041 (c).

“(2) For definition of rectifier, see section 5082.

“(3) For definition of manufacturer of stills, see section 5102.

“(4) For definition of dealer, see section 5112 (a).

“(5) For definitions of wholesale dealers, see section 5112.

“(6) For definitions of retail dealers, see section 5122.

“(7) For definitions of general application to this title, see chapter 79.

“SEC. 5003. CROSS REFERENCES TO EXEMPTIONS, ETC.

“(1) For provisions authorizing the withdrawal of distilled spirits free of tax for use by Federal or State agencies, see sections 5214 (a) (2) and 5313.

“(2) For provisions authorizing the withdrawal of distilled spirits free of tax by nonprofit educational organizations, scientific universities or colleges of learning, laboratories, hospitals, blood banks, sanitariums, and charitable clinics, see section 5214 (a) (3).

“(3) For provisions authorizing the withdrawal of certain imported distilled spirits from customs custody without payment of tax, see section 5232.

“(4) For provisions authorizing the withdrawal of denatured distilled spirits free of tax, see section 5214 (a) (1).

“(5) For provisions exempting from tax distilled spirits for use in production of vinegar by the vaporizing process, see section 5505 (j).

“(6) For provisions relating to the withdrawal of wine spirits without payment of tax for use in the production of wine, see section 5373.

“(7) For provisions exempting from tax volatile fruit-flavor concentrates, see section 5511.

“(8) For provisions authorizing the withdrawal of distilled spirits from bonded premises without payment of tax for export, see section 5214 (a) (4).

"(9) For provisions authorizing withdrawal of distilled spirits without payment of tax to customs manufacturing bonded warehouses for export, see section 5522 (a).

"(10) For provisions relating to withdrawal of distilled spirits without payment of tax as supplies for certain vessels and aircraft, see 19 U. S. C. 1309.

"(11) For provisions authorizing regulations for withdrawal of distilled spirits for use of United States free of tax, see section 7510.

"(12) For provisions relating to withdrawal of distilled spirits without payment of tax to foreign-trade zones, see 19 U. S. C. 81c.

"(13) For provisions relating to exemption from tax of taxable articles going into the possessions of the United States, see section 7653 (b).

"(14) For provisions authorizing the removal of samples free of tax for making tests or laboratory analyses, see section 5214 (a) (9).

"(15) For provisions relating to allowance for certain losses in bond, see section 5008 (a).

"SEC. 5004. LIEN FOR TAX.

"(a) DISTILLED SPIRITS SUBJECT TO LIEN.—

"(1) GENERAL.—The tax imposed by section 5001 (a) (1) shall be a first lien on the distilled spirits from the time the spirits are in existence as such until the tax is paid.

"(2) EXCEPTIONS.—The lien imposed by paragraph (1), or any similar lien imposed on the spirits under prior provisions of internal revenue law, shall terminate in the case of distilled spirits produced on premises qualified under internal revenue law for the production of distilled spirits when such distilled spirits are—

"(A) withdrawn from bonded premises on determination of tax; or

"(B) withdrawn from bonded premises free of tax under provisions of section 5214 (a) (1), (2), (3), or (9), or section 7510; or

"(C) exported, deposited in a foreign-trade zone, used in the production of wine, deposited in customs manufacturing bonded warehouses, or laden as supplies upon, or used in the maintenance or repair of, certain vessels or aircraft, as provided by law.

26 USC 7510.

"(b) OTHER PROPERTY SUBJECT TO LIEN.—

"(1) GENERAL.—The tax imposed by section 5001 (a) (1) shall be a first lien on the distillery used for producing the distilled spirits, the stills, vessels, and fixtures therein, the lot or tract of land on which such distillery is situated, and on any building thereon, from the time such spirits are in existence as such until the tax is paid, or until the persons liable for the tax under section 5005 (a) or (b) have been relieved of liability for such tax by reason of the provisions of section 5005 (c) (2), (c) (3), (d), or (e). In the case of a distilled spirits plant producing distilled spirits, the premises subject to lien shall comprise the bonded premises of such plant, any building containing any part of the bonded premises and the land on which such building is situated, as described in the application for registration of such plant. Any similar lien on the property described in this paragraph arising under prior provisions of internal revenue law shall not be assertable as to the tax on any distilled spirits in respect to which the persons liable for the tax have been relieved of liability therefor by reason of the provisions of section 5005 (c) (2), (c) (3), (d), or (e).

"(2) EXCEPTION DURING TERM OF BOND.—No lien shall attach to any lot or tract of land, distillery, building, or distilling apparatus, under this subsection, by reason of distilling done during any period included within the term of any bond given under section 5173 (b) (1) (C).

“(3) **EXTINGUISHMENT OF LIEN.**—Any lien under paragraph (1), or any similar lien imposed on the property described in paragraph (1) under prior provisions of internal revenue law, shall be held to be extinguished—

Intra.

“(A) if the property is no longer used for distilling and there is no outstanding liability against any person referred to in section 5005 (a) or (b) for taxes or penalties imposed by law on the distilled spirits produced thereon, and no litigation is pending in respect of any such tax or penalty; or

“(B) if an indemnity bond given under the provisions of section 5173 (b) (1) (C), further conditioned to stand in lieu of such lien or liens and to indemnify the United States for the payment of all taxes and penalties which otherwise could be asserted against such property by reason of such lien or liens, is accepted and approved by the Secretary or his delegate. Such bond shall not be accepted or approved if there is any pending litigation or outstanding assessment with respect to such taxes or penalties, or if the Secretary or his delegate has knowledge of any circumstances indicating that such bond is tendered with intent to evade payment or defeat collection of any tax or penalty.

“(4) **CERTIFICATE OF DISCHARGE.**—Any person claiming any interest in the property subject to lien under paragraph (1) may apply to the Secretary or his delegate for a duly acknowledged certificate to the effect that such lien is discharged and, if the Secretary or his delegate determines that such lien is extinguished, the Secretary or his delegate shall issue such certificate, and any such certificate may be recorded.

“(c) **CROSS REFERENCE.**—

“For provisions relating to extinguishing of lien in case of redistillation, see section 5223 (d).

SEC. 5005. PERSONS LIABLE FOR TAX.

“(a) **GENERAL.**—The distiller or importer of distilled spirits shall be liable for the taxes imposed thereon by section 5001 (a) (1).

“(b) **DOMESTIC DISTILLED SPIRITS.**—

“(1) **LIABILITY OF PERSONS INTERESTED IN DISTILLING.**—Every proprietor or possessor of, and every person in any manner interested in the use of, any still, distilling apparatus, or distillery, shall be jointly and severally liable for the taxes imposed by law on the distilled spirits produced therefrom.

“(2) **EXCEPTION.**—A person owning or having the right of control of not more than 10 percent of any class of stock of a corporate proprietor of a distilled spirits plant shall not be deemed to be a person liable for the tax for which such proprietor is liable under the provisions of paragraph (1). This exception shall not apply to an officer or director of such corporate proprietor.

“(c) **PROPRIETORS OF DISTILLED SPIRITS PLANTS.**—

“(1) **BONDED STORAGE.**—Every person operating bonded premises of a distilled spirits plant shall be liable for the internal revenue tax on all distilled spirits while the distilled spirits are stored on such premises, and on all distilled spirits which are in transit to such premises (from the time of removal from the transferor's bonded premises) pursuant to application made by him. Such liability for the tax on distilled spirits shall continue until the distilled spirits are transferred or withdrawn from bonded premises as authorized by law, or until such liability for tax is relieved by reason of the provisions of section 5008 (a).

Nothing in this paragraph shall relieve any person from any liability imposed by subsection (a) or (b).

“(2) **TRANSFERS IN BOND.**—When distilled spirits are transferred in bond in accordance with the provisions of section 5212, persons liable for the tax on such spirits under subsection (a) or (b), or under any similar prior provisions of internal revenue law, shall be relieved of such liability, if proprietors of transferring and receiving premises are independent of each other and neither has a proprietary interest, directly or indirectly, in the business of the other, and all persons liable for the tax under subsection (a) or (b), or under any similar prior provisions of internal revenue law, have divested themselves of all interest in the spirits so transferred. Such relief from liability shall be effective from the time of removal from the transferor's bonded premises, from the time of such divestment of interest, or on July 1, 1959, whichever is later. The provisions of this paragraph shall be construed to apply to distilled spirits transferred in bond, whether such transfers occur prior to or on or after July 1, 1959, but shall not apply in any case in which the tax was paid or determined prior to such date.

“(3) **WITHDRAWALS ON DETERMINATION OF TAX.**—

“(A) Any person who withdraws distilled spirits from the bonded premises of a distilled spirits plant on determination of tax, upon giving of a withdrawal bond as provided for in section 5174, shall be liable for payment of the internal revenue tax on the distilled spirits so withdrawn, from the time of such withdrawal.

“(B) All persons liable for the tax on distilled spirits under subsection (a) or (b), or under any similar prior provisions of internal revenue law, shall be relieved of liability with respect to the tax on any distilled spirits withdrawn on determination of tax under withdrawal bond (as provided for in section 5174) if the person withdrawing such spirits and the person, or persons, liable for the tax under subsection (a) or (b), or under any similar prior provisions of internal revenue law, are independent of each other and neither has a proprietary interest, directly or indirectly, in the business of the other, and all persons liable for the tax under subsection (a) or (b), or under any similar prior provisions of internal revenue law, have divested themselves of all interest in the spirits so withdrawn.

“(d) **WITHDRAWALS FREE OF TAX.**—All persons liable for the tax under subsection (a) or (b), or under any similar prior provisions of internal revenue law, shall be relieved of such liability as to distilled spirits withdrawn free of tax under the provisions of section 5214 (a) (1), (2), (3), or (9), or under section 7510, at the time such spirits are so withdrawn from bonded premises.

“(e) **WITHDRAWALS WITHOUT PAYMENT OF TAX.**—

“(1) **LIABILITY FOR TAX.**—Any person who withdraws distilled spirits from the bonded premises of a distilled spirits plant without payment of tax, as provided in section 5214 (a) (4), (5), (6), (7), or (8), shall be liable for the internal revenue tax on such distilled spirits, from the time of such withdrawal; and all persons liable for the tax on such distilled spirits under subsection (a) or (b), or under any similar prior provisions of internal revenue law, shall, at the time of such withdrawal, be relieved of any such liability on the distilled spirits so withdrawn if the person withdrawing such spirits and the person, or persons, liable for the tax under subsection (a) or (b), or under any similar prior provisions

of internal revenue law, are independent of each other and neither has a proprietary interest, directly or indirectly, in the business of the other, and all persons liable for the tax under subsection (a) or (b), or under any similar prior provisions of internal revenue law, have divested themselves of all interest in the spirits so withdrawn.

“(2) RELIEF FROM LIABILITY.—All persons liable for the tax on distilled spirits under paragraph (1) of this subsection, or under subsection (a) or (b), or under any similar prior provisions of internal revenue law, shall be relieved of any such liability at the time, as the case may be, the distilled spirits are exported, deposited in a foreign-trade zone, used in the production of wine, deposited in customs manufacturing bonded warehouses, or laden as supplies upon, or used in the maintenance or repair of, certain vessels or aircraft, as provided by law.

“(f) CROSS REFERENCES.—

“(1) For provisions conditioning warehousing bonds on the payment of the tax, see section 5173 (c).

“(2) For provisions relating to transfer of tax liability to redistiller in case of redistillation, see section 5223.

“(3) For liability for tax on denatured distilled spirits, articles, and volatile fruit-flavor concentrates, see section 5001 (a) (6) and (7).

“(4) For liability for tax on distilled spirits withdrawn free of tax, see section 5001 (a) (5).

“(5) For liability of wine producer for unlawfully using wine spirits withdrawn for the production of wine, see section 5391.

“SEC. 5006. DETERMINATION OF TAX.

“(a) REQUIREMENTS.—

“(1) GENERAL.—Except as otherwise provided in this section, the internal revenue tax on distilled spirits shall be determined when the spirits are withdrawn from bond. Such tax shall be determined by such means as the Secretary or his delegate shall by regulations prescribe, and with the use of such devices and apparatus (including but not limited to storage, gauging, and bottling tanks and pipelines) as the Secretary or his delegate may require. The tax on distilled spirits withdrawn from the bonded premises of a distilled spirits plant shall be determined upon completion of the gauge for determination of tax and before withdrawal from bonded premises, under such regulations as the Secretary or his delegate shall prescribe.

“(2) DISTILLED SPIRITS ENTERED FOR STORAGE.—

“(A) BONDING PERIOD LIMITATION.—Except as provided in subparagraph (B), the tax on distilled spirits entered for deposit in storage in internal revenue bond shall be determined within 20 years from the date of original entry for deposit in such storage.

“(B) EXCEPTIONS.—Subparagraph (A) and section 5173 (c) (1) (A) shall not apply in the case of—

“(i) distilled spirits of 190 degrees or more of proof;

“(ii) denatured distilled spirits; or

“(iii) distilled spirits which on July 26, 1936, were 8 years of age or older and which were in bonded warehouses on that date.

“(C) DISTILLED SPIRITS MINGLED IN INTERNAL REVENUE BOND.—In applying subparagraph (A) and section 5173 (c) (1) (A) to distilled spirits entered for deposit in storage on different dates and lawfully mingled in internal revenue bond, the Secretary or his delegate shall, by regulations, provide for the application of the 20-year period to such spirits in such manner that no more spirits will remain in bond

than would have been the case had such mingling not occurred.

“(3) **DISTILLED SPIRITS NOT ACCOUNTED FOR.**—If the Secretary or his delegate finds that the distiller has not accounted for all the distilled spirits produced by him, he shall, from all the evidence he can obtain, determine what quantity of distilled spirits was actually produced by such distiller, and an assessment shall be made for the difference between the quantity reported and the quantity shown to have been actually produced, at the rate of tax imposed by law for every proof gallon.

“(b) **TAXABLE LOSS.**—

“(1) **ON ORIGINAL QUANTITY.**—Where there is evidence satisfactory to the Secretary or his delegate that there has been any loss of distilled spirits from any cask or other package deposited in storage in internal revenue bond, other than a loss which by reason of section 5008 (a) is not taxable, the Secretary or his delegate may require the withdrawal from bonded premises of such distilled spirits, and direct the officer designated by him to collect the tax accrued on the original quantity of distilled spirits entered for deposit in storage in internal revenue bond in such cask or package, notwithstanding that the time specified in any bond given for the withdrawal of the spirits entered in storage in such cask or package has not expired, except that, under regulations prescribed by the Secretary or his delegate, when the extent of any loss from causes other than theft or unauthorized voluntary destruction can be established by the proprietor to the satisfaction of the Secretary or his delegate, an allowance of the tax on the loss so established may be credited against the tax on the original quantity. If such tax is not paid on demand it shall be assessed and collected as other taxes are assessed and collected.

“(2) **ALTERNATIVE METHOD.**—Where there is evidence satisfactory to the Secretary or his delegate that there has been access, other than as authorized by law, to the contents of casks or packages stored on bonded premises, and the extent of such access is such as to evidence a lack of due diligence or a failure to employ necessary and effective controls on the part of the proprietor, the Secretary or his delegate (in lieu of requiring the casks or packages to which such access has been had to be withdrawn and tax paid on the original quantity of distilled spirits entered for deposit in storage in internal revenue bond in such casks or packages as provided in paragraph (1)) may assess an amount equal to the tax on 5 proof gallons of distilled spirits at the prevailing rate on each of the total number of such casks or packages as determined by him.

“(3) **APPLICATION OF SUBSECTION.**—The provisions of this subsection shall apply to distilled spirits which are filled into casks or packages, as authorized by law, after entry and deposit in storage in internal revenue bond, whether by reasking, filling from storage tanks, consolidation of packages, or otherwise; and the quantity filled into such casks or packages shall be deemed to be the original quantity for the purpose of this subsection, in the case of loss from such casks or packages.

“(c) **DISTILLED SPIRITS NOT BONDED.**—

“(1) **GENERAL.**—The tax on any distilled spirits, removed from the place where they were distilled and (except as otherwise provided by law) not deposited in storage on bonded premises of a distilled spirits plant, shall, at any time within the period of limitation provided in section 6501, when knowledge of such fact is obtained by the Secretary or his delegate, be assessed on the distiller of such distilled spirits (or other person liable for the

tax) and payment of such tax immediately demanded and, on the neglect or refusal of payment, the Secretary or his delegate shall proceed to collect the same by distraint. This paragraph shall not exclude any other remedy or proceeding provided by law.

“(2) PRODUCTION AT OTHER THAN QUALIFIED PLANTS.—Except as otherwise provided by law, the tax on any distilled spirits produced in the United States at any place other than a qualified distilled spirits plant shall be due and payable immediately upon production.

“(d) UNLAWFULLY IMPORTED DISTILLED SPIRITS.—Distilled spirits smuggled or brought into the United States unlawfully shall, for purposes of this chapter, be held to be imported into the United States, and the internal revenue tax shall be due and payable at the time of such importation.

“(e) CROSS REFERENCE.—

“For provisions relating to removal of distilled spirits from bonded premises on determination of tax, see section 5213.

“SEC. 5007. COLLECTION OF TAX ON DISTILLED SPIRITS.

“(a) TAX ON DISTILLED SPIRITS REMOVED FROM BONDED PREMISES.—

“(1) GENERAL.—The tax on domestic distilled spirits and on distilled spirits removed from customs custody under section 5232 shall be paid in accordance with section 5061.

“(2) DISTILLED SPIRITS WITHDRAWN TO BOTTLING PREMISES UNDER WITHDRAWAL BOND.—If distilled spirits are withdrawn from bonded premises under section 5213 and a withdrawal bond is posted under section 5174 (a) (2), the Secretary or his delegate shall, in fixing the time for filing the return and the time for payment of the tax under section 5061 (a), make allowance for the period of transportation of the distilled spirits from the bonded premises to the bottling premises, not to exceed such maximum periods as he may by regulations prescribe.

“(b) COLLECTION OF TAX ON IMPORTED DISTILLED SPIRITS AND PERFUMES CONTAINING DISTILLED SPIRITS.—

“(1) DISTILLED SPIRITS.—The internal revenue tax imposed by section 5001 (a) (1) and (2) upon imported distilled spirits shall be collected by the Secretary or his delegate and deposited as internal revenue collections, under such regulations as the Secretary or his delegate may prescribe. Such tax shall be in addition to any customs duty imposed under the Tariff Act of 1930 (46 Stat. 590; 19 U. S. C., chapter 4), or any subsequent act. Section 5688 shall be applicable to the disposition of imported spirits.

“(2) PERFUMES CONTAINING DISTILLED SPIRITS.—The internal revenue tax imposed by section 5001 (a) (3) upon imported perfumes containing distilled spirits shall be collected by the Secretary or his delegate and deposited as internal revenue collections, under such regulations as the Secretary or his delegate may prescribe.

“(c) CROSS REFERENCES.—

“(1) For authority of the Secretary or his delegate to make determinations and assessments of internal revenue taxes and penalties, see section 6201 (a).

“(2) For authority to assess tax on distilled spirits not bonded, see section 5006 (c).

“(3) For provisions relating to payment of tax, under certain conditions, on distilled spirits withdrawn free of tax, denatured distilled spirits, articles, and volatile fruit-flavor concentrates, see section 5001 (a) (5), (6), and (7).

"SEC. 5008. ABATEMENT, REMISSION, REFUND, AND ALLOWANCE FOR LOSS OR DESTRUCTION OF DISTILLED SPIRITS.

"(a) DISTILLED SPIRITS LOST OR DESTROYED IN BOND.—

"(1) EXTENT OF LOSS ALLOWANCE.—No tax shall be collected in respect of distilled spirits lost or destroyed while in bond, except that such tax shall be collected—

"(A) THEFT.—In the case of loss by theft, unless the Secretary or his delegate finds that the theft occurred without connivance, collusion, fraud, or negligence on the part of the proprietor of the distilled spirits plant, owner, consignor, consignee, bailee, or carrier, or the employees or agents of any of them; and

"(B) VOLUNTARY DESTRUCTION.—In the case of voluntary destruction, unless such destruction is carried out as provided in subsection (b) (1).

"(2) PROOF OF LOSS.—In any case in which distilled spirits are lost or destroyed, whether by theft or otherwise, the Secretary or his delegate may require the proprietor of the distilled spirits plant or other person liable for the tax to file a claim for relief from the tax and submit proof as to the cause of such loss. In every case where it appears that the loss was by theft, the burden shall be upon the proprietor of the distilled spirits plant or other person responsible for the distilled spirits tax to establish to the satisfaction of the Secretary or his delegate that such loss did not occur as the result of connivance, collusion, fraud, or negligence on the part of the proprietor of the distilled spirits plant, owner, consignor, consignee, bailee, or carrier, or the employees or agents of any of them.

"(3) REFUND OF TAX.—In any case where the tax would not be collectible by virtue of paragraph (1), but such tax has been paid, the Secretary or his delegate shall refund such tax.

"(4) LIMITATIONS.—Except as provided in paragraph (5), no tax shall be abated, remitted, credited, or refunded under this subsection where the loss occurred after the tax was determined (as provided in section 5006 (a)). The abatement, remission, credit, or refund of taxes provided for by paragraphs (1) and (3) in the case of loss of distilled spirits by theft shall only be allowed to the extent that the claimant is not indemnified against or recompensed in respect of the tax for such loss.

"(5) APPLICABILITY.—The provisions of this subsection shall extend to and apply in respect of distilled spirits lost after the tax was determined and prior to the completion of the physical removal of the distilled spirits from bonded premises, but shall not be applicable where the loss occurred after the time prescribed for the withdrawal of the distilled spirits from bonded premises under section 5006 (a) (2) unless the loss occurred in the course of physical removal of the spirits immediately subsequent to such time. This paragraph shall not be applicable to any loss of distilled spirits for which abatement, remission, credit, or refund of tax is allowable under the provisions of subsection (c), or would be allowable except for the limitations established under subsection (c) (3).

"(b) VOLUNTARY DESTRUCTION.—

"(1) DISTILLED SPIRITS IN BOND.—The proprietor of the distilled spirits plant or other persons liable for the tax imposed by this chapter with respect to any distilled spirits in bond may voluntarily destroy such spirits, but only if such destruction is under such supervision, and under such regulations, as the Secretary or his delegate may prescribe.

“(2) **DISTILLED SPIRITS WITHDRAWN FOR RECTIFICATION OR BOTTLING.**—Whenever any distilled spirits withdrawn from bond on or after July 1, 1959, on payment or determination of tax for rectification or bottling are (before the completion of the bottling and casing or other packaging of such spirits for removal from the bottling premises of the distilled spirits plant to which removed from bond) found by the proprietor who withdrew such spirits to be unsuitable for the purpose for which intended to be used, such spirits may, on application to the Secretary or his delegate, be destroyed after such gauge and under such supervision as the Secretary or his delegate may by regulations prescribe. If a claim is filed within 6 months from the date of such destruction, the Secretary or his delegate shall, under such regulations as he may prescribe, abate, remit, or, without interest, credit or refund the tax imposed under section 5001 (a) (1) on the spirits so destroyed, to the proprietor of the distilled spirits plant who withdrew the distilled spirits on payment or determination of tax.

“(c) **LOSS OF DISTILLED SPIRITS WITHDRAWN FROM BOND FOR RECTIFICATION OR BOTTLING.**—

“(1) **GENERAL.**—Whenever any distilled spirits withdrawn from bond on payment or determination of tax for rectification or bottling are lost before the completion of the bottling and casing or other packaging of such spirits for removal from the bottling premises of the distilled spirits plant to which removed from bond, the Secretary or his delegate shall, under such regulations as he may prescribe, abate, remit, or, without interest, credit or refund the tax imposed on such spirits under section 5001 (a) (1) to the proprietor of the distilled spirits plant who withdrew the distilled spirits on payment or determination of tax for removal to his bottling premises, if it is established to the satisfaction of the Secretary or his delegate that—

“(A) such loss occurred (i) by reason of accident while being removed from bond to bottling premises, or (ii) by reason of flood, fire, or other disaster; or

“(B) such loss occurred by reason of, and was incident to, authorized rectifying, packaging, bottling, or casing operations (including losses by leakage or evaporation occurring during removal from bond to the bottling premises and during storage on bottling premises pending rectification or bottling).

“(2) **LIMITATION.**—No abatement, remission, credit, or refund of taxes shall be made under this subsection—

“(A) in any case where the claimant is indemnified or recompensed for the tax;

“(B) in excess of the amount allowable under paragraph (3), in case of losses referred to in paragraph (1) (B); or

“(C) unless a claim is filed, under such regulations as the Secretary or his delegate may prescribe, by the proprietor of the distilled spirits plant who withdrew the distilled spirits on payment or determination of tax, (i) within 6 months from the date of the loss in case of losses referred to in paragraph (1) (A), or (ii) within 6 months from the close of the fiscal year in which the loss occurred in case of losses referred to in paragraph (1) (B).

The quantity of distilled spirits lost within the meaning of subparagraph (B) of paragraph (1) shall be determined at such times and by such means or methods as the Secretary or his delegate shall by regulations prescribe.

“(3) MAXIMUM LOSS ALLOWANCES.—

“(A) If all the alcoholic ingredients used in distilled spirits products during the fiscal year were distilled spirits withdrawn from bond by the proprietor of the bottling premises on payment or determination of tax, for removal to such premises, the loss allowable in such fiscal year under paragraph (1) (B) shall not be greater than the excess of losses over gains, and shall not exceed the maximum amount of loss allowable as shown in the following schedule:

“If total completions during the fiscal year in proof gallons are:	The maximum allowable loss in proof gallons is:
“Not over 24,000.....	2 percent of completions.
“Over 24,000 but not over 120,000.....	480 proof gallons plus 1% of excess over 24,000.
“Over 120,000 but not over 600,000....	1,440 proof gallons plus .6% of excess over 120,000.
“Over 600,000 but not over 2,400,000..	4,320 proof gallons plus .3% of excess over 600,000.
“Over 2,400,000.....	9,720 proof gallons plus .2% of excess over 2,400,000.

The Secretary or his delegate may, by regulations, reduce the amount of the maximum allowable losses in the preceding schedule when he finds that such adjustment is necessary for protection of the revenue, or increase the amount of such maximum allowable losses if he finds that such may be done without undue jeopardy to the revenue and is necessary to more nearly provide for the actual losses described in paragraph (1) (B). However, in no event shall allowable losses exceed 2 percent of total completions.

“(B) If alcoholic ingredients other than distilled spirits withdrawn from bond by the proprietor of the bottling premises on payment or determination of tax, for removal to such premises, were used in distilled spirits products during the fiscal year, the loss allowable under paragraph (1) (B) shall be determined by first obtaining the amount that would have been allowable if all of the ingredients had been distilled spirits withdrawn from bond by the proprietor of the bottling premises on payment or determination of tax, for removal to such premises, and thereafter reducing this amount by an amount proportional to the percentage which the total proof gallons of such alcoholic ingredients bears to the total proof gallons of all alcoholic ingredients used in such distilled spirits products.

“(C) As used in this subsection, the term ‘completions’ means the distilled spirits products bottled and cased or otherwise packaged or placed in approved containers for removal from the bottling premises, and the term ‘fiscal year’ means the period from July 1 of a calendar year through June 30 of the following year.

“(D) The Secretary or his delegate may, under such regulations and conditions as he may prescribe, make tentative allowances for losses provided for in paragraph (1) (B), for fractional parts of a year, which allowances shall be computed by the procedures prescribed in paragraphs (3) (A) and (3) (B), except that the numerical values for the completions and for the maximum allowable losses in proof gallons in the schedule in paragraph (3) (A) shall be divided by the number of such fractional parts within the fiscal year.

“(E) The loss allowable to any proprietor qualifying for abatement, remission, credit, or refund of taxes under para-

graph (1) (B) shall not exceed the quantity which would be allowed by a tentative estimates schedule constructed in accordance with paragraph (3) (D) for the portion of the fiscal year that such proprietor was qualified to operate the distilled spirits plant.

“(F) Notwithstanding the limitations contained in the schedule in paragraph (3) (A) the Secretary or his delegate may, under such regulations as he may prescribe, in addition to the losses allowable under paragraphs (1) (A) and (1) (B), allow actual determined losses incurred in the manufacture of gin and vodka where produced in closed systems in a manner similar to that authorized on bonded premises.

“(4) ELIGIBLE PROPRIETORS.—

“(A) The term ‘proprietor’ as used in this subsection and in subsection (b) (2) shall, in the case of a corporation, include all affiliated or subsidiary corporations who are qualified during the fiscal year for successive operation of the same bottling premises and who make joint application to the Secretary or his delegate to be treated as one proprietor for the purposes of this subsection and subsection (b) (2) and who comply with such conditions as the Secretary or his delegate may by regulations prescribe.

“(B) For the purposes of this subsection and subsection (b) (2) a proprietor of bottling premises of a distilled spirits plant who makes application to the Secretary or his delegate for the withdrawal of distilled spirits from bond on payment of tax for removal to such bottling premises shall be deemed to be the proprietor who withdrew distilled spirits on payment of tax, and the distilled spirits withdrawn pursuant to such application shall be deemed to have been withdrawn by such proprietor on payment of tax, whether or not he was the person who paid the tax.

“(5) APPLICABILITY.—This subsection shall apply in respect of losses of distilled spirits withdrawn from bond on or after July 1, 1959. This subsection shall also apply in respect of losses, occurring on or after July 1, 1959, and after dumping for rectification or bottling, of distilled spirits withdrawn from bond prior to July 1, 1959, and such spirits shall be considered as having been withdrawn from bond on payment or determination of tax by the proprietor of the bottling premises at which the spirits are dumped for rectification or bottling.

“(d) DISTILLED SPIRITS RETURNED TO BONDED PREMISES.—

“(1) ALLOWANCE OF TAX.—Whenever any distilled spirits withdrawn from bonded premises, on or after July 1, 1959, on payment or determination of tax are returned under section 5215 to the bonded premises of a distilled spirits plant, the Secretary or his delegate shall abate, remit, or (without interest) credit or refund the tax imposed under section 5001 (a) (1) on the spirits so returned.

“(2) LIMITATION.—No allowance under paragraph (1) shall be made unless a claim is filed, under such regulations as the Secretary or his delegate may prescribe, by the proprietor of the distilled spirits plant to which the distilled spirits are returned, within 6 months of the date of return; and no claim shall be allowed in respect of any distilled spirits withdrawn from the bonded premises of a distilled spirits plant more than 6 months prior to the date of such return.

“(e) SAMPLES FOR USE BY THE UNITED STATES.—The Secretary or his delegate shall, under such regulations as he may prescribe, with-

out interest, credit or refund to the proprietor the tax on any samples of distilled spirits removed from the premises of a distilled spirits plant for analysis or testing by the United States.

“(f) **DISTILLED SPIRITS WITHDRAWN WITHOUT PAYMENT OF TAX.**—The provisions of subsection (a) shall be applicable to loss of distilled spirits occurring during transportation from bonded premises of a distilled spirits plant to—

“(1) the port of export, in case of withdrawal under section 5214 (a) (4);

“(2) the customs manufacturing bonded warehouse, in case of withdrawal under section 5214 (a) (6);

“(3) the vessel or aircraft, in case of withdrawal under section 5214 (a) (7); and

“(4) the foreign-trade zone, in case of withdrawal under section 5214 (a) (8).

“(g) **OTHER LAWS APPLICABLE.**—All provisions of law, including penalties, applicable in respect of the internal revenue tax on distilled spirits, shall, insofar as applicable and not inconsistent with subsections (b) (2), (c), and (d), be applicable to the credits or refunds provided for under such subsections to the same extent as if such credits or refunds constituted credits or refunds of such tax.

“(h) **CROSS REFERENCE.**—

“For provisions relating to allowance for loss in case of wine spirits withdrawn for use in wine production, see section 5373 (b) (3).

“**SEC. 5009. DRAWBACK.**

“(a) **DRAWBACK ON EXPORTATION OF DISTILLED SPIRITS IN CASKS OR PACKAGES.**—On the exportation of distilled spirits in casks or packages containing not less than 20 wine gallons each, filled in internal revenue bond, drawback of the internal revenue tax paid or determined may be allowed, under such regulations, and on the filing of such bonds, reports, returns, and applications, and the keeping of such records, as the Secretary or his delegate may prescribe. The drawback shall be paid or credited in an amount equal to such tax on the quantity of distilled spirits exported, as ascertained prior to exportation by such gauge as the Secretary or his delegate may by regulations prescribe. The drawback shall be paid or credited only after all requirements of law and regulations have been complied with and on the filing, with the Secretary or his delegate, of a proper claim and evidence satisfactory to the Secretary or his delegate that the tax on such distilled spirits has been paid or determined and that the distilled spirits have been exported.

“(b) **CROSS REFERENCES.**—

“(1) For provisions relating to drawback on distilled spirits packaged or bottled especially for export, see section 5062 (b).

“(2) For provisions relating to drawback on designated nonbeverage products, see sections 5131 through 5134.

“(3) For drawback on distilled spirits used in flavoring extracts or medicinal or toilet preparations exported, see section 313 (d) of the Tariff Act of 1930 (46 Stat. 694; 19 U. S. C. 1313).

“(4) For drawback on articles removed to foreign-trade zones, see 19 U. S. C. 81c.

“(5) For drawback on shipments from the United States to Puerto Rico, the Virgin Islands, Guam, or American Samoa, see section 7653 (c).

“**Subpart B—Rectification**

“Sec. 5021. Imposition and rate of tax.

“Sec. 5022. Tax on cordials and liqueurs containing wine.

“Sec. 5023. Tax on blending of beverage rums or brandies.

“Sec. 5024. Definitions.

“Sec. 5025. Exemption from rectification tax.

“Sec. 5026. Determination and collection of rectification tax.

"SEC. 5021. IMPOSITION AND RATE OF TAX.

"In addition to the tax imposed by this chapter on distilled spirits and wines, there is hereby imposed (except as otherwise provided in this chapter) a tax of 30 cents on each proof gallon and a proportionate tax at a like rate on all fractional parts of such proof gallon on all distilled spirits or wines rectified, purified, or refined in such manner, and on all mixtures produced in such manner, that the person so rectifying, purifying, refining, or mixing the same is a rectifier (as defined in section 5082). Spirits or wines shall not twice be subjected to tax under this section because of separate acts of rectification, pursuant to approved formula, between the time such spirits or wines are received on the bottling premises and the time they are removed therefrom.

"SEC. 5022. TAX ON CORDIALS AND LIQUEURS CONTAINING WINE.

"On all liqueurs, cordials, or similar compounds produced in the United States and not produced for sale as wine, wine specialties, or cocktails, which contain more than 2½ percent by volume of wine of an alcoholic content in excess of 14 percent by volume, there shall be paid, in lieu of the tax imposed by section 5021, a tax at the rate of \$1.92 per wine gallon and a proportionate tax at a like rate on all fractional parts of such wine gallon until July 1, 1959, and on or after July 1, 1959, at the rate of \$1.60 per wine gallon and a proportionate tax at a like rate on all fractional parts of such wine gallon. The last sentence of section 5021 shall not be construed to limit the imposition of tax under this section. All other provisions of law applicable to rectification shall apply to the products subject to tax under this section.

"SEC. 5023. TAX ON BLENDING OF BEVERAGE RUMS OR BRANDIES.

"In the case of rums or fruit brandies mixed or blended pursuant to section 5234 (c), in addition to the tax imposed by this chapter on the production of distilled spirits, there shall, except in the case of such rums or brandies which have been aged in wood at least 2 years at the time of their first blending or mixing, be paid a tax of 30 cents as to each proof gallon (and a proportionate tax at a like rate on all fractional parts of such proof gallon) of rums or brandies so mixed or blended and withdrawn from bonded premises, except when such rums or brandies are withdrawn under section 5214 or section 7510.

"SEC. 5024. DEFINITIONS.

"(1) For definition of 'rectifier', see section 5082.

"(2) For definition of 'products of rectification' as 'distilled spirits' for certain purposes, see section 5002 (a) (6) (B).

"(3) For other definitions relating to distilled spirits, see section 5002.

"(4) For definitions of general application to this title, see chapter 79.

"SEC. 5025. EXEMPTION FROM RECTIFICATION TAX.

"(a) **ABSOLUTE ALCOHOL.**—The process of extraction of water from high-proof distilled spirits for the production of absolute alcohol shall not be deemed to be rectification within the meaning of sections 5081 and 5082, and absolute alcohol shall not be subject to the tax imposed by section 5021, but the production of such absolute alcohol shall be under such regulations as the Secretary or his delegate may prescribe.

"(b) **PRODUCTION OF GIN AND VODKA.**—The tax imposed by section 5021 shall not apply to gin produced on bottling premises of distilled spirits plants by the redistillation of a pure spirit over juniper berries and other natural aromatics or to vodka produced on bottling premises of distilled spirits plants from pure spirits in the manner authorized on bonded premises of distilled spirits plants.

“(c) **REFINING SPIRITS IN COURSE OF ORIGINAL DISTILLATION.**—The purifying or refining of distilled spirits, in the course of original and continuous distillation or other original and continuous processing, through any material which will not remain incorporated with such spirits when the production thereof is complete shall not be held to be rectification within the meaning of sections 5021, 5081, or 5082, nor shall these sections be held to prohibit such purifying or refining.

“(d) **REDISTILLATION OF DISTILLED SPIRITS ON BONDED PREMISES.**—Sections 5021, 5081, and 5082 shall not apply to the redistillation of distilled spirits under section 5223.

“(e) **MINGLING OF DISTILLED SPIRITS.**—Sections 5021, 5081, and 5082 shall not apply to—

“(1) the mingling on bonded premises of spirits distilled at 190 degrees or more of proof; or

“(2) the mingling of distilled spirits on bonded premises, or in the course of removal therefrom, for redistillation, storage, or any other purpose, incident to the requirements of the national defense; or

“(3) the mingling in bulk gauging tanks on bonded premises of heterogeneous distilled spirits for immediate removal to bottling premises, exclusively for use in taxable rectification, or in rectification under subsection (f); or

“(4) the blending on bonded premises of beverage brandies or rums, under the provisions of section 5234 (c); or

“(5) the mingling of homogeneous distilled spirits; or

“(6) the mingling on bonded premises of distilled spirits for immediate redistillation, immediate denaturation, or immediate removal from such premises free of tax under section 5214 (a) (1), (2), or (3), or section 7510; or

“(7) the mingling on bonded premises of distilled spirits for further storage in bond as authorized by section 5234 (a) (2).

“(f) **BLENDING STRAIGHT WHISKIES, RUMS, FRUIT BRANDIES, OR WINES.**—The taxes imposed by this subpart shall not attach—

“(1) to blends made exclusively of two or more pure straight whiskies aged in wood for a period not less than 4 years and without the addition of coloring or flavoring matter or any other substance than pure water and if not reduced below 80 proof; or

“(2) to blends made exclusively of two or more pure fruit brandies distilled from the same kind of fruit, aged in wood for a period not less than 2 years and without the addition of coloring or flavoring matter (other than caramel) or any other substance than pure water and if not reduced below 80 proof; or

“(3) to the mixing and blending of wines, where such blending is for the sole purpose of perfecting such wines according to commercial standards; or

“(4) to blends made exclusively of two or more rums aged in wood for a period not less than 2 years and without the addition of coloring or flavoring matter (other than caramel) or any other substance than pure water and if not reduced below 80 proof.

Such blended whiskies, blended rums, and blended fruit brandies shall be exempt from tax under this subpart only when blended in such tanks and under such conditions and supervision as the Secretary or his delegate may by regulations prescribe.

“(g) **ADDITION OF CARAMEL TO BRANDY OR RUM.**—The addition of caramel to commercial brandy or rum on the bonded premises of a distilled spirits plant, pursuant to regulations prescribed by the Secretary or his delegate, shall not be deemed to be rectification within the meaning of sections 5021, 5081, and 5082.

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5149.

“(h) **APOTHECARIES.**—The taxes imposed by this subpart and by part II of this subchapter shall not be imposed on apothecaries as to wines or distilled spirits which they use exclusively in the preparation or making up of medicines unfit for use for beverage purposes.

“(i) **MANUFACTURER RECOVERING DISTILLED SPIRITS FOR REUSE IN PRODUCTS UNFIT FOR BEVERAGE PURPOSES.**—The taxes imposed by this subpart and by part II of this subchapter shall not be imposed on any manufacturer for recovering distilled spirits, on which the tax has been paid or determined, from dregs or marc of percolation or extraction, or from medicines, medicinal preparations, food products, flavors, or flavoring extracts, which do not meet the manufacturer's standards, if such recovered distilled spirits are used by such manufacturer in the manufacture of medicines, medicinal preparations, food products, flavors, or flavoring extracts, which are unfit for use for beverage purposes.

“(j) **STABILIZATION OF DISTILLED SPIRITS.**—The removal, on the premises of a distilled spirits plant, of extraneous insoluble materials from distilled spirits, and minor changes in the soluble color or soluble solids of distilled spirits, which occur solely as a result of such filtrations or other physical treatments (which do not involve the addition of any substance which will remain incorporated in the completed product) at the time of, or preparatory to, the bottling of distilled spirits, as may be necessary or desirable to produce a stable product, shall not be deemed to be rectification within the meaning of sections 5021, 5081, and 5082, if such changes do not exceed maximum limitations which the Secretary or his delegate may by regulations provide.

“(k) **ADDITION OF TRACER ELEMENTS.**—The authorized addition of tracer elements to distilled spirits under provisions of section 5201 (d) shall not be deemed to be rectification within the meaning of sections 5021, 5081, and 5082.

“(1) **CROSS REFERENCES.**—

“(1) For provisions exempting distilled spirits and wines rectified in customs manufacturing bonded warehouses, see section 5523.

“(2) For provisions exempting winemakers in the use or treatment of wines or wine spirits, see section 5391.

“(3) For provisions exempting the manufacture of volatile fruit-flavor concentrates, see section 5511.

“**SEC. 5026. DETERMINATION AND COLLECTION OF RECTIFICATION TAX.**

“(a) **DETERMINATION OF TAX.**—

“(1) **GENERAL.**—The taxes imposed by sections 5021 and 5022 shall be determined upon the completion of the process of rectification by such means as the Secretary or his delegate shall by regulations prescribe and with the use of such devices and apparatus (including but not limited to storage, gauging, and bottling tanks, and pipelines) as the Secretary or his delegate may by regulations prescribe.

“(2) **UNAUTHORIZED RECTIFICATION.**—In the case of taxable rectification on premises other than premises on which rectification is authorized, the tax imposed by section 5021 or 5022 shall be due and payable at the time of such rectification.

“(b) **PAYMENT OF TAX.**—Except as provided in subsection (a) (2), the taxes imposed by sections 5021, 5022, and 5023, shall be paid in accordance with section 5061.

“**Subpart C—Wines**

“Sec. 5041. Imposition and rate of tax.

“Sec. 5042. Exemption from tax.

“Sec. 5043. Collection of taxes on wines.

“Sec. 5044. Refund of tax on unmerchantable wine.

“Sec. 5045. Cross references.

“SEC. 5041. IMPOSITION AND RATE OF TAX.

“(a) **IMPOSITION.**—There is hereby imposed on all wines (including imitation, substandard, or artificial wine, and compounds sold as wine) having not in excess of 24 percent of alcohol by volume, in bond in, produced in, or imported into, the United States, taxes at the rates shown in subsection (b), such taxes to be determined as of the time of removal for consumption or sale. All wines containing more than 24 percent of alcohol by volume shall be classed as distilled spirits and taxed accordingly. Still wines shall include those wines containing not more than 0.256 gram of carbon dioxide per hundred milliliters of wine; except that the Secretary or his delegate may by regulations prescribe such tolerances to this maximum limitation as may be reasonably necessary in good commercial practice.

“(b) RATES OF TAX.—

“(1) On still wines containing not more than 14 percent of alcohol by volume, 17 cents per wine gallon, except that on and after July 1, 1959, the rate shall be 15 cents per wine gallon;

“(2) On still wines containing more than 14 percent and not exceeding 21 percent of alcohol by volume, 67 cents per wine gallon, except that on and after July 1, 1959, the rate shall be 60 cents a wine gallon;

“(3) On still wines containing more than 21 percent and not exceeding 24 percent of alcohol by volume, \$2.25 per wine gallon, except that on and after July 1, 1959, the rate shall be \$2.00 per wine gallon;

“(4) On champagne and other sparkling wines, \$3.40 per wine gallon, except that on and after July 1, 1959, the rate shall be \$3.00 per wine gallon; and

“(5) On artificially carbonated wines, \$2.40 per wine gallon, except that on and after July 1, 1959, the rate shall be \$2.00 per wine gallon.

“(c) **WINE GALLON.**—For the purpose of this chapter, the term ‘wine gallon’ means a United States gallon of liquid measure equivalent to the volume of 231 cubic inches. On lesser quantities the tax shall be paid proportionately (fractions of less than one-tenth gallon being converted to the nearest one-tenth gallon, and five-hundredths gallon being converted to the next full one-tenth gallon).

“(d) **ILLEGALLY PRODUCED WINE.**—Notwithstanding subsection (a), any wine produced in the United States at any place other than the bonded premises provided for in this chapter shall (except as provided in section 5042 in the case of tax-free production) be subject to tax at the rate prescribed in subsection (b) at the time of production and whether or not removed for consumption or sale.

“SEC. 5042. EXEMPTION FROM TAX.**“(a) TAX-FREE PRODUCTION.—**

“(1) **CIDER.**—Subject to regulations prescribed by the Secretary or his delegate, the noneffervescent product of the normal alcoholic fermentation of apple juice only, which is produced at a place other than a bonded wine cellar and without the use of preservative methods or materials, and which is sold or offered for sale as cider and not as wine or as a substitute for wine, shall not be subject to tax as wine nor to the provisions of subchapter F.

“(2) **FAMILY WINE.**—Subject to regulations prescribed by the Secretary or his delegate, the duly registered head of any family may, without payment of tax, produce for family use and not for sale an amount of wine not exceeding 200 gallons per annum.

“(3) **EXPERIMENTAL WINE.**—Subject to regulations prescribed by the Secretary or his delegate, any scientific university, college

of learning, or institution of scientific research may produce, receive, blend, treat, and store wine, without payment of tax, for experimental or research use but not for consumption (other than organoleptical tests) or sale, and may receive such wine spirits without payment of tax as may be necessary for such production.

“(b) CROSS REFERENCES.—

“(1) For provisions relating to exemption of tax on losses of wine (including losses by theft or authorized destruction), see section 5370.

“(2) For provisions exempting from tax samples of wine, see section 5372.

“(3) For provisions authorizing withdrawals of wine free of tax or without payment of tax, see section 5362.

“SEC. 5043. COLLECTION OF TAXES ON WINES.

“(a) PERSONS LIABLE FOR PAYMENT.—The taxes on wine provided for in this subpart shall be paid—

“(1) BONDED WINE CELLARS.—In the case of wines removed from any bonded wine cellar, by the proprietor of such bonded wine cellar; except that—

“(A) in the case of any transfer of wine in bond between bonded wine cellars as authorized under the provisions of section 5362 (b), the liability for payment of the tax shall become the liability of the transferee from the time of removal of the wine from the transferor's premises, and the transferor shall thereupon be relieved of such liability; and

“(B) in the case of any wine withdrawn by a person other than such proprietor without payment of tax as authorized under the provisions of section 5362 (c), the liability for payment of the tax shall become the liability of such person from the time of the removal of the wine from the bonded wine cellar, and such proprietor shall thereupon be relieved of such liability.

“(2) FOREIGN WINE.—In the case of foreign wines, by the importer thereof.

“(3) OTHER WINES.—Immediately, in the case of any wine produced, imported, received, removed, or possessed otherwise than as authorized by law, by any person producing, importing, receiving, removing, or possessing such wine; and all such persons shall be jointly and severally liable for such tax with each other as well as with any proprietor, transferee, or importer who may be liable for the tax under this subsection.

“(b) PAYMENT OF TAX.—Except as provided in subsection (a) (3), the taxes on wines shall be paid in accordance with section 5061.

“SEC. 5044. REFUND OF TAX ON UNMERCHANTABLE WINE.

“(a) GENERAL.—In the case of any wine produced in the United States and returned to bond as unmerchantable under section 5361—

“(1) any tax imposed by section 5041 shall, if paid, be refunded or credited, without interest, to the proprietor of the bonded wine cellar to which such wine is delivered; or

“(2) if any tax so imposed has not been paid, the person liable for the tax may be relieved of liability therefor, under such regulations as the Secretary or his delegate may prescribe. Such regulations may provide that claim for refund or credit under paragraph (1), or relief from liability under paragraph (2), may be made only with respect to minimum quantities specified in such regulations. The burden of proof in all such cases shall be on the applicant.

“(b) DATE OF FILING.—No claim under subsection (a) shall be allowed unless filed within 6 months after the date of the return of the wine to bond.

“(c) STATUS OF WINE RETURNED TO BOND.—All provisions of this chapter applicable to wine in bond on the premises of a bonded wine cellar and to removals thereof shall be applicable to wine returned to bond under the provisions of this section.

“SEC. 5045. CROSS REFERENCES.

“For provisions relating to the establishment and operation of wineries, see subchapter F, and for penalties pertaining to wine, see subchapter J.

“Subpart D—Beer

“Sec. 5051. Imposition and rate of tax.

“Sec. 5052. Definitions.

“Sec. 5053. Exemptions.

“Sec. 5054. Determination and collection of tax on beer.

“Sec. 5055. Drawback of tax.

“Sec. 5056. Refund and credit of tax, or relief from liability.

“SEC. 5051. IMPOSITION AND RATE OF TAX.

“(a) RATE OF TAX.—There is hereby imposed on all beer, brewed or produced, and removed for consumption or sale, within the United States, or imported into the United States, a tax of \$9 for every barrel containing not more than 31 gallons and at a like rate for any other quantity or for fractional parts of a barrel. On and after July 1, 1959, the tax imposed by this subsection shall be at the rate of \$8 in lieu of \$9. Where the Secretary or his delegate finds that the revenue will not be endangered thereby, he may by regulations prescribe tolerances for barrels and fractional parts of barrels, and, if such tolerances are prescribed, no assessment shall be made and no tax shall be collected for any excess in any case where the contents of a barrel or a fractional part of a barrel are within the limit of the applicable tolerance prescribed.

“(b) ASSESSMENT ON MATERIALS USED IN PRODUCTION IN CASE OF FRAUD.—Nothing contained in this subpart or subchapter G shall be construed to authorize an assessment on the quantity of materials used in producing or purchased for the purpose of producing beer, nor shall the quantity of materials so used or purchased be evidence, for the purpose of taxation, of the quantity of beer produced; but the tax on all beer shall be paid as provided in section 5054, and not otherwise; except that this subsection shall not apply to cases of fraud, and nothing in this subsection shall have the effect to change the rules of law respecting evidence in any prosecution or suit.

26 U.S.C. 5401-5416.

“SEC. 5052. DEFINITIONS.

“(a) BEER.—For purposes of this chapter (except when used with reference to distilling or distilling material) the term ‘beer’ means beer, ale, porter, stout, and other similar fermented beverages (including saké or similar products) of any name or description containing one-half of 1 percent or more of alcohol by volume, brewed or produced from malt, wholly or in part, or from any substitute therefor.

“(b) GALLON.—For purposes of this subpart, the term ‘gallon’ means the liquid measure containing 231 cubic inches.

“(c) REMOVED FOR CONSUMPTION OR SALE.—Except as provided for in the case of removal of beer without payment of tax, the term ‘removed for consumption or sale’, for the purposes of this subpart, means—

“(1) SALE OF BEER.—The sale and transfer of possession of beer for consumption at the brewery; or

“(2) REMOVALS.—Any removal of beer from the brewery, except that such removal shall not include any beer returned to the brewery on the same day such beer is removed from the brewery.

“(d) BREWER.—

“For definition of brewer, see section 5092.

“SEC. 5053. EXEMPTIONS.

“(a) REMOVALS FOR EXPORT.—Beer may be removed from the brewery, without payment of tax, for export to a foreign country, in such containers and under such regulations, and on the giving of such notices, entries, and bonds and other security, as the Secretary or his delegate may by regulations prescribe.

“(b) REMOVALS WHEN UNFIT FOR BEVERAGE USE.—When beer has become sour or damaged, so as to be incapable of use as such, a brewer may remove the same from his brewery without payment of tax, for manufacturing purposes, under such regulations as the Secretary or his delegate may prescribe.

“(c) REMOVALS FOR LABORATORY ANALYSIS.—Beer may be removed from the brewery, without payment of tax, for laboratory analysis, subject to such limitations and under such regulations as the Secretary or his delegate may prescribe.

“(d) REMOVAL AS SUPPLIES FOR CERTAIN VESSELS AND AIRCRAFT.—

“For exemption as to supplies for certain vessels and aircraft, see section 309 of the Tariff Act of 1930, as amended (19 U. S. C. 1309).

“SEC. 5054. DETERMINATION AND COLLECTION OF TAX ON BEER.

“(a) TIME OF DETERMINATION.—

“(1) BEER PRODUCED IN THE UNITED STATES.—Except as provided in paragraph (3), the tax imposed by section 5051 on beer produced in the United States shall be determined at the time it is removed for consumption or sale, and shall be paid by the brewer thereof in accordance with section 5061.

“(2) BEER IMPORTED INTO THE UNITED STATES.—Except as provided in paragraph (4), the tax imposed by section 5051 on beer imported into the United States shall be determined at the time of the importation thereof, or, if entered into customs custody, at the time of removal from such custody, and shall be paid under such regulations as the Secretary or his delegate shall prescribe.

“(3) ILLEGALLY PRODUCED BEER.—The tax on any beer produced in the United States at any place other than a qualified brewery shall be due and payable immediately upon production.

“(4) UNLAWFULLY IMPORTED BEER.—Beer smuggled or brought into the United States unlawfully shall, for purposes of this chapter, be held to be imported into the United States, and the internal revenue tax shall be due and payable at the time of such importation.

“(b) TAX ON RETURNED BEER.—Beer which has been removed for consumption or sale and is thereafter returned to the brewery shall be subject to all provisions of this chapter relating to beer prior to removal for consumption or sale, including the tax imposed by section 5051. The tax on any such returned beer which is again removed for consumption or sale shall be determined and paid without respect to the tax which was determined at the time of prior removal of the beer for consumption or sale.

“(c) STAMPS OR OTHER DEVICES AS EVIDENCE OF PAYMENT OF TAX.—When the Secretary or his delegate finds it necessary for the protection of the revenue, he may require stamps, or other devices, evidencing the tax or indicating a compliance with the provisions of this chapter, to be affixed to hogsheads, barrels, or kegs of beer at the time of removal. The Secretary or his delegate shall by regulations prescribe the manner by which such stamps or other devices shall be supplied, affixed, and accounted for.

“(d) **APPLICABILITY OF OTHER PROVISIONS OF LAW.**—All administrative and penal provisions of this title, insofar as applicable, shall apply to any tax imposed by section 5051.

“**SEC. 5055. DRAWBACK OF TAX.**

“On the exportation of beer, brewed or produced in the United States, the brewer thereof shall be allowed a drawback equal in amount to the tax found to have been paid on such beer, to be paid on submission of such evidence, records and certificates indicating exportation, as the Secretary or his delegate may by regulations prescribe. For the purpose of this section, exportation shall include delivery for use as supplies on the vessels and aircraft described in section 309 of the tariff Act of 1930, as amended (19 U. S. C. 1309).

“**SEC. 5056. REFUND AND CREDIT OF TAX, OR RELIEF FROM LIABILITY.**

“(a) **BEER REMOVED FROM MARKET.**—Any tax paid by any brewer on beer produced in the United States may be refunded or credited to the brewer, without interest, or if the tax has not been paid, the brewer may be relieved of liability therefor, under such regulations as the Secretary or his delegate may prescribe, if such beer is removed from the market and is returned to the brewery or is destroyed under the supervision required by such regulations.

“(b) **BEER LOST BY FIRE, CASUALTY, OR ACT OF GOD.**—Subject to regulations prescribed by the Secretary or his delegate, the tax paid by any brewer on beer produced in the United States may be refunded or credited to the brewer, without interest, or if the tax has not been paid, the brewer may be relieved of liability therefor, if such beer is lost other than by theft, or is destroyed by fire, casualty, or act of God, before the transfer of title thereto to any other person.

“(c) **DATE OF FILING.**—No claims under this section shall be allowed unless filed within 6 months after the date of such removal from the market, loss, or destruction, or if the claimant was indemnified by insurance or otherwise in respect of the tax.

“**Subpart E—General Provisions**

“Sec. 5061. Method of collecting tax.

“Sec. 5062. Refund and drawback in case of exportation.

“Sec. 5063. Floor stocks refunds on distilled spirits, wines, cordials, and beer.

“Sec. 5064. Losses caused by disaster.

“Sec. 5065. Territorial extent of law.

“Sec. 5066. Cross reference.

“**SEC. 5061. METHOD OF COLLECTING TAX.**

“(a) **COLLECTION BY RETURN.**—The taxes on distilled spirits, wines, rectified distilled spirits and wines, and beer shall be collected on the basis of a return. The Secretary or his delegate shall, by regulation, prescribe the period or event for which such return shall be filed, the time for filing such return, the information to be shown in such return, and the time for payment of such tax. Notwithstanding the preceding sentences of this subsection, the taxes shall continue to be paid by stamp until the Secretary or his delegate shall by regulations provide for the collection of the taxes on the basis of a return.

“(b) **DISCRETION METHOD OF COLLECTION.**—Whether or not the method of collecting any tax imposed by this part is specifically provided in this part, any such tax may, under regulations prescribed by the Secretary or his delegate, be collected by stamp, coupon, serially-numbered ticket, or the use of tax-stamp machines, or by such other reasonable device or method as may be necessary or helpful in securing collection of the tax.

“(c) **APPLICABILITY OF OTHER PROVISIONS OF LAW.**—All administrative and penalty provisions of this title, insofar as applicable, shall apply to the collection of any tax which the Secretary or his delegate determines or prescribes shall be collected in any manner provided in this section.

“(d) **CROSS REFERENCE.**—

“For penalty and forfeiture for tampering with a stamp machine, see section 5689.

“**SEC. 5062. REFUND AND DRAWBACK IN CASE OF EXPORTATION.**

“(a) **REFUND.**—Under such regulations as the Secretary or his delegate may prescribe, the amount of any internal revenue tax erroneously or illegally collected in respect to exported articles may be refunded to the exporter of the article, instead of to the manufacturer, if the manufacturer waives any claim for the amount so to be refunded.

“(b) **DRAWBACK.**—On the exportation of distilled spirits or wines manufactured or produced in the United States on which an internal revenue tax has been paid or determined, and which are contained in any cask or package, or in bottles packed in cases or other containers, there shall be allowed, under regulations prescribed by the Secretary or his delegate, a drawback equal in amount to the tax found to have been paid or determined on such distilled spirits or wines. The preceding sentence shall not apply unless such distilled spirits have been packaged or bottled especially for export, or, in the case of distilled spirits originally bottled for domestic use, have been restamped and marked especially for export at the distilled spirits plant where originally bottled and before removal therefrom, under regulations prescribed by the Secretary or his delegate. The Secretary or his delegate is authorized to prescribe regulations governing the determination and payment or crediting of drawback of internal revenue tax on domestic distilled spirits and wines, including the requirement of such notices, bonds, bills of lading, and other evidence indicating payment or determination of tax and exportation as shall be deemed necessary.

“**SEC. 5063. FLOOR STOCKS REFUNDS ON DISTILLED SPIRITS, WINES, CORDIALS, AND BEER.**

“(a) **GENERAL.**—With respect to any article upon which tax is imposed under this part, upon which internal revenue tax (including floor stocks tax) at the applicable rate prescribed has been paid or determined, and which, on July 1, 1959, is held by any person and intended for sale or for use in the manufacture or production of any article intended for sale, there shall be credited or refunded to such person (without interest), subject to such regulations as may be prescribed by the Secretary or his delegate, an amount equal to the difference between the tax so paid or determined and the rate made applicable to such articles on and after July 1, 1959, if claim for such credit or refund is filed with the Secretary or his delegate prior to October 1, 1959, or within 30 days from the promulgation of such regulations, whichever is later.

“(b) **LIMITATIONS ON ELIGIBILITY FOR CREDIT OR REFUND.**—No person shall be entitled to credit or refund under subsection (a), unless such person, for such period or periods both before and after July 1, 1959 (but not extending beyond 1 year thereafter), as the Secretary or his delegate shall by regulations prescribe, makes and keeps, and files with the Secretary or his delegate, such records of inventories, sales, and purchases as may be prescribed in such regulations.

“(c) **OTHER LAWS APPLICABLE.**—All provisions of law, including penalties, applicable in respect of internal revenue taxes on distilled

spirits, wines, liqueurs and cordials, imported perfumes containing distilled spirits, and beer shall, insofar as applicable and not inconsistent with this section, be applicable in respect of the credits and refunds provided for in this section to the same extent as if such credits or refunds constituted credits or refunds of such taxes.

“SEC. 5064. LOSSES CAUSED BY DISASTER.

“(a) **AUTHORIZATION.**—Where the President has determined under the Act of September 30, 1950 (42 U. S. C., sec. 1855), that a ‘major disaster’ as defined in such Act has occurred in any part of the United States, the Secretary or his delegate shall pay (without interest) an amount equal to the amount of the internal revenue taxes paid or determined and customs duties paid on distilled spirits, wines, rectified products, and beer previously withdrawn, which were lost, rendered unmarketable, or condemned by a duly authorized official by reason of such disaster occurring in such part of the United States after June 30, 1959, if such distilled spirits, wines, rectified products, or beer were held and intended for sale at the time of such disaster. The payments authorized by this section shall be made to the person holding such distilled spirits, wines, rectified products, or beer for sale at the time of such disaster.

64 Stat. 1109.

“(b) **CLAIMS.**—No claim shall be allowed under this section unless—

“(1) filed within 6 months after the date on which the President makes the determination that the disaster referred to in subsection (a) has occurred; and

“(2) the claimant furnishes proof to the satisfaction of the Secretary or his delegate that—

“(A) he was not indemnified by any valid claim of insurance or otherwise in respect of the tax, or tax and duty, on the distilled spirits, wines, rectified products, or beer covered by the claim; and

“(B) he is entitled to payment under this section.

Claims under this section shall be filed under such regulations as the Secretary or his delegate shall prescribe.

“(c) **DESTRUCTION OF DISTILLED SPIRITS, WINES, RECTIFIED PRODUCTS, OR BEER.**—When the Secretary or his delegate has made payment under this section in respect of the tax, or tax and duty, on the distilled spirits, wines, rectified products, or beer condemned by a duly authorized official or rendered unmarketable, such distilled spirits, wines, rectified products, or beer shall be destroyed under such supervision as the Secretary or his delegate may prescribe, unless such distilled spirits, wines, rectified products, or beer were previously destroyed under supervision satisfactory to the Secretary or his delegate.

“(d) **PRODUCTS OF PUERTO RICO.**—The provisions of this section shall not be applicable in respect of distilled spirits, wines, rectified products, and beer of Puerto Rican manufacture brought into the United States and so lost or rendered unmarketable or condemned.

“(e) **OTHER LAWS APPLICABLE.**—All provisions of law, including penalties, applicable in respect of internal revenue taxes on distilled spirits, wines, rectified products, and beer shall, insofar as applicable and not inconsistent with this section, be applied in respect of the payments provided for in this section to the same extent as if such payments constituted refunds of such taxes.

“SEC. 5065. TERRITORIAL EXTENT OF LAW.

“The provisions of this part imposing taxes on distilled spirits, wines, and beer shall be held to extend to such articles produced anywhere within the exterior boundaries of the United States, whether the same be within an internal revenue district or not.

"SEC. 5066. CROSS REFERENCE.

"For general administrative provisions applicable to the assessment, collection, refund, etc., of taxes, see subtitle F.

"PART II—OCCUPATIONAL TAX

"Subpart A. Rectifier.

"Subpart B. Brewer.

"Subpart C. Manufacturers of stills.

"Subpart D. Wholesale dealers.

"Subpart E. Retail dealers.

"Subpart F. Nonbeverage domestic drawback claimants.

"Subpart G. General provisions.

"Subpart A—Rectifier

"Sec. 5081. Imposition and rate of tax.

"Sec. 5082. Definition of rectifier.

"Sec. 5083. Exemptions.

"Sec. 5084. Cross references.

"SEC. 5081. IMPOSITION AND RATE OF TAX.

"Every rectifier of distilled spirits or wines (as defined in section 5082) shall pay a special tax of \$220 a year; except that any rectifier of less than 20,000 proof gallons a year shall pay \$110 a year.

"SEC. 5082. DEFINITION OF RECTIFIER.

"Every person who rectifies, purifies, or refines distilled spirits or wines by any process (other than by original and continuous distillation, or original and continuous processing, from mash, wort, wash, or any other substance, through continuous closed vessels and pipes, until the production thereof is complete), and every person who, without rectifying, purifying, or refining distilled spirits, shall by mixing such spirits, wine, or other liquor with any material, manufacture any spurious, imitation, or compound liquors for sale, under the name of whisky, brandy, rum, gin, wine, spirits, cordials, or wine bitters, or any other name, shall be regarded as a rectifier, and as being engaged in the business of rectifying.

"SEC. 5083. EXEMPTIONS.

"For exemptions from tax under section 5021 or 5081 in case of—

"(1) Absolute alcohol, see section 5025 (a).

"(2) Production of gin and vodka, see section 5025 (b).

"(3) Refining spirits in course of original distillation, see section 5025 (c).

"(4) Redistillation of spirits on bonded premises of a distilled spirits plant, see section 5025 (d).

"(5) Mingling of distilled spirits on bonded premises of a distilled spirits plant, see section 5025 (e).

"(6) Apothecaries, see section 5025 (h).

"(7) Manufacturers of chemicals and flavoring extracts, see section 5025 (i).

"(8) Distilled spirits and wines rectified in customs manufacturing bonded warehouses, see section 5523.

"(9) Blending beverage brandies or rums on bonded premises of a distilled spirits plant, see section 5025 (e) (4).

"(10) Blending of straight whiskies, fruit brandies, rums or wines, see section 5025 (f).

"(11) Addition of caramel to brandy or rum, see section 5025 (g).

"(12) Winemakers' use or treatment of wines or wine spirits, see section 5391.

"(13) Stabilization of distilled spirits, see section 5025 (j).

"(14) Authorized addition of tracer elements, see section 5025 (k).

"SEC. 5084. CROSS REFERENCES.

"(1) For provisions relating to gallonage tax on rectification, see subpart B of part I of this subchapter.

"(2) For provisions relating to qualification of distilled spirits plants to engage in rectification, see subchapter B.

"(3) For provisions relating to rectifying operations on the premises of distilled spirits plants, see subchapter C.

"(4) For penalties, seizures, and forfeitures relating to rectifying and rectified products, see subchapter J and subtitle F.

"Subpart B—Brewer

"Sec. 5091. Imposition and rate of tax.

"Sec. 5092. Definition of brewer.

"Sec. 5093. Cross references.

"SEC. 5091. IMPOSITION AND RATE OF TAX.

"Every brewer shall pay \$110 a year in respect of each brewery; except that any brewer of less than 500 barrels a year shall pay the sum of \$55 a year. Any beer procured by a brewer in his own hogsheads, barrels, or kegs under the provisions of section 5413 shall be included in calculating the liability to brewers' special tax of both the brewer who produces the same and the brewer who procures the same.

"SEC. 5092. DEFINITION OF BREWER.

"Every person who brews or produces beer for sale shall be deemed a brewer.

"SEC. 5093. CROSS REFERENCES.

"(1) For exemption of brewer from special tax as wholesale and retail dealer, see section 5113 (a).

"(2) For provisions relating to liability for special tax for carrying on business in more than one location, see section 5143 (c).

"(3) For exemption from special tax in case of sales made on purchaser dealers' premises, see section 5113 (d).

"Subpart C—Manufacturers of Stills

"Sec. 5101. Imposition and rate of tax.

"Sec. 5102. Definition of manufacturer of stills.

"Sec. 5103. Exemptions.

"Sec. 5104. Method of payment of tax on stills.

"Sec. 5105. Notice of manufacture of and permit to set up still.

"Sec. 5106. Export.

"SEC. 5101. IMPOSITION AND RATE OF TAX.

"Every manufacturer of stills shall pay a special tax of \$55 a year, and \$22 for each still or condenser for distilling made by him.

"SEC. 5102. DEFINITION OF MANUFACTURER OF STILLS.

"Any person who manufactures any still or condenser to be used in distilling shall be deemed a manufacturer of stills.

"SEC. 5103. EXEMPTIONS.

"The taxes imposed by section 5101 shall not apply in respect of stills or condensers manufactured by a proprietor of a distilled spirits plant exclusively for use in his plant or plants.

"SEC. 5104. METHOD OF PAYMENT OF TAX ON STILLS.

"The tax imposed on stills or condensers by section 5101 shall be paid by stamp, denoting the tax, under such regulations as the Secretary or his delegate may prescribe.

"SEC. 5105. NOTICE OF MANUFACTURE OF AND PERMIT TO SET UP STILL.

"(a) REQUIREMENT.—Any person who manufactures any still, boiler, or other vessel to be used for the purpose of distilling shall, before the same is removed from the place of manufacture, notify the Secretary or his delegate, setting forth in writing by whom it is to be

used, its capacity, and the time when the same is to be removed from the place of manufacture; and no such still, boiler, or other vessel shall be set up without the permit in writing of the Secretary or his delegate for that purpose. The notice required by this section shall be submitted in such form and manner as the Secretary or his delegate may by regulations prescribe.

“(b) PENALTY.—

“(1) For penalty and forfeiture for failure to give notice of manufacture, or for setting up still without permit, see sections 5615 (2) and 5687.

“(2) For penalty and forfeiture for failure to register still or distilling apparatus when set up, see sections 5601 (a) (1), 5601 (b) (1), and 5615 (1).

“SEC. 5106. EXPORT.

“(a) WITHOUT PAYMENT OF TAX.—Under regulations prescribed by the Secretary or his delegate, stills or condensers for distilling may be removed from the place of manufacture for export without payment of the tax imposed thereon by section 5101.

“(b) DRAWBACK.—Stills and condensers on which the tax has been paid, and which have not been used, may be exported with the privilege of drawback, under such regulations as the Secretary or his delegate may prescribe.

“Subpart D—Wholesale Dealers

“Sec. 5111. Imposition and rate of tax.

“Sec. 5112. Definitions.

“Sec. 5113. Exemptions.

“Sec. 5114. Records.

“Sec. 5115. Sign required on premises.

“Sec. 5116. Packaging distilled spirits for industrial uses.

“Sec. 5117. Prohibited purchases by dealers.

“SEC. 5111. IMPOSITION AND RATE OF TAX.

“(a) WHOLESALE DEALERS IN LIQUORS.—Every wholesale dealer in liquors shall pay a special tax of \$255 a year. The Secretary or his delegate may by regulations provide for the issuance of a stamp denoting payment of such special tax as a ‘wholesale dealer in wines’ or a ‘wholesale dealer in wines and beer’ if, as the case may be, wines only, or wines and beer only, are sold by a wholesale dealer in liquors.

“(b) WHOLESALE DEALERS IN BEER.—Every wholesale dealer in beer shall pay a special tax of \$123 a year.

“SEC. 5112. DEFINITIONS.

“(a) DEALER.—When used in this subpart, subpart E, or subpart G, the term ‘dealer’ means any person who sells, or offers for sale, any distilled spirits, wines, or beer.

“(b) WHOLESALE DEALER IN LIQUORS.—When used in this chapter, the term ‘wholesale dealer in liquors’ means any dealer, other than a wholesale dealer in beer, who sells, or offers for sale, distilled spirits, wines, or beer, to another dealer.

“(c) WHOLESALE DEALER IN BEER.—When used in this chapter, the term ‘wholesale dealer in beer’ means a dealer who sells, or offers for sale, beer, but not distilled spirits or wines, to another dealer.

“SEC. 5113. EXEMPTIONS.

“(a) SALES BY PROPRIETORS OF DISTILLED SPIRITS PLANTS, BONDED WINE CELLARS, OR BREWERIES.—No proprietor of a distilled spirits plant, bonded wine cellar, or brewery, shall be required to pay special tax under section 5111 or section 5121 on account of the sale at his principal business office as designated in writing to the Secretary or his delegate, or at his distilled spirits plant, bonded wine cellar, or brewery, as the case may be, of distilled spirits, wines, or beer, which, at the time of sale, are stored at his distilled spirits plant, bonded

wine cellar, or brewery, as the case may be, or had been removed from such premises to a taxpaid storeroom operated in connection therewith and are stored therein. However, no such proprietor shall have more than one place of sale, as to each distilled spirits plant, bonded wine cellar, or brewery, that shall be exempt from special taxes by reason of the sale of distilled spirits, wines, or beer stored at such premises (or removed therefrom and stored as provided in this section), by reason of this subsection.

“(b) SALES BY LIQUOR STORES OPERATED BY STATES, POLITICAL SUBDIVISIONS, ETC.—No liquor store engaged in the business of selling to persons other than dealers, which is operated by a State or Territory, by a political subdivision of a State or Territory or by the District of Columbia, shall be required to pay any special tax imposed under section 5111, by reason of selling distilled spirits, wines, or beer to dealers qualified to do business as such in such State, Territory, subdivision, or District, if such liquor store has paid the applicable special tax imposed under section 5121, and if such State, Territory, political subdivision, or District has paid special tax under section 5111 at its principal place of business.

“(c) CASUAL SALES.—

“(1) SALES BY CREDITORS, FIDUCIARIES, AND OFFICERS OF COURT.—

No person shall be deemed to be a dealer by reason of the sale of distilled spirits, wines, or beer which have been received by him as security for or in payment of a debt, or as an executor, administrator, or other fiduciary, or which have been levied on by any officer under order or process of any court or magistrate, if such distilled spirits, wines, or beer are sold by such person in one parcel only or at public auction in parcels of not less than 20 wine gallons.

“(2) SALES BY RETIRING PARTNERS OR REPRESENTATIVES OF DECEASED PARTNERS TO INCOMING OR REMAINING PARTNERS.—No person shall be deemed to be a dealer by reason of a sale of distilled spirits, wines, or beer made by such person as a retiring partner or the representative of a deceased partner to the incoming, remaining, or surviving partner or partners of a firm.

“(3) RETURN OF LIQUORS FOR CREDIT, REFUND, OR EXCHANGE.—No person shall be deemed to be a dealer by reason of the bona fide return of distilled spirits, wines, or beer to the dealer from whom purchased (or to the successor of the vendor's business or line of merchandise) for credit, refund, or exchange, and the giving of such credit, refund, or exchange shall not be deemed to be a purchase within the meaning of section 5117.

“(d) DEALERS MAKING SALES ON PURCHASER DEALER'S PREMISES.—

“(1) WHOLESALE DEALERS IN LIQUORS.—No wholesale dealer in liquors who has paid the special tax as such dealer shall again be required to pay special tax as such dealer on account of sales of wines or beer to wholesale or retail dealers in liquors, or to limited retail dealers, or of beer to wholesale or retail dealers in beer, consummated at the purchaser's place of business.

“(2) WHOLESALE DEALERS IN BEER.—No wholesale dealer in beer who has paid the special tax as such a dealer shall again be required to pay special tax as such dealer on account of sales of beer to wholesale or retail dealers in liquors or beer, or to limited retail dealers, consummated at the purchaser's place of business.

“(e) SALES BY RETAIL DEALERS IN LIQUIDATION.—No retail dealer in liquors or retail dealer in beer, selling in liquidation his entire stock of liquors in one parcel or in parcels embracing not less than his entire stock of distilled spirits, of wines, or of beer to any other dealer,

shall be deemed to be a wholesale dealer in liquors or a wholesale dealer in beer, as the case may be, by reason of such sale or sales.

“(f) SALES TO LIMITED RETAIL DEALERS.—

“(1) RETAIL DEALERS IN LIQUORS.—No retail dealer in liquors who has paid special tax as such dealer under section 5121 (a) shall be required to pay special tax under section 5111 on account of the sale at his place of business of wines or beer to limited retail dealers as defined in section 5122 (c).

“(2) RETAIL DEALERS IN BEER.—No retail dealer in beer who has paid special tax as such dealer under section 5121 (b) shall be required to pay special tax under section 5111 on account of the sale at his place of business of beer to limited retail dealers as defined in section 5122 (c).

“SEC. 5114. RECORDS.

“(a) REQUIREMENTS.—

“(1) DISTILLED SPIRITS.—Every wholesale dealer in liquors who sells distilled spirits to other dealers shall keep daily a record of distilled spirits received and disposed of by him, in such form and at such place and containing such information, and shall submit correct summaries of such records to the Secretary or his delegate at such time and in such form and manner, as the Secretary or his delegate shall by regulations prescribe. Such dealer shall also submit correct extracts from or copies of such records, at such time and in such form and manner as the Secretary or his delegate may by regulations prescribe; however, the Secretary or his delegate may on application by such dealer, in accordance with such regulations, relieve him from this requirement until further notice, whenever the Secretary or his delegate deems that the submission of such extracts or copies serves no useful purpose in law enforcement or in protection of the revenue.

“(2) WINES AND BEER.—Every wholesale dealer in liquors and every wholesale dealer in beer shall provide and keep, at such place as the Secretary or his delegate shall by regulations prescribe, a record in book form of all wines and beer received, showing the quantities thereof and from whom and the dates received, or shall keep all invoices of, and bills for, all wines and beer received.

“(b) EXEMPTION OF STATES, POLITICAL SUBDIVISIONS, ETC.—The provisions of subsection (a) shall not apply to a State or Territory, to a political subdivision of a State or Territory, to the District of Columbia, or to liquor stores operated by any of them, if they maintain and make available for inspection by internal revenue officers such records as will enable such officers to trace all distilled spirits, wines, and beer received, and all distilled spirits disposed of by them. Such States, Territories, subdivisions, District, or liquor stores shall, upon the request of the Secretary or his delegate, furnish him such transcripts, summaries and copies of their records with respect to distilled spirits as he shall require.

“(c) CROSS REFERENCES.—

“(1) For provisions requiring proprietors of distilled spirits plants to keep records and submit reports of receipts and dispositions of distilled spirits, see section 5207.

“(2) For penalty for violation of subsection (a), see section 5603.

“(3) For provisions relating to the preservation and inspection of records, and entry of premises for inspection, see section 5146.

“SEC. 5115. SIGN REQUIRED ON PREMISES.

“(a) REQUIREMENTS.—Every wholesale dealer in liquors who is required to pay special tax as such dealer shall, in the manner and form prescribed by regulations issued by the Secretary or his dele-

gate, place and keep conspicuously on the outside of the place of such business a sign, exhibiting, in plain and legible letters, the name or firm of the wholesale dealer, with the words: 'wholesale liquor dealer'. The requirements of this subsection will be met by the posting of a sign of the character prescribed herein, but with words conforming to the designation on the dealer's special tax stamp.

“(b) PENALTY.—

“For penalty for failure to post sign, or for posting sign without paying the special tax, see section 5681.

“SEC. 5116. PACKAGING DISTILLED SPIRITS FOR INDUSTRIAL USES.

“(a) GENERAL.—The Secretary or his delegate may, at his discretion and under such regulations as he may prescribe, authorize a dealer engaging in the business of supplying distilled spirits for industrial uses to package distilled spirits, on which the tax has been paid or determined, for such uses in containers of a capacity in excess of 1 wine gallon and not more than 5 wine gallons.

“(b) CROSS REFERENCES.—

“(1) For provisions relating to stamps for immediate containers, see section 5205 (a) (2).

“(2) For provisions relating to containers of distilled spirits, see section 5206.

“SEC. 5117. PROHIBITED PURCHASES BY DEALERS.

“(a) GENERAL.—It shall be unlawful for any dealer to purchase distilled spirits for resale from any person other than—

“(1) a wholesale dealer in liquors who has paid the special tax as such dealer to cover the place where such purchase is made; or

“(2) a wholesale dealer in liquors who is exempt, at the place where such purchase is made, from payment of such tax under any provision of this chapter; or

“(3) a person who is not required to pay special tax as a wholesale dealer in liquors.

“(b) PENALTY AND FORFEITURE.—

“For penalty and forfeiture provisions applicable to violation of subsection (a), see sections 5687 and 7302.

“Subpart E—Retail Dealers

“Sec. 5121. Imposition and rate of tax.

“Sec. 5122. Definitions.

“Sec. 5123. Exemptions.

“Sec. 5124. Records.

“Sec. 5125. Cross references.

“SEC. 5121. IMPOSITION AND RATE OF TAX.

“(a) RETAIL DEALERS IN LIQUORS.—Every retail dealer in liquors shall pay a special tax of \$54 a year. The Secretary or his delegate may by regulations provide for the issuance of a stamp denoting payment of such special tax as—

“(1) a 'retail dealer in wines' or a 'retail dealer in wines and beer' if wines only, or wines and beer only, as the case may be, are sold by a retail dealer in liquors, or

“(2) a 'medicinal spirits dealer', in the case of a retail drug store or pharmacy making sales of liquors through a duly licensed pharmacist.

“(b) RETAIL DEALERS IN BEER.—Every retail dealer in beer shall pay a special tax of \$24 a year.

“(c) LIMITED RETAIL DEALERS.—Every limited retail dealer shall pay a special tax of \$2.20 for each calendar month in which sales are made as such dealer.

“SEC. 5122. DEFINITIONS.

“(a) **RETAIL DEALER IN LIQUORS.**—When used in this chapter, the term ‘retail dealer in liquors’ means any dealer, other than a retail dealer in beer or a limited retail dealer, who sells, or offers for sale, any distilled spirits, wines, or beer, to any person other than a dealer.

“(b) **RETAIL DEALER IN BEER.**—When used in this chapter, the term ‘retail dealer in beer’ means any dealer, other than a limited retail dealer, who sells, or offers for sale, beer, but not distilled spirits or wines, to any person other than a dealer.

“(c) **LIMITED RETAIL DEALER.**—When used in this chapter, the term ‘limited retail dealer’ means any fraternal, civic, church, labor, charitable, benevolent, or ex-servicemen’s organization making sales of beer or wine on the occasion of any kind of entertainment, dance, picnic, bazaar, or festival held by it, or any person making sales of beer or wine to the members, guests, or patrons of bona fide fairs, reunions, picnics, carnivals, or other similar outings, if such organization or person is not otherwise engaged in business as a dealer.

“SEC. 5123. EXEMPTIONS.

“(a) **WHOLESALE DEALERS.**—

“(1) **WHOLESALE DEALERS IN LIQUORS.**—No special tax shall be imposed under section 5121 (a) or (b) on any dealer by reason of the selling, or offering for sale, of distilled spirits, wines, or beer at any location where such dealer is required to pay special tax under section 5111 (a).

“(2) **WHOLESALE DEALERS IN BEER.**—No special tax shall be imposed under section 5121 (b) on any dealer by reason of the selling, or offering for sale, of beer at any location where such dealer is required to pay special tax under section 5111 (b).

“(b) **BUSINESS CONDUCTED IN MORE THAN ONE LOCATION.**—

“(1) **RETAIL DEALERS AT LARGE.**—Any retail dealer in liquors or retailer dealer in beer whose business is such as to require him to travel from place to place in different States of the United States may, under regulations prescribed by the Secretary or his delegate, procure a special tax stamp ‘At Large’ covering his activities throughout the United States with the payment of but one special tax as a retail dealer in liquors or as a retail dealer in beer, as the case may be.

“(2) **DEALERS ON TRAINS, AIRCRAFT, AND BOATS.**—Nothing contained in this chapter shall prevent the issue, under such regulations as the Secretary or his delegate may prescribe, of special tax stamps to—

“(A) persons carrying on the business of retail dealers in liquors, or retail dealers in beer, on trains, aircraft, boats or other vessels, engaged in the business of carrying passengers; or

“(B) persons carrying on the business of retail dealers in liquors or retail dealers in beer on boats or other vessels operated by them, when such persons operate from a fixed address in a port or harbor and supply exclusively boats or other vessels, or persons thereon, at such port or harbor.

“(c) **CROSS REFERENCES.**—

“(1) For exemption of proprietors of distilled spirits plants, bonded wine cellars, and breweries from special tax as dealers, see section 5113 (a).

“(2) For provisions relating to sales by creditors, fiduciaries, and officers of courts, see section 5113 (c) (1).

“(3) For provisions relating to sales by retiring partners or representatives of deceased partners to incoming or remaining partners, see section 5113 (c) (2).

"(4) For provisions relating to return of liquors for credit, refund, or exchange, see section 5113 (c) (3).

"(5) For provisions relating to sales by retail dealers in liquida- tion, see section 5113 (e).

"SEC. 5124. RECORDS.

"(a) RECEIPTS.—Every retail dealer in liquors and every retail dealer in beer shall provide and keep in his place of business a record in book form of all distilled spirits, wines, and beer received, showing the quantity thereof and from whom and the dates received, or shall keep all invoices of, and bills for, all distilled spirits, wines, and beer received.

"(b) DISPOSITIONS.—When he deems it necessary for law enforcement purposes or the protection of the revenue, the Secretary or his delegate may by regulations require retail dealers in liquors and retail dealers in beer to keep records of the disposition of distilled spirits, wines, or beer, in such form or manner and of such quantities as the Secretary or his delegate may prescribe.

"(c) CROSS REFERENCES.—

"For provisions relating to the preservation and inspection of records, and entry of premises for inspection, see section 5146.

"SEC. 5125. CROSS REFERENCES.

"(1) For provisions relating to prohibited purchases by dealers, see section 5117.

"(2) For provisions relating to presumptions of liability as wholesale dealer in case of sale of 20 wine gallons or more, see section 5691 (b).

"Subpart F—Nonbeverage Domestic Drawback Claimants

"Sec. 5131. Eligibility and rate of tax.

"Sec. 5132. Registration and regulation.

"Sec. 5133. Investigation of claims.

"Sec. 5134. Drawback.

"SEC. 5131. ELIGIBILITY AND RATE OF TAX.

"(a) ELIGIBILITY FOR DRAWBACK.—Any person using distilled spirits produced in a domestic registered distillery or industrial alcohol plant and withdrawn from bond, or using distilled spirits withdrawn from the bonded premises of a distilled spirits plant, on which the tax has been determined, in the manufacture or production of medicines, medicinal preparations, food products, flavors, or flavoring extracts, which are unfit for beverage purposes, on payment of a special tax per annum, shall be eligible for drawback at the time when such distilled spirits are used in the manufacture of such products as provided for in this subpart.

"(b) RATE OF TAX.—The special tax imposed by subsection (a) shall be graduated in amount as follows: (1) for total annual use not exceeding 25 proof gallons, \$25 a year; (2) for total annual use not exceeding 50 proof gallons, \$50 a year; (3) for total annual use of more than 50 proof gallons, \$100 a year.

"SEC. 5132. REGISTRATION AND REGULATION.

"Every person claiming drawback under this subpart shall register annually with the Secretary or his delegate; keep such books and records as may be necessary to establish the fact that distilled spirits received by him and on which the tax has been determined were used in the manufacture or production of medicines, medicinal preparations, food products, flavors, or flavoring extracts, which were unfit for use for beverage purposes; and be subject to such rules and regulations in relation thereto as the Secretary or his delegate shall prescribe to secure the Treasury against frauds.

"SEC. 5133. INVESTIGATION OF CLAIMS.

"For the purpose of ascertaining the correctness of any claim filed under this subpart, the Secretary or his delegate is authorized to examine any books, papers, records, or memoranda bearing upon the matters required to be alleged in the claim, to require the attendance of the person filing the claim or of any officer or employee of such person or the attendance of any other person having knowledge in the premises, to take testimony with reference to any matter covered by the claim, and to administer oaths to any person giving such testimony.

"SEC. 5134. DRAWBACK.

"(a) **RATE OF DRAWBACK.**—In the case of distilled spirits on which the tax has been paid or determined, and which have been used as provided in this subpart, a drawback shall be allowed on each proof gallon at a rate of \$1 less than the rate at which the distilled spirits tax has been paid or determined.

"(b) **CLAIMS.**—Such drawback shall be due and payable quarterly upon filing of a proper claim with the Secretary or his delegate; except that, where any person entitled to such drawback shall elect in writing to file monthly claims therefor, such drawback shall be due and payable monthly upon filing of a proper claim with the Secretary or his delegate. The Secretary or his delegate may require persons electing to file monthly drawback claims to file with him a bond or other security in such amount and with such conditions as he shall by regulations prescribe. Any such election may be revoked on filing of notice thereof with the Secretary or his delegate. No claim under this subpart shall be allowed unless filed with the Secretary or his delegate within the 3 months next succeeding the quarter in which the distilled spirits covered by the claim were used as provided in this subpart.

"Subpart G—General Provisions

"Sec. 5141. Registration.

"Sec. 5142. Payment of tax.

"Sec. 5143. Provisions relating to liability for occupational taxes.

"Sec. 5144. Supply of stamps.

"Sec. 5145. Application of State laws.

"Sec. 5146. Preservation and inspection of records, and entry of premises for inspection.

"Sec. 5147. Application of subpart.

"Sec. 5148. Cross references.

"SEC. 5141. REGISTRATION.

"For provisions relating to registration in the case of persons engaged in any trade or business on which a special tax is imposed, see section 7011 (a).

"SEC. 5142. PAYMENT OF TAX.

"(a) **CONDITION PRECEDENT TO CARRYING ON BUSINESS.**—No person shall be engaged in or carry on any trade or business subject to tax under this part (except the tax imposed by section 5131) until he has paid the special tax therefor.

"(b) **COMPUTATION.**—All special taxes under this part (except the tax imposed by section 5131) shall be imposed as of on the first day of July in each year, or on commencing any trade or business on which such tax is imposed. In the former case the tax shall be reckoned for 1 year, and in the latter case it shall be reckoned proportionately, from the first day of the month in which the liability to a special tax commenced, to and including the 30th day of June following.

“(c) HOW PAID.—

“(1) STAMP.—All special taxes imposed by this part shall be paid by stamps denoting the tax.

“(2) ASSESSMENT.—

“For authority of the Secretary or his delegate to make assessments where the special taxes have not been duly paid by stamp at the time and in the manner provided by law, see subtitle F.

“SEC. 5143. PROVISIONS RELATING TO LIABILITY FOR OCCUPATIONAL TAXES.

“(a) PARTNERS.—Any number of persons doing business in partnership at any one place shall be required to pay but one special tax.

“(b) DIFFERENT BUSINESSES OF SAME OWNERSHIP AND LOCATION.—Whenever more than one of the pursuits or occupations described in this part are carried on in the same place by the same person at the same time, except as otherwise provided in this part, the tax shall be paid for each according to the rates severally prescribed.

“(c) BUSINESSES IN MORE THAN ONE LOCATION.—

“(1) LIABILITY FOR TAX.—The payment of a special tax imposed by this part shall not exempt from an additional special tax the person carrying on a trade or business in any other place than that stated in the register kept in the office of the official in charge of the internal revenue district.

“(2) STORAGE.—Nothing contained in paragraph (1) shall require a special tax for the storage of liquors at a location other than the place where liquors are sold or offered for sale.

“(3) DEFINITION OF PLACE.—The term ‘place’ as used in this section means the entire office, plant or area of the business in any one location under the same proprietorship; and passages, streets, highways, rail crossings, waterways, or partitions dividing the premises, shall not be deemed sufficient separation to require additional special tax, if the various divisions are otherwise contiguous.

“(d) DEATH OR CHANGE OF LOCATION.—Certain persons, other than the person who has paid the special tax under this part for the carrying on of any business at any place, may secure the right to carry on, without incurring additional special tax, the same business at the same place for the remainder of the taxable period for which the special tax was paid. The persons who may secure such right are:

“(1) the surviving spouse or child, or executor or administrator or other legal representative, of a deceased taxpayer;

“(2) a husband or wife succeeding to the business of his or her living spouse;

“(3) a receiver or trustee in bankruptcy, or an assignee for benefit of creditors; and

“(4) the partner or partners remaining after death or withdrawal of a member of a partnership.

When any person moves to any place other than the place for which special tax was paid for the carrying on of any business, he may secure the right to carry on, without incurring additional special tax, the same business at his new location for the remainder of the taxable period for which the special tax was paid. To secure the right to carry on the business without incurring additional special tax, the successor, or the person relocating his business, must register the succession or relocation with the Secretary or his delegate in accordance with regulations prescribed by the Secretary or his delegate.

“(e) FEDERAL AGENCIES OR INSTRUMENTALITIES.—Any tax imposed by this part shall apply to any agency or instrumentality of the United States unless such agency or instrumentality is granted by statute a specific exemption from such tax.

“SEC. 5144. SUPPLY OF STAMPS.

“The Secretary or his delegate is required to procure appropriate stamps for the payment of all special taxes imposed by this part, including the tax on stills or condensers; and all provisions of law relating to the preparation and issue of stamps shall, so far as applicable, extend to and include such stamps for special taxes; and the Secretary or his delegate shall have authority to make all needful regulations relative thereto.

“SEC. 5145. APPLICATION OF STATE LAWS.

“The payment of any tax imposed by this part for carrying on any trade or business shall not be held to exempt any person from any penalty or punishment provided by the laws of any State for carrying on such trade or business within such State, or in any manner to authorize the commencement or continuance of such trade or business contrary to the laws of such State or in places prohibited by municipal law; nor shall the payment of any such tax be held to prohibit any State from placing a duty or tax on the same trade or business, for State or other purposes.

“SEC. 5146. PRESERVATION AND INSPECTION OF RECORDS, AND ENTRY OF PREMISES FOR INSPECTION.

“(a) **PRESERVATION AND INSPECTION OF RECORDS.**—Any records or other documents required to be kept under this part or regulations issued pursuant thereto shall be preserved by the person required to keep such records or documents, as the Secretary or his delegate may by regulations prescribe, and shall be kept available for inspection by any internal revenue officer during business hours.

“(b) **ENTRY OF PREMISES FOR INSPECTION.**—The Secretary or his delegate may enter during business hours the premises (including places of storage) of any dealer for the purpose of inspecting or examining any records or other documents required to be kept by such dealer under this chapter or regulations issued pursuant thereto and any distilled spirits, wines, or beer kept or stored by such dealer on such premises.

“SEC. 5147. APPLICATION OF SUBPART.

“The provisions of this subpart shall extend to and apply to the special taxes imposed by the other subparts of this part and to the persons on whom such taxes are imposed.

“SEC. 5148. CROSS REFERENCES.

“(1) For penalties for willful nonpayment of special taxes, see section 5691.

“(2) For penalties applicable to this part generally, see subchapter J.

“(3) For penalties and other general and administrative provisions applicable to this part, see subtitle F.

“Subchapter B—Qualification Requirements for Distilled Spirits Plants

“Sec. 5171. Establishment.

“Sec. 5172. Application.

“Sec. 5173. Qualification bonds.

“Sec. 5174. Withdrawal bonds.

“Sec. 5175. Export bonds.

“Sec. 5176. New or renewed bonds.

“Sec. 5177. Other provisions relating to bonds.

“Sec. 5178. Premises of distilled spirits plants.

“Sec. 5179. Registration of stills.

“Sec. 5180. Signs.

“Sec. 5181. Cross references.

"SEC. 5171. ESTABLISHMENT.

"(a) **GENERAL REQUIREMENTS.**—Every person shall, before commencing or continuing the business of a distiller, bonded warehouseman, rectifier, or bottler of distilled spirits, and at such other times as the Secretary or his delegate may by regulations prescribe, make application to the Secretary or his delegate for and receive notice of the registration of his plant. No plant shall be registered under this section until the applicant has complied with the requirements of law and regulations in relation to the qualification of such business (or businesses).

"(b) PERMITS.—

"(1) **REQUIREMENTS.**—Every person required to file application for registration under subsection (a) whose distilling, warehousing, or bottling operations (or any part thereof) are not required to be covered by a basic permit under the Federal Alcohol Administration Act (49 Stat. 978, 27 U. S. C. 203, 204) shall, before commencing any such operations, apply for and obtain a permit under this subsection from the Secretary or his delegate to engage in such operations. Section 5271 (b), (c), (d), (e), (f), (g), and (h), and section 5274 are hereby made applicable to applications, to persons filing applications, and to permits required by or issued under this subsection.

"(2) **EXCEPTIONS FOR AGENCY OF A STATE OR POLITICAL SUBDIVISION.**—Paragraph (1) shall not apply to any agency of a State or political subdivision thereof or to any officer or employee of any such agency, and no such agency or officer or employee shall be required to obtain a permit thereunder.

"(3) **CONTINUANCE OF BUSINESS.**—Every person required by paragraph (1) to obtain a permit (covering operations not required to be covered by a basic permit under the Federal Alcohol Administration Act) who, on June 30, 1959, is qualified to perform such operations under the internal revenue laws, and who complies with the provisions of this chapter (other than this subsection) relating to qualification of such business or businesses, shall be entitled to continue such operations pending reasonable opportunity to make application for permit, and final action thereon.

"(c) CROSS REFERENCES.—

"For penalty for failure of a distiller or rectifier to file application for registration as required by this section, see section 5601 (a) (2), and for penalty for the filing of a false application by a distiller, bonded warehouseman, rectifier, or bottler of distilled spirits, see section 5601 (a) (3).

"SEC. 5172. APPLICATION.

"The application for registration required by section 5171 (a) shall, in such manner and form as the Secretary or his delegate may by regulations prescribe, identify the applicant and persons interested in the business (or businesses) covered by the application, show the nature, location and extent of the premises, show the specific type or types of operations to be conducted on such premises, and show any other information which the Secretary or his delegate may by regulations require for the purpose of carrying out the provisions of this chapter.

"SEC. 5173. QUALIFICATION BONDS.

"(a) **GENERAL PROVISIONS.**—Every person intending to commence or to continue the business of a distiller, bonded warehouseman, or rectifier, on filing with the Secretary or his delegate an application for registration of his plant, and before commencing or continuing such business, shall file bond in the form prescribed by the Secretary

or his delegate, conditioned that he shall faithfully comply with all the provisions of law and regulations relating to the duties and business of a distiller, bonded warehouseman, or rectifier, as the case may be (including the payment of taxes imposed by this chapter), and shall pay all penalties incurred or fines imposed on him for violation of any of the said provisions.

“(b) **DISTILLER'S BOND.**—Every person intending to commence or continue the business of a distiller shall give bond in a penal sum not less than the amount of tax on spirits that will be produced in his distillery during a period of 15 days, except that such bond shall be in a sum of not less than \$5,000 nor more than \$100,000.

“(1) **CONDITIONS OF APPROVAL.**—In addition to the requirements of subsection (a), the distiller's bond shall be conditioned that he shall not suffer the property, or any part thereof, subject to lien under section 5004 (b) (1) to be encumbered by mortgage, judgment, or other lien during the time in which he shall carry on such business (except that this condition shall not apply during the term of any bond given under subparagraph (C)), and no bond of a distiller shall be approved unless the Secretary or his delegate is satisfied that the situation of the land and buildings which will constitute his bonded premises (as described in his application for registration) is not such as would enable the distiller to defraud the United States, and unless—

“(A) the distiller is the owner in fee, unencumbered by any mortgage, judgment, or other lien, of the lot or tract of land subject to lien under section 5004 (b) (1); or

“(B) the distiller files with the officer designated for the purpose by the Secretary or his delegate, in connection with his application for registration, the written consent of the owner of the fee, and of any mortgagee, judgment creditor, or other person having a lien thereon, duly acknowledged, that such premises may be used for the purpose of distilling spirits, subject to the provisions of law, and expressly stipulating that the lien of the United States, for taxes on distilled spirits produced thereon and penalties relating thereto, shall have priority of such mortgage, judgment, or other encumbrance, and that in the case of the forfeiture of such premises, or any part thereof, the title to the same shall vest in the United States, discharged from such mortgage, judgment, or other encumbrance; or

“(C) the distiller files a bond, approved by the Secretary or his delegate, in the penal sum equal to the appraised value of the property subject to lien under section 5004 (b) (1), except that such bond shall not exceed the sum of \$300,000. Such value shall be determined, and such bond shall be executed in such form and with such sureties and filed with the officer designated by the Secretary or his delegate, under such regulations as the Secretary or his delegate shall prescribe.

“(2) **CANCELLATION OF INDEMNITY BOND.**—When the liability for which an indemnity bond given under paragraph (1) (C) ceases to exist, such bond may be cancelled upon application to the Secretary or his delegate.

“(3) **JUDICIAL SALE.**—In the case of any distillery sold at judicial or other sale in favor of the United States, a bond in lieu of consent under paragraph (1) (B) may be taken at the discretion of the Secretary or his delegate, and the person giving such bond may be allowed to operate such distillery during the existence of the right of redemption from such sale, on complying with all the other provisions of law.

“(c) BONDED WAREHOUSEMAN’S BONDS.—

“(1) GENERAL REQUIREMENTS.—Every person intending to commence or continue the business of a bonded warehouseman shall give bond in a penal sum not less than the amount of tax on distilled spirits stored on such premises and in transit thereto, except that such bond shall not exceed the sum of \$200,000. In addition to the requirements in subsection (a), such bond shall be conditioned—

“(A) on the withdrawal of the spirits from storage on bonded premises within the time prescribed for the determination of tax under section 5006 (a) (2), and

“(B) on payment of the tax, except as otherwise provided by law, on all spirits withdrawn from storage on the bonded premises.

“(2) EXCEPTION.—The Secretary or his delegate may by regulations specify bonded warehousing operations, other than the storage of more than 500 casks or packages of distilled spirits in wooden containers, for which a bond in a maximum sum of less than \$200,000 will be approved, and in such cases the Secretary or his delegate shall by regulations prescribe the maximum penal sum of such bonds.

“(d) RECTIFIER’S BOND.—Every person intending to commence or continue the business of a rectifier shall give bond in a penal sum not less than the amount of tax the rectifier will be liable to pay in a period of 30 days under sections 5021 and 5022, except that such bond shall not exceed the sum of \$100,000, and shall not be less than \$1,000.

“(e) COMBINED OPERATIONS.—

“(1) DISTILLED SPIRITS PLANTS.—Except as provided in paragraph (2), any person intending to commence or continue business as proprietor of a distilled spirits plant who would otherwise be required to give more than one bond under the provisions of subsections (b) (other than indemnity bonds), (c), and (d), shall, in lieu thereof, give bond in a penal sum equal to the combined penal sums which would have been required under such subsections; but in no case shall the combined operations bond be in a penal sum in excess of \$200,000 if all operations are to be conducted on bonded premises, or in excess of \$250,000 for the distilled spirits plant. Bonds given under this paragraph shall contain the terms and conditions of the bonds in lieu of which they are given.

“(2) DISTILLED SPIRITS PLANTS AND ADJACENT BONDED WINE CELLARS.—Any person intending to commence or continue business as proprietor of a bonded wine cellar and an adjacent distilled spirits plant qualified for the production of distilled spirits shall, in lieu of the bonds which would otherwise be required under the provisions of subsection (b) (other than indemnity bonds), (c), and (d), and section 5354 (other than supplemental bonds to cover additional liability arising as a result of deferral of payment of tax), give bond in a penal sum equal to the combined penal sums which would have been required under such provisions; but in no case shall the combined operations bond be in a penal sum in excess of \$150,000 if the distilled spirits plant is qualified solely for the production of distilled spirits, in excess of \$250,000 if the distilled spirits plant is qualified only for production and bonded warehousing or for production and rectification and bottling, or in excess of \$300,000 for the distilled spirits plant and bonded wine cellar. Bonds given under this paragraph shall contain the terms and conditions of the bonds in lieu of which they are given.

“(f) **BLANKET BONDS.**—The Secretary or his delegate may by regulations authorize any person (including, in the case of a corporation, controlled or wholly owned subsidiaries) operating more than one distilled spirits plant in a geographical area designated in regulations prescribed by the Secretary or his delegate to give a blanket bond covering the operation of any two or more of such plants and any bonded wine cellars which are adjacent to such plants and which otherwise could be covered under a combined operations bond as provided for in subsection (e) (2). The penal sum of such blanket bond shall be calculated in accordance with the following table:

“Total Penal Sums as Determined under Subsections (b), (c), (d), and (e)	Requirement for Penal Sum of Blanket Bond
First \$300,000 or any part thereof.....	100%
Next \$300,000 or any part thereof.....	70%
Next \$400,000 or any part thereof.....	50%
Next \$1,000,000 or any part thereof.....	35%
All over \$2,000,000.....	25%

Bonds given under this subsection shall be in lieu of the bonds required under subsections (b) (other than indemnity bonds), (c), (d), and (e), as the case may be, and shall contain the terms and conditions of such bonds.

“(g) **LIABILITY UNDER COMBINED OPERATIONS AND BLANKET BONDS.**—The total amount of any bond given under subsection (e) or (f) shall be available for the satisfaction of any liability incurred under the terms or conditions of such bond.

“SEC. 5174. WITHDRAWAL BONDS.

“(a) **REQUIREMENTS.**—No distilled spirits, other than distilled spirits withdrawn under section 5214 or section 7510, shall be withdrawn from bonded premises except on payment of tax unless—

“(1) the proprietor of the bonded premises has furnished such bond (in addition to that required in section 5173) to secure payment of the tax on such spirits, under such regulations and conditions, and in such form and penal sum, as the Secretary or his delegate may prescribe; or

“(2) the proprietor of a distilled spirits plant authorized to rectify or bottle distilled spirits has—

“(A) made application to the Secretary or his delegate to withdraw such spirits and has assumed liability at the receiving plant for payment of the tax thereon;

“(B) furnished bond (in addition to any bond required by section 5173) to secure payment of the tax on such spirits, under such regulations and conditions, and in such form and penal sum, as the Secretary or his delegate may prescribe; and

“(C) complied with such other requirements as the Secretary or his delegate may by regulations prescribe.

“(b) **RELEASE OF OTHER BONDS.**—When a bond has been filed under subsection (a) and distilled spirits have been withdrawn from bonded premises thereunder, bonds of proprietors covering operations on bonded premises, and bonds given under prior provisions of internal revenue law to cover similar operations, shall no longer cover liability for payment of the tax on such spirits.

“SEC. 5175. EXPORT BONDS.

“(a) **REQUIREMENTS.**—No distilled spirits shall be withdrawn from bonded premises for exportation without payment of tax unless the exporter has furnished bond to cover such withdrawal, under such regulations and conditions, and in such form and penal sum, as the Secretary or his delegate may prescribe.

“(b) EXCEPTION.—In case of distilled spirits withdrawn for exportation without payment of tax on application of the proprietor of bonded premises, the bond of such proprietor covering such bonded premises shall cover such exportation and subsection (a) shall not be applicable.

“(c) CANCELLATION OR CREDIT OF EXPORT BONDS.—The bonds given under subsection (a) shall be cancelled or credited and the bonds liable under subsection (b) credited on the submission of such evidence, records, and certification indicating exportation as the Secretary or his delegate may by regulations prescribe.

“SEC. 5176. NEW OR RENEWED BONDS.

“(a) GENERAL.—New bonds shall be required under sections 5173, 5174, and 5175 in case of insolvency or removal of any surety, and may, at the discretion of the Secretary or his delegate, be required in any other contingency affecting the validity or impairing the efficiency of such bond.

“(b) BONDED WAREHOUSEMAN'S BONDS.—In case the proprietor of a distilled spirits plant fails or refuses—

“(1) to give a warehouseman's bond required under section 5173 (c), or to renew the same, and neglects to immediately withdraw the spirits and pay the tax thereon; or

“(2) to withdraw any spirits from storage on bonded premises before the expiration of the time limited in the bond and, except as otherwise provided by law, pay the tax thereon; the Secretary or his delegate shall proceed to collect the tax.

“SEC. 5177. OTHER PROVISIONS RELATING TO BONDS.

“(a) GENERAL PROVISIONS RELATING TO BONDS.—The provisions of section 5551 shall be applicable to the bonds required by or given under sections 5173, 5174, and 5175.

“(b) CROSS REFERENCES.—

“(1) For deposit of United States bonds or notes in lieu of sureties, see 6 U. S. C. 15.

“(2) For penalty and forfeiture for failure or refusal to give bond, or for giving false, forged, or fraudulent bond, or for carrying on the business of a distiller without giving bond, see sections 5601 (a) (4), 5601 (a) (5), 5601 (b) (2), and 5615 (3).

“SEC. 5178. PREMISES OF DISTILLED SPIRITS PLANTS.

“(a) LOCATION, CONSTRUCTION, AND ARRANGEMENT.—

“(1) GENERAL.—

“(A) The premises of a distilled spirits plant shall be as described in the application required by section 5171 (a). The Secretary or his delegate shall prescribe such regulations relating to the location, construction, arrangement, and protection of distilled spirits plants as he deems necessary to facilitate inspection and afford adequate security to the revenue.

“(B) No distilled spirits plant for the production of distilled spirits shall be located in any dwelling house, in any shed, yard, or inclosure connected with any dwelling house, or on board any vessel or boat, or on premises where beer or wine is made or produced, or liquors of any description are retailed, or on premises where any other business is carried on (except when authorized under subsection (b)).

“(C) Notwithstanding any other provision of this chapter relating to distilled spirits plants the Secretary or his delegate may approve the location, construction, arrangement, and method of operation of any establishment which was qualified to operate on the date preceding the effective date of this section if he deems that such location, construc-

tion, arrangement, and method of operation will afford adequate security to the revenue.

“(2) PRODUCTION FACILITIES.—

“(A) Any person establishing a distilled spirits plant may, as described in his application for registration, provide facilities which may be used for the production of distilled spirits from any source or substance.

“(B) The distilling system shall be continuous and closed at all points where potable or readily recoverable spirits are present and the distilling apparatus shall be so designed and constructed and so connected as to prevent the unauthorized removal of such spirits prior to their production gauge.

“(C) The Secretary or his delegate is authorized to order and require such identification of, changes of, or additions to, distilling apparatus, connecting pipes, pumps, tanks, or any machinery connected with or used in or on the bonded premises, or require to be put on any of the stills, tubs, pipes, tanks, or other equipment, such fastenings, locks or seals as he may deem necessary to facilitate inspection and afford adequate security to the revenue.

“(3) BONDED WAREHOUSING FACILITIES.—

“(A) Any person establishing a distilled spirits plant for the production of distilled spirits may, as described in his application for registration, establish warehousing facilities on the bonded premises of such plant.

“(B) Distilled spirits plants for the bonded warehousing of distilled spirits elsewhere than as described in subparagraph (A) may be established at the discretion of the Secretary or his delegate, by proprietors referred to in subparagraph (A) or by other persons, under such regulations as the Secretary or his delegate shall prescribe.

“(C) Facilities for the storage on bonded premises of distilled spirits in casks, packages, cases, or similar portable approved containers shall be established in a room or building used exclusively for the storage, bottling, or packaging of distilled spirits, and activities related thereto.

“(4) BOTTLING FACILITIES.—

“(A) The proprietor of a distilled spirits plant authorized to store distilled spirits in casks, packages, cases, or similar portable approved containers on bonded premises may establish a separate portion of such premises for the bottling in bond of distilled spirits under section 5233 prior to payment or determination of the internal revenue tax.

“(B) Facilities for rectification of distilled spirits or wines upon which the tax has been paid or determined, may be established as a separate distilled spirits plant or as a part of a distilled spirits plant qualified for the production or bonded warehousing of distilled spirits. Such facilities, when qualified, may be used for the rectification of distilled spirits or wines, or the bottling or packaging of rectified or unrectified distilled spirits or wines on which the tax has been paid or determined.

“(C) Facilities for bottling or packaging any distilled spirits upon which the tax has been paid or determined (other than bottling facilities established under subparagraph (B)), may be established and maintained only by a State or political subdivision thereof, or by the proprietor of a distilled spirits plant qualified for the production or bonded warehousing of distilled spirits, as a part of such plant or as a separate dis-

tilled spirits plant. Such facilities, when qualified, may be used for the bottling or packaging of rectified or unrectified distilled spirits or wines but may not be used for the rectification of distilled spirits or wines.

“(D) Bottling premises established under subparagraphs (B) or (C) may not be located on bonded premises, and if the distilled spirits plant contains both bonded premises and bottling premises they shall be separated by such means or in such manner as the Secretary or his delegate may by regulations prescribe.

“(5) DENATURING FACILITIES.—The Secretary or his delegate may by regulations require such arrangement and segregation of denaturing facilities as he deems necessary.

“(b) USE OF PREMISES FOR OTHER BUSINESSES.—The Secretary or his delegate may authorize the carrying on of such other businesses (not specifically prohibited by section 5601 (a) (6)) on premises of distilled spirits plants, as he finds will not jeopardize the revenue. Such other businesses shall not be carried on until an application to carry on such business has been made to and approved by the Secretary or his delegate.

“(c) CROSS REFERENCES.—

“(1) For provisions authorizing the Secretary or his delegate to require installation of meters, tanks, and other apparatus, see section 5552.

“(2) For penalty for distilling on prohibited premises, see section 5601 (a) (6).

“(3) For provisions relating to the bottling of distilled spirits labeled as alcohol, see section 5235.

“(4) For provisions relating to the unauthorized use of distilled spirits in any manufacturing process, see section 5601 (a) (9).

“SEC. 5179. REGISTRATION OF STILLs.

“(a) REQUIREMENTS.—Every person having in his possession or custody, or under his control, any still or distilling apparatus set up, shall register such still or apparatus with the Secretary or his delegate immediately on its being set up, by subscribing and filing with the Secretary or his delegate a statement, in writing, setting forth the particular place where such still or distilling apparatus is set up, the kind of still and its capacity, the owner thereof, his place of residence, and the purpose for which said still or distilling apparatus has been or is intended to be used (except that stills or distilling apparatus not used or intended to be used for the distillation, redistillation, or recovery of distilled spirits are not required to be registered under this section).

“(b) CROSS REFERENCES.—

“(1) For penalty and forfeiture provisions relating to unregistered stills, see sections 5601 (a) (1), 5601 (b) (1), and 5615 (1).

“(2) For provisions requiring permit to set up still, boiler or other vessel for distilling, see section 5105.

“SEC. 5180. SIGNS.

“(a) REQUIREMENTS.—Every person engaged in distilling, bonded warehousing, rectifying, or bottling of distilled spirits shall place and keep conspicuously on the outside of his place of business a sign showing the name of such person and denoting the business, or businesses, in which engaged. The sign required by this subsection shall be in such form and contain such information as the Secretary or his delegate shall by regulations prescribe.

“(b) PENALTY.—

“For penalty and forfeiture relating to failure to post sign or improperly posting such sign, see section 5681.

"SEC. 5181. CROSS REFERENCES.

"For provisions requiring payment of special (occupational) tax as rectifier, see section 5081, or as wholesale liquor dealer, see section 5111, or as retail liquor dealer, see section 5121.

"Subchapter C—Operation of Distilled Spirits Plants

"Part I. General provisions.

"Part II. Operations on bonded premises.

"Part III. Operations on bottling premises.

"PART I—GENERAL PROVISIONS

"Sec. 5201. Regulation of operations.

"Sec. 5202. Supervision of operations.

"Sec. 5203. Entry and examination of premises.

"Sec. 5204. Gauging.

"Sec. 5205. Stamps.

"Sec. 5206. Containers.

"Sec. 5207. Records and reports.

"SEC. 5201. REGULATION OF OPERATIONS.

"(a) **GENERAL.**—Proprietors of distilled spirits plants shall conduct their operations relating to the production, storage, denaturing, rectification, and bottling of distilled spirits, and all other operations authorized to be conducted on the premises of such plants, under such regulations as the Secretary or his delegate shall prescribe.

"(b) **DISTILLED SPIRITS FOR INDUSTRIAL USES.**—The regulations of the Secretary or his delegate under this chapter respecting the production, warehousing, denaturing, distribution, sale, export, and use of distilled spirits for industrial purposes shall be such as he deems necessary, advisable, or proper to secure the revenue, to prevent diversion to illegal uses, and to place the distilled spirits industry and other industries using such distilled spirits as a chemical raw material or for other lawful industrial purposes on the highest possible plane of scientific and commercial efficiency and development consistent with the provisions of this chapter. Where nonpotable chemical mixtures containing distilled spirits are produced for transfer to the bonded premises of a distilled spirits plant for completion of processing, the Secretary or his delegate may waive any provision of this chapter with respect to the production of such mixtures, and the processing of such mixtures on the bonded premises shall be deemed to be production of distilled spirits for purposes of this chapter.

"(c) **HOURS OF OPERATIONS.**—The Secretary or his delegate may prescribe regulations relating to hours for distillery operations and to hours for removal of distilled spirits from distilled spirits plants; however, such regulations shall not be more restrictive, as to any operation or function, than the provisions of internal revenue law and regulations relating to such operation or function in effect on the day preceding the effective date of this section.

"(d) **IDENTIFICATION OF DISTILLED SPIRITS.**—The Secretary or his delegate may provide by regulations for the addition of tracer elements to distilled spirits to facilitate the enforcement of this chapter. Tracer elements to be added to distilled spirits at any distilled spirits plant under provisions of this subsection shall be of such character and in such quantity as the Secretary or his delegate may authorize or require, and such as will not impair the quality of the distilled spirits for their intended use.

"SEC. 5202. SUPERVISION OF OPERATIONS.

"(a) GENERAL.—The operations on the premises of distilled spirits plants shall be conducted under such supervision as the Secretary or his delegate shall by regulation prescribe. The Secretary or his delegate shall assign such number of internal revenue officers to distilled spirits plants as he deems necessary to maintain supervision of the operations conducted on such premises.

"(b) REMOVAL OF DISTILLED SPIRITS FROM DISTILLING SYSTEM.—The removal of distilled spirits from the closed distilling system shall be controlled by Government locks or seals, or by meters or other devices or methods as the Secretary or his delegate may prescribe.

"(c) STORAGE TANKS.—Approved containers for the storage of distilled spirits on bonded premises (other than containers required by subsection (d) to be in a locked room or building or those containing distilled spirits denatured as authorized by law) shall be kept securely closed, and the flow of distilled spirits into and out of such containers shall be controlled by Government locks or seals, or by meters or other devices or methods as the Secretary or his delegate may prescribe.

"(d) STORAGE ROOMS OR BUILDINGS.—Distilled spirits (other than denatured distilled spirits) on bonded premises in casks, packages, cases, or similar portable approved containers must be stored in a room or building provided as required by section 5178 (a) (3) (C), which room or building shall be in the joint custody of the internal revenue officer assigned to such premises and the proprietor thereof, and shall be kept securely locked with Government locks and at no time be unlocked or opened, or remain open, except when such officer or person who may be designated to act for him is on the premises. Deposits of distilled spirits in, or removals of distilled spirits from, such room or building shall be under such supervision by internal revenue officers as the Secretary or his delegate shall by regulations prescribe.

"(e) DENATURATION OF DISTILLED SPIRITS.—The denaturation of distilled spirits on bonded premises shall be conducted under such supervision and controlled by such meters or other devices or methods as the Secretary or his delegate shall prescribe.

"(f) GAUGING.—The gauge of production of distilled spirits, gauge for determination of the tax imposed under section 5001 (a) (1), and gauge for tax-free removal of other than denatured distilled spirits from bonded premises, shall be made or supervised by internal revenue officers, under such regulations as the Secretary or his delegate shall prescribe.

"(g) BOTTLING IN BOND.—The bottling of distilled spirits in bond shall be supervised by the internal revenue officer assigned to the premises in such manner as the Secretary or his delegate shall by regulations prescribe.

"SEC. 5203. ENTRY AND EXAMINATION OF PREMISES.

"(a) KEEPING PREMISES ACCESSIBLE.—Every proprietor of a distilled spirits plant shall furnish the Secretary or his delegate such keys as may be required for internal revenue officers to gain access to the premises and any structures thereon, and such premises shall always be kept accessible to any officer having such keys.

"(b) RIGHT OF ENTRY AND EXAMINATION.—It shall be lawful for any internal revenue officer at all times, as well by night as by day, to enter any distilled spirits plant, or any other premises where distilled spirits are produced or rectified, or structure or place used in connection therewith for storage or other purposes; to make examination of the materials, equipment, and facilities thereon; and make such gauges and inventories as he deems necessary. Whenever any officer, having demanded admittance, and having declared his name

and office, is not admitted into such premises by the proprietor or other person having charge thereof, it shall be lawful for such officer, at all times, as well by night as by day, to use such force as is necessary for him to gain entry to such premises.

“(c) FURNISHING FACILITIES AND ASSISTANCE.—On the demand of any internal revenue officer or agent, every proprietor of a distilled spirits plant shall furnish the necessary facilities and assistance to enable the officer or agent to gauge the spirits in any container or to examine any apparatus, equipment, containers, or materials on such premises. Such proprietor shall also, on demand of such officer or agent, open all doors, and open for examination all boxes, packages, and all casks, barrels, and other vessels not under the control of the internal revenue officer in charge.

“(d) AUTHORITY TO BREAK UP GROUNDS OR WALLS.—It shall be lawful for any internal revenue officer, and any person acting in his aid, to break up the ground on any part of a distilled spirits plant or any other premises where distilled spirits are produced or rectified, or any ground adjoining or near to such plant or premises, or any wall or partition thereof, or belonging thereto, or other place, to search for any pipe, cock, private conveyance, or utensil; and, upon finding any such pipe or conveyance leading therefrom or thereto, to break up any ground, house, wall, or other place through or into which such pipe or other conveyance leads, and to break or cut away such pipe or other conveyance, and turn any cock, or to examine whether such pipe or other conveyance conveys or conceals any distilled spirits, mash, wort, or beer, or other liquor, from the sight or view of the officer, so as to prevent or hinder him from taking a true account thereof.

“(e) PENALTY.—

“For penalty for violation of this section, see section 5687.

“SEC. 5204. GAUGING.

“(a) GENERAL.—The Secretary or his delegate may by regulations require the gauging of distilled spirits for such purposes, in addition to those specified in section 5202 (f), as he may deem necessary, and all required gauges shall be made at such times and under such conditions as he may by regulations prescribe.

“(b) GAUGING INSTRUMENTS.—For the determination of tax and the prevention and detection of frauds, the Secretary or his delegate may prescribe for use such hydrometers, saccharometers, weighing and gauging instruments, or other means or methods for ascertaining the quantity, gravity, and producing capacity of any mash, wort, or beer used, or to be used, in the production of distilled spirits, and the strength and quantity of spirits subject to tax, as he may deem necessary; and he may prescribe regulations to secure a uniform and correct system of inspection, weighing, marking, and gauging of spirits.

“(c) GAUGING, STAMPING, MARKING AND BRANDING BY PROPRIETORS.—The Secretary or his delegate may by regulations require the proprietor of a distilled spirits plant, at the proprietor's expense and under such supervision as the Secretary or his delegate may require, to do such gauging, stamping, marking, and branding and such mechanical labor pertaining thereto as the Secretary or his delegate deems proper and determines may be done without danger to the revenue.

“SEC. 5205. STAMPS.

“(a) STAMPS FOR CONTAINERS OF DISTILLED SPIRITS.—

“(1) CONTAINERS OF DISTILLED SPIRITS BOTTLED IN BOND.—Every container of distilled spirits bottled in bond under section 5233 when filled shall be stamped by a stamp evidencing the bottling

of such spirits in bond under the provisions of this paragraph and section 5233.

“(2) CONTAINERS OF OTHER DISTILLED SPIRITS.—No person shall transport, possess, buy, sell, or transfer any distilled spirits, unless the immediate container thereof is stamped by a stamp evidencing the determination of the tax or indicating compliance with the provisions of this chapter. The provisions of this paragraph shall not apply to—

“(A) distilled spirits, lawfully withdrawn from bond, placed in containers for immediate consumption on the premises or for preparation for such consumption;

“(B) distilled spirits in bond or in customs custody;

“(C) distilled spirits, lawfully withdrawn from bond, in immediate containers stamped under other provisions of internal revenue or customs law or regulations issued pursuant thereto;

“(D) distilled spirits, lawfully withdrawn from bond, in actual process of rectification, blending, or bottling, or in actual use in processes of manufacture;

“(E) distilled spirits on which no internal revenue tax is required to be paid;

“(F) distilled spirits lawfully withdrawn from bond and not intended for sale or for use in the manufacture or production of any article intended for sale; or

“(G) any regularly established common carrier receiving, transporting, delivering, or holding for transportation or delivery distilled spirits in the ordinary course of its business as a common carrier.

“(3) STAMP REGULATIONS.—The Secretary or his delegate shall prescribe regulations with respect to the supplying or procuring of stamps required under this subsection or section 5235, the time and manner of applying for, issuing, affixing, and destroying such stamps, the form of such stamps and the information to be shown thereon, applications for the stamps, proof that applicants are entitled to such stamps, and the method of accounting for such stamps, and such other regulations as he may deem necessary for the enforcement of this subsection. In the case of a container of a capacity of 5 wine gallons or less, the stamp shall be affixed in such a manner as to be broken when the container is opened, unless the container is one that cannot again be used after opening.

“(b) STAMPS FOR CONTAINERS OF DISTILLED SPIRITS WITHDRAWN FROM BONDED PREMISES ON DETERMINATION OF TAX.—Containers of all distilled spirits withdrawn from bonded premises on determination of tax under section 5006 (a) shall be stamped by a stamp under such regulations as the Secretary or his delegate shall prescribe. This subsection shall not be construed to require stamps on cases of bottled distilled spirits filled and stamped on bonded premises.

“(c) STAMPS FOR CONTAINERS OF DISTILLED SPIRITS WITHDRAWN FOR EXPORTATION.—

“(1) EXPORTATION WITHOUT PAYMENT OF TAX.—Every container of distilled spirits withdrawn for exportation under section 5214 (a) (4) shall be stamped by a stamp under such regulations as the Secretary or his delegate shall prescribe. This paragraph shall not be construed to require stamps on cases of bottled distilled spirits filled and stamped on bonded premises.

“(2) EXPORTATION WITH BENEFIT OF DRAWBACK.—The Secretary or his delegate may require any container of distilled spirits bottled or packaged especially for export with benefit of draw-

back to be stamped by a stamp under such regulations as he may prescribe.

“(d) STAMPS FOR CONTAINERS OF 5 WINE GALLONS OR MORE OF DISTILLED SPIRITS FILLED ON BOTTLING PREMISES.—All containers of distilled spirits containing 5 wine gallons or more, which are filled on bottling premises of a distilled spirits plant for removal therefrom, shall be stamped by a stamp under such regulations as the Secretary or his delegate shall prescribe.

“(e) ISSUE FOR RESTAMPING.—The Secretary or his delegate, under regulations prescribed by him, may authorize restamping of containers of distilled spirits which have been duly stamped but from which the stamps have been lost or destroyed by unavoidable accident.

“(f) ACCOUNTABILITY.—All stamps relating to distilled spirits shall be used and accounted for under such regulations as the Secretary or his delegate may prescribe.

“(g) EFFACEMENT OF STAMPS, MARKS, AND BRANDS ON EMPTIED CONTAINERS.—Every person who empties, or causes to be emptied, any immediate container of distilled spirits bearing any stamp, mark, or brand required by law or regulations prescribed pursuant thereto (other than containers stamped under subsection (a) or section 5235) shall at the time of emptying such container efface and obliterate such stamp, mark, or brand, except that the Secretary or his delegate may, by regulations, waive any requirement of this subsection as to the effacement or obliteration of marks or brands (or portions thereof) where he determines that no jeopardy to the revenue will be involved.

“(h) FORM OF STAMP.—Any stamp required by or prescribed pursuant to the provisions of this section or section 5235 may consist of such coupon, serially-numbered ticket, imprint, design, or other form of stamp as the Secretary or his delegate shall by regulations prescribe.

“(i) CROSS REFERENCES.—

“(1) For general provisions relating to stamps, see chapter 69.

“(2) For provisions relating to the stamping, marking, and branding of containers of distilled spirits by proprietors, see section 5204 (c).

“(3) For provisions relating to the stamping of bottled alcohol, see section 5235.

“(4) For authority of the Secretary or his delegate to prescribe regulations regarding stamps for distilled spirits withdrawn to manufacturing bonded warehouses, see section 5522 (a).

“(5) For penalties and forfeitures relating to stamps, marks, and brands, see sections 5604, 5613, 7208, and 7209.

“SEC. 5206. CONTAINERS.

“(a) AUTHORITY TO PRESCRIBE.—The Secretary or his delegate shall by regulations prescribe the types or kinds of containers which may be used to contain, store, transfer, convey, remove, or withdraw distilled spirits.

“(b) STANDARDS OF FILL.—The Secretary or his delegate may by regulations prescribe the standards of fill for approved containers.

“(c) MARKING, BRANDING, OR IDENTIFICATION.—Containers of distilled spirits (and cases containing bottles or other containers of such spirits) shall be marked, branded, or identified in such manner as the Secretary or his delegate shall by regulations prescribe.

“(d) APPLICABILITY.—This section shall be applicable exclusively with respect to containers of distilled spirits for industrial use, with respect to containers of distilled spirits of a capacity of more than one gallon for other than industrial use, and with respect to cases containing bottles or other containers of distilled spirits.

“(e) CROSS REFERENCES.—

“(1) For other provisions relating to regulation of containers of distilled spirits, see section 5301.

“(2) For provisions relating to labeling containers of distilled spirits of one gallon or less for nonindustrial uses, see section 5 (e) of the Federal Alcohol Administration Act (27 U. S. C. 205 (e)).

“SEC. 5207. RECORDS AND REPORTS.

“(a) RECORDS OF DISTILLERS AND BONDED WAREHOUSEMEN.—Every distiller and every bonded warehouseman shall keep records in such form and manner as the Secretary or his delegate shall by regulations prescribe of—

“(1) the receipt of materials intended for use in the production of distilled spirits, and the use thereof,

“(2) the receipt and use of distilled spirits received for redistillation,

“(3) the kind and quantity of distilled spirits produced,

“(4) the kind and quantity of distilled spirits entered into storage,

“(5) the bottling of distilled spirits in bond,

“(6) the kind and quantity of distilled spirits removed from bonded premises, and from any taxpaid storeroom operated in connection therewith, and the purpose for which removed,

“(7) the kind and quantity of denaturants received and used or otherwise disposed of,

“(8) the kind and quantity of distilled spirits denatured,

“(9) the kind and quantity of denatured distilled spirits removed, and

“(10) such additional information as may by regulations be required.

“(b) RECORDS OF RECTIFIERS AND BOTTLERS.—Every rectifier and every bottler of distilled spirits shall keep records in such form and manner as the Secretary or his delegate shall by regulations prescribe of—

“(1) all distilled spirits and wines received,

“(2) the kind and quantity of distilled spirits and wines rectified and packaged or bottled, or packaged or bottled without rectification,

“(3) the kind and quantity of distilled spirits and wines removed from his premises,

“(4) the receipt, use, and balance on hand of all stamps required by law or regulations to be used by him, and

“(5) such additional information as may by regulations be required.

“(c) REPORTS.—Every person required to keep records under subsection (a) or (b) shall render such reports covering his operations, at such times and in such form and manner and containing such information, as the Secretary or his delegate shall by regulation prescribe.

“(d) PRESERVATION AND INSPECTION.—The records required by subsection (a) and (b), and a copy of each report required by subsection (c) shall be kept on the premises where the operations covered by the record are carried on and shall be available for inspection by any internal revenue officer during business hours, and shall be preserved by the person required to keep such records and reports for such period as the Secretary or his delegate shall by regulations prescribe.

“(e) PENALTY.—

“For penalty and forfeiture for refusal or neglect to keep records required under this section, or for false entries therein, see sections 5603 and 5615 (5).

"PART II—OPERATIONS ON BONDED PREMISES

- "Subpart A. General.
- "Subpart B. Production.
- "Subpart C. Storage.
- "Subpart D. Denaturation.

"Subpart A—General

- "Sec. 5211. Production and entry of distilled spirits.
- "Sec. 5212. Transfer of distilled spirits between bonded premises.
- "Sec. 5213. Withdrawal of distilled spirits from bonded premises on determination of tax.
- "Sec. 5214. Withdrawal of distilled spirits from bonded premises free of tax or without payment of tax.
- "Sec. 5215. Return of tax determined distilled spirits to bonded premises.
- "Sec. 5216. Regulation of operations.

"SEC. 5211. PRODUCTION AND ENTRY OF DISTILLED SPIRITS.

"Distilled spirits in the process of production in a distilled spirits plant may be held prior to the production gauge only for so long as is reasonably necessary to complete the process of production. Under such regulations as the Secretary or his delegate shall prescribe, all distilled spirits produced in a distilled spirits plant shall be gauged and a record made of such gauge within a reasonable time after the production thereof has been completed. The proprietor shall, pursuant to such production gauge and in accordance with such regulations as the Secretary or his delegate shall prescribe, make appropriate entry for—

- "(1) deposit of such spirits in storage on bonded premises;
- "(2) withdrawal upon determination of tax as authorized by law;
- "(3) withdrawal under the provisions of section 5214;
- "(4) transfer for redistillation under the provisions of section 5223; or
- "(5) immediate denaturation.

"SEC. 5212. TRANSFER OF DISTILLED SPIRITS BETWEEN BONDED PREMISES.

"Distilled spirits on which the internal revenue tax has not been paid or determined as authorized by law may, under such regulations as the Secretary or his delegate shall prescribe, be transferred in bond between bonded premises in any approved container. For the purposes of this chapter, the removal of distilled spirits for transfer in bond between bonded premises shall not be construed to be a withdrawal from bonded premises.

"SEC. 5213. WITHDRAWAL OF DISTILLED SPIRITS FROM BONDED PREMISES ON DETERMINATION OF TAX.

"On application to the Secretary or his delegate and subject to the provisions of section 5174 (a), distilled spirits may be withdrawn from the bonded premises of a distilled spirits plant on payment or determination of tax thereon, in approved containers, under such regulations as the Secretary or his delegate shall prescribe.

"SEC. 5214. WITHDRAWAL OF DISTILLED SPIRITS FROM BONDED PREMISES FREE OF TAX OR WITHOUT PAYMENT OF TAX.

"(a) PURPOSES.—Distilled spirits on which the internal revenue tax has not been paid or determined may, subject to such regulations as

the Secretary or his delegate shall prescribe, be withdrawn from the bonded premises of any distilled spirits plant in approved containers—

“(1) free of tax after denaturation of such spirits in the manner prescribed by law for—

“(A) exportation;

“(B) use in the manufacture of ether, chloroform, or other definite chemical substance where such distilled spirits are changed into some other chemical substance and do not appear in the finished product; or

“(C) any other use in the arts and industries (except for uses prohibited by section 5273 (b) or (d)) and for fuel, light, and power; or

“(2) free of tax by, and for the use of, the United States or any governmental agency thereof, any State or Territory, any political subdivision of a State or Territory, or the District of Columbia, for nonbeverage purposes; or

“(3) free of tax for nonbeverage purposes and not for resale or use in the manufacture of any product for sale—

“(A) for the use of any educational organization described in section 503 (b) (2) which is exempt from income tax under section 501 (a), or for the use of any scientific university or college of learning;

26 USC 503, 501.

“(B) for any laboratory for use exclusively in scientific research;

“(C) for use at any hospital, blood bank, or sanitarium (including use in making any analysis or test at such hospital, blood bank, or sanitarium), or at any pathological laboratory exclusively engaged in making analyses, or tests, for hospitals or sanitariums; or

“(D) for the use of any clinic operated for charity and not for profit (including use in the compounding of bona fide medicines for treatment outside of such clinics of patients thereof); or

“(4) without payment of tax for exportation, after making such application and entries, filing such bonds as are required by section 5175, and complying with such other requirements as may by regulations be prescribed; or

“(5) without payment of tax for use in wine production, as authorized by section 5373; or

“(6) without payment of tax for transfer to manufacturing bonded warehouses, as authorized by section 5522 (a); or

“(7) without payment of tax for use of certain vessels and aircraft, as authorized by law; or

“(8) without payment of tax for transfer to foreign-trade zones, as authorized by law; or

“(9) free of tax for use as samples in making tests or laboratory analyses.

“(b) CROSS REFERENCES.—

“(1) For provisions relating to denaturation, see sections 5241 and 5242.

“(2) For provisions requiring permit for users of distilled spirits withdrawn free of tax and for users of specially denatured distilled spirits, see section 5271.

“(3) For provisions relating to withdrawal of distilled spirits without payment of tax for use of certain vessels and aircraft, as authorized by law, see 19 U. S. C. 1309.

“(4) For provisions relating to foreign-trade zones, see 19 U. S. C. 81c.

“(5) For provisions authorizing regulations for withdrawal of distilled spirits free of tax for use of the United States, see section 7510.

“(6) For provisions authorizing removal of distillates to bonded wine cellars for use in the production of distilling material, see section 5373 (c).

"SEC. 5215. RETURN OF TAX DETERMINED DISTILLED SPIRITS TO BONDED PREMISES.

"(a) GENERAL.—On such application and under such regulations as the Secretary or his delegate may prescribe, distilled spirits withdrawn from bonded premises in bulk containers on or after July 1, 1959, on payment or determination of tax may be returned to the bonded premises of a distilled spirits plant, if such spirits have been found to be unsuitable for the purpose for which intended to be used before any processing thereof and before removal from the original container in which such distilled spirits were withdrawn from bonded premises. Such returned distilled spirits shall immediately be redistilled or denatured, or may, in lieu of redistillation or denaturation, be mingled on bonded premises as authorized in section 5234 (a) (1) (A), (a) (1) (D), or (a) (1) (E). All provisions of this chapter applicable to distilled spirits in bond shall be applicable to distilled spirits returned to bonded premises under the provisions of this section on such return.

"(b) DISTILLED SPIRITS WITHDRAWN BY PIPELINE.—In the case of distilled spirits removed by pipeline, 'original container in which such distilled spirits were withdrawn from bonded premises' as used in this section shall mean the bulk tank into which the distilled spirits were originally deposited from pipeline, and the permitted return of the spirits to bonded premises may be made by pipeline or by other approved containers.

"(c) CROSS REFERENCE.—

"For provisions relating to the remission, abatement, credit, or refund of tax on distilled spirits returned to bonded premises under provisions of this section, see section 5008 (d).

"SEC. 5216. REGULATION OF OPERATIONS.

"For general provisions relating to operations on bonded premises see part I of this subchapter.

"Subpart B—Production

"Sec. 5221. Commencement, suspension, and resumption of operations.

"Sec. 5222. Production, receipt, removal, and use of distilling materials.

"Sec. 5223. Redistillation of spirits.

"SEC. 5221. COMMENCEMENT, SUSPENSION, AND RESUMPTION OF OPERATIONS.

"(a) COMMENCEMENT, SUSPENSION, AND RESUMPTION.—The proprietor of a distilled spirits plant authorized to produce distilled spirits shall not commence production operations until an internal revenue officer has been assigned to the premises. Any proprietor of a distilled spirits plant desiring to suspend production of distilled spirits shall give notice in writing to the Secretary or his delegate, stating when he will suspend such operations. Pursuant to such notice, an internal revenue officer shall take such action as the Secretary or his delegate shall prescribe to prevent the production of distilled spirits. No proprietor, after having given such notice, shall, after the time stated therein, produce distilled spirits on such premises until he again gives notice in writing to the Secretary or his delegate stating the time when he will resume operations. At the time stated in the notice for resuming such operations an internal revenue officer shall take such action as is necessary to permit operations to be resumed. The notices submitted under this section shall be in such form and submitted in such manner as the Secretary or his delegate may by regulations require. Nothing in this section shall apply to suspensions caused by unavoidable accidents; and the Secretary or his delegate shall prescribe regulations to govern such cases of involuntary suspension.

“(b) PENALTY.—

“For penalty and forfeiture for carrying on the business of distiller after having given notice of suspension, see sections 5601 (a) (14) and 5615 (3).

“SEC. 5222. PRODUCTION, RECEIPT, REMOVAL, AND USE OF DISTILLING MATERIALS.

“(a) PRODUCTION, REMOVAL, AND USE.—

“(1) No mash, wort, or wash fit for distillation or for the production of distilled spirits shall be made or fermented in any building or on any premises other than on the bonded premises of a distilled spirits plant duly authorized to produce distilled spirits according to law; and no mash, wort, or wash so made or fermented shall be removed from any such premises before being distilled, except as authorized by the Secretary or his delegate; and no person other than an authorized distiller shall, by distillation or any other process, produce distilled spirits from any mash, wort, wash, or other material.

“(2) Nothing in this subsection shall be construed to apply to—

“(A) authorized operations performed on the premises of vinegar plants established under part I of subchapter H;

“(B) authorized production and removal of fermented materials produced on authorized brewery or bonded wine cellar premises as provided by law;

“(C) products exempt from tax under the provisions of section 5042; or

“(D) fermented materials used in the manufacture of vinegar by fermentation.

“(b) RECEIPT.—Under such regulations as the Secretary or his delegate may prescribe, fermented materials to be used in the production of distilled spirits may be received on the bonded premises of a distilled spirits plant authorized to produce distilled spirits as follows—

“(1) from the premises of a bonded wine cellar authorized to remove such material by section 5362 (c) (6);

“(2) conveyed without payment of tax from contiguous brewery premises where produced; or

“(3) cider exempt from tax under the provisions of section 5042 (a) (1).

“(c) PROCESSING OF DISTILLED SPIRITS CONTAINING EXTRANEOUS SUBSTANCES.—The Secretary or his delegate may by regulations provide for the removal from the distilling system, and the addition to the fermented or unfermented distilling material, in the production facilities of a distilled spirits plant, of distilled spirits containing substantial quantities of fusel oil or aldehydes, or other extraneous substances.

“(d) PENALTY.—

“For penalty and forfeiture for unlawful production, removal, or use of material fit for distillation or for the production of distilled spirits, and for penalty and forfeiture for unlawful production of distilled spirits, see sections 5601 (a) (7), 5601 (a) (8), 5601 (b) (3), 5601 (b) (4), and 5615 (4).

“SEC. 5223. REDISTILLATION OF SPIRITS.

“(a) SPIRITS ON BONDED PREMISES.—The proprietor of a distilled spirits plant authorized to produce distilled spirits may, under such regulations as the Secretary or his delegate shall prescribe, redistill any distilled spirits which have not been withdrawn from bonded premises.

“(b) DISTILLED SPIRITS RETURNED FOR REDISTILLATION.—Distilled spirits which have been lawfully removed from bonded premises free

26 U S C 5501,
5502.

of tax or without payment of tax may, under such regulations as the Secretary or his delegate may prescribe, be returned for redistillation to the bonded premises of a distilled spirits plant authorized to produce distilled spirits.

“(c) **DENATURED DISTILLED SPIRITS.**—Distilled spirits recovered by the redistillation of denatured distilled spirits may not be withdrawn from bonded premises except for industrial use or after denaturation thereof in the manner prescribed by law.

“(d) **PRODUCTS OF REDISTILLATION.**—All distilled spirits redistilled on bonded premises subsequent to production gauge shall be treated the same as if such spirits had been originally produced by the redistiller and all provisions of this chapter applicable to the original production of distilled spirits shall be applicable thereto. Any prior obligation as to taxes, liens, and bonds with respect to such distilled spirits shall be extinguished on redistillation. Nothing in this subsection shall be construed as affecting any provision of law relating to the labeling of distilled spirits or as limiting the authority of the Secretary or his delegate to regulate the marking, branding, or identification of distilled spirits redistilled under this section. The processing of distilled spirits, subsequent to production gauge, in the manufacture of vodka in the production facilities of a distilled spirits plant shall be treated for the purposes of this subsection, subsection (a), and sections 5025 (d) and 5215 as redistillation of the spirits.

“Subpart C—Storage

“Sec. 5231. Entry for deposit in storage.

“Sec. 5232. Imported distilled spirits.

“Sec. 5233. Bottling of distilled spirits in bond.

“Sec. 5234. Mingling and blending of distilled spirits.

“Sec. 5235. Bottling of alcohol for industrial purposes.

“Sec. 5236. Discontinuance of storage facilities and transfer of distilled spirits.

“SEC. 5231. ENTRY FOR DEPOSIT IN STORAGE.

“(a) **GENERAL.**—All distilled spirits entered for deposit in storage under section 5211 shall, under such regulations as the Secretary or his delegate shall prescribe, be deposited in storage facilities on the bonded premises designated in the entry for deposit.

“(b) **CROSS REFERENCE.**—

“For provisions requiring that all distilled spirits entered for deposit be withdrawn within 20 years from date of original entry for deposit, see section 5006 (a) (2).

“SEC. 5232. IMPORTED DISTILLED SPIRITS.

“Imported distilled spirits of 185 degrees or more of proof (or spirits of any proof imported for any purpose incident to the requirements of the national defense) may, under such regulations as the Secretary or his delegate shall prescribe, be withdrawn from customs custody, and transferred to the bonded premises of a distilled spirits plant, for nonbeverage use, without payment of the internal revenue tax imposed on imported distilled spirits by section 5001. Such spirits may be redistilled or denatured and may, without redistillation or denaturation, be withdrawn for any purpose authorized by this chapter, in the same manner as domestic distilled spirits.

“SEC. 5233. BOTTLING OF DISTILLED SPIRITS IN BOND.

“(a) **GENERAL.**—Distilled spirits stored on bonded premises which have been duly entered for bottling in bond before determination of tax or for bottling in bond for export, shall be dumped, gauged, bottled, packed, and cased in the manner which the Secretary or his delegate shall by regulations prescribe. Such bottling, packing, and casing shall be conducted in the separate facilities provided therefor under section 5178 (a) (4) (A).

“(b) **BOTTLING REQUIREMENTS.**—

“(1) The proprietor of a distilled spirits plant who has made entry for withdrawal of distilled spirits for bottling in bond may, under such regulations as the Secretary or his delegate shall prescribe,

“(A) remove extraneous insoluble materials, and effect minor changes in the soluble color or soluble solids solely by filtrations or other physical treatments (which do not involve the addition of any substance which will remain incorporated in the completed product), as may be necessary or desirable to produce a stable product, provided such changes shall not exceed maximum limitations prescribed under regulations issued by the Secretary or his delegate, and

“(B) reduce the proof of such spirits by the addition of pure water only to 100 proof for spirits for domestic use, or to not less than 80 proof for spirits for export purposes, and

“(C) mingle, when dumped for bottling, distilled spirits of the same kind, differing only in proof, produced in the same distilling season by the same distiller at the same distillery.

“(2) Nothing in this section shall authorize or permit any mingling of different products, or of the same products of different distilling seasons, or the addition or subtraction of any substance or material or the application of any method or process to alter or change in any way the original condition or character of the product except as authorized in this section.

“(3) Distilled spirits (except gin and vodka for export) shall not be bottled in bond until they have remained in bond in wooden containers for at least 4 years.

“(4) Nothing in this section shall authorize the labeling of spirits in bottles contrary to regulations issued pursuant to the Federal Alcohol Administration Act (49 Stat. 977; 27 U. S. C., chapter 8), or any amendment thereof.

“(c) **TRADEMARKS ON BOTTLES.**—No trademarks shall be put on any bottle unless the real name of the actual bona fide distiller, or the name of the individual, firm, partnership, corporation, or association in whose name the spirits were produced and warehoused, shall also be placed conspicuously on such bottle.

“(d) **RETURN OF BOTTLED DISTILLED SPIRITS FOR REBOTTLING, RELABELING, OR RESTAMPING.**—Under such regulations as the Secretary or his delegate shall prescribe, distilled spirits which have been bottled under this section and removed from bonded premises may, on application to the Secretary or his delegate, be returned to bonded premises for rebottling, relabeling, or restamping, and tax under section 5001 (a) (1) shall not again be collected on such spirits.

“(e) **CROSS REFERENCES.**—

“(1) For provisions relating to stamps and stamping of distilled spirits bottled in bond, see section 5205.

“(2) For provisions relating to marking or branding of cases of distilled spirits bottled in bond, see section 5206.

“**SEC. 5234. MINGLING AND BLENDING OF DISTILLED SPIRITS.**

“(a) **MINGLING OF DISTILLED SPIRITS ON BONDED PREMISES.**—

“(1) **IN GENERAL.**—Under such regulations as the Secretary or his delegate shall prescribe, distilled spirits may be mingled on bonded premises if such spirits—

“(A) were distilled at 190 degrees or more of proof;

“(B) are heterogeneous and are being dumped for gauging in bulk gauging tanks for immediate removal to bottling

premises for use exclusively in taxable rectification or rectification under section 5025 (f);

“(C) are homogeneous;

“(D) are for immediate denaturation or immediate removal for an authorized tax-free purpose; or

“(E) are for immediate redistillation.

“(2) CONSOLIDATION OF PACKAGES FOR FURTHER STORAGE IN BOND.—Under such regulations as the Secretary or his delegate shall prescribe, distilled spirits—

“(A) of the same kind,

“(B) distilled at the same distillery,

“(C) distilled by the same proprietor (under his own or any trade name), and

“(D) which have been stored in internal revenue bond in the same kind of cooperage for not less than 4 years (or 2 years in the case of rum or brandy),

may, within 8 years of the date of original entry for deposit of the spirits, be mingled on bonded premises for further storage in bond in as many as necessary of the same packages in which the spirits were stored before consolidation. Where distilled spirits produced in different distilling seasons are mingled under this paragraph, the mingled spirits shall consist of not less than 10 percent of spirits of each such season. No spirits mingled under the provisions of this paragraph shall be again mingled under the provisions thereof until at least one year has elapsed since the last prior mingling. For purposes of this chapter, the date of original entry for deposit of the spirits mingled under the provisions of this paragraph shall be the date of original entry for deposit of the youngest spirits contained in the mingled spirits, and the distilling season of such mingled spirits shall be the distilling season of the youngest spirits contained therein. Notwithstanding any other provisions of law, distilled spirits mingled under this paragraph may be bottled and labeled the same as if such spirits had not been so mingled. No statement claiming or implying age in excess of that of the youngest spirits contained in the mingled spirits shall be made on any stamp or label or in any advertisement.

“(b) MINGLING OF DISTILLED SPIRITS FOR NATIONAL DEFENSE.—Under such regulations as the Secretary or his delegate shall prescribe, distilled spirits may be mingled on bonded premises or in the course of removal therefrom, for any purpose incident to the national defense.

“(c) BLENDING OF BEVERAGE RUMS OR BRANDIES.—Fruit brandies distilled from the same kind of fruit at not more than 170 degrees of proof may, for the sole purpose of perfecting such brandies according to commercial standards, be mixed or blended with each other, or with any such mixture or blend, on bonded premises. Rums may, for the sole purpose of perfecting them according to commercial standards, be mixed or blended with each other, or with any such mixture or blend, on bonded premises. Such rums or brandies so mixed or blended may be packaged, stored, transported, transferred in bond, withdrawn free of tax, withdrawn upon payment or determination of tax, or be otherwise disposed of, in the same manner as rums or brandies not so mixed or blended. The Secretary or his delegate may make such rules or regulations as he may deem necessary to carry this subsection into effect.

“(d) CROSS REFERENCE.—

“For provisions imposing a tax on the blending of beverage rums or brandies under subsection (c), see section 5023.

"SEC. 5235. BOTTLING OF ALCOHOL FOR INDUSTRIAL PURPOSES.

"Alcohol for industrial purposes may be bottled, stamped, labeled, and cased on bonded premises of a distilled spirits plant prior to payment or determination of tax, under such regulations as the Secretary or his delegate may prescribe. The provisions of sections 5178 (a) (4) (A), 5205 (a) (1), and 5233 (relating to the bottling of distilled spirits in bond) shall not be applicable to alcohol bottled, stamped, and labeled as such under this section.

"SEC. 5236. DISCONTINUANCE OF STORAGE FACILITIES AND TRANSFER OF DISTILLED SPIRITS.

"When the Secretary or his delegate finds any facilities for the storage of distilled spirits on bonded premises to be unsafe or unfit for use, or the spirits contained therein subject to great loss or wastage, he may require the discontinuance of the use of such facilities and require the spirits contained therein to be transferred to such other storage facilities as he may designate. Such transfer shall be made at such time and under such supervision as the Secretary or his delegate may require and the expense of the transfer shall be paid by the owner or the warehouseman of the distilled spirits. Whenever the owner of such distilled spirits or the warehouseman fails to make such transfer within the time prescribed, or to pay the just and proper expense of such transfer, as ascertained and determined by the Secretary or his delegate, such distilled spirits may be seized and sold by the Secretary or his delegate in the same manner as goods are sold on distraint for taxes, and the proceeds of such sale shall be applied to the payment of the taxes due thereon and the cost and expenses of such sale and removal, and the balance paid over to the owner of such distilled spirits.

"Subpart D—Denaturation

"Sec. 5241. Authority to denature.

"Sec. 5242. Denaturing materials.

"Sec. 5243. Sale of abandoned spirits for denaturation without collection of tax.

"Sec. 5244. Cross references.

"SEC. 5241. AUTHORITY TO DENATURE.

"Under such regulations as the Secretary or his delegate shall prescribe, distilled spirits may be denatured on the bonded premises of any distilled spirits plant operated by a proprietor who is authorized to produce distilled spirits at such plant or on other bonded premises. Any other person operating bonded premises may, at the discretion of the Secretary or his delegate and under such regulations as he may prescribe, be authorized to denature distilled spirits on such bonded premises. Distilled spirits to be denatured under this section shall be of such kind and of such degree of proof as the Secretary or his delegate shall by regulations prescribe.

"SEC. 5242. DENATURING MATERIALS.

"Methanol or other denaturing materials suitable to the use for which the denatured distilled spirits are intended to be withdrawn shall be used for the denaturation of distilled spirits. Denaturing materials shall be such as to render the spirits with which they are admixed unfit for beverage or internal human medicinal use. The character and the quantity of denaturing materials used shall be as prescribed by the Secretary or his delegate by regulations.

“SEC. 5243. SALE OF ABANDONED SPIRITS FOR DENATURATION WITHOUT COLLECTION OF TAX.

“Notwithstanding any other provision of law, any distilled spirits abandoned to the United States may be sold, in such cases as the Secretary or his delegate may by regulation provide, to the proprietor of any distilled spirits plant for denaturation, or redistillation and denaturation, without the payment of the internal revenue tax thereon.

“SEC. 5244. CROSS REFERENCES.

“(1) For provisions authorizing the withdrawal from the bonded premises of a distilled spirits plant of denatured distilled spirits, see section 5214 (a) (1).

“(2) For provisions requiring a permit to procure specially denatured distilled spirits, see section 5271.

“PART III—OPERATIONS ON BOTTLING PREMISES

“Sec. 5251. Notice of intention to rectify.

“Sec. 5252. Regulation of operations.

“SEC. 5251. NOTICE OF INTENTION TO RECTIFY.

“The Secretary or his delegate may by regulations require the proprietor of any distilled spirits plant authorized to rectify distilled spirits or wines to give notice of his intention to rectify or compound any distilled spirits or wines. Any notice so required shall be in such form, shall be submitted at such time, and shall contain such information as the Secretary or his delegate may by regulations prescribe.

“SEC. 5252. REGULATION OF OPERATIONS.

“(1) For general provisions relating to operations on bottling premises, see part I of this subchapter.

“(2) For provisions relating to bottling and packaging of wines on bottling premises, see section 5363.

“Subchapter D—Industrial Use of Distilled Spirits

“Sec. 5271. Permits.

“Sec. 5272. Bonds.

“Sec. 5273. Sale, use, and recovery of denatured distilled spirits.

“Sec. 5274. Applicability of other laws.

“Sec. 5275. Records and reports.

“SEC. 5271. PERMITS.

“(a) REQUIREMENTS.—No person shall—

“(1) procure or use distilled spirits free of tax under the provisions of section 5214 (a) (2) or (3); or

“(2) procure, deal in, or use specially denatured distilled spirits; or

“(3) recover specially or completely denatured distilled spirits, until he has filed an application with and received a permit to do so from the Secretary or his delegate.

“(b) FORM OF APPLICATION AND PERMIT.—

“(1) The application required by subsection (a) shall be in such form, shall be submitted at such times, and shall contain such information, as the Secretary or his delegate shall by regulations prescribe.

“(2) Permits under this section shall, under such regulations as the Secretary or his delegate shall prescribe, designate and limit the acts which are permitted, and the place where and time when such acts may be performed. Such permits shall be issued in such form and under such conditions as the Secretary or his delegate may by regulations prescribe.

“(c) DISAPPROVAL OF APPLICATION.—Any application submitted under this section may be disapproved and the permit denied if the

Secretary or his delegate, after notice and opportunity for hearing, finds that—

“(1) in case of an application to withdraw and use distilled spirits free of tax, the applicant is not authorized by law or regulations issued pursuant thereto to withdraw or use such distilled spirits; or

“(2) the applicant (including, in the case of a corporation, any officer, director, or principal stockholder, and, in the case of a partnership, a partner) is, by reason of his business experience, financial standing, or trade connections, not likely to maintain operations in compliance with this chapter; or

“(3) the applicant has failed to disclose any material information required, or made any false statement as to any material fact, in connection with his application; or

“(4) the premises on which it is proposed to conduct the business are not adequate to protect the revenue.

“(d) CHANGES AFTER ISSUANCE OF PERMIT.—With respect to any change relating to the information contained in the application for a permit issued under this section, the Secretary or his delegate may by regulations require the filing of written notice of such change and, where the change affects the terms of the permit, require the filing of an amended application.

“(e) SUSPENSION OR REVOCATION.—If, after notice and hearing, the Secretary or his delegate finds that any person holding a permit issued under this section—

“(1) has not in good faith complied with the provisions of this chapter or regulations issued thereunder; or

“(2) has violated the conditions of such permit; or

“(3) has made any false statement as to any material fact in his application therefor; or

“(4) has failed to disclose any material information required to be furnished; or

“(5) has violated or conspired to violate any law of the United States relating to intoxicating liquor, or has been convicted of any offense under this title punishable as a felony or of any conspiracy to commit such offense; or

“(6) is, in the case of any person who has a permit under subsection (a) (1) or (a) (2), by reason of his operations, no longer warranted in procuring or using the distilled spirits or specially denatured distilled spirits authorized by his permit; or

“(7) has, in the case of any person who has a permit under subsection (a) (2), manufactured articles which do not correspond to the descriptions and limitations prescribed by law and regulations; or

“(8) has not engaged in any of the operations authorized by the permit for a period of more than 2 years;

such permit may, in whole or in part, be revoked or be suspended for such period as the Secretary or his delegate deems proper.

“(f) DURATION OF PERMITS.—Permits issued under this section, unless terminated by the terms of the permit, shall continue in effect until suspended or revoked as provided in this section, or until voluntarily surrendered.

“(g) POSTING OF PERMITS.—Permits issued under this section, to use distilled spirits free of tax, to deal in or use specially denatured distilled spirits, or to recover specially or completely denatured distilled spirits, shall be kept posted available for inspection on the premises covered by the permit.

“(h) REGULATIONS.—The Secretary or his delegate shall prescribe all necessary regulations relating to issuance, denial, suspension, or

revocation, of permits under this section, and for the disposition of distilled spirits (including specially denatured distilled spirits) procured under permit pursuant to this section which remain unused when such permit is no longer in effect.

"SEC. 5272. BONDS.

"(a) **REQUIREMENTS.**—Before any permit required by section 5271 (a) is granted, the Secretary or his delegate may require a bond, in such form and amount as he may prescribe, to insure compliance with the terms of the permit and the provisions of this chapter.

"(b) **EXCEPTIONS.**—No bond shall be required in the case of permits issued to the United States or any governmental agency thereof, or to the several States and Territories or any political subdivision thereof, or to the District of Columbia.

"SEC. 5273. SALE, USE, AND RECOVERY OF DENATURED DISTILLED SPIRITS.

"(a) **USE OF SPECIALLY DENATURED DISTILLED SPIRITS.**—Any person using specially denatured distilled spirits in the manufacture of articles shall file such formulas and statements of process, submit such samples, and comply with such other requirements, as the Secretary or his delegate shall by regulations prescribe, and no person shall use specially denatured distilled spirits in the manufacture or production of any article until approval of the article, formula, and process has been obtained from the Secretary or his delegate.

"(b) INTERNAL MEDICINAL PREPARATIONS AND FLAVORING EXTRACTS.—

"(1) **MANUFACTURE.**—No person shall use denatured distilled spirits in the manufacture of medicinal preparations or flavoring extracts for internal human use where any of the spirits remains in the finished product.

"(2) **SALE.**—No person shall sell or offer for sale for internal human use any medicinal preparations or flavoring extracts manufactured from denatured distilled spirits where any of the spirits remains in the finished product.

"(c) **RECOVERY OF SPIRITS FOR REUSE IN MANUFACTURING.**—Manufacturers employing processes in which denatured distilled spirits withdrawn under section 5214 (a) (1) are expressed, evaporated, or otherwise removed, from the articles manufactured shall be permitted to recover such distilled spirits and to have such distilled spirits restored to a condition suitable solely for reuse in manufacturing processes under such regulations as the Secretary or his delegate may prescribe.

"(d) **PROHIBITED WITHDRAWAL OR SALE.**—No person shall withdraw or sell denatured distilled spirits, or sell any article containing denatured distilled spirits for beverage purposes.

"(e) CROSS REFERENCES.—

"(1) For penalty and forfeiture for unlawful use or concealment of denatured distilled spirits, see section 5607.

"(2) For applicability of all provisions of law relating to distilled spirits that are not denatured, including those requiring payment of tax, to denatured distilled spirits or articles produced, withdrawn, sold, transported, or used in violation of law or regulations, see section 5001 (a) (6).

"(3) For definition of 'articles', see section 5002 (a) (11).

"SEC. 5274. APPLICABILITY OF OTHER LAWS.

"The provisions, including penalties, of sections 9 and 10 of the Federal Trade Commission Act (15 U. S. C., secs. 49, 50), as now or hereafter amended, shall apply to the jurisdiction, powers, and duties of the Secretary or his delegate under this subtitle, and to any person (whether or not a corporation) subject to the provisions of this subtitle.

"SEC. 5275. RECORDS AND REPORTS.

"Every person procuring or using distilled spirits withdrawn under section 5214 (a) (2) or (3), or procuring, dealing in, or using specially denatured distilled spirits, or recovering specially denatured or completely denatured distilled spirits, shall keep such records and file such reports of the receipt and use of distilled spirits withdrawn free of tax, of the receipt, disposition, use, and recovery of denatured distilled spirits, the manufacture and disposition of articles, and such other information as the Secretary or his delegate may by regulations require. The Secretary or his delegate may require any person reprocessing, bottling, or repackaging articles, or dealing in completely denatured distilled spirits or articles, to keep such records, submit such reports, and comply with such other requirements as he may by regulations prescribe. Records required to be kept under this section and a copy of all reports required to be filed shall be preserved as regulations shall prescribe and shall be kept available for inspection by any internal revenue officer during business hours. Such officer may also inspect and take samples of distilled spirits, denatured distilled spirits, or articles (including any substances for use in the manufacture thereof), to which such records or reports relate.

**"Subchapter E—General Provisions Relating to
Distilled Spirits**

"Part I. Return of materials used in the manufacture or recovery of distilled spirits.

"Part II. Regulation of traffic in containers of distilled spirits.

"Part III. Miscellaneous provisions.

"PART I—RETURN OF MATERIALS USED IN THE MANUFACTURE OR RECOVERY OF DISTILLED SPIRITS

"Sec. 5291. General.

"SEC. 5291. GENERAL.

"(a) **REQUIREMENT.**—Every person disposing of any substance of the character used in the manufacture of distilled spirits, or disposing of denatured distilled spirits or articles from which distilled spirits may be recovered, shall, when required by the Secretary or his delegate, render a correct return, in such form and manner as the Secretary or his delegate may by regulations prescribe, showing the name and address of the person to whom each disposition was made, with such details, as to the quantity so disposed of or other information which the Secretary or his delegate may require as to each such disposition, as will enable the Secretary or his delegate to determine whether all taxes due with respect to any distilled spirits manufactured or recovered from any such substance, denatured distilled spirits, or articles, have been paid. Every person required to render a return under this section shall keep such records as will enable such person to render a correct return. Such records shall be preserved for such period as the Secretary or his delegate shall by regulations prescribe, and shall be kept available for inspection by any internal revenue officer during business hours.

"(b) **CROSS REFERENCES.**—

"(1) For the definition of distilled spirits, see section 5002 (a) (6).

"(2) For the definition of articles, see section 5002 (a) (11).

"(3) For penalty for violation of subsection (a), see section 5605.

“PART II—REGULATION OF TRAFFIC IN CONTAINERS OF DISTILLED SPIRITS

“Sec. 5301. General.

“SEC. 5301. GENERAL.

“(a) **REQUIREMENTS.**—Whenever in his judgment such action is necessary to protect the revenue, the Secretary or his delegate is authorized, by the regulations prescribed by him and permits issued thereunder if required by him—

“(1) to regulate the kind, size, branding, marking, sale, resale, possession, use, and reuse of containers (of a capacity of not more than 5 wine gallons) designed or intended for use for the sale of distilled spirits (within the meaning of such term as it is used in section 5002 (a) (6)) for other than industrial use; and

“(2) to require, of persons manufacturing, dealing in, or using any such containers, the submission to such inspection, the keeping of such records, and the filing of such reports as may be deemed by him reasonably necessary in connection therewith.

Any requirements imposed under this section shall be in addition to any other requirements imposed by, or pursuant to, law and shall apply as well to persons not liable for tax under the internal revenue laws as to persons so liable.

“(b) **DISPOSITION.**—Every person disposing of containers of the character used for the packaging of distilled spirits shall, when required by the Secretary or his delegate, for protection of the revenue, render a correct return, in such form and manner as the Secretary or his delegate may by regulations prescribe, showing the name and address of the person to whom each disposition was made, with such details as to the quantities so disposed of or other information which the Secretary or his delegate may require as to each such disposition. Every person required to render a return under this section shall keep such records as will enable such person to render a correct return. Such records shall be preserved for such period as the Secretary or his delegate shall by regulations prescribe, and shall be kept available for inspection by any internal revenue officer during business hours.

“(c) **REFILLING OF LIQUOR BOTTLES.**—No person who sells, or offers for sale, distilled spirits, or agent or employee of such person, shall—

“(1) place in any liquor bottle any distilled spirits whatsoever other than those contained in such bottle at the time of stamping under the provisions of this chapter; or

“(2) possess any liquor bottle in which any distilled spirits have been placed in violation of the provisions of paragraph (1); or

“(3) by the addition of any substance whatsoever to any liquor bottle, in any manner alter or increase any portion of the original contents contained in such bottle at the time of stamping under the provisions of this chapter; or

“(4) possess any liquor bottle, any portion of the contents of which has been altered or increased in violation of the provisions of paragraph (3);

except that the Secretary or his delegate may by regulations authorize the reuse of liquor bottles, under such conditions as he may by regulations prescribe, if the liquor bottles are to be again stamped under the provisions of this chapter. When used in this subsection the term ‘liquor bottle’ shall mean a liquor bottle or other container which has been used for the bottling or packaging of distilled spirits under regulations issued pursuant to subsection (a).

“(d) **PENALTY.**—

“For penalty for violation of this section, see section 5606.

"PART III—MISCELLANEOUS PROVISIONS

"Sec. 5311. Detention of containers.

"Sec. 5312. Production and use of distilled spirits for experimental research.

"Sec. 5313. Withdrawal of distilled spirits from customs custody free of tax for use of the United States.

"Sec. 5314. Special applicability of certain provisions.

"Sec. 5315. Status of certain distilled spirits on July 1, 1959.

"SEC. 5311. DETENTION OF CONTAINERS.

"It shall be lawful for any internal revenue officer to detain any container containing, or supposed to contain, distilled spirits, wines, or beer, when he has reason to believe that the tax imposed by law on such distilled spirits, wines, or beer has not been paid or determined as required by law, or that such container is being removed in violation of law; and every such container may be held by him at a safe place until it shall be determined whether the property so detained is liable by law to be proceeded against for forfeiture; but such summary detention shall not continue in any case longer than 72 hours without process of law or intervention of the officer to whom such detention is to be reported.

"SEC. 5312. PRODUCTION AND USE OF DISTILLED SPIRITS FOR EXPERIMENTAL RESEARCH.

"(a) **SCIENTIFIC INSTITUTIONS AND COLLEGES OF LEARNING.**—Under such regulations as the Secretary or his delegate may prescribe and on the filing of such bonds and applications as he may require, any scientific university, college of learning, or institution of scientific research may produce, receive, blend, treat, test, and store distilled spirits, without payment of tax, for experimental or research use but not for consumption (other than organoleptic tests) or sale, in such quantities as may be reasonably necessary for such purposes.

"(b) **EXPERIMENTAL DISTILLED SPIRITS PLANTS.**—Under such regulations as the Secretary or his delegate may prescribe and on the filing of such bonds and applications as he may require, experimental distilled spirits plants may, at the discretion of the Secretary or his delegate, be established and operated for specific and limited periods of time solely for experimentation in, or development of—

"(1) sources of materials from which distilled spirits may be produced;

"(2) processes by which distilled spirits may be produced or refined; or

"(3) industrial uses of distilled spirits.

"(c) **AUTHORITY TO EXEMPT.**—The Secretary or his delegate may by regulations provide for the waiver of any provision of this chapter (other than this section) to the extent he deems necessary to effectuate the purposes of this section, except that he may not waive the payment of any tax on distilled spirits removed from any such university, college, institution, or plant.

"SEC. 5313. WITHDRAWAL OF DISTILLED SPIRITS FROM CUSTOMS CUSTODY FREE OF TAX FOR USE OF THE UNITED STATES.

"Distilled spirits may be withdrawn free of tax from customs custody by the United States or any governmental agency thereof for its own use for nonbeverage purposes, under such regulations as may be prescribed by the Secretary or his delegate.

"SEC. 5314. SPECIAL APPLICABILITY OF CERTAIN PROVISIONS.

"(a) **PUERTO RICO.**—

"(1) **APPLICABILITY.**—The provisions of this subsection shall not apply to the Commonwealth of Puerto Rico unless the Legislative Assembly of the Commonwealth of Puerto Rico expressly consents thereto in the manner prescribed in the constitution of

the Commonwealth of Puerto Rico for the enactment of a law.

“(2) IN GENERAL.—Distilled spirits for the purposes authorized in section 5214 (a) (2) and (3), denatured distilled spirits, and articles, as described in this paragraph, produced or manufactured in Puerto Rico, may be brought into the United States free of any tax imposed by section 5001 (a) (4) or 7652 (a) (1) for disposal under the same conditions as like spirits, denatured spirits, and articles, produced or manufactured in the United States; and the provisions of this chapter and regulations promulgated thereunder (and all other provisions of the internal revenue laws applicable to the enforcement thereof, including the penalties of special application thereto) relating to the production, bonded warehousing, and denaturation of distilled spirits, to the withdrawal of distilled spirits or denatured distilled spirits, and to the manufacture of articles from denatured distilled spirits, shall, insofar as applicable, extend to and apply in Puerto Rico in respect of—

“(A) distilled spirits for shipment to the United States for the purposes authorized in section 5214 (a) (2) and (3);

“(B) distilled spirits for denaturation;

“(C) denatured distilled spirits for shipment to the United States;

“(D) denatured distilled spirits for use in the manufacture of articles for shipment to the United States; and

“(E) articles, manufactured from denatured distilled spirits, for shipment to the United States.

“(3) WITHDRAWALS AUTHORIZED BY PUERTO RICO.—Distilled spirits (including denatured distilled spirits) may be withdrawn from the bonded premises of a distilled spirits plant in Puerto Rico pursuant to authorization issued under the laws of the Commonwealth of Puerto Rico; such spirits so withdrawn, and products containing such spirits so withdrawn, may not be brought into the United States free of tax.

“(4) COSTS OF ADMINISTRATION.—Any expenses incurred by the Treasury Department in connection with the enforcement in Puerto Rico of the provisions of this subtitle and section 7652 (a), and regulations promulgated thereunder, shall be charged against and retained out of taxes collected under this title in respect of commodities of Puerto Rican manufacture brought into the United States. The funds so retained shall be deposited as a reimbursement to the appropriation to which such expenses were originally charged.

“(b) VIRGIN ISLANDS.—

“(1) IN GENERAL.—Distilled spirits for the purposes authorized in section 5214 (a) (2) and (3), denatured distilled spirits, and articles, as described in this paragraph, produced or manufactured in the Virgin Islands, may be brought into the United States free of any tax imposed by section 7652 (b) (1) for disposal under the same conditions as like spirits, denatured spirits, and articles, produced or manufactured in the United States; and the provisions of this chapter and regulations promulgated thereunder (and all other provisions of the internal revenue laws applicable to the enforcement thereof, including the penalties of special application thereto) relating to the production, bonded warehousing, and denaturation of distilled spirits, to the withdrawal of distilled spirits or denatured distilled spirits, and to the manufacture of articles from denatured distilled spirits, shall, insofar as applicable, extend to and apply in the Virgin Islands in respect of—

“(A) distilled spirits for shipment to the United States for the purposes authorized in section 5214 (a) (2) and (3);

“(B) distilled spirits for denaturation;

“(C) denatured distilled spirits for shipment to the United States;

“(D) denatured distilled spirits for use in the manufacture of articles for shipment to the United States; and

“(E) articles, manufactured from denatured distilled spirits, for shipment to the United States.

“(2) **ADVANCE OF FUNDS.**—The insular government of the Virgin Islands shall advance to the Treasury of the United States such funds as may be required from time to time by the Secretary or his delegate for the purpose of defraying all expenses incurred by the Treasury Department in connection with the enforcement in the Virgin Islands of paragraph (1) and regulations promulgated thereunder. The funds so advanced shall be deposited in a separate trust fund in the Treasury of the United States and shall be available to the Treasury Department for the purposes of this subsection.

“(3) **REGULATIONS ISSUED BY VIRGIN ISLANDS.**—The Secretary or his delegate may authorize the Governor of the Virgin Islands, or his duly authorized agents, to issue or adopt such regulations, to approve such bonds, and to issue, suspend, or revoke such permits, as are necessary to carry out the provisions of this subsection. When regulations have been issued or adopted under this paragraph with concurrence of the Secretary or his delegate he may exempt the Virgin Islands from any provisions of law and regulations otherwise made applicable by the provisions of paragraph (1), except that denatured distilled spirits, articles, and distilled spirits for tax-free purposes which are brought into the United States from the Virgin Islands under the provisions of this subsection shall in all respects conform to the requirements of law and regulations imposed on like products of domestic manufacture.

“SEC. 5315. STATUS OF CERTAIN DISTILLED SPIRITS ON JULY 1, 1959.

“(a) **IN REGISTERED DISTILLERIES, FRUIT DISTILLERIES, AND INDUSTRIAL ALCOHOL PLANTS.**—All distilled spirits which, at the close of June 30, 1959, are in registered distilleries, registered fruit distilleries, and industrial alcohol plants (including spirits received for redistillation) and which have not been entered for deposit in storage in internal revenue bond or for withdrawal (including transfer or withdrawal for denaturation) as provided by law, shall be treated as if in the process of production in a distilled spirits plant.

“(b) **PRODUCED AT REGISTERED DISTILLERIES, FRUIT DISTILLERIES, AND INDUSTRIAL ALCOHOL PLANTS.**—All distilled spirits produced at registered distilleries, registered fruit distilleries, or industrial alcohol plants, which before July 1, 1959, have been entered for deposit in storage in internal revenue bond (including distilled spirits withdrawn for denaturation), and which immediately prior to such date are in registered distilleries, registered fruit distilleries, industrial alcohol plants, internal revenue bonded warehouses, industrial alcohol bonded warehouses, industrial alcohol denaturing plants, and distillery denaturing bonded warehouses, or in transit thereto, shall be stored, transferred, withdrawn, and used under the same conditions as like distilled spirits or denatured distilled spirits produced in a distilled spirits plant.

“(c) **WITHDRAWN FROM CUSTOMS CUSTODY.**—All imported distilled spirits which before July 1, 1959, have been withdrawn from customs custody without payment of the internal revenue tax for transfer to

an industrial alcohol plant, industrial alcohol bonded warehouse or industrial alcohol denaturing plant, and which immediately prior to such date are in registered distilleries, registered fruit distilleries, industrial alcohol plants, internal revenue bonded warehouses, industrial alcohol bonded warehouses, and industrial alcohol denaturing plants, or in transit thereto, shall be stored, transferred, withdrawn, and used under the same conditions as like spirits withdrawn from customs custody without payment of tax and transferred to the bonded premises of a distilled spirits plant.

“(d) **WITHDRAWN FREE OF TAX.**—Distilled spirits which before July 1, 1959, have been withdrawn free of tax for purposes similar to those authorized under section 5214 (a) (1), (a) (2), or (a) (3), as provided by law, by any person holding a permit for such withdrawal, and which immediately prior to such date are lawfully in the possession of, or in transit to, any person holding a permit to procure or use distilled spirits (including specially denatured distilled spirits) free of tax or to deal in or recover specially denatured distilled spirits, shall be treated as if withdrawn from the bonded premises of a distilled spirits plant under the applicable provisions of section 5214 (a) (1), (a) (2), or (a) (3).

“(e) **WITHDRAWN FOR USE IN THE PRODUCTION OF WINE.**—Distilled spirits which before July 1, 1959, have been withdrawn without payment of tax by the proprietor of a bonded wine cellar, as authorized by law, for use in the production of wine, and which before such date had not been used in the production of wine, shall be considered for the purposes of section 5373 the same as if produced in a distilled spirits plant and withdrawn under the provisions of section 5214 (a) (5).

“Subchapter F—Bonded and Taxpaid Wine Premises

“Part I. Establishment.

“Part II. Operations.

“Part III. Cellar treatment and classification of wine.

“Part IV. General.

“PART I—ESTABLISHMENT

“Sec. 5351. Bonded wine cellar.

“Sec. 5352. Taxpaid wine bottling house.

“Sec. 5353. Bonded wine warehouse.

“Sec. 5354. Bond.

“Sec. 5355. General provisions relating to bonds.

“Sec. 5356. Application.

“Sec. 5357. Premises.

“SEC. 5351. BONDED WINE CELLAR.

“Any person establishing premises for the production, blending, cellar treatment, storage, bottling, packaging, or repackaging of untaxed wine (other than wine produced exempt from tax under section 5042), including the use of wine spirits in wine production, shall, before commencing operations, make application to the Secretary or his delegate and file bond and receive permission to operate. Such premises shall be known as ‘bonded wine cellars’; except that any such premises engaging in production operations may, in the discretion of the Secretary or his delegate, be designated as a ‘bonded winery’.

“SEC. 5352. TAXPAID WINE BOTTLING HOUSE.

“Any person bottling, packaging, or repackaging taxpaid wines at premises other than the bottling premises of a distilled spirits plant shall, before commencing such operations, make application to the

Secretary or his delegate and receive permission to operate. Such premises shall be known as 'taxpaid wine bottling houses'.

"SEC. 5353. BONDED WINE WAREHOUSE.

"Any responsible warehouse company or other responsible person may, upon filing application with the Secretary or his delegate and consent of the proprietor and the surety on the bond of any bonded wine cellar, under regulations prescribed by the Secretary or his delegate, establish on such premises facilities for the storage of wines and allied products for credit purposes, to be known as a 'bonded wine warehouse'. The proprietor of the bonded wine cellar shall remain responsible in all respects for operations in the warehouse and the tax on the wine or wine spirits stored therein.

"SEC. 5354. BOND.

"The bond for a bonded wine cellar shall be in such form, on such conditions, and with such adequate surety, as regulations issued by the Secretary or his delegate shall prescribe, and shall be in a penal sum not less than the tax on any wine or wine spirits possessed or in transit at any one time, but not less than \$1,000 nor more than \$50,000; except that where the tax on such wine and on such wine spirits exceeds \$250,000, the penal sum of the bond shall be not more than \$100,000. Where additional liability arises as a result of deferral of payment of tax payable on any return, the Secretary or his delegate may require the proprietor to file a supplemental bond in such amount as may be necessary to protect the revenue. The liability of any person on any such bond shall apply whether the transaction or operation on which the liability of the proprietor is based occurred on or off the proprietor's premises.

"SEC. 5355. GENERAL PROVISIONS RELATING TO BONDS.

"The provisions of section 5551 (relating to bonds) shall be applicable to the bonds required under section 5354.

"SEC. 5356. APPLICATION.

"The application required by this part shall disclose, as regulations issued by the Secretary or his delegate shall provide, such information as may be necessary to enable the Secretary or his delegate to determine the location and extent of the premises, the type of operations to be conducted on such premises, and whether the operations will be in conformity with law and regulations.

"SEC. 5357. PREMISES.

"Bonded wine cellar premises, including noncontiguous portions thereof, shall be so located, constructed, and equipped, as to afford adequate protection to the revenue, as regulations prescribed by the Secretary or his delegate may provide.

"PART II—OPERATIONS

- "Sec. 5361. Bonded wine cellar operations.
- "Sec. 5362. Removals of wine from bonded wine cellars
- "Sec. 5363. Taxpaid wine bottling house operations.
- "Sec. 5364. Standard wine premises.
- "Sec. 5365. Segregation of operations.
- "Sec. 5366. Supervision.
- "Sec. 5367. Records.
- "Sec. 5368. Gauging, marking, and stamping.
- "Sec. 5369. Inventories.
- "Sec. 5370. Losses.
- "Sec. 5371. Insurance coverage, etc.
- "Sec. 5372. Sampling.
- "Sec. 5373. Wine spirits.

"SEC. 5361. BONDED WINE CELLAR OPERATIONS.

"In addition to the operations described in section 5351, the proprietor of a bonded wine cellar may, subject to regulations prescribed by the Secretary or his delegate, on such premises receive unmerchantable taxpaid wine for return to bond, reconditioning, or destruction; prepare for market and store commercial fruit products and by-products not taxable as wines; produce or receive distilling material or vinegar stock; produce (with or without added wine spirits, and without added sugar) or receive on standard wine premises only, subject to tax as wine but not for sale or consumption as beverage wine, (1) heavy bodied blending wines and Spanish-type blending sheries, and (2) other wine products made from natural wine for nonbeverage purposes; and such other operations as may be conducted in a manner that will not jeopardize the revenue or conflict with wine operations.

"SEC. 5362. REMOVALS OF WINE FROM BONDED WINE CELLARS.

"(a) **WITHDRAWALS ON DETERMINATION OF TAX.**—Wine may be withdrawn from bonded wine cellars on payment or determination of the tax thereon, under such regulations as the Secretary or his delegate shall prescribe.

"(b) **TRANSFERS OF WINE BETWEEN BONDED WINE CELLARS.**—Wine on which the internal revenue tax has not been paid or determined may, under such regulations as the Secretary or his delegate shall prescribe, be transferred in bond between bonded wine cellars. For the purposes of this chapter, the removal of wine for transfer in bond between bonded wine cellars shall not be construed to be a removal for consumption or sale.

"(c) **WITHDRAWALS OF WINE FREE OF TAX OR WITHOUT PAYMENT OF TAX.**—Wine on which the tax has not been paid or determined may, under such regulations and bonds as the Secretary or his delegate may deem necessary to protect the revenue, be withdrawn from bonded wine cellars—

"(1) without payment of tax for export by the proprietor or by any authorized exporter;

"(2) without payment of tax for transfer to any foreign-trade zone;

"(3) without payment of tax for use of certain vessels and aircraft as authorized by law;

"(4) without payment of tax for transfer to any class 6 customs manufacturing warehouse;

"(5) without payment of tax for use in the production of vinegar;

"(6) without payment of tax for use in distillation in any distilled spirits plant authorized to produce distilled spirits;

"(7) free of tax for experimental or research purposes by any scientific university, college of learning, or institution of scientific research;

"(8) free of tax for use by or for the account of the proprietor or his agents for analysis or testing, organoleptic or otherwise; and

"(9) free of tax for use by the United States or any agency thereof, and for use for analysis, testing, research, or experimentation by the governments of the several States and Territories and the District of Columbia or of any political subdivision thereof or by any agency of such governments. No bond shall be required of any such government or agency under this paragraph.

"SEC. 5363. TAXPAID WINE BOTTLING HOUSE OPERATIONS.

"In addition to the operations described in section 5352, the proprietor of a taxpaid wine bottling house may, subject to regulations issued by the Secretary or his delegate, on such premises mix wine of the same kind and taxable grade to facilitate handling; preserve, filter, or clarify wine; and conduct operations not involving wine where such operations will not jeopardize the revenue or conflict with wine operations. This subchapter shall apply to any wine received on the bottling premises of any distilled spirits plant for bottling, packaging, or repackaging, and to all operations relative thereto. Sections 5021, 5081, and 5082 shall not apply to the mixing or treatment of taxpaid wine under this section.

"SEC. 5364. STANDARD WINE PREMISES.

"Except as otherwise specifically provided in this subchapter, no proprietor of a bonded wine cellar or taxpaid wine bottling house engaged in producing, receiving, storing or using any standard wine, shall produce, receive, store, or use any wine other than standard wine. The limitation contained in the preceding sentence shall not prohibit the production or receipt of high fermentation wines, distilling material, or vinegar stock in any bonded wine cellar.

"SEC. 5365. SEGREGATION OF OPERATIONS.

"The Secretary or his delegate may require by regulations such segregation of operations within the premises, by partitions or otherwise, as may be necessary to prevent jeopardy to the revenue, to prevent confusion between un taxpaid wine operations and such other operations as are authorized in this subchapter, or to prevent substitution with respect to the several methods of producing effervescent wines.

"SEC. 5366. SUPERVISION.

"The Secretary or his delegate may by regulations require that operations at a bonded wine cellar or taxpaid wine bottling house be supervised by an internal revenue officer where necessary for the protection of the revenue or for the proper enforcement of this subchapter.

"SEC. 5367. RECORDS.

"The proprietor of a bonded wine cellar or a taxpaid wine bottling house shall keep such records and file such returns, in such form and containing such information, as the Secretary or his delegate may by regulations provide.

"SEC. 5368. GAUGING, MARKING, AND STAMPING.

"(a) **GAUGING AND MARKING.**—All wine or wine spirits shall be locked, sealed, and gauged, and shall be marked, branded, labeled, or otherwise identified, in such manner as the Secretary or his delegate may by regulations prescribe.

"(b) **STAMPING.**—Wines shall be removed in such containers (including vessels, vehicles, and pipelines) bearing such marks, labels, and stamps, evidencing compliance with this chapter, as the Secretary or his delegate may by regulations prescribe.

"SEC. 5369. INVENTORIES.

"Each proprietor of premises subject to the provisions of this subchapter shall take and report such inventories as the Secretary or his delegate may by regulations prescribe.

"SEC. 5370. LOSSES.

"(a) **GENERAL.**—No tax shall be collected in respect of any wines lost or destroyed while in bond, except that tax shall be collected—

"(1) **THEFT.**—In the case of loss by theft, unless the Secretary or his delegate shall find that the theft occurred without connivance, collusion, fraud, or negligence on the part of the pro-

prietor or other person responsible for the tax, or the owner, consignor, consignee, bailee, or carrier, or the agents or employees of any of them; and

“(2) VOLUNTARY DESTRUCTION.—In the case of voluntary destruction, unless the wine was destroyed under Government supervision, or on such adequate notice to, and approval by, the Secretary or his delegate as regulations shall provide.

“(b) PROOF OF LOSS.—In any case in which the wine is lost or destroyed, whether by theft or otherwise, the Secretary or his delegate may require by regulations the proprietor of the bonded wine cellar or other person liable for the tax to file a claim for relief from the tax and submit proof as to the cause of such loss. In every case where it appears that the loss was by theft, the burden shall be on the proprietor or other person liable for the tax to establish to the satisfaction of the Secretary or his delegate, that such loss did not occur as the result of connivance, collusion, fraud, or negligence on the part of the proprietor, owner, consignor, consignee, bailee, or carrier, or the agents or employees of any of them.

“SEC. 5371. INSURANCE COVERAGE, ETC.

“Any remission, abatement, refund, or credit of, or other relief from, taxes on wines or wine spirits authorized by law shall be allowed only to the extent that the claimant is not indemnified or recompensed for the tax.

“SEC. 5372. SAMPLING.

“Under regulations prescribed by the Secretary or his delegate, wine may be utilized in any bonded wine cellar for testing, tasting, or sampling, free of tax.

“SEC. 5373. WINE SPIRITS.

“(a) IN GENERAL.—The wine spirits authorized to be used in wine production shall be brandy or wine spirits produced in a distilled spirits plant (with or without the use of water to facilitate extraction and distillation) exclusively from fresh or dried fruit, or their residues, or the wine or wine residue therefrom (except that where, in the production of natural wine, sugar has been used, the wine or the residuum thereof may not be used, if the unfermented sugars therein have been refermented). Such wine spirits shall not be reduced with water from distillation proof, nor be distilled, unless regulations otherwise provide, at less than 140 degrees of proof (except that commercial brandy aged in wood for a period of not less than 2 years, and barreled at not less than 100 degrees of proof, shall be deemed wine spirits for the purpose of this subsection).

“(b) WITHDRAWAL OF WINE SPIRITS.—

“(1) The proprietor of any bonded wine cellar may withdraw and receive wine spirits without payment of tax from the bonded premises of any distilled spirits plant, or from any bonded wine cellar as provided in paragraph (2), for use in the production of natural wine, for addition to concentrated or unconcentrated juice for use in wine production, or for such other uses as may be authorized in this subchapter.

“(2) Wine spirits so withdrawn, and not used in wine production or as otherwise authorized in this subchapter, may, as provided by regulations prescribed by the Secretary or his delegate, be transferred to the bonded premises of any distilled spirits plant or bonded wine cellar, or may be taxpaid and removed as provided by law.

“(3) On such use, transfer, or taxpayment, the Secretary or his delegate shall credit the proprietor with the amount of wine spirits so used or transferred or taxpaid and, in addition, with

such portion of wine spirits so withdrawn as may have been lost either in transit or on the bonded wine cellar premises, to the extent allowable under section 5008 (a). Where the proprietor has used wine spirits in actual wine production but in violation of the requirements of this subchapter, the Secretary or his delegate shall also extend such credit to the wine spirits so used if the proprietor satisfactorily shows that such wine spirits were not knowingly used in violation of law.

“(4) Suitable samples of brandy or wine spirits may, under regulations prescribed by the Secretary or his delegate, be withdrawn free of tax from the bonded premises of any distilled spirits plant, bonded wine cellar, or authorized experimental premises, for analysis or testing.

“(c) **DISTILLATES CONTAINING ALDEHYDES.**—When the Secretary or his delegate deems such removal and use will not jeopardize the revenue nor unduly increase administrative supervision, distillates containing aldehydes may, under such regulations as the Secretary or his delegate may prescribe, be removed without payment of tax from the bonded premises of a distilled spirits plant to an adjacent bonded wine cellar and used therein in fermentation of wine to be used as distilling material at the distilled spirits plant from which such unfinished distilled spirits were removed.

“PART III—CELLAR TREATMENT AND CLASSIFICATION OF WINE

“Sec. 5381. Natural wine.

“Sec. 5382. Cellar treatment of natural wine.

“Sec. 5383. Amelioration and sweetening limitations for natural grape wines.

“Sec. 5384. Amelioration and sweetening limitations for natural fruit and berry wines.

“Sec. 5385. Specially sweetened natural wines.

“Sec. 5386. Special natural wines.

“Sec. 5387. Agricultural wines.

“Sec. 5388. Designation of wines.

“SEC. 5381. NATURAL WINE.

“Natural wine is the product of the juice or must of sound, ripe grapes or other sound, ripe fruit, made with such cellar treatment as may be authorized under section 5382 and containing not more than 21 percent by weight of total solids. Any wine conforming to such definition except for having become substandard by reason of its condition shall be deemed not to be natural wine and shall, unless the condition is corrected, be removed in due course for distillation, destroyed under Government supervision, or transferred to premises in which wines other than natural wine may be stored or used.

“SEC. 5382. CELLAR TREATMENT OF NATURAL WINE.

“(a) **GENERAL.**—Proper cellar treatment of natural wine constitutes those practices and procedures in the United States and elsewhere, whether historical or newly developed, of using various methods and materials to correct or stabilize the wine, or the fruit juice from which it is made, so as to produce a finished product acceptable in good commercial practice. Where a particular treatment has been used in customary commercial practice, it shall continue to be recognized as a proper cellar treatment in the absence of regulations prescribed by the Secretary or his delegate finding such treatment not to be a proper cellar treatment within the meaning of this subsection.

“(b) SPECIFICALLY AUTHORIZED TREATMENTS.—The practices and procedures specifically enumerated in this subsection shall be deemed proper cellar treatment for natural wine:

“(1) The preparation and use of pure concentrated or unconcentrated juice or must. Concentrated juice or must reduced with water to its original density or to not less than 22 degrees Brix or unconcentrated juice or must reduced with water to not less than 22 degrees Brix shall be deemed to be juice or must, and shall include such amounts of water to clear crushing equipment as regulations prescribed by the Secretary or his delegate may provide.

“(2) The addition to natural wine, or to concentrated or unconcentrated juice or must, from one kind of fruit, of wine spirits (whether or not taxpaid) distilled in the United States from the same kind of fruit; except that (A) the wine, juice, or concentrate shall not have an alcoholic content in excess of 24 percent by volume after the addition of wine spirits, and (B) in the case of still wines, wine spirits may be added only to natural wines of the winemaker's own production made without added sugar or reserved as provided in sections 5383 (b) and 5384 (b).

“(3) Amelioration and sweetening of natural grape wines in accordance with section 5383.

“(4) Amelioration and sweetening of natural wines from fruits other than grapes in accordance with section 5384.

“(5) In the case of effervescent wines, such preparations for refermentation and for dosage as may be acceptable in good commercial practice, but only if the alcoholic content of the finished product does not exceed 14 percent by volume.

“(6) The natural darkening of the sugars or other elements in juice, must, or wine due to storage, concentration, heating processes, or natural oxidation.

“(7) The blending of natural wines with each other or with heavy-bodied blending wine or with concentrated or unconcentrated juice, whether or not such juice contains wine spirits, if the wines, juice, or wine spirits are from the same kind of fruit.

“(8) Such use of acids to correct natural deficiencies and stabilize the wine as may be acceptable in good commercial practice.

“(c) OTHER AUTHORIZED TREATMENT.—The Secretary or his delegate may by regulations prescribe limitations on the preparation and use of clarifying, stabilizing, preserving, fermenting, and corrective methods or materials, to the extent that such preparation or use is not acceptable in good commercial practice.

“SEC. 5383. AMELIORATION AND SWEETENING LIMITATIONS FOR NATURAL GRAPE WINES.

“(a) SWEETENING OF GRAPE WINES.—Any natural grape wine made under this section may, if not in reserve inventory as hereinafter provided, be sweetened after fermentation and before taxpayment with pure dry sugar if the sugar solids content of the finished wine does not exceed 10 percent of the weight of the wine and the alcoholic content of the finished wine after sweetening is less than 14 percent by volume.

“(b) HIGH ACID WINES.—

“(1) Any natural grape wine of a winemaker's own production may, under this subsection, be ameliorated to correct high acid content, and, whether or not ameliorated, may be reserved as herein provided.

“(2) To wines produced under this subsection there may be added to the juice or to the wine, or both, before or during fermentation (including wines held pursuant to regulation in intermediate storage for completion of amelioration), ameliorat-

ing material consisting of either water, or pure dry sugar, or a combination of water and pure dry sugar, in such total volume as may be necessary to reduce the natural fixed acid content of the mixture of juice and such ameliorating material to a minimum of 5 parts per thousand (calculated before fermentation and as tartaric acid), but in no event shall the volume of such ameliorating material exceed 35 percent of the total volume of such ameliorated juice (calculated exclusive of pulp). The wine so made shall be transferred to a reserve inventory established as regulation issued by the Secretary or his delegate shall require; except that such wine containing less than 14 percent alcohol by volume after complete fermentation, or after complete fermentation and sweetening, need not be transferred into reserve inventory if all claim to further amelioration is waived.

“(3) The wines in the reserve inventory may be sweetened with dry sugar in an amount not exceeding, for the aggregate of the inventory—

“(A) the dry sugar equivalent of any volume of authorized ameliorating material not used for wine so transferred, plus

“(B) nine-tenths pound of dry sugar for each gallon of wine so transferred and such unused ameliorating material combined.

“(4) Wines so reserved may be blended together and sweetened with pure dry sugar to the extent provided in paragraph (3) or with concentrated or unconcentrated grape juice, and may have wine spirits added if such wine contains less than 14 percent of alcohol by volume at the time of such addition (unless wine spirits were previously added). Any wines withdrawn from reserve inventory shall have an alcoholic content of less than 14 percent by volume and a total solids content not exceeding 21 percent by weight, except that, if wine spirits have been added and the alcoholic content is 14 percent by volume or more, the sugar solids content shall not exceed 15 percent by weight.

“(5) The winemaker shall maintain and balance for his reserve inventory such accounts as regulations issued by the Secretary or his delegate shall prescribe.

“SEC. 5384. AMELIORATION AND SWEETENING LIMITATIONS FOR NATURAL FRUIT AND BERRY WINES.

“(a) **IN GENERAL.**—To natural wine made from berries or fruit other than grapes, pure dry sugar may be added to the juice in the fermenter, or to the wine after fermentation; but only if such wine has less than 14 percent alcohol by volume after complete fermentation, or after complete fermentation and sweetening, and a total solids content not in excess of 21 percent by weight.

“(b) **RESERVE FRUIT AND BERRY WINES.**—

“(1) Any natural fruit or berry wine (other than grape wine) of a winemaker's own production may, if not made under subsection (a) of this section, be ameliorated to correct high acid content, and, whether or not ameliorated, may be reserved as herein provided. Separate reserve inventories shall be established for wines made from each different kind of fruit.

“(2) Pure dry sugar may be used in the production of wines under this subsection for the purpose of correcting natural deficiencies. The quantity of sugar so used shall not exceed the quantity which would have been required to adjust the juice, prior to fermentation, to a total solids content of 25 degrees (Brix). Such sugar shall be added prior to the completion of fermentation of the wine. After such addition of the sugar, the wine or juice shall be treated and accounted for as provided in section

5383 (b), covering the production of reserved high acid grape wines, except that—

“(A) Natural fixed acid shall be calculated as malic acid for apple wine and as citric acid for other fruit and berry wines, instead of tartaric acid;

“(B) Juice adjusted with pure dry sugar as provided in this paragraph shall be treated in the same manner as original natural juice under the provisions of section 5383 (b);

“(C) Wines made under this subsection may be withdrawn from reserve inventory with a total solids content of not more than 21 percent by weight, whether or not wine spirits have been added; and

“(D) Wines made exclusively from loganberries, currants, or gooseberries, shall be entitled to a volume of ameliorating material not in excess of 60 percent (in lieu of 35 percent).

“SEC. 5385. SPECIALLY SWEETENED NATURAL WINES.

“(a) DEFINITION.—Specially sweetened natural wine is the product made by adding to natural wine of the winemaker's own production a sufficient quantity of pure dry sugar, or juice or concentrated juice from the same kind of fruit, separately or in combination, to produce a finished product having a sugar solids content in excess of 15 percent by weight and an alcoholic content of less than 14 percent by volume, and shall include extra sweet kosher wine and similarly heavily sweetened wines.

“(b) BLENDING, ETC.—The winemaker may blend specially sweetened natural wine from the same kind of fruit either before or after the special sweetening, or with additional natural wine or heavy-bodied blending wine from the same kind of fruit in the further production of specially sweetened natural wine only, and may cellar treat any such wines as provided in section 5382 (c). Wine spirits may not be added to specially sweetened natural wine, nor may such wine be blended except to produce a specially sweetened natural wine.

“SEC. 5386. SPECIAL NATURAL WINES.

“(a) IN GENERAL.—Special natural wines are the products made, pursuant to a formula approved under this section, from a base of natural wine (including heavy-bodied blending wine) exclusively, with the addition, before, during or after fermentation, of natural herbs, spices, fruit juices, aromatics, essences, and other natural flavorings in such quantities or proportions as to enable such products to be distinguished from any natural wine not so treated, and with or without carbon dioxide naturally or artificially added, and with or without the addition, separately or in combination, of pure dry sugar or a solution of pure dry sugar and water, or caramel. No added wine spirits or alcohol or other spirits shall be used in any wine under this section except as may be contained in the natural wine (including heavy-bodied blending wine) used as a base or except as may be necessary in the production of approved essences or similar approved flavorings. The Brix degree of any solution of pure dry sugar and water used may be limited by regulations prescribed by the Secretary or his delegate in accordance with good commercial practice.

“(b) CELLAR TREATMENT.—Special natural wines may be cellar treated as provided in section 5382 (c).

“SEC. 5387. AGRICULTURAL WINES.

“(a) IN GENERAL.—Wines made from agricultural products other than the juice of fruit shall be made in accordance with good commercial practice as may be prescribed by the Secretary or his delegate by regulations. Wines made in accordance with such regulations shall be classed as ‘standard agricultural wines’. Wines made under this section may be cellar treated as provided in section 5382 (c).

“(b) LIMITATIONS.—No wine spirits may be added to wines produced under this section, nor shall any coloring material or herbs or other flavoring material (except hops in the case of honey wine) be used in their production.

“(c) RESTRICTION ON BLENDING.—Wines from different agricultural commodities shall not be blended together.

“SEC. 5388. DESIGNATION OF WINES.

“(a) STANDARD WINES.—Standard wines may be removed from premises subject to the provisions of this subchapter and be marked, transported, and sold under their proper designation as to kind and origin, or, if there is no such designation known to the trade or consumers, then under a truthful and adequate statement of composition.

“(b) OTHER WINES.—Wines other than standard wines may be removed for consumption or sale and be marked, transported, or sold only under such designation as to kind and origin as adequately describes the true composition of such products and as adequately distinguish them from standard wines, as regulations prescribed by the Secretary or his delegate shall provide.

“PART IV—GENERAL

“Sec. 5391. Exemption from rectifying and spirits taxes.

“Sec. 5392. Definitions.

“SEC. 5391. EXEMPTION FROM RECTIFYING AND SPIRITS TAXES.

“Notwithstanding any other provision of law, the taxes imposed by sections 5001 and 5021 on distilled spirits generally and on rectified spirits and wines shall not, except as provided in this subchapter, be assessed, levied, or collected from the proprietor of any bonded wine cellar with respect to his use or treatment of wine, or use of wine spirits in wine production, in such premises, nor shall such proprietor, by reason of such treatment or use, be deemed to be a rectifier within the meaning of section 5082; except that, whenever wine or wine spirits are used in violation of this subchapter, the applicable tax imposed by sections 5001 and 5021 shall be collected unless the proprietor satisfactorily shows that such wine or wine spirits were not knowingly used in violation of law.

“SEC. 5392. DEFINITIONS.

“(a) STANDARD WINE.—For purposes of this subchapter the term ‘standard wine’ means natural wine, specially sweetened natural wine, special natural wine, and standard agricultural wine, produced in accordance with the provisions of sections 5381, 5385, 5386, and 5387, respectively.

“(b) HEAVY BODIED BLENDING WINE.—For purposes of this subchapter the term ‘heavy bodied blending wine’ means wine made from fruit without added sugar, and with or without added wine spirits, and conforming to the definition of natural wine in all respects except as to maximum total solids content.

“(c) PURE SUGAR.—For purposes of this subchapter the term ‘pure sugar’ means pure refined cane or beet sugar, or pure refined anhydrous or monohydrate dextrose sugar, of not less than 95 percent purity calculated on a dry basis. Invert sugar syrup produced from such pure sugar by recognized methods of inversion may be used to prepare any sugar syrup, or solution of water and pure sugar, authorized in this subchapter.

“(d) TOTAL SOLIDS.—For purposes of this subchapter the term ‘total solids’, in the case of wine, means the degrees Brix of the de-alcoholized wine.

“(e) SAME KIND OF FRUIT.—For purposes of this subchapter the term ‘same kind of fruit’ includes, in the case of grapes, all of the several species and varieties of grapes. In the case of fruits other than grapes, this term includes all of the several species and varieties of any given kind; except that this shall not preclude a more precise identification of the composition of the product for the purpose of its designation.

“(f) OWN PRODUCTION.—For purposes of this subchapter the term ‘own production’, when used with reference to wine in a bonded wine cellar, means wine produced by fermentation in the same bonded wine cellar, whether or not produced by a predecessor in interest at such bonded wine cellar. This term may also include, under regulations, wine produced by fermentation in bonded wine cellars owned or controlled by the same or affiliated persons or firms when located within the same State; the term ‘affiliated’ shall be deemed to include any one or more bonded wine cellar proprietors associated as members of any farm cooperative, or any one or more bonded wine cellar proprietors affiliated within the meaning of section 17 (a) (5) of the Federal Alcohol Administration Act, as amended (49 Stat. 990; 27 U. S. C. 211).

“Subchapter G—Breweries

“Part I. Establishment.

“Part II. Operations.

“PART I—ESTABLISHMENT

“Sec. 5401. Qualifying documents.

“Sec. 5402. Definitions.

“Sec. 5403. Cross references.

“SEC. 5401. QUALIFYING DOCUMENTS.

“(a) NOTICE.—Every brewer shall, before commencing or continuing business, file with the officer designated for that purpose by the Secretary or his delegate a notice in writing, in such form and containing such information as the Secretary or his delegate shall by regulations prescribe as necessary to protect and insure collection of the revenue.

“(b) BONDS.—Every brewer, on filing notice as provided by subsection (a) of his intention to commence business, shall execute a bond to the United States in such reasonable penal sum as the Secretary or his delegate shall by regulation prescribe as necessary to protect and insure collection of the revenue. The bond shall be conditioned (1) that the brewer shall pay, or cause to be paid, as herein provided, the tax required by law on all beer, including all beer removed for transfer to the brewery from other breweries owned by him as provided in section 5414; (2) that he shall pay or cause to be paid the tax on all beer removed free of tax for export as provided in section 5053 (a), which beer is not exported or returned to the brewery; and (3) that he shall in all respects faithfully comply, without fraud or evasion, with all requirements of law relating to the production and sale of any beer aforesaid. Once in every 4 years, or whenever required so to do by the Secretary or his delegate, the brewer shall execute a new bond in the penal sum prescribed in pursuance of this section, and conditioned as above provided, which bond shall be in lieu of any former bond or bonds of such brewer in respect to all liabilities accruing after its approval.

"SEC. 5402. DEFINITIONS.

"(a) **BREWERY.**—The brewery shall consist of the land and buildings described in the brewer's notice.

"(b) **BREWER.**—

"For definition of brewer, see section 5092.

"SEC. 5403. CROSS REFERENCES.

"(1) For authority of Secretary or his delegate to disapprove brewers' bonds, see section 5551.

"(2) For authority of Secretary to require the installation and use of meters, tanks, and other apparatus, see section 5552.

"(3) For deposit of United States bonds or notes in lieu of sureties, see 6 U. S. C. 15.

"PART II—OPERATIONS

"Sec. 5411. Use of brewery.

"Sec. 5412. Removal of beer in containers or by pipeline.

"Sec. 5413. Brewers procuring beer from other brewers.

"Sec. 5414. Removals from one brewery to another belonging to the same brewer.

"Sec. 5415. Records and returns.

"Sec. 5416. Definitions of bottle and bottling.

"SEC. 5411. USE OF BREWERY.

"The brewery shall be used under regulations prescribed by the Secretary or his delegate only for the purpose of producing beer, cereal beverages containing less than one-half of one percent of alcohol by volume, vitamins, ice, malt, malt sirup, and other by-products; of bottling beer and cereal beverages; of drying spent grain from the brewery; of recovering carbon dioxide and yeast; and of producing and bottling soft drinks; and for such other purposes as the Secretary or his delegate by regulation may find will not jeopardize the revenue. The bottling of beer and cereal beverages shall be conducted only in the brewery bottle house which shall consist of a separate portion of the brewery designated for that purpose.

"SEC. 5412. REMOVAL OF BEER IN CONTAINERS OR BY PIPELINE.

"Beer may be removed from the brewery for consumption or sale only in hogsheads, barrels, kegs, bottles, and similar containers, marked, branded, or labeled in such manner as the Secretary or his delegate may by regulation require, except that beer may be removed from the brewery by pipeline to contiguous distilled spirits plants under section 5222.

"SEC. 5413. BREWERS PROCURING BEER FROM OTHER BREWERS.

"A brewer, under such regulations as the Secretary or his delegate shall prescribe, may obtain beer in his own hogsheads, barrels, and kegs, marked with his name and address, from another brewer, with taxpayment thereof to be by the producer in the manner prescribed by section 5054.

"SEC. 5414. REMOVALS FROM ONE BREWERY TO ANOTHER BELONGING TO THE SAME BREWER.

"Beer may be removed from one brewery to another brewery belonging to the same brewer, without payment of tax, and may be mingled with beer at the receiving brewery, subject to such conditions, including payment of the tax, and in such containers, as the Secretary or his delegate by regulations shall prescribe. The removal from one brewery to another brewery belonging to the same brewer shall be deemed to include any removal from a brewery owned by one corporation to a brewery owned by another corporation when (1) one such corporation owns the controlling interest in the other such corporation, or (2) the controlling interest in each such corporation is owned by the same person or persons.

"SEC. 5415. RECORDS AND RETURNS.

"(a) **RECORDS.**—Every brewer shall keep records, in such form and containing such information as the Secretary or his delegate shall prescribe by regulations as necessary for protection of the revenue. These records shall be preserved by the person required to keep such records for such period as the Secretary or his delegate shall by regulations prescribe, and shall be available during business hours for examination and taking of abstracts therefrom by any internal revenue officer.

"(b) **RETURNS.**—Every brewer shall make true and accurate returns of his operations and transactions in the form, at the times, and for such periods as the Secretary or his delegate shall by regulation prescribe.

"SEC. 5416. DEFINITIONS OF BOTTLE AND BOTTLING.

"For purposes of this subchapter, the word 'bottle' means a bottle, can, or similar container, and the word 'bottling' means the filling of bottles, cans, and similar containers.

"Subchapter H—Miscellaneous Plants and Warehouses

"Part I. Vinegar plants.

"Part II. Volatile fruit-flavor concentrate plants.

"Part III. Manufacturing bonded warehouses.

"PART I—VINEGAR PLANTS

"Sec. 5501. Establishment.

"Sec. 5502. Qualification.

"Sec. 5503. Construction and equipment.

"Sec. 5504. Operation.

"Sec. 5505. Applicability of provisions of this chapter.

"SEC. 5501. ESTABLISHMENT.

"Plants for the production of vinegar by the vaporizing process, where distilled spirits of not more than 15 percent of alcohol by volume are to be produced exclusively for use in the manufacture of vinegar on the premises, may be established under this part.

"SEC. 5502. QUALIFICATION.

"(a) **REQUIREMENTS.**—Every person, before commencing the business of manufacturing vinegar by the vaporizing process, and at such other times as the Secretary or his delegate may by regulations prescribe, shall make application to the Secretary or his delegate for the registration of his plant and receive permission to operate. No application required under this section shall be approved until the applicant has complied with all requirements of law, and regulations prescribed by the Secretary or his delegate, in relation to such business. With respect to any change in such business after approval of an application, the Secretary or his delegate may by regulations authorize the filing of written notice of such change or require the filing of an application to make such change.

"(b) **FORM OF APPLICATION.**—The application required by subsection (a) shall be in such form and contain such information as the Secretary or his delegate shall by regulations prescribe to enable him to determine the identity of the applicant, the location and extent of the premises, the type of operations to be conducted on such premises, and whether the operations will be in conformity with law and regulations.

"SEC. 5503. CONSTRUCTION AND EQUIPMENT.

"Plants established under this part for the manufacture of vinegar by the vaporizing process shall be constructed and equipped in accordance with such regulations as the Secretary or his delegate shall prescribe.

"SEC. 5504. OPERATION.

"(a) **GENERAL.**—Any manufacturer of vinegar qualified under this part may, under such regulations as the Secretary or his delegate shall prescribe, separate by a vaporizing process the distilled spirits from the mash produced by him, and condense the vapor by introducing it into the water or other liquid used in making vinegar in his plant.

"(b) **REMOVALS.**—No person shall remove, or cause to be removed, from any plant established under this part any vinegar or other fluid or material containing a greater proportion than 2 percent of proof spirits.

"(c) **RECORDS.**—Every person manufacturing vinegar by the vaporizing process shall keep such records and file such reports as the Secretary or his delegate shall by regulations prescribe of the kind and quantity of materials received on his premises and fermented or mashed, the quantity of low wines produced, the quantity of such low wines used in the manufacture of vinegar, the quantity of vinegar produced, the quantity of vinegar removed from the premises, and such other information as may by regulations be required. Such records, and a copy of such reports, shall be preserved as regulations shall prescribe, and shall be kept available for inspection by any internal revenue officer during business hours.

"SEC. 5505. APPLICABILITY OF PROVISIONS OF THIS CHAPTER.

"(a) **TAX.**—The taxes imposed by subchapter A shall be applicable to any distilled spirits produced in violation of section 5501 or removed in violation of section 5504 (b).

"(b) **PROHIBITED PREMISES.**—Plants established under this part shall not be located on any premises where distilling is prohibited under section 5601 (a) (6).

"(c) **ENTRY AND EXAMINATION OF PREMISES.**—The provisions of section 5203 (b), (c), and (d), relating to right of entry and examination, furnishing facilities and assistance, and authority to break up grounds or walls, shall be applicable to all premises established under this part, and to all proprietors thereof, and their workmen or other persons employed by them.

"(d) **REGISTRATION OF STILLs.**—Stills on the premises of plants established under this part shall be registered as provided in section 5179.

"(e) **INSTALLATION OF METERS, TANKS, AND OTHER APPARATUS.**—The provisions of section 5552 relating to the installation of meters, tanks, and other apparatus shall be applicable to plants established under this part.

"(f) **ASSIGNMENT OF INTERNAL REVENUE OFFICERS.**—The provisions of section 5553 (a) relating to the assignment of internal revenue officers shall be applicable to plants established under this part.

"(g) **AUTHORITY TO WAIVE RECORDS, STATEMENTS, AND RETURNS.**—The provisions of section 5555 (b) relating to the authority of the Secretary to waive records, statements, and returns shall be applicable to records, statements, or returns required by this part.

"(h) **REGULATIONS.**—The provisions of section 5556 relating to the prescribing of regulations shall be applicable to this part.

"(i) **PENALTIES.**—The penalties and forfeitures provided in sections 5601 (a) (1), (6), and (12), 5601 (b) (1), 5603, 5615 (1) and (4), 5686, and 5687 shall be applicable to this part.

“(j) OTHER PROVISIONS.—This chapter (other than this part and the provisions referred to in subsections (a), (b), (c), (d), (e), (f), (g), (h), and (i)) shall not be applicable with respect to plants established or operations conducted under this part.

“PART II—VOLATILE FRUIT-FLAVOR CONCENTRATE PLANTS

“Sec. 5511. Establishment and operation.

“Sec. 5512. Control of products after manufacture.

“SEC. 5511. ESTABLISHMENT AND OPERATION.

“This chapter (other than sections 5178 (a) (2) (C), 5179, 5203 (b), (c), and (d), and 5552) shall not be applicable with respect to the manufacture, by any process which includes evaporations from the mash or juice of any fruit, of any volatile fruit-flavor concentrate if—

“(1) such concentrate, and the mash or juice from which it is produced, contains no more alcohol than is reasonably unavoidable in the manufacture of such concentrate; and

“(2) such concentrate is rendered unfit for use as a beverage before removal from the place of manufacture; and

“(3) the manufacturer thereof makes such application, keeps such records, renders such reports, files such bonds, and complies with such other requirements with respect to the production, removal, sale, transportation, and use of such concentrate and of the mash or juice from which such concentrate is produced, as the Secretary or his delegate may by regulations prescribe as necessary for the protection of the revenue.

“SEC. 5512. CONTROL OF PRODUCTS AFTER MANUFACTURE.

“For applicability of all provisions of this chapter pertaining to distilled spirits and wines, including those requiring payment of tax, to volatile fruit-flavor concentrates sold, transported, or used in violation of law or regulations, see section 5001 (a) (7).

“PART III—MANUFACTURING BONDED WAREHOUSES

“Sec. 5521. Establishment and operation.

“Sec. 5522. Withdrawal of distilled spirits to manufacturing bonded warehouses.

“Sec. 5523. Special provisions relating to distilled spirits and wines rectified in manufacturing bonded warehouses.

“SEC. 5521. ESTABLISHMENT AND OPERATION.

“(a) ESTABLISHMENT.—All medicines, preparations, compositions, perfumery, cosmetics, cordials, and other liquors manufactured wholly or in part of domestic spirits, intended for exportation, as provided by law, in order to be manufactured and sold or removed, without being charged with duty and without having a stamp affixed thereto, shall, under such regulations as the Secretary or his delegate may prescribe, be made and manufactured in warehouses similarly constructed to those known and designated in Treasury regulations as bonded warehouses, class six. The manufacturer shall first give satisfactory bonds to the Secretary or his delegate for the faithful observance of all the provisions of law and the regulations as aforesaid, in amount not less than half of that required by the regulations of the Secretary or his delegate from persons allowed bonded warehouses.

“(b) SUPERVISION.—All labor performed and services rendered under this section shall be under the supervision of an officer of the customs, and at the expense of the manufacturer.

“(c) MATERIALS FOR MANUFACTURE.—

“(1) EXPORTABLE FREE OF TAX.—Any manufacturer of the articles specified in subsection (a), or of any of them, having such bonded warehouse, shall be at liberty, under such regulations as the Secretary or his delegate may prescribe, to convey therein any materials to be used in such manufacture which are allowed by the provisions of law to be exported free from tax or duty, as well as the necessary materials, implements, packages, vessels, brands, and labels for the preparation, putting up, and export of such manufactured articles; and every article so used shall be exempt from the payment of stamp and excise duty by such manufacturer. Articles and materials so to be used may be transferred from any bonded warehouse under such regulations as the Secretary or his delegate may prescribe, into any bonded warehouse in which such manufacture may be conducted, and may be used in such manufacture, and when so used shall be exempt from stamp and excise duty; and the receipt of the officer in charge shall be received as a voucher for the manufacture of such articles.

“(2) IMPORTED MATERIALS.—Any materials imported into the United States may, under such regulations as the Secretary or his delegate may prescribe, and under the direction of the proper officer, be removed in original packages from on shipboard, or from the bonded warehouse in which the same may be, into the bonded warehouse in which such manufacture may be carried on, for the purpose of being used in such manufacture, without payment of duties thereon, and may there be used in such manufacture. No article so removed, nor any article manufactured in said bonded warehouse, shall be taken therefrom except for exportation, under the direction of the proper officer having charge thereof, whose certificate, describing the articles by their mark or otherwise, the quantity, the date of importation, and name of vessel, with such additional particulars as may from time to time be required, shall be received by the collector of customs in cancellation of the bond, or return of the amount of foreign import duties.

“(d) REMOVALS.—

“(1) GENERAL.—Such goods, when manufactured in such warehouses, may be removed for exportation under the direction of the proper officer having charge thereof, who shall be designated by the Secretary or his delegate, without being charged with duty and without having a stamp affixed thereto.

“(2) TRANSPORTATION FOR EXPORT.—Any article manufactured in a bonded warehouse established under subsection (a) may be removed therefrom for transportation to a customs bonded warehouse at any port, for the purpose only of being exported therefrom, under such regulations and on the execution of such bonds or other security as the Secretary or his delegate may prescribe.

“SEC. 5522. WITHDRAWAL OF DISTILLED SPIRITS TO MANUFACTURING BONDED WAREHOUSES.

“(a) AUTHORIZATION.—Under such regulations and requirement as to stamps, bonds, and other security as shall be prescribed by the Secretary or his delegate, any manufacturer of medicines, preparations, compositions, perfumery, cosmetics, cordials, and other liquors, for export, manufacturing the same in a duly constituted manufacturing bonded warehouse, shall be authorized to withdraw, from the bonded premises of any distilled spirits plant, so much distilled spirits as he may require for such purpose, without the payment of the internal revenue tax thereon.

“(b) ALLOWANCE FOR LOSS OR LEAKAGE.—

“For provisions relating to allowance for loss of distilled spirits withdrawn under subsection (a), see section 5008 (f).

“SEC. 5523. SPECIAL PROVISIONS RELATING TO DISTILLED SPIRITS AND WINES RECTIFIED IN MANUFACTURING BONDED WAREHOUSES.

“Distilled spirits and wines which are rectified in manufacturing bonded warehouses, class six, and distilled spirits which are reduced in proof and bottled or packaged in such warehouses, shall be deemed to have been manufactured within the meaning of section 311 of the Tariff Act of 1930 (19 U. S. C. 1311), and may be withdrawn as provided in such section, and likewise for shipment in bond to Puerto Rico, subject to the provisions of such section, and under such regulations as the Secretary or his delegate may prescribe, there to be withdrawn for consumption or be rewarehoused and subsequently withdrawn for consumption. No internal revenue tax shall be imposed on distilled spirits and wines rectified in class six warehouses if such distilled spirits and wines are exported or shipped in accordance with such section 311. No person rectifying distilled spirits or wines in such warehouses shall be subject by reason of such rectification to the payment of special tax as a rectifier.

46 Stat. 691.

“Subchapter I—Miscellaneous General Provisions

“Sec. 5551. General provisions relating to bonds.

“Sec. 5552. Installation of meters, tanks, and other apparatus.

“Sec. 5553. Supervision of premises and operations.

“Sec. 5554. Pilot operations.

“Sec. 5555. Records, statements, and returns.

“Sec. 5556. Regulations.

“Sec. 5557. Officers and agents authorized to investigate, issue search warrants, and prosecute for violations.

“Sec. 5558. Authority of enforcement officers.

“Sec. 5559. Determinations.

“Sec. 5560. Other provisions applicable.

“Sec. 5561. Exemptions to meet the requirements of the national defense.

“Sec. 5562. Exemptions from certain requirements in cases of disaster.

“SEC. 5551. GENERAL PROVISIONS RELATING TO BONDS.

“(a) **APPROVAL AS CONDITION TO COMMENCING BUSINESS.**—No individual, firm, partnership, corporation, or association, intending to commence or to continue the business of a distiller, bonded warehouseman, rectifier, brewer, or winemaker, shall commence or continue the business of a distiller, bonded warehouseman, rectifier, brewer, or winemaker until all bonds in respect of such a business, required by any provision of law, have been approved by the Secretary or the officer designated by him.

“(b) **DISAPPROVAL.**—The Secretary or any officer designated by him may disapprove any such bond or bonds if the individual, firm, partnership, corporation, or association giving such bond or bonds, or owning, controlling, or actively participating in the management of the business of the individual, firm, partnership, corporation, or association giving such bond or bonds, shall have been previously convicted, in a court of competent jurisdiction, of—

“(1) any fraudulent noncompliance with any provision of any law of the United States, if such provision related to internal revenue or customs taxation of distilled spirits, wines, or beer, or if such an offense shall have been compromised with the individual, firm, partnership, corporation, or association on payment of penalties or otherwise, or

“(2) any felony under a law of any State, Territory, or the District of Columbia, or the United States, prohibiting the manufacture, sale, importation, or transportation of distilled spirits, wine, beer, or other intoxicating liquor.

“(c) **APPEAL FROM DISAPPROVAL.**—In case the disapproval is by an officer designated by the Secretary to approve or disapprove such bonds, the individual, firm, partnership, corporation, or association giving the bond may appeal from such disapproval to the Secretary or an officer designated by him to hear such appeals, and the disapproval of the bond by the Secretary or officer designated to hear such appeals shall be final.

“**SEC. 5552. INSTALLATION OF METERS, TANKS, AND OTHER APPARATUS.**

“The Secretary or his delegate is authorized to require at distilled spirits plants, breweries, and at any other premises established pursuant to this chapter as in his judgment may be deemed advisable, the installation of meters, tanks, pipes, or any other apparatus for the purpose of protecting the revenue, and such meters, tanks, and pipes and all necessary labor incident thereto shall be at the expense of the person on whose premises the installation is required. Any such person refusing or neglecting to install such apparatus when so required by the Secretary or his delegate shall not be permitted to conduct business on such premises.

“**SEC. 5553. SUPERVISION OF PREMISES AND OPERATIONS.**

“(a) **ASSIGNMENT OF INTERNAL REVENUE OFFICERS.**—The Secretary or his delegate is authorized to assign to any premises established under the provisions of this chapter such number of internal revenue officers as may be deemed necessary.

“(b) **FUNCTIONS OF INTERNAL REVENUE OFFICER.**—When used in this chapter, the term ‘internal revenue officer assigned to the premises’ means the internal revenue officer assigned by the Secretary or his delegate to duties at premises established and operated under the provisions of this chapter.

“**SEC. 5554. PILOT OPERATIONS.**

“For the purpose of facilitating the development and testing of improved methods of governmental supervision (necessary for the protection of the revenue) over distilled spirits plants established under this chapter, the Secretary or his delegate is authorized to waive any regulatory provisions of this chapter for temporary pilot or experimental operations. Nothing in this section shall be construed as authority to waive the filing of any bond or the payment of any tax provided for in this chapter.

“**SEC. 5555. RECORDS, STATEMENTS, AND RETURNS.**

“(a) **GENERAL.**—Every person liable to any tax imposed by this chapter, or for the collection thereof, or for the affixing of any stamp required to be affixed by this chapter, shall keep such records, render such statements, make such returns, and comply with such rules and regulations as the Secretary or his delegate may prescribe.

“(b) **AUTHORITY TO WAIVE.**—Whenever in this chapter any record is required to be made or kept, or statement or return is required to be made by any person, the Secretary or his delegate may by regulation waive, in whole or in part, such requirement when he deems such requirement to no longer serve a necessary purpose. This subsection shall not be construed as authorizing the waiver of the payment of any tax.

“(c) **PHOTOGRAPHIC COPIES.**—Whenever in this chapter any record is required to be made and preserved by any person, the Secretary or his delegate may by regulations authorize such person to record, copy, or reproduce by any photographic, photostatic, microfilm, microcard, miniature photographic, or other process, which accurately reproduces or forms a durable medium for so reproducing the orig-

inal of such record and to retain such reproduction in lieu of the original. Every person who is authorized to retain such reproduction in lieu of the original shall, under such regulations as the Secretary or his delegate may prescribe, preserve such reproduction in conveniently accessible files and make provision for examining, viewing, and using such reproduction the same as if it were the original. Such reproduction shall be treated and considered for all purposes as though it were the original record and all provisions of law applicable to the original shall be applicable to such reproduction. Such reproduction, or enlargement or facsimile thereof, shall be admissible in evidence in the same manner and under the same conditions as provided for the admission of reproductions, enlargements, or facsimiles of records made in the regular course of business under section 1732 (b) of title 28 of the United States Code.

“SEC. 5556. REGULATIONS.

“The regulations prescribed by the Secretary or his delegate for enforcement of this chapter may make such distinctions in requirements relating to construction, equipment, or methods of operation as he deems necessary or desirable due to differences in materials or variations in methods used in production, processing, or storage of distilled spirits.

“SEC. 5557. OFFICERS AND AGENTS AUTHORIZED TO INVESTIGATE, ISSUE SEARCH WARRANTS, AND PROSECUTE FOR VIOLATIONS.

“(a) **GENERAL.**—The Secretary or his delegate shall investigate violations of this subtitle and in any case in which prosecution appears warranted the Secretary or his delegate shall report the violation to the United States Attorney for the district in which such violation was committed, who is hereby charged with the duty of prosecuting the offenders, subject to the direction of the Attorney General, as in the case of other offenses against the laws of the United States; and the Secretary or his delegate may swear out warrants before United States commissioners or other officers or courts authorized to issue warrants for the apprehension of such offenders, and may, subject to the control of such United States Attorney, conduct the prosecution at the committing trial for the purpose of having the offenders held for the action of a grand jury. Section 3041 of title 18 of the United States Code is hereby made applicable in the enforcement of this subtitle.

“(b) CROSS REFERENCE.—

“For provisions relating to the issuance of search warrants, see the Federal Rules of Criminal Procedure.

“SEC. 5558. AUTHORITY OF ENFORCEMENT OFFICERS.

“For provisions relating to the authority of internal revenue enforcement officers, see section 7608.

“SEC. 5559. DETERMINATIONS.

“Whenever the Secretary or his delegate is required or authorized, in this chapter, to make or verify any quantitative determination, such determination or verification may be made by actual count, weight, or measurement, or by the application of statistical methods, or by other means, under such regulations as the Secretary or his delegate may prescribe.

“SEC. 5560. OTHER PROVISIONS APPLICABLE.

“All provisions of subtitle F, insofar as applicable and not inconsistent with the provisions of this subtitle, are hereby extended to and made a part of this subtitle.

“SEC. 5561. EXEMPTIONS TO MEET THE REQUIREMENTS OF THE NATIONAL DEFENSE.

“The Secretary or his delegate may temporarily exempt proprietors of distilled spirits plants from any provision of the internal revenue laws relating to distilled spirits, except those requiring payment of the tax thereon, whenever in his judgment it may seem expedient to do so to meet the requirements of the national defense. Whenever the Secretary or his delegate shall exercise the authority conferred by this section he may prescribe such regulations as may be necessary to accomplish the purpose which caused him to grant the exemption.

“SEC. 5562. EXEMPTIONS FROM CERTAIN REQUIREMENTS IN CASES OF DISASTER.

“Whenever the Secretary or his delegate finds that it is necessary or desirable, by reason of disaster, to waive provisions of internal revenue law with regard to distilled spirits, he may temporarily exempt proprietors of distilled spirits plants from any provision of the internal revenue laws relating to distilled spirits, except those requiring payment of the tax thereon, to the extent he may deem necessary or desirable.

“Subchapter J—Penalties, Seizures, and Forfeitures Relating to Liquors

- “Part I. Penalty, seizure, and forfeiture provisions applicable to distilling, rectifying, and distilled and rectified products.
- “Part II. Penalty and forfeiture provisions applicable to wine and wine production.
- “Part III. Penalty, seizure, and forfeiture provisions applicable to beer and brewing.
- “Part IV. Penalty, seizure, and forfeiture provisions common to liquors.
- “Part V. Penalties applicable to occupational taxes.

“PART I—PENALTY, SEIZURE, AND FORFEITURE PROVISIONS APPLICABLE TO DISTILLING, RECTIFYING, AND DISTILLED AND RECTIFIED PRODUCTS

- “Sec. 5601. Criminal penalties.
- “Sec. 5602. Penalty for tax fraud by distiller.
- “Sec. 5603. Penalty relating to records, returns, and reports.
- “Sec. 5604. Penalties relating to stamps, marks, brands, and containers.
- “Sec. 5605. Penalty relating to return of materials used in the manufacture of distilled spirits, or from which distilled spirits may be recovered.
- “Sec. 5606. Penalty relating to containers of distilled spirits.
- “Sec. 5607. Penalty and forfeiture for unlawful use, recovery, or concealment of denatured distilled spirits, or articles.
- “Sec. 5608. Penalty and forfeiture for fraudulent claims for export drawback or unlawful relanding.
- “Sec. 5609. Destruction of unregistered stills, distilling apparatus, equipment, and materials.
- “Sec. 5610. Disposal of forfeited equipment and material for distilling.
- “Sec. 5611. Release of distillery before judgment.
- “Sec. 5612. Forfeiture of taxpaid distilled spirits remaining on bonded premises.
- “Sec. 5613. Forfeiture of distilled spirits not stamped, marked, or branded as required by law.
- “Sec. 5614. Burden of proof in cases of seizure of spirits.
- “Sec. 5615. Property subject to forfeiture.

“SEC. 5601. CRIMINAL PENALTIES.

“(a) OFFENSES.—Any person who—

“(1) UNREGISTERED STILL.—has in his possession or custody, or under his control, any still or distilling apparatus set up which is not registered, as required by section 5179 (a) ; or

“(2) FAILURE OF DISTILLER OR RECTIFIER TO FILE APPLICATION.—engages in the business of a distiller or rectifier without having filed application for and received notice of registration, as required by section 5171 (a) ; or

“(3) FALSE OR FRAUDULENT APPLICATION.—engages, or intends to engage, in the business of distiller, bonded warehouseman, rectifier, or bottler of distilled spirits, and files a false or fraudulent application under section 5171 ; or

“(4) FAILURE OR REFUSAL OF DISTILLER OR RECTIFIER TO GIVE BOND.—carries on the business of a distiller or rectifier without having given bond as required by law ; or

“(5) FALSE, FORGED, OR FRAUDULENT BOND.—engages, or intends to engage, in the business of distiller, bonded warehouseman, rectifier, or bottler of distilled spirits, and gives any false, forged, or fraudulent bond, under subchapter B ; or

“(6) DISTILLING ON PROHIBITED PREMISES.—uses, or possesses with intent to use, any still, boiler, or other utensil for the purpose of producing distilled spirits, or aids or assists therein, or causes or procures the same to be done, in any dwelling house, or in any shed, yard, or inclosure connected with such dwelling house (except as authorized under section 5178 (a) (1) (C)), or on board any vessel or boat, or on any premises where beer or wine is made or produced, or where liquors of any description are retailed, or on premises where any other business is carried on (except when authorized under section 5178 (b)) ; or

“(7) UNLAWFUL PRODUCTION, REMOVAL, OR USE OF MATERIAL FIT FOR PRODUCTION OF DISTILLED SPIRITS.—except as otherwise provided in this chapter, makes or ferments mash, wort, or wash, fit for distillation or for the production of distilled spirits, in any building or on any premises other than the designated premises of a distilled spirits plant lawfully qualified to produce distilled spirits, or removes, without authorization by the Secretary or his delegate, any mash, wort, or wash, so made or fermented, from the designated premises of such lawfully qualified plant before being distilled ; or

“(8) UNLAWFUL PRODUCTION OF DISTILLED SPIRITS.—not being a distiller authorized by law to produce distilled spirits, produces distilled spirits by distillation or any other process from any mash, wort, wash, or other material ; or

“(9) UNAUTHORIZED USE OF DISTILLED SPIRITS IN MANUFACTURING PROCESSES.—except as otherwise provided in this chapter, uses distilled spirits in any process of manufacture unless such spirits—

“(A) have been produced in the United States by a distiller authorized by law to produce distilled spirits and withdrawn in compliance with law ; or

“(B) have been imported (or otherwise brought into the United States) and withdrawn in compliance with law ; or

“(10) UNLAWFUL RECTIFYING OR BOTTLING.—engages in or carries on the business of a rectifier, or a bottler of distilled spirits—

“(A) with intent to defraud the United States of any tax on the distilled spirits rectified or bottled by him ; or

“(B) with intent to aid, abet, or assist any person or persons in defrauding the United States of the tax on any distilled spirits; or

“(11) UNLAWFUL PURCHASE, RECEIPT, RECTIFICATION, OR BOTTLING OF DISTILLED SPIRITS.—purchases, receives, rectifies, or bottles any distilled spirits, knowing or having reasonable grounds to believe that any tax due on such spirits has not been paid or determined as required by law; or

“(12) UNLAWFUL REMOVAL OR CONCEALMENT OF DISTILLED SPIRITS.—removes, other than as authorized by law, any distilled spirits on which the tax has not been paid or determined, from the place of manufacture or storage, or from any instrument of transportation, or conceals spirits so removed; or

“(13) CREATION OF FICTITIOUS PROOF.—adds, or causes to be added, any ingredient or substance (other than ingredients or substances authorized by law to be added) to any distilled spirits before the tax is paid thereon, or determined as provided by law, for the purpose of creating fictitious proof; or

“(14) DISTILLING AFTER NOTICE OF SUSPENSION.—after the time fixed in the notice given under section 5221 (a) to suspend operations as a distiller, carries on the business of a distiller on the premises covered by the notice of suspension, or has mash, wort, or beer on such premises, or on any premises connected therewith, or has in his possession or under his control any mash, wort, or beer, with intent to distill the same on such premises;

shall be fined not more than \$10,000, or imprisoned not more than 5 years, or both, for each such offense.

“(b) PRESUMPTIONS.—

“(1) UNREGISTERED STILL.—Whenever on trial for violation of subsection (a) (1) the defendant is shown to have been at the site or place where, and at the time when, a still or distilling apparatus was set up without having been registered, such presence of the defendant shall be deemed sufficient evidence to authorize conviction, unless the defendant explains such presence to the satisfaction of the jury (or of the court when tried without jury).

“(2) FAILURE OR REFUSAL OF DISTILLER OR RECTIFIER TO GIVE BOND.—Whenever on trial for violation of subsection (a) (4) the defendant is shown to have been at the site or place where, and at the time when, the business of a distiller or rectifier was so engaged in or carried on, such presence of the defendant shall be deemed sufficient evidence to authorize conviction, unless the defendant explains such presence to the satisfaction of the jury (or of the court when tried without jury).

“(3) UNLAWFUL PRODUCTION, REMOVAL, OR USE OF MATERIAL FIT FOR PRODUCTION OF DISTILLED SPIRITS.—Whenever on trial for violation of subsection (a) (7) the defendant is shown to have been at the place in the building or on the premises where such mash, wort, or wash fit for distillation or the production of distilled spirits, was made or fermented, and at the time such mash, wort, or wash was there possessed, such presence of the defendant shall be deemed sufficient evidence to authorize conviction, unless the defendant explains such presence to the satisfaction of the jury (or of the court when tried without jury).

“(4) UNLAWFUL PRODUCTION OF DISTILLED SPIRITS.—Whenever on trial for violation of subsection (a) (8) the defendant is shown to have been at the site or place where, and at the time when, such distilled spirits were produced by distillation or any other process from mash, wort, wash, or other material, such presence of the

defendant shall be deemed sufficient evidence to authorize conviction, unless the defendant explains such presence to the satisfaction of the jury (or of the court when tried without jury).

"SEC. 5602. PENALTY FOR TAX FRAUD BY DISTILLER.

"Whenever any person engaged in or carrying on the business of a distiller defrauds, attempts to defraud, or engages in such business with intent to defraud the United States of the tax on the spirits distilled by him, or of any part thereof, he shall be fined not more than \$10,000, or imprisoned not more than 5 years, or both. No discontinuance or nolle prosequi of any prosecution under this section shall be allowed without the permission in writing of the Attorney General.

"SEC. 5603. PENALTY RELATING TO RECORDS, RETURNS, AND REPORTS.

"(a) **FRAUDULENT NONCOMPLIANCE.**—Any person required by this chapter (other than subchapters F and G) or regulations issued pursuant thereto to keep or file any record, return, report, summary, transcript, or other document, who, with intent to defraud the United States, shall—

"(1) fail to keep any such document or to make required entries therein; or

"(2) make any false entry in such document; or

"(3) cancel, alter, or obliterate any part of such document or any entry therein, or destroy any part of such document or any entry therein; or

"(4) hinder or obstruct any internal revenue officer from inspecting any such document or taking any abstracts therefrom; or

"(5) fail or refuse to preserve or produce any such document, as required by this chapter or regulations issued pursuant thereto; or who shall, with intent to defraud the United States, cause or procure the same to be done, shall be fined not more than \$10,000, or imprisoned not more than 5 years, or both, for each such offense.

"(b) **FAILURE TO COMPLY.**—Any person required by this chapter (other than subchapters F and G) or regulations issued pursuant thereto to keep or file any record, return, report, summary, transcript, or other document, who, otherwise than with intent to defraud the United States, shall—

"(1) fail to keep any such document or to make required entries therein; or

"(2) make any false entry in such document; or

"(3) cancel, alter, or obliterate any part of such document or any entry therein, or destroy any part of such document, or any entry therein, except as provided by this title or regulations issued pursuant thereto; or

"(4) hinder or obstruct any internal revenue officer from inspecting any such document or taking any abstracts therefrom; or

"(5) fail or refuse to preserve or produce any such document, as required by this chapter or regulations issued pursuant thereto; or who shall, otherwise than with intent to defraud the United States, cause or procure the same to be done, shall be fined not more than \$1,000, or imprisoned not more than 1 year, or both, for each such offense.

"SEC. 5604. PENALTIES RELATING TO STAMPS, MARKS, BRANDS, AND CONTAINERS.

"(a) **GENERAL.**—Any person who shall—

"(1) transport, possess, buy, sell, or transfer any distilled spirits, required to be stamped under the provisions of section 5205 (a) (2), unless the immediate container thereof has affixed thereto a stamp as required by such section; or

"(2) with intent to defraud the United States, empty a container stamped under the provisions of section 5205 (a) (1) or (2) or section 5235 without destroying the stamp thereon as required by section 5205 (a) (3) or regulations prescribed pursuant thereto; or

"(3) empty, or cause to be emptied, any distilled spirits from any immediate container (other than a container stamped under section 5205 (a) or section 5235) bearing any stamp, mark, or brand required by law without effacing and obliterating such stamp, mark, or brand as required by section 5205 (g); or

"(4) with intent to defraud the United States, falsely make, forge, alter, or counterfeit any stamp required under section 5205 or section 5235; or

"(5) use, sell, or have in his possession any forged or fraudulently altered stamp, or counterfeit of any stamp, required under section 5205 or section 5235, or any plate or die used or which may be used in the manufacture thereof; or

"(6) with intent to defraud the United States, use, reuse, sell, or have in his possession any stamp required to be destroyed by section 5205 (a) (3) or regulations prescribed pursuant thereto; or

"(7) remove any stamp required by law or regulations from any cask or package containing, or which had contained, distilled spirits, without defacing or destroying such stamp at the time of such removal; or

"(8) have in his possession any undestroyed or undefaced stamp removed from any cask or package containing, or which had contained, distilled spirits; or

"(9) have in his possession any cancelled stamp or any stamp which has been used, or which purports to have been used, upon any cask or package of distilled spirits; or

"(10) make, use, sell, or have in his possession any paper in imitation of the paper used in the manufacture of any stamp required under section 5205 or section 5235; or

"(11) reuse any stamp required under section 5205 (a) or section 5235, after the same shall have once been affixed to a container as provided in such sections or regulations issued pursuant thereto; or

"(12) place any distilled spirits in any bottle, or reuse any bottle for the purpose of containing distilled spirits, which has once been filled and stamped under the provisions of this chapter, without removing and destroying the stamp so previously affixed to such bottle; or

"(13) affix any stamp issued pursuant to section 5205 (a) (2) and (3) to any container containing distilled spirits on which any tax due is unpaid or undetermined; or

"(14) make any false statement in any application for stamps under section 5205; or

"(15) possess any stamp prescribed under section 5205 or section 5235 obtained by him otherwise than as provided by such sections or regulations issued pursuant thereto; or

"(16) willfully and unlawfully remove, change, or deface any stamp, mark, brand, label, or seal affixed to any case of distilled spirits, or to any bottle contained therein; or

"(17) with intent to defraud the United States, purchase, sell, receive with intent to transport, or transport any empty cask or package having thereon any stamp, mark, or brand required by law to be affixed to any cask or package containing distilled spirits; or

"(18) change or alter any stamp, mark, or brand on any cask or package containing distilled spirits, or put into any cask or package spirits of greater strength than is indicated by the inspection-mark thereon, or fraudulently use any cask or package having any inspection-mark or stamp thereon, for the purpose of selling other spirits, or spirits of quantity or quality different from the spirits previously inspected therein; or

"(19) affix, or cause to be affixed, to or on any cask or package containing, or intended to contain, distilled spirits, any imitation stamp or other engraved, printed, stamped, or photographed label, device, or token, whether the same be designed as a trade mark, caution notice, caution, or otherwise, and which shall be in the similitude or likeness of, or shall have the resemblance or general appearance of, any internal revenue stamp required by law to be affixed to or upon any cask or package containing distilled spirits;

shall be fined not more than \$10,000, or imprisoned not more than 5 years, or both, for each such offense.

"(b) OFFICERS AUTHORIZED TO ENFORCE THIS SECTION.—Any officer authorized to enforce any provision of law relating to internal revenue stamps is authorized to enforce this section.

"SEC. 5605. PENALTY RELATING TO RETURN OF MATERIALS USED IN THE MANUFACTURE OF DISTILLED SPIRITS, OR FROM WHICH DISTILLED SPIRITS MAY BE RECOVERED.

"Any person who willfully violates any provision of section 5291 (a), or of any regulation issued pursuant thereto, and any officer, director, or agent of any such person who knowingly participates in such violation, shall be fined not more than \$1,000, or imprisoned not more than 2 years, or both.

"SEC. 5606. PENALTY RELATING TO CONTAINERS OF DISTILLED SPIRITS.

"Whoever violates any provision of section 5301, or of any regulation issued pursuant thereto, or the terms or conditions of any permit issued pursuant to the authorization contained in such section, and any officer, director, or agent of any corporation who knowingly participates in such violation, shall, upon conviction, be fined not more than \$1,000, or imprisoned not more than 1 year, or both, for each such offense.

"SEC. 5607. PENALTY AND FORFEITURE FOR UNLAWFUL USE, RECOVERY, OR CONCEALMENT OF DENATURED DISTILLED SPIRITS, OR ARTICLES.

"Any person who—

"(1) uses denatured distilled spirits withdrawn free of tax under section 5214 (a) (1) in the manufacture of any medicinal preparation or flavoring extract in violation of the provisions of section 5273 (b) (1), or knowingly sells, or offers for sale, any such medicinal preparation or flavoring extract in violation of section 5273 (b) (2); or

"(2) knowingly withdraws any denatured distilled spirits free of tax under section 5214 (a) (1) for beverage purposes; or

“(3) knowingly sells any denatured distilled spirits withdrawn free of tax under section 5214 (a) (1), or any articles containing such denatured distilled spirits, for beverage purposes; or

“(4) recovers or attempts to recover by redistillation or by any other process or means (except as authorized in section 5223 or in section 5273 (c)) any distilled spirits from any denatured distilled spirits withdrawn free of tax under section 5214 (a) (1), or from any articles manufactured therefrom, or knowingly uses, sells, conceals, or otherwise disposes of distilled spirits so recovered or redistilled;

shall be fined not more than \$10,000, or imprisoned not more than 5 years, or both, for each such offense; and all personal property used in connection with his business, together with the buildings and ground constituting the premises on which such unlawful acts are performed or permitted to be performed shall be forfeited to the United States.

“SEC. 5608. PENALTY AND FORFEITURE FOR FRAUDULENT CLAIMS FOR EXPORT DRAWBACK OR UNLAWFUL RELANDING.

“(a) **FRAUDULENT CLAIM FOR DRAWBACK.**—Every person who fraudulently claims, or seeks, or obtains an allowance of drawback on any distilled spirits, or fraudulently claims any greater allowance or drawback than the tax actually paid or determined thereon, shall forfeit and pay to the Government of the United States triple the amount wrongfully and fraudulently sought to be obtained, and shall be imprisoned not more than 5 years; and every owner, agent, or master of any vessel or other person who knowingly aids or abets in the fraudulent collection or fraudulent attempts to collect any drawback upon, or knowingly aids or permits any fraudulent change in the spirits so shipped, shall be fined not more than \$5,000, or imprisoned not more than 3 years, or both, and the ship or vessel on board of which such shipment was made or pretended to be made shall be forfeited to the United States, whether a conviction of the master or owner be had or otherwise, and proceedings may be had in admiralty by libel for such forfeiture.

“(b) **UNLAWFUL RELANDING.**—Every person who intentionally relands within the jurisdiction of the United States any distilled spirits which have been shipped for exportation under the provisions of this chapter, or who receives such relanded distilled spirits, and every person who aids or abets in such relanding or receiving of such spirits, shall be fined not more than \$5,000, or imprisoned not more than 3 years, or both; and all distilled spirits so relanded, together with the vessel from which the same were relanded within the jurisdiction of the United States, and all vessels, vehicles, or aircraft used in relanding and removing such distilled spirits, shall be forfeited to the United States.

“SEC. 5609. DESTRUCTION OF UNREGISTERED STILL, DISTILLING APPARATUS, EQUIPMENT, AND MATERIALS.

“(a) **GENERAL.**—In the case of seizure elsewhere than on premises qualified under this chapter of any unregistered still, distilling or fermenting equipment or apparatus, or distilling or fermenting material, for any offense involving forfeiture of the same, where it shall be impracticable to remove the same to a place of safe storage from the place where seized, the seizing officer is authorized to destroy the same. In the case of seizure, other than on premises qualified under this chapter or in transit thereto or therefrom, of any distilled spirits on which the tax has not been paid or determined, for any offense involving forfeiture of the same, the seizing officer is authorized to destroy the distilled spirits forthwith. Any destruction under this subsection

shall be in the presence of at least one credible witness. The seizing officer shall make such report of said seizure and destruction and take such samples as the Secretary or his delegate may require.

“(b) CLAIMS.—Within 1 year after destruction made pursuant to subsection (a) the owner of, including any person having an interest in, the property so destroyed may make application to the Secretary or his delegate for reimbursement of the value of such property. If the claimant establishes to the satisfaction of the Secretary or his delegate that—

“(1) such property had not been used in violation of law; or

“(2) any unlawful use of such property had been without his consent or knowledge,

the Secretary or his delegate shall make an allowance to such claimant not exceeding the value of the property destroyed.

“SEC. 5610. DISPOSAL OF FORFEITED EQUIPMENT AND MATERIAL FOR DISTILLING.

“All boilers, stills, or other vessels, tools and implements, used in distilling or rectifying, and forfeited under any of the provisions of this chapter, and all condemned material, together with any engine or other machinery connected therewith, and all empty barrels, and all grain or other material suitable for fermentation or distillation, shall be sold at public auction or otherwise disposed of as the court in which such forfeiture was recovered shall in its discretion direct.

“SEC. 5611. RELEASE OF DISTILLERY BEFORE JUDGMENT.

“Any distillery or distilling apparatus seized on any premises qualified under this chapter, for any violation of law, may, in the discretion of the court, be released before final judgment to a receiver appointed by the court to operate such distillery or apparatus. Such receiver shall give bond, which shall be approved in open court, with corporate surety, for the full appraised value of all the property seized, to be ascertained by three competent appraisers designated and appointed by the court. Funds obtained from such operation shall be impounded as the court shall direct pending such final judgment.

“SEC. 5612. FORFEITURE OF TAXPAID DISTILLED SPIRITS REMAINING ON BONDED PREMISES.

“(a) GENERAL.—No distilled spirits on which the tax has been paid or determined shall be stored or allowed to remain on the bonded premises of any distilled spirits plant, under the penalty of forfeiture of all spirits so found.

“(b) EXCEPTIONS.—Subsection (a) shall not apply in the case of—

“(1) distilled spirits which have been bottled in bond under section 5233, and which are returned to bonded premises for rebottling, relabeling, or restamping in accordance with the provisions of section 5233 (d); or

“(2) distilled spirits in the process of prompt removal from bonded premises on payment or determination of the tax; or

“(3) distilled spirits returned to bonded premises in accordance with the provisions of section 5215; or

“(4) distilled spirits, held on bonded premises, on which the tax has become payable by operation of law, but on which the tax has not been paid.

“SEC. 5613. FORFEITURE OF DISTILLED SPIRITS NOT STAMPED, MARKED, OR BRANDED AS REQUIRED BY LAW.

“(a) UNMARKED OR UNBRANDED CASKS OR PACKAGES.—All distilled spirits found in any cask or package required by this chapter or any regulation issued pursuant thereto to bear a mark, brand, or identification, which cask or package is not marked, branded, or identified in

compliance with this chapter and regulations issued pursuant thereto, shall be forfeited to the United States.

“(b) UNSTAMPED CONTAINERS.—All distilled spirits found in any container required by this chapter or any regulations issued pursuant thereto to bear a stamp, which container is not stamped in compliance with this chapter and regulations issued pursuant thereto, shall be forfeited to the United States.

“SEC. 5614. BURDEN OF PROOF IN CASES OF SEIZURE OF SPIRITS.

“Whenever seizure is made of any distilled spirits found elsewhere than on the premises of a distilled spirits plant, or than in any warehouse authorized by law, or than in the store or place of business of a wholesale liquor dealer, or than in transit from any one of said places; or of any distilled spirits found in any one of the places aforesaid, or in transit therefrom, which have not been received into or sent out therefrom in conformity to law, or in regard to which any of the entries required by law, or regulations issued pursuant thereto, to be made in respect of such spirits, have not been made at the time or in the manner required, or in respect to which any owner or person having possession, control, or charge of said spirits, has omitted to do any act required to be done, or has done or committed any act prohibited in regard to said spirits, the burden of proof shall be upon the claimant of said spirits to show that no fraud has been committed, and that all the requirements of the law in relation to the payment of the tax have been complied with.

“SEC. 5615. PROPERTY SUBJECT TO FORFEITURE.

“The following property shall be forfeited to the United States:

“(1) UNREGISTERED STILL OR DISTILLING APPARATUS.—Every still or distilling apparatus not registered as required by section 5179, together with all personal property in the possession or custody or under the control of the person required by section 5179 to register the still or distilling apparatus, and found in the building or in any yard or inclosure connected with the building in which such still or distilling apparatus is set up; and

“(2) DISTILLING APPARATUS REMOVED WITHOUT NOTICE OR SET UP WITHOUT PERMIT.—Any still, boiler, or other vessel to be used for the purpose of distilling which is removed without notice having been given as required by section 5105 (a) or which is set up without permit first having been obtained as required by such section; and

“(3) DISTILLING WITHOUT GIVING BOND OR WITH INTENT TO DEFRAUD.—Whenever any person carries on the business of a distiller without having given bond as required by law or gives any false, forged, or fraudulent bond; or engages in or carries on the business of a distiller with intent to defraud the United States of the tax on the distilled spirits distilled by him, or any part thereof; or after the time fixed in the notice declaring his intention to suspend work, filed under section 5221 (a), carries on the business of a distiller on the premises covered by such notice, or has mash, wort, or beer on such premises, or on any premises connected therewith, or has in his possession or under his control any mash, wort, or beer, with intent to distill the same on such premises—

“(A) all distilled spirits or wines, and all stills or other apparatus fit or intended to be used for the distillation or rectification of spirits, or for the compounding of liquors, owned by such person, wherever found; and

“(B) all distilled spirits, wines, raw materials for the production of distilled spirits, and personal property found in the distillery or in any building, room, yard, or inclosure con-

nected therewith and used with or constituting a part of the premises; and

“(C) all the right, title, and interest of such person in the lot or tract of land on which the distillery is situated; and

“(D) all the right, title, and interest in the lot or tract of land on which the distillery is located of every person who knowingly has suffered or permitted the business of a distiller to be there carried on, or has connived at the same; and

“(E) all personal property owned by or in possession of any person who has permitted or suffered any building, yard, or inclosure, or any part thereof, to be used for purposes of ingress or egress to or from the distillery, which shall be found in any such building, yard, or inclosure; and

“(F) all the right, title, and interest of every person in any premises used for ingress or egress to or from the distillery who knowingly has suffered or permitted such premises to be used for such ingress or egress; and

“(4) UNLAWFUL PRODUCTION AND REMOVALS FROM VINEGAR PLANTS.—

“(A) all distilled spirits in excess of 15 percent of alcohol by volume produced on the premises of a vinegar plant; and

“(B) all vinegar or other fluid or other material containing a greater proportion than 2 percent of proof spirits removed from any vinegar plant; and

“(5) FALSE OR OMITTED ENTRIES IN RECORDS, RETURNS, AND REPORTS.—Whenever any person required by section 5207 to keep or file any record, return, report, summary, transcript, or other document, shall, with intent to defraud the United States—

“(A) fail to keep any such document or to make required entries therein; or

“(B) make any false entry in such document; or

“(C) cancel, alter, or obliterate any part of such document, or any entry therein, or destroy any part of such document, or entry therein; or

“(D) hinder or obstruct any internal revenue officer from inspecting any such document or taking any abstracts therefrom; or

“(E) fail or refuse to preserve or produce any such document, as required by this chapter or regulations issued pursuant thereto; or

“(F) permit any of the acts described in the preceding subparagraphs to be performed;

all interest of such person in the distillery, bonded warehouse, or rectifying or bottling establishment where such acts or omissions occur, and in the equipment thereon, and in the lot or tract of land on which such distillery, bonded warehouse, or rectifying or bottling establishment stands, and in all personal property on the premises of the distillery, bonded warehouse, or rectifying or bottling establishment where such acts or omissions occur, used in the business there carried on; and

“(6) UNLAWFUL REMOVAL OF DISTILLED SPIRITS.—All distilled spirits on which the tax has not been paid or determined which have been removed, other than as authorized by law, from the place of manufacture, storage, or instrument of transportation; and

“(7) CREATION OF FICTITIOUS PROOF.—All distilled spirits on which the tax has not been paid or determined as provided by law to which any ingredient or substance has been added for the purpose of creating fictitious proof.

“PART II—PENALTY AND FORFEITURE PROVISIONS APPLICABLE TO WINE AND WINE PRODUCTION

“Sec. 5661. Penalty and forfeiture for violation of laws and regulations relating to wine.

“Sec. 5662. Penalty for alteration of wine labels.

“Sec. 5663. Cross reference.

“SEC. 5661. PENALTY AND FORFEITURE FOR VIOLATION OF LAWS AND REGULATIONS RELATING TO WINE.

“(a) FRAUDULENT OFFENSES.—Whoever, with intent to defraud the United States, fails to pay any tax imposed upon wine or violates, or fails to comply with, any provision of subchapter F or subpart C of part I of subchapter A, or regulations issued pursuant thereto, or recovers or attempts to recover any spirits from wine, shall be fined not more than \$5,000, or imprisoned not more than 5 years, or both, for each such offense, and all products and materials used in any such violation shall be forfeited to the United States.

26 U.S.C. 5351-
5416, 5041-5045.

“(b) OTHER OFFENSES.—Any proprietor of premises subject to the provisions of subchapter F, or any employee or agent of such proprietor, or any other person, who otherwise than with intent to defraud the United States violates or fails to comply with any provision of subchapter F or subpart C of part I of subchapter A, or regulations issued pursuant thereto, or who aids or abets in any such violation, shall be fined not more than \$1,000, or imprisoned not more than 1 year, or both, for each such offense.

“SEC. 5662. PENALTY FOR ALTERATION OF WINE LABELS.

“Any person who, without the permission of the Secretary or his delegate, so alters as to materially change the meaning of any stamp, mark, brand, or label required to appear upon any wine upon its removal from premises subject to the provisions of subchapter F, or from customs custody, or who, after such removal, represents any wine, whether in its original containers or otherwise, to be of an identity or origin other than its proper identity or origin as shown by such stamp, mark, brand, or label, or who, directly or indirectly, and whether by manner of packaging or advertising or any other form of representation, represents any still wine to be an effervescent wine or a substitute for an effervescent wine, shall be fined not more than \$1,000, or imprisoned not more than 1 year, or both, for each such offense.

“SEC. 5663. CROSS REFERENCE.

“For penalties of common application pertaining to liquors, including wines, see part IV, and for penalties for rectified products, see part I.

“PART III—PENALTY, SEIZURE, AND FORFEITURE PRO- VISIONS APPLICABLE TO BEER AND BREWING

“Sec. 5671. Penalty and forfeiture for evasion of beer tax and fraudulent noncompliance with requirements.

“Sec. 5672. Penalty for failure of brewer to comply with requirements and to keep records and file returns.

“Sec. 5673. Forfeiture for flagrant and willful removal of beer without taxpayment.

“Sec. 5674. Penalty for unlawful removal of beer.

“Sec. 5675. Penalty for intentional removal or defacement of brewer's marks and brands.

“Sec. 5676. Penalties relating to beer stamps.

“SEC. 5671. PENALTY AND FORFEITURE FOR EVASION OF BEER TAX AND FRAUDULENT NONCOMPLIANCE WITH REQUIREMENTS.

“Whoever evades or attempts to evade any tax imposed by section 5051 or 5091, or with intent to defraud the United States fails or refuses to keep and file true and accurate records and returns as required by section 5415 and regulations issued pursuant thereto, shall be fined not more than \$5,000, or imprisoned not more than 5 years, or both, for each such offense, and shall forfeit all beer made by him or for him, and all the vessels, utensils, and apparatus used in making the same.

“SEC. 5672. PENALTY FOR FAILURE OF BREWER TO COMPLY WITH REQUIREMENTS AND TO KEEP RECORDS AND FILE RETURNS.

“Every brewer who, otherwise than with intent to defraud the United States, fails or refuses to keep the records and file the returns required by section 5415 and regulations issued pursuant thereto, or refuses to permit any internal revenue officer to inspect his records in the manner provided, or violates any of the provisions of subchapter G or regulations issued pursuant thereto shall be fined not more than \$1,000, or imprisoned not more than 1 year, or both, for each such offense.

26 U S C 5401-5416.

“SEC. 5673. FORFEITURE FOR FLAGRANT AND WILLFUL REMOVAL OF BEER WITHOUT TAXPAYMENT.

“For flagrant and willful removal of taxable beer for consumption or sale, with intent to defraud the United States of the tax thereon, all the right, title, and interest of each person who knowingly has suffered or permitted such removal, or has connived at the same, in the lands and buildings constituting the brewery shall be forfeited by a proceeding in rem in the District Court of the United States having jurisdiction thereof.

“SEC. 5674. PENALTY FOR UNLAWFUL REMOVAL OF BEER.

“Any brewer or other person who removes or in any way aids in the removal from any brewery of beer without complying with the provisions of this chapter or regulations issued pursuant thereto shall be fined not more than \$1,000, or imprisoned not more than 1 year, or both.

“SEC. 5675. PENALTY FOR INTENTIONAL REMOVAL OR DEFAACEMENT OF BREWER'S MARKS AND BRANDS.

“Every person other than the owner, or his agent authorized so to do, who intentionally removes or defaces any mark, brand, or label required by section 5412 and regulations issued pursuant thereto shall be liable to a penalty of \$50 for each barrel or other container from which such mark, brand, or label is so removed or defaced.

“SEC. 5676. PENALTIES RELATING TO BEER STAMPS.

“If stamps or other devices, evidencing the tax on beer or indicating compliance with the provisions of this chapter, are required by the Secretary or his delegate under section 5054, the following paragraphs shall apply—

“(1) **PENALTY FOR SALE, REMOVAL, OR RECEIPT WITHOUT PROPER STAMP OR DEVICE.**—Any brewer, or other person who sells, removes, receives, or purchases, or in any way aids in the sale, removal, receipt, or purchase of, any beer contained in any hogshead, barrel, keg, or other container from any brewery upon which the stamp, or device, in case of removal, has not been affixed, or on which a false or fraudulent stamp, or device, in case of removal is affixed with knowledge that it is such, or on which a stamp, or device, in case of removal, once cancelled, is used a second time,

shall be fined not more than \$1,000, or imprisoned for not more than 1 year, or both.

“(2) PENALTY FOR WITHDRAWAL FROM IMPROPERLY STAMPED CONTAINERS OR WITHOUT DESTROYING STAMPS OR DEVICES.—Any person who withdraws or aids in the withdrawal of any beer from any hogshead, barrel, keg, or other container, without destroying or defacing the stamp or device affixed thereon, or withdraws or aids in the withdrawal of any beer from any hogshead, barrel, keg, or other container, upon which the proper stamp or device has not been affixed or on which a false or fraudulent stamp or device is affixed, shall be fined not more than \$1,000, or imprisoned not more than 1 year, or both.

“(3) PENALTY FOR COUNTERFEITING STAMPS AND DEVICES AND TRAFFICKING IN USED STAMPS OR DEVICES.—Every person who makes, sells, or uses any false or counterfeit stamp or device of the kind mentioned in section 5054 or regulations issued pursuant thereto, or who makes, sells, or uses any die for printing or making any such false or counterfeit stamp or device, or who procures the same to be done, and every person who shall remove, or cause to be removed, from any hogshead, barrel, keg or other container of beer, any stamp or device required by regulations issued pursuant to section 5054, with intent to reuse such stamp or device, or who, with intent to defraud the revenue, knowingly uses, or permits to be used, any stamp or device removed from another hogshead, barrel, keg, or other container, or receives, buys, sells, gives away, or has in his possession any such stamp or device so removed, or makes any fraudulent use of any such stamp or device for beer, shall be fined not more than \$5,000, or imprisoned not more than 5 years, or both.

“(4) FORFEITURE OF UNSTAMPED CONTAINERS.—The ownership or possession by any person of any beer in hogsheads, barrels, kegs, or other similar containers which do not bear the stamps or devices required by regulations issued pursuant to section 5054 shall render such hogsheads, barrels, kegs, and other similar containers, and the beer contained therein, liable to seizure wherever found and to forfeiture.

“(5) PENALTY FOR REMOVAL OR DEFAACEMENT OF STAMPS, DEVICES, OR LABELS.—Every person who intentionally removes, alters, or defaces any stamp, device, or label required by section 5054 or regulations issued thereunder to be placed on containers of beer, other than in the manner and at the time required by law or regulations issued by the Secretary or his delegate, shall be liable to a fine of not more than \$500 for each such container from which the stamp, device, or label is removed, altered, or defaced.

“PART IV—PENALTY, SEIZURE, AND FORFEITURE PROVISIONS COMMON TO LIQUORS

“Sec. 5681. Penalty relating to signs.

“Sec. 5682. Penalty for breaking locks or gaining access.

“Sec. 5683. Penalty and forfeiture for removal of liquors under improper brands.

“Sec. 5684. Penalties relating to the payment and collection of liquor taxes.

“Sec. 5685. Penalty and forfeiture relating to possession of devices for emitting gas, smoke, etc., explosives and firearms, when violating liquor laws.

“Sec. 5686. Penalty for having, possessing, or using liquor or property intended to be used in violating provisions of this chapter.

“Sec. 5687. Penalty for offenses not specifically covered.

“Sec. 5688. Disposition and release of seized property.

“Sec. 5689. Penalty and forfeiture for tampering with a stamp machine.

“Sec. 5690. Definition of the term ‘person’.

"SEC. 5681. PENALTY RELATING TO SIGNS.

"(a) **FAILURE TO POST REQUIRED SIGN.**—Every person engaged in distilling, warehousing of distilled spirits, rectifying, or bottling of distilled spirits, and every wholesale dealer in liquors, who fails to post the sign required by section 5115 (a) or section 5180 (a) shall be fined not more than \$1,000, or imprisoned not more than 1 year, or both.

"(b) **POSTING OR DISPLAYING FALSE SIGN.**—Every person, other than a distiller, warehouseman of distilled spirits, rectifier, or bottler of distilled spirits who has received notice of registration of his plant under the provisions of section 5171 (a), or other than a wholesale dealer in liquors who has paid the special tax (or who is exempt from payment of such special tax by reason of the provisions of section 5113 (a)), who puts up or keeps up any sign indicating that he may lawfully carry on the business of a distiller, bonded warehouseman, rectifier, bottler of distilled spirits, or wholesale dealer in liquors, as the case may be, shall be fined not more than \$1,000, or imprisoned not more than 1 year, or both.

"(c) **PREMISES WHERE NO SIGN IS PLACED OR KEPT.**—Every person who works in any distillery, or in any rectifying, distilled spirits bottling, or wholesale liquor establishment, on which no sign required by section 5115 (a) or section 5180 (a) is placed or kept, and every person who knowingly receives at, or carries or conveys any distilled spirits to or from any such distillery, or to or from any such rectifying, distilled spirits bottling, or wholesale liquor establishment, or who knowingly carries or delivers any grain, molasses, or other raw material to any distillery on which said sign is not placed and kept, shall forfeit all vehicles, aircraft, or vessels used in carrying or conveying such property and shall be fined not more than \$1,000, or imprisoned not more than 1 year, or both.

"(d) **PRESUMPTION.**—Whenever on trial for violation of subsection (c) by working in a distillery or rectifying establishment on which no sign required by section 5180 (a) is placed or kept, the defendant is shown to have been present at such premises, such presence of the defendant shall be deemed sufficient evidence to authorize conviction, unless the defendant explains such presence to the satisfaction of the jury (or of the court when tried without jury).

"SEC. 5682. PENALTY FOR BREAKING LOCKS OR GAINING ACCESS.

"Every person, who destroys, breaks, injures, or tampers with any lock or seal which may be placed on any room, building, tank, vessel, or apparatus, by any duly authorized internal revenue officer, or opens said lock, seal, room, building, tank, vessel, or apparatus, or in any manner gains access to the contents therein, in the absence of the proper officer, or otherwise than as authorized by law, shall be fined not more than \$5,000, or imprisoned not more than 3 years, or both.

"SEC. 5683. PENALTY AND FORFEITURE FOR REMOVAL OF LIQUORS UNDER IMPROPER BRANDS.

"Whenever any person ships, transports, or removes any distilled spirits, wines, or beer, under any other than the proper name or brand known to the trade as designating the kind and quality of the contents of the casks or packages containing the same, or causes such act to be done, he shall be fined not more than \$1,000, or imprisoned not more than 1 year, or both, and shall forfeit such distilled spirits, wines, or beer, and casks or packages.

"SEC. 5684. PENALTIES RELATING TO THE PAYMENT AND COLLECTION OF LIQUOR TAXES.

"(a) **FAILURE TO PAY TAX.**—Whoever fails to pay any tax imposed by part I of subchapter A at the time prescribed shall, in addition to any other penalty provided in this title, be liable to a penalty of 5 percent of the tax due but unpaid.

“(b) FAILURE TO MAKE DEPOSIT OF TAXES.—Section 6656 relating to failure to make deposit of taxes shall apply to the failure to make any deposit of taxes imposed under part I of subchapter A on the date prescribed therefor, except that the penalty for such failure shall be 5 percent of the amount of the underpayment in lieu of the penalty provided by such section.

26 USC 6656.

26 USC 5001-5065.

“(c) APPLICABILITY OF SECTION 6659.—The penalties imposed by subsections (a) and (b) shall be assessed, collected, and paid in the same manner as taxes, as provided in section 6659 (a).

26 USC 6659.

“(d) CROSS REFERENCES.—

“(1) For provisions relating to interest in the case of taxes not paid when due, see section 6601.

“(2) For penalty for failure to file tax return, see section 6651.

“(3) For additional penalties for failure to pay tax, see section 6653.

“(4) For penalty for attempt to evade or defeat any tax imposed by this title, see section 7201.

“(5) For penalty for willful failure to file return, supply information, or pay tax, see section 7203.

“SEC. 5685. PENALTY AND FORFEITURE RELATING TO POSSESSION OF DEVICES FOR EMITTING GAS, SMOKE, ETC., EXPLOSIVES AND FIREARMS, WHEN VIOLATING LIQUOR LAWS.

“(a) PENALTY FOR POSSESSION OF DEVICES FOR EMITTING GAS, SMOKE, ETC.—Whoever, when violating any law of the United States, or of any Territory or possession of the United States, or of the District of Columbia, in regard to the manufacture, taxation, or transportation of or traffic in distilled spirits, wines, or beer, or when aiding in any such violation, has in his possession or in his control any device capable of causing emission of gas, smoke, or fumes, and which may be used for the purpose of hindering, delaying, or preventing pursuit or capture, any explosive, or any firearm (as defined in section 5848), except a machine gun, or a shotgun or rifle having a barrel or barrels less than 18 inches in length, shall be fined not more than \$5,000, or imprisoned not more than 10 years, or both, and all persons engaged in any such violation or in aiding in any such violation shall be held to be in possession or control of such device, firearm, or explosive.

“(b) PENALTY FOR POSSESSION OF MACHINE GUN, ETC.—Whoever, when violating any such law, has in his possession or in his control a machine gun, or any shotgun or rifle having a barrel or barrels less than 18 inches in length, shall be imprisoned not more than 20 years; and all persons engaged in any such violation or in aiding in any such violation shall be held to be in possession and control of such machine gun, shotgun, or rifle.

“(c) FORFEITURE OF FIREARMS, DEVICES, ETC.—Every such firearm or device for emitting gas, smoke, or fumes, and every such explosive, machine gun, shotgun, or rifle, in the possession or control of any person when violating any such law, shall be seized and shall be forfeited and disposed of in the manner provided by section 5862.

26 USC 5862.

“(d) DEFINITION OF MACHINE GUN.—As used in this section the term ‘machine gun’ means any weapon which shoots, or is designed to shoot, automatically or semiautomatically, more than one shot, without manual reloading, by a single function of the trigger.

“SEC. 5686. PENALTY FOR HAVING, POSSESSING, OR USING LIQUOR OR PROPERTY INTENDED TO BE USED IN VIOLATING PROVISIONS OF THIS CHAPTER.

“(a) GENERAL.—It shall be unlawful to have or possess any liquor or property intended for use in violating any provision of this chapter or regulations issued pursuant thereto, or which has been so used, and every person so having or possessing or using such liquor or property, shall be fined not more than \$5,000, or imprisoned not more than 1 year, or both.

“(b) CROSS REFERENCE.—

“For seizure and forfeiture of liquor and property had, possessed, or used in violation of subsection (a), see section 7302.

“SEC. 5687. PENALTY FOR OFFENSES NOT SPECIFICALLY COVERED.

“Whoever violates any provision of this chapter or regulations issued pursuant thereto, for which a specific criminal penalty is not prescribed by this chapter, shall be fined not more than \$1,000, or imprisoned not more than 1 year, or both, for each such offense.

“SEC. 5688. DISPOSITION AND RELEASE OF SEIZED PROPERTY.

“(a) FORFEITURE.—

“(1) DELIVERY.—All distilled spirits, wines, and beer forfeited, summarily or by order of court, under any law of the United States, shall be delivered to the Administrator of General Services to be disposed of as hereinafter provided.

“(2) DISPOSAL.—The Administrator of General Services shall dispose of all distilled spirits, wines, and beer which have been delivered to him pursuant to paragraph (1)—

“(A) by delivery to such Government agencies as, in his opinion, have a need for such distilled spirits, wines, or beer for medicinal, scientific, or mechanical purposes, or for any other official purpose for which appropriated funds may be expended by a Government agency; or

“(B) by gifts to such eleemosynary institutions as, in his opinion, have a need for such distilled spirits, wines, or beer for medicinal purposes; or

“(C) by destruction.

“(3) LIMITATION ON DISPOSAL.—Except as otherwise provided by law, no distilled spirits, wines, or beer which have been seized under any law of the United States may be disposed of in any manner whatsoever except after forfeiture and as provided in this subsection.

“(4) REGULATIONS.—The Administrator of General Services is authorized to make all rules and regulations necessary to carry out the provisions of this subsection.

“(5) REMISSION OR MITIGATION OF FORFEITURES.—Nothing in this section shall affect the authority of the Secretary or his delegate, under the customs or internal revenue laws, to remit or mitigate the forfeiture, or alleged forfeiture, of such distilled spirits, wines, or beer, or the authority of the Secretary or his delegate, to compromise any civil or criminal case in respect of such distilled spirits, wines, or beer prior to commencement of suit thereon, or the authority of the Secretary or his delegate to compromise any claim under the customs laws in respect to such distilled spirits, wines, or beer.

“(b) DISTRRAINT OR JUDICIAL PROCESS.—Except as provided in section 5243, all distilled spirits sold by order of court, or under process of distraint, shall be sold subject to tax; and the purchaser shall immediately, and before he takes possession of said spirits, pay the tax thereon, pursuant to the applicable provisions of this chapter and in accordance with regulations to be prescribed by the Secretary or his delegate.

“(c) RELEASE OF SEIZED VESSELS OR VEHICLES BY COURTS.—Notwithstanding any provisions of law relating to the return on bond of any vessel or vehicle seized for the violation of any law of the United States, the court having jurisdiction of the subject matter may, in its discretion and upon good cause shown by the United States, refuse to order such return of any such vessel or vehicle to the claimant thereof. As used in this subsection, the word ‘vessel’ includes every description of watercraft used, or capable of being used, as a means

of transportation in water or in water and air; and the word 'vehicle' includes every animal and description of carriage or other contrivance used, or capable of being used, as a means of transportation on land or through the air.

"SEC. 5689. PENALTY AND FORFEITURE FOR TAMPERING WITH A STAMP MACHINE.

"Whoever manufactures, procures, possesses, uses, or tampers with a tax-stamp machine which may be required under section 5061 (b) with intent to evade the internal revenue tax imposed on distilled spirits, rectified spirits, wines, or beer, and whoever, with intent to defraud, makes, alters, simulates, or counterfeits any stamp of the character imprinted by such stamp machines, or who procures, possesses, uses, or sells any forged, altered, counterfeited, or simulated tax stamp, or any plate, die, or device intended for use in forging, altering, counterfeiting, or simulating any such stamps, shall be fined not more than \$10,000, or imprisoned not more than 5 years, or both, and any machine, device, equipment, or materials used in violation of this section shall be forfeited to the United States and after condemnation shall be destroyed. But this provision shall not exclude any other penalty or forfeiture provided by law.

"SEC. 5690. DEFINITION OF THE TERM 'PERSON'.

"The term 'person', as used in this subchapter, includes an officer or employee of a corporation or a member or employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in respect of which the violation occurs.

"PART V—PENALTIES APPLICABLE TO OCCUPATIONAL TAXES

"Sec. 5691. Penalties for nonpayment of special taxes relating to liquors.

"Sec. 5692. Penalties relating to posting of special tax stamps.

"SEC. 5691. PENALTIES FOR NONPAYMENT OF SPECIAL TAXES RELATING TO LIQUORS.

"(a) GENERAL.—Any person who shall carry on the business of a brewer, rectifier, wholesale dealer in liquors, retail dealer in liquors, wholesale dealer in beer, retail dealer in beer, limited retail dealer, or manufacturer of stills, and willfully fail to pay the special tax as required by law, shall be fined not more than \$5,000, or imprisoned not more than 2 years, or both, for each such offense.

"(b) PRESUMPTION IN CASE OF THE SALE OF 20 WINE GALLONS OR MORE.—For the purposes of this chapter, the sale, or offer for sale, of distilled spirits, wines, or beer, in quantities of 20 wine gallons or more to the same person at the same time, shall be presumptive evidence that the person making such sale, or offer for sale, is engaged in or carrying on the business of a wholesale dealer in liquors or a wholesale dealer in beer, as the case may be. Such presumption may be overcome by evidence satisfactorily showing that such sale, or offer for sale, was made to a person other than a dealer, as defined in section 5112 (a).

"SEC. 5692. PENALTIES RELATING TO POSTING OF SPECIAL TAX STAMPS.

"For penalty for failure to post special tax stamps, see section 7273 (a)."

SEC. 202. AMENDMENT OF CHAPTER 52 OF THE INTERNAL REVENUE CODE OF 1954.

26 U S C 5701-
5763.

Chapter 52 of the Internal Revenue Code of 1954 is amended to read as follows:

**“CHAPTER 52—TOBACCO, CIGARS, CIGARETTES,
AND CIGARETTE PAPERS AND TUBES**

“SUBCHAPTER A. Definitions; rate and payment of tax; exemption from tax; and refund and drawback of tax.

“SUBCHAPTER B. Qualification requirements for manufacturers of tobacco products and cigarette papers and tubes, export warehouse proprietors, and dealers in tobacco materials.

“SUBCHAPTER C. Operations by manufacturers and importers of tobacco products and cigarette papers and tubes and export warehouse proprietors.

“SUBCHAPTER D. Operations by dealers in tobacco materials.

“SUBCHAPTER E. Records of manufacturers of tobacco products and cigarette papers and tubes, export warehouse proprietors, and dealers in tobacco materials.

“SUBCHAPTER F. General provisions.

“SUBCHAPTER G. Penalties and forfeitures.

“Subchapter A—Definitions; Rate and Payment of Tax; Exemption From Tax; and Refund and Drawback of Tax

“Sec. 5701. Rate of tax.

“Sec. 5702. Definitions.

“Sec. 5703. Liability for tax and method of payment.

“Sec. 5704. Exemption from tax.

“Sec. 5705. Refund or allowance of tax.

“Sec. 5706. Drawback of tax.

“Sec. 5707. Floor stocks refund on cigarettes.

“Sec. 5708. Losses caused by disaster.

“SEC. 5701. RATE OF TAX.

“(a) **TOBACCO.**—On tobacco, manufactured in or imported into the United States, there shall be imposed a tax of 10 cents per pound.

“(b) **CIGARS.**—On cigars, manufactured in or imported into the United States, there shall be imposed the following taxes:

“(1) **SMALL CIGARS.**—On cigars, weighing not more than 3 pounds per thousand, 75 cents per thousand;

“(2) **LARGE CIGARS.**—On cigars, weighing more than 3 pounds per thousand;

“(A) If removed to retail at not more than 2½ cents each, \$2.50 per thousand;

“(B) If removed to retail at more than 2½ cents each and not more than 4 cents each, \$3 per thousand;

“(C) If removed to retail at more than 4 cents each and not more than 6 cents each, \$4 per thousand;

“(D) If removed to retail at more than 6 cents each and not more than 8 cents each, \$7 per thousand;

“(E) If removed to retail at more than 8 cents each and not more than 15 cents each, \$10 per thousand;

“(F) If removed to retail at more than 15 cents each and not more than 20 cents each, \$15 per thousand;

“(G) If removed to retail at more than 20 cents each, \$20 per thousand.

In determining the retail price, for tax purposes, regard shall be had to the ordinary retail price of a single cigar in its principal market, exclusive of any State or local taxes imposed on the retail sale of cigars.

Cigars not exempt from tax under this chapter which are removed but not intended for sale shall be taxed at the same rate as similar cigars removed for sale.

“(c) CIGARETTES.—On cigarettes, manufactured in or imported into the United States, there shall be imposed the following taxes:

“(1) SMALL CIGARETTES.—On cigarettes, weighing not more than 3 pounds per thousand, \$4 per thousand until July 1, 1959, and \$3.50 per thousand on and after July 1, 1959;

“(2) LARGE CIGARETTES.—On cigarettes, weighing more than 3 pounds per thousand, \$8.40 per thousand; except that, if more than 6½ inches in length, they shall be taxable at the rate prescribed for cigarettes weighing not more than 3 pounds per thousand, counting each 2¾ inches, or fraction thereof, of the length of each as one cigarette.

“(d) CIGARETTE PAPERS.—On each book or set of cigarette papers containing more than 25 papers, manufactured in or imported into the United States, there shall be imposed a tax of ½ cent for each 50 papers or fractional part thereof; except that, if cigarette papers measure more than 6½ inches in length, they shall be taxable at the rate prescribed, counting each 2¾ inches, or fraction thereof, of the length of each as one cigarette paper.

“(e) CIGARETTE TUBES.—On cigarette tubes, manufactured in or imported into the United States, there shall be imposed a tax of 1 cent for each 50 tubes or fractional part thereof, except that if cigarette tubes measure more than 6½ inches in length, they shall be taxable at the rate prescribed, counting each 2¾ inches, or fraction thereof, of the length of each as one cigarette tube.

“(f) IMPORTED TOBACCO PRODUCTS AND CIGARETTE PAPERS AND TUBES.—The taxes imposed by this section on tobacco products and cigarette papers and tubes imported into the United States shall be in addition to any import duties imposed on such articles.

“SEC. 5702. DEFINITIONS.

“When used in this chapter—

“(a) MANUFACTURED TOBACCO.—‘Manufactured tobacco’ means tobacco (other than cigars and cigarettes) prepared, processed, manipulated, or packaged, for removal, or merely removed, for consumption by smoking or for use in the mouth or nose, and any tobacco (other than cigars and cigarettes), not exempt from tax under this chapter, sold or delivered to any person contrary to this chapter or regulations prescribed thereunder.

“(b) CIGAR.—‘Cigar’ means any roll of tobacco wrapped in tobacco.

“(c) CIGARETTE.—‘Cigarette’ means any roll of tobacco, wrapped in paper or any substance other than tobacco.

“(d) TOBACCO PRODUCTS.—‘Tobacco products’ means manufactured tobacco, cigars, and cigarettes.

“(e) MANUFACTURER OF TOBACCO PRODUCTS.—‘Manufacturer of tobacco products’ means any person who manufactures cigars or cigarettes, or who prepares, processes, manipulates, or packages, for removal, or merely removes, tobacco (other than cigars and cigarettes) for consumption by smoking or for use in the mouth or nose, or who sells or delivers any tobacco (other than cigars and cigarettes) contrary to this chapter or regulations prescribed thereunder. The term ‘manufacturer of tobacco products’ shall not include—

“(1) a person who in any manner prepares tobacco, or produces cigars or cigarettes, solely for his own personal consumption or use; or

“(2) a proprietor of a customs bonded manufacturing warehouse with respect to the operation of such warehouse; or

“(3) a farmer or grower of tobacco with respect to the sale of leaf tobacco of his own growth or raising, if it is in the condition as cured on the farm; or

“(4) a bona fide association of farmers or growers of tobacco with respect to sales of leaf tobacco grown by farmer or grower members, if the tobacco so sold is in the condition as cured on the farm, and if the association maintains records of all leaf tobacco, acquired or received and sold or otherwise disposed of, in such manner as the Secretary or his delegate shall by regulations prescribe.

“(f) CIGARETTE PAPER.—‘Cigarette paper’ means paper, or any other material except tobacco, prepared for use as a cigarette wrapper.

“(g) CIGARETTE PAPERS.—‘Cigarette papers’ means taxable books or sets of cigarette papers.

“(h) CIGARETTE TUBE.—‘Cigarette tube’ means cigarette paper made into a hollow cylinder for use in making cigarettes.

“(i) MANUFACTURER OF CIGARETTE PAPERS AND TUBES.—‘Manufacturer of cigarette papers and tubes’ means any person who makes up cigarette paper into books or sets containing more than 25 papers each, or into tubes, except for his own personal use or consumption.

“(j) EXPORT WAREHOUSE.—‘Export warehouse’ means a bonded internal revenue warehouse for the storage of tobacco products and cigarette papers and tubes, upon which the internal revenue tax has not been paid, for subsequent shipment to a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States, or for consumption beyond the jurisdiction of the internal revenue laws of the United States.

“(k) EXPORT WAREHOUSE PROPRIETOR.—‘Export warehouse proprietor’ means any person who operates an export warehouse.

“(l) TOBACCO MATERIALS.—‘Tobacco materials’ means tobacco other than manufactured tobacco, cigars, and cigarettes.

“(m) DEALER IN TOBACCO MATERIALS.—‘Dealer in tobacco materials’ means any person who receives and handles tobacco materials for sale, shipment, or delivery to another dealer in such materials, to a manufacturer of tobacco products, or to a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States, or who receives tobacco materials, other than stems and waste, for use by him in the production of fertilizer, insecticide, or nicotine. The term ‘dealer in tobacco materials’ shall not include—

“(1) an operator of a warehouse who stores tobacco materials solely for a qualified dealer in tobacco materials, for a qualified manufacturer of tobacco products, for a farmer or grower of tobacco, or for a bona fide association of farmers or growers of tobacco; or

“(2) a farmer or grower of tobacco with respect to the sale of leaf tobacco of his own growth or raising, or a bona fide association of farmers or growers of tobacco with respect to sales of leaf tobacco grown by farmer or grower members, if the tobacco so sold is in the condition as cured on the farm: *Provided*, That such association maintains records of all leaf tobacco acquired or received and sold or otherwise disposed of by the association, in such manner as the Secretary or his delegate shall by regulation prescribe; or

“(3) a person who buys leaf tobacco on the floor of an auction warehouse, or who buys leaf tobacco from a farmer or grower, and places the tobacco on the floor of such a warehouse, or who purchases and sells warehouse receipts without taking physical possession of the tobacco covered thereby; or

“(4) a qualified manufacturer of tobacco products with respect to tobacco materials received by him under his bond as such a manufacturer.

“(n) REMOVAL OR REMOVE.—‘Removal’ or ‘remove’ means the removal of tobacco products or cigarette papers or tubes from the factory or from internal revenue bond, as the Secretary or his delegate shall by regulation prescribe, or release from customs custody, and shall also include the smuggling or other unlawful importation of such articles into the United States.

“(o) IMPORTER.—‘Importer’ means any person in the United States to whom nontaxpaid tobacco products or cigarette papers or tubes manufactured in a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States are shipped or consigned; any person who removes cigars or cigarettes for sale or consumption in the United States from a customs bonded manufacturing warehouse; and any person who smuggles or otherwise unlawfully brings tobacco products or cigarette papers or tubes into the United States.

“SEC. 5703. LIABILITY FOR TAX AND METHOD OF PAYMENT.

“(a) LIABILITY FOR TAX.—

“(1) ORIGINAL LIABILITY.—The manufacturer or importer of tobacco products and cigarette papers and tubes shall be liable for the taxes imposed thereon by section 5701.

“(2) TRANSFER OF LIABILITY.—When tobacco products and cigarette papers and tubes are transferred, without payment of tax, pursuant to section 5704, the liability for tax shall be transferred in accordance with the provisions of this paragraph. When tobacco products and cigarette papers and tubes are transferred between the bonded premises of manufacturers and export warehouse proprietors, the transferee shall become liable for the tax upon receipt by him of such articles, and the transferor shall thereupon be relieved of his liability for such tax. When tobacco products and cigarette papers and tubes are released in bond from customs custody for transfer to the bonded premises of a manufacturer of tobacco products or cigarette papers and tubes, the transferee shall become liable for the tax on such articles upon release from customs custody, and the importer shall thereupon be relieved of his liability for such tax.

“(b) METHOD OF PAYMENT OF TAX.—The taxes imposed by section 5701 shall be determined at the time of removal of the tobacco products and cigarette papers and tubes. Such taxes shall be paid on the basis of a return, except that the taxes shall continue to be paid by stamp until the Secretary or his delegate provides, by regulations, for the payment of the taxes on the basis of a return. The Secretary or his delegate shall, by regulations, prescribe the period or event for which such return shall be made, the information to be furnished on such return, the time for making such return, and the time for payment of such taxes. Any postponement under this subsection of the payment of taxes determined at the time of removal shall be conditioned upon the filing of such additional bonds, and upon compliance with such requirements, as the Secretary or his delegate may, by regulations, prescribe for the protection of the revenue. The Secretary or his delegate may, by regulations, require payment of tax on the basis of a return prior to removal of the tobacco products and cigarette papers and tubes where a person defaults in the postponed payment of tax on the basis of a return under this subsection or regulations prescribed thereunder. All administrative and penal provisions of this title, insofar as applicable, shall apply to any tax imposed by section 5701.

“(c) **STAMPS TO EVIDENCE THE TAX.**—If the Secretary or his delegate shall by regulation provide for the payment of tax by return and require the use of stamps to evidence the tax imposed by this chapter or to indicate compliance therewith, the Secretary or his delegate shall cause to be prepared suitable stamps to be issued to manufacturers and importers of tobacco products, to be used and accounted for, in accordance with such regulations as the Secretary or his delegate shall prescribe.

“(d) **USE OF GOVERNMENT DEPOSITARIES.**—The Secretary or his delegate may authorize Federal Reserve banks, and incorporated banks or trust companies which are depositaries or financial agents of the United States, to receive any tax imposed by this chapter, in such manner, at such times, and under such conditions as he may prescribe; and he shall prescribe the manner, time, and condition under which the receipt of such tax by such banks and trust companies is to be treated as payment for tax purposes.

“(e) **ASSESSMENT.**—Whenever any tax required to be paid by this chapter is not paid in full at the time required for such payment, it shall be the duty of the Secretary or his delegate, subject to the limitations prescribed in section 6501, on proof satisfactory to him, to determine the amount of tax which has been omitted to be paid, and to make an assessment therefor against the person liable for the tax. The tax so assessed shall be in addition to the penalties imposed by law for failure to pay such tax when required. Except in cases where delay may jeopardize collection of the tax, or where the amount is nominal or the result of an evident mathematical error, no such assessment shall be made until and after the person liable for the tax has been afforded reasonable notice and opportunity to show cause, in writing, against such assessment.

“**SEC. 5704. EXEMPTION FROM TAX.**

“(a) **TOBACCO PRODUCTS FURNISHED FOR EMPLOYEE USE OR EXPERIMENTAL PURPOSES.**—Tobacco products may be furnished by a manufacturer of such products, without payment of tax, for use or consumption by employees or for experimental purposes, in such quantities, and in such manner as the Secretary or his delegate shall by regulation prescribe.

“(b) **TOBACCO PRODUCTS AND CIGARETTE PAPERS AND TUBES TRANSFERRED OR REMOVED IN BOND FROM DOMESTIC FACTORIES AND EXPORT WAREHOUSES.**—A manufacturer or export warehouse proprietor may transfer tobacco products and cigarette papers and tubes, without payment of tax, to the bonded premises of another manufacturer or export warehouse proprietor, or remove such articles, without payment of tax, for shipment to a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States, or for consumption beyond the jurisdiction of the internal revenue laws of the United States; and manufacturers may similarly remove such articles for use of the United States; in accordance with such regulations and under such bonds as the Secretary or his delegate shall prescribe.

“(c) **TOBACCO MATERIALS SHIPPED OR DELIVERED IN BOND.**—A dealer in tobacco materials or a manufacturer of tobacco products may ship or deliver tobacco materials, without payment of tax, to another such dealer or manufacturer, or to a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States; or, in the case of tobacco stems and waste only, to any person for use by him as fertilizer or insecticide or in the production of fertilizer, insecticide, or nicotine; in accordance with such regulations and under such bonds as the Secretary or his delegate shall prescribe.

“(d) **TOBACCO PRODUCTS, CIGARETTE PAPERS AND TUBES, AND TOBACCO MATERIALS RELEASED IN BOND FROM CUSTOMS CUSTODY.**—Tobacco products, cigarette papers and tubes, and tobacco materials, imported or brought into the United States, may be released from customs custody, without payment of tax, for delivery to a manufacturer of tobacco products or cigarette papers and tubes and such tobacco materials may be similarly released for delivery to a dealer in tobacco materials, in accordance with such regulations and under such bond as the Secretary or his delegate shall prescribe.

“**SEC. 5705. REFUND OR ALLOWANCE OF TAX.**

“(a) **REFUND.**—Refund of any tax imposed by this chapter shall be made (without interest) to the manufacturer, importer, or export warehouse proprietor, on proof satisfactory to the Secretary or his delegate that the claimant manufacturer, importer, or export warehouse proprietor has paid the tax on tobacco products and cigarette papers and tubes withdrawn by him from the market; or on such articles lost (otherwise than by theft) or destroyed, by fire, casualty, or act of God, while in the possession or ownership of the claimant.

“(b) **ALLOWANCE.**—If the tax has not yet been paid on tobacco products and cigarette papers and tubes proved to have been withdrawn from the market or lost or destroyed as aforesaid, relief from the tax on such articles may be extended upon the filing of a claim for allowance therefor in accordance with such regulations as the Secretary or his delegate shall prescribe.

“(c) **LIMITATION.**—Any claim for refund of tax under this section shall be filed within 6 months after the date of the withdrawal from the market, loss, or destruction of the articles to which the claim relates, and shall be in such form and contain such information as the Secretary or his delegate shall by regulations prescribe.

“**SEC. 5706. DRAWBACK OF TAX.**

“There shall be an allowance of drawback of tax paid on tobacco products and cigarette papers and tubes, when shipped from the United States, in accordance with such regulations and upon the filing of such bond as the Secretary or his delegate shall prescribe.

“**SEC. 5707. FLOOR STOCKS REFUND ON CIGARETTES.**

“(a) **IN GENERAL.**—With respect to cigarettes, weighing not more than 3 pounds per thousand, upon which the tax imposed by subsection (c) (1) of section 5701 has been paid, and which, on July 1, 1959, are held by any person and intended for sale, or are in transit from foreign countries or insular possessions of the United States to any person in the United States for sale, there shall be credited or refunded to such person (without interest), subject to such regulations as shall be prescribed by the Secretary or his delegate, an amount equal to the difference between the tax paid on such cigarettes and the tax made applicable to such articles on July 1, 1959, if claim for such credit or refund is filed with the Secretary or his delegate before October 1, 1959.

“(b) **LIMITATIONS ON ELIGIBILITY FOR CREDIT OR REFUND.**—No person shall be entitled to credit or refund under subsection (a) unless such person, for such period or periods both before and after July 1, 1959 (but not extending beyond 1 year thereafter), as the Secretary

or his delegate shall by regulation prescribe, makes and keeps, and files with the Secretary or his delegate, such records of inventories, sales, and purchases as may be prescribed in such regulations.

“(c) **PENALTY AND ADMINISTRATIVE PROCEDURES.**—All provisions of law, including penalties, applicable in respect of internal revenue taxes on cigarettes shall, insofar as applicable and not inconsistent with this section, be applicable in respect of the credits and refunds provided for in this section to the same extent as if such credits or refunds constituted credits or refunds of such taxes.

“**SEC. 5708. LOSSES CAUSED BY DISASTER.**

64 Stat. 1109.

“(a) **AUTHORIZATION.**—Where the President has determined under the Act of September 30, 1950 (42 U. S. C., sec. 1855), that a ‘major disaster’ as defined in such Act has occurred in any part of the United States, the Secretary or his delegate shall pay (without interest) an amount equal to the amount of the internal revenue taxes paid or determined and customs duties paid on tobacco products and cigarette papers and tubes removed, which were lost, rendered unmarketable, or condemned by a duly authorized official by reason of such disaster occurring in such part of the United States on and after the effective date of this section, if such tobacco products or cigarette papers or tubes were held and intended for sale at the time of such disaster. The payments authorized by this section shall be made to the person holding such tobacco products or cigarette papers or tubes for sale at the time of such disaster.

“(b) **CLAIMS.**—No claim shall be allowed under this section unless—

“(1) filed within 6 months after the date on which the President makes the determination that the disaster referred to in subsection (a) has occurred; and

“(2) the claimant furnishes proof to the satisfaction of the Secretary or his delegate that—

“(A) he was not indemnified by any valid claim of insurance or otherwise in respect of the tax, or tax and duty, on the tobacco products or cigarette papers or tubes covered by the claim, and

“(B) he is entitled to payment under this section.

Claims under this section shall be filed under such regulations as the Secretary or his delegate shall prescribe.

“(c) **DESTRUCTION OF TOBACCO PRODUCTS OR CIGARETTE PAPERS OR TUBES.**—Before the Secretary or his delegate makes payment under this section in respect of the tax, or tax and duty, on the tobacco products or cigarette papers or tubes condemned by a duly authorized official or rendered unmarketable, such tobacco products or cigarette papers or tubes shall be destroyed under such supervision as the Secretary or his delegate may prescribe, unless such tobacco products or cigarette papers or tubes were previously destroyed under supervision satisfactory to the Secretary or his delegate.

“(d) **OTHER LAWS APPLICABLE.**—All provisions of law, including penalties, applicable in respect of internal revenue taxes on tobacco products and cigarette papers and tubes shall, insofar as applicable and not inconsistent with this section, be applied in respect of the payments provided for in this section to the same extent as if such payments constituted refunds of such taxes.

“Subchapter B—Qualification Requirements for Manufacturers of Tobacco Products and Cigarette Papers and Tubes, Export Warehouse Proprietors, and Dealers in Tobacco Materials

“Sec. 5711. Bond.

“Sec. 5712. Application for permit.

“Sec. 5713. Permit.

“SEC. 5711. BOND.

“(a) **WHEN REQUIRED.**—Every person, before commencing business as a manufacturer of tobacco products or cigarette papers and tubes, as an export warehouse proprietor, or as a dealer in tobacco materials, shall file such bond, conditioned upon compliance with this chapter and regulations issued thereunder, in such form, amount, and manner as the Secretary or his delegate shall by regulation prescribe. A new or additional bond may be required whenever the Secretary or his delegate considers such action necessary for the protection of the revenue.

“(b) **APPROVAL OR DISAPPROVAL.**—No person shall engage in such business until he receives notice of approval of such bond. A bond may be disapproved, upon notice to the principal on the bond, if the Secretary or his delegate determines that the bond is not adequate to protect the revenue.

“(c) **CANCELLATION.**—Any bond filed hereunder may be canceled, upon notice to the principal on the bond, whenever the Secretary or his delegate determines that the bond no longer adequately protects the revenue.

“SEC. 5712. APPLICATION FOR PERMIT.

“Every person, before commencing business as a manufacturer of tobacco products or as an export warehouse proprietor, and at such other time as the Secretary or his delegate shall by regulation prescribe, shall make application for the permit provided for in section 5713. The application shall be in such form as the Secretary or his delegate shall prescribe and shall set forth, truthfully and accurately, the information called for on the form. Such application may be rejected and the permit denied if the Secretary or his delegate, after notice and opportunity for hearing, finds that—

“(1) the premises on which it is proposed to conduct the business are not adequate to protect the revenue; or

“(2) such person (including, in the case of a corporation, any officer, director, or principal stockholder and, in the case of a partnership, a partner) is, by reason of his business experience, financial standing, or trade connections, not likely to maintain operations in compliance with this chapter, or has failed to disclose any material information required or made any material false statement in the application therefor.

No person subject to this section, who is lawfully engaged in business on the date of the enactment of the Excise Tax Technical Changes Act of 1958, shall be denied the right to carry on such business pending reasonable opportunity to make application for permit and final action thereon.

“SEC. 5713. PERMIT.

“(a) **ISSUANCE.**—A person shall not engage in business as a manufacturer of tobacco products or as an export warehouse proprietor without a permit to engage in such business. Such permit, conditioned upon compliance with this chapter and regulations issued thereunder, shall be issued in such form and in such manner as the Secretary

or his delegate shall by regulation prescribe, to every person properly qualified under sections 5711 and 5712. A new permit may be required at such other time as the Secretary or his delegate shall by regulation prescribe.

“(b) **REVOCATION.**—If the Secretary or his delegate has reason to believe that any person holding a permit has not in good faith complied with this chapter, or with any other provision of this title involving intent to defraud, or has violated the conditions of such permit, or has failed to disclose any material information required or made any material false statement in the application for such permit, or has failed to maintain his premises in such manner as to protect the revenue, the Secretary or his delegate shall issue an order, stating the facts charged, citing such person to show cause why his permit should not be suspended or revoked. If, after hearing, the Secretary or his delegate finds that such person has not in good faith complied with this chapter or with any other provision of this title involving intent to defraud, has violated the conditions of such permit, has failed to disclose any material information required or made any material false statement in the application therefor, or has failed to maintain his premises in such manner as to protect the revenue, such permit shall be suspended for such period as the Secretary or his delegate deems proper or shall be revoked.

“Subchapter C—Operations by Manufacturers and Importers of Tobacco Products and Cigarette Papers and Tubes and Export Warehouse Proprietors

“Sec. 5721. Inventories.

“Sec. 5722. Reports.

“Sec. 5723. Packages, marks, labels, notices, and stamps.

“SEC. 5721. INVENTORIES.

“Every manufacturer of tobacco products or cigarette papers and tubes, and every export warehouse proprietor, shall make a true and accurate inventory at the time of commencing business, at the time of concluding business, and at such other times, in such manner and form, and to include such items, as the Secretary or his delegate shall by regulation prescribe. Such inventories shall be subject to verification by any internal revenue officer.

“SEC. 5722. REPORTS.

“Every manufacturer of tobacco products or cigarette papers and tubes, and every export warehouse proprietor, shall make reports containing such information, in such form, at such times, and for such periods as the Secretary or his delegate shall by regulation prescribe.

“SEC. 5723. PACKAGES, MARKS, LABELS, NOTICES, AND STAMPS.

“(a) **PACKAGES.**—All tobacco products and cigarette papers and tubes shall, before removal, be put up in such packages as the Secretary or his delegate shall by regulation prescribe.

“(b) **MARKS, LABELS, NOTICES, AND STAMPS.**—Every package of tobacco products or cigarette papers or tubes shall, before removal, bear the marks, labels, notices, and stamps, if any, that the Secretary or his delegate by regulation prescribes.

“(c) **LOTTERY FEATURES.**—No certificate, coupon, or other device purporting to be or to represent a ticket, chance, share, or an interest in, or dependent on, the event of a lottery shall be contained in, attached to, or stamped, marked, written, or printed on any package of tobacco products or cigarette papers or tubes.

“(d) **INDECENT OR IMMORAL MATERIAL PROHIBITED.**—No indecent or immoral picture, print, or representation shall be contained in, attached to, or stamped, marked, written, or printed on any package of tobacco products or cigarette papers or tubes.

“(e) **EXCEPTIONS.**—Tobacco products furnished by manufacturers of such products for use or consumption by their employees, or for experimental purposes, and tobacco products and cigarette papers and tubes transferred to the bonded premises of another manufacturer or export warehouse proprietor or released in bond from customs custody for delivery to a manufacturer of tobacco products or cigarette papers and tubes, may be exempted from subsections (a) and (b) in accordance with such regulations as the Secretary or his delegate shall prescribe.

“Subchapter D—Operations by Dealers in Tobacco Materials

“Sec. 5731. Shipments and deliveries restricted.

“Sec. 5732. Inventory, and statement of shipments and deliveries.

“SEC. 5731. SHIPMENTS AND DELIVERIES RESTRICTED.

“Every dealer in tobacco materials shall make all shipments or deliveries of tobacco materials in accordance with such regulations as the Secretary or his delegate shall prescribe. Tobacco materials shipped or delivered in violation of such regulations shall be subject to tax as manufactured tobacco and the dealer shipping or delivering the same shall be subject as a manufacturer of tobacco to the provisions of this chapter.

“SEC. 5732. INVENTORY, AND STATEMENT OF SHIPMENTS AND DELIVERIES.

“A dealer in tobacco materials shall make, upon demand of any internal revenue officer, a true and accurate inventory of all such materials held by the dealer, and shall, upon similar demand, furnish a true and complete statement of the quantity of such materials shipped or delivered to any person named in such demand.

“Subchapter E—Records of Manufacturers of Tobacco Products and Cigarette Papers and Tubes, Export Warehouse Proprietors, and Dealers in Tobacco Materials

“Sec. 5741. Records to be maintained.

“SEC. 5741. RECORDS TO BE MAINTAINED.

“Every manufacturer of tobacco products or cigarette papers and tubes, every export warehouse proprietor, and every dealer in tobacco materials shall keep such records in such manner as the Secretary or his delegate shall by regulation prescribe.

“Subchapter F—General Provisions

“Sec. 5751. Purchase, receipt, possession, or sale of tobacco products and cigarette papers and tubes, after removal.

“Sec. 5752. Restrictions relating to marks, labels, notices, stamps, and packages.

“Sec. 5753. Disposal of forfeited, condemned, and abandoned tobacco products, cigarette papers and tubes, and tobacco materials.

“SEC. 5751. PURCHASE, RECEIPT, POSSESSION, OR SALE OF TOBACCO PRODUCTS AND CIGARETTE PAPERS AND TUBES, AFTER REMOVAL.

“(a) **RESTRICTION.**—No person shall—

“(1) with intent to defraud the United States, purchase, receive, possess, offer for sale, or sell or otherwise dispose of, after removal, any tobacco products or cigarette papers or tubes—

“(A) upon which the tax has not been paid or determined in the manner and at the time prescribed by this chapter or regulations thereunder; or

“(B) which, after removal without payment of tax pursuant to section 5704, have been diverted from the applicable purpose or use specified in that section; or

“(2) with intent to defraud the United States, purchase, receive, possess, offer for sale, or sell or otherwise dispose of, after removal, any tobacco products or cigarette papers or tubes, which are not put up in packages as required under section 5723 or which are put up in packages not bearing the marks, labels, notices, and stamps, as required under such section; or

“(3) otherwise than with intent to defraud the United States, purchase, receive, possess, offer for sale, or sell or otherwise dispose of, after removal, any tobacco products or cigarette papers or tubes, which are not put up in packages as required under section 5723 or which are put up in packages not bearing the marks, labels, notices, and stamps, as required under such section. This paragraph shall not prevent the sale or delivery of tobacco products or cigarette papers or tubes directly to consumers from proper packages, nor apply to such articles when so sold or delivered.

“(b) **LIABILITY TO TAX.**—Any person who possesses tobacco products or cigarette papers or tubes in violation of subsection (a) (1) or (a) (2) shall be liable for a tax equal to the tax on such articles.

“SEC. 5752. RESTRICTIONS RELATING TO MARKS, LABELS, NOTICES, STAMPS, AND PACKAGES.

“No person shall, with intent to defraud the United States—

“(a) destroy, obliterate, or detach any mark, label, notice, or stamp prescribed or authorized, by this chapter or regulations thereunder, to appear on, or be affixed to, any package of tobacco products or cigarette papers or tubes, before such package is emptied; or

“(b) empty any package of tobacco products or cigarette papers or tubes without destroying any stamp thereon to evidence the tax or indicate compliance with this chapter, prescribed by this chapter or regulations thereunder to be affixed to such package; or

“(c) detach, or cause to be detached, from any package of tobacco products or cigarette papers or tubes any stamp, prescribed by this chapter or regulations thereunder, to evidence the tax or indicate compliance with this chapter, or purchase, receive, possess, sell, or dispose of, by gift or otherwise, any such stamp which has been so detached; or

“(d) purchase, receive, possess, sell, or dispose of, by gift or otherwise, any package which previously contained tobacco products or cigarette papers or tubes which has been emptied, and upon which any stamp prescribed by this chapter or regulations thereunder, to evidence the tax or indicate compliance with this chapter, has not been destroyed.

“SEC. 5753. DISPOSAL OF FORFEITED, CONDEMNED, AND ABANDONED TOBACCO PRODUCTS, CIGARETTE PAPERS AND TUBES, AND TOBACCO MATERIALS.

“If it appears that any forfeited, condemned, or abandoned tobacco products, cigarette papers and tubes, or tobacco materials, when offered for sale, will not bring a price equal to the tax due and payable thereon, and the expenses incident to the sale thereof, such articles and tobacco materials shall not be sold for consumption in the United States but shall be disposed of in accordance with such regulations as the Secretary or his delegate shall prescribe.

“Subchapter G—Penalties and Forfeitures

“Sec. 5761. Civil penalties.

“Sec. 5762. Criminal penalties.

“Sec. 5763. Forfeitures.

“SEC. 5761. CIVIL PENALTIES.

“(a) OMITTING THINGS REQUIRED OR DOING THINGS FORBIDDEN.—Whoever willfully omits, neglects, or refuses to comply with any duty imposed upon him by this chapter, or to do, or cause to be done, any of the things required by this chapter, or does anything prohibited by this chapter, shall, in addition to any other penalty provided in this title, be liable to a penalty of \$1,000, to be recovered, with costs of suit, in a civil action, except where a penalty under subsection (b) or under section 6651 or 6653 may be collected from such person by assessment.

26 USC 6651,
6653.

“(b) FAILURE TO PAY TAX.—Whoever fails to pay any tax imposed by this chapter at the time prescribed by law or regulations, shall, in addition to any other penalty provided in this title, be liable to a penalty of 5 percent of the tax due but unpaid.

“(c) FAILURE TO MAKE DEPOSIT OF TAXES.—Section 6656 relating to failure to make deposit of taxes shall apply to the failure to make any deposit of taxes imposed under subchapter A on the date prescribed therefor, except that the penalty for such failure shall be 5 percent of the amount of the underpayment in lieu of the penalty provided by such section.

26 USC 6656.

26 USC 5001-
5149.

“(d) APPLICABILITY OF SECTION 6659.—The penalties imposed by subsections (b) and (c) shall be assessed, collected, and paid in the same manner as taxes, as provided in section 6659 (a).

26 USC 6659.

“SEC. 5762. CRIMINAL PENALTIES.

“(a) FRAUDULENT OFFENSES.—Whoever, with intent to defraud the United States—

“(1) ENGAGING IN BUSINESS UNLAWFULLY.—Engages in business as a manufacturer of tobacco products or cigarette papers and tubes, as an export warehouse proprietor, or as a dealer in tobacco materials without filing the bond and obtaining the permit where required by this chapter or regulations thereunder; or

“(2) FAILING TO FURNISH INFORMATION OR FURNISHING FALSE INFORMATION.—Fails to keep or make any record, return, report, inventory, or statement, or keeps or makes any false or fraudulent record, return, report, inventory, or statement, required by this chapter or regulations thereunder; or

“(3) REFUSING TO PAY OR EVADING TAX.—Refuses to pay any tax imposed by this chapter, or attempts in any manner to evade or defeat the tax or the payment thereof; or

“(4) REMOVING TOBACCO PRODUCTS OR CIGARETTE PAPERS OR TUBES UNLAWFULLY.—Removes, contrary to this chapter or regulations thereunder, any tobacco products or cigarette papers or tubes subject to tax under this chapter; or

"(5) PURCHASING, RECEIVING, POSSESSING, OR SELLING TOBACCO PRODUCTS OR CIGARETTE PAPERS OR TUBES UNLAWFULLY.—Violates any provision of section 5751 (a) (1) or (a) (2); or

"(6) AFFIXING IMPROPER STAMPS.—Affixes to any package containing tobacco products or cigarette papers or tubes any improper or counterfeit stamp, or a stamp prescribed by this chapter or regulations thereunder which has been previously used on a package of such articles; or

"(7) DESTROYING, OBLITERATING, OR DETACHING MARKS, LABELS, NOTICES, OR STAMPS BEFORE PACKAGES ARE EMPTIED.—Violates any provision of section 5752 (a); or

"(8) EMPTYING PACKAGES WITHOUT DESTROYING STAMPS.—Violates any provision of section 5752 (b); or

"(9) POSSESSING EMPTIED PACKAGES BEARING STAMPS.—Violates any provision of section 5752 (d); or

"(10) REFILLING PACKAGES BEARING STAMPS.—Puts tobacco products or cigarette papers or tubes into any package which previously contained such articles and which bears a stamp prescribed by this chapter or regulations thereunder without destroying such stamp; or

"(11) DETACHING STAMPS OR POSSESSING USED STAMPS.—Violates any provision of section 5752 (c);

shall, for each such offense, be fined not more than \$10,000, or imprisoned not more than 5 years, or both.

"(b) OTHER OFFENSES.—Whoever, otherwise than as provided in subsection (a), violates any provision of this chapter, or of regulations prescribed thereunder, shall, for each such offense, be fined not more than \$1,000, or imprisoned not more than 1 year, or both.

"SEC. 5763. FORFEITURES.

"(a) TOBACCO PRODUCTS AND CIGARETTE PAPERS AND TUBES UNLAWFULLY POSSESSED.—

"(1) TOBACCO PRODUCTS AND CIGARETTE PAPERS AND TUBES POSSESSED WITH INTENT TO DEFRAUD.—All tobacco products and cigarette papers and tubes which, after removal, are possessed with intent to defraud the United States shall be forfeited to the United States.

"(2) TOBACCO PRODUCTS AND CIGARETTE PAPERS AND TUBES NOT PROPERLY PACKAGED.—All tobacco products and cigarette papers and tubes not in packages as required under section 5723 or which are in packages not bearing the marks, labels, notices, and stamps, as required under such section, which, after removal, are possessed otherwise than with intent to defraud the United States, shall be forfeited to the United States. This paragraph shall not apply to tobacco products or cigarette papers or tubes sold or delivered directly to consumers from proper packages.

"(b) PERSONAL PROPERTY OF QUALIFIED MANUFACTURERS, EXPORT WAREHOUSE PROPRIETORS, AND DEALERS ACTING WITH INTENT TO DEFRAUD.—All tobacco products and cigarette papers and tubes, tobacco materials, packages, internal revenue stamps, machinery, fixtures, equipment, and all other materials and personal property on the premises of any qualified manufacturer of tobacco products or cigarette papers and tubes, export warehouse proprietor, or dealer in tobacco materials who, with intent to defraud the United States, fails to keep or make any record, return, report, inventory, or statement, or keeps or makes any false or fraudulent record, return, report, inventory, or statement, required by this chapter; or refuses to pay any tax imposed by this chapter, or attempts in any manner to evade or defeat the tax or the payment thereof; or removes, contrary to any provision of this chapter, any article subject to tax under this chapter, shall be forfeited to the United States.

“(c) REAL AND PERSONAL PROPERTY OF ILLICIT OPERATORS.—All tobacco products, cigarette papers and tubes, tobacco materials, machinery, fixtures, equipment, and other materials and personal property on the premises of any person engaged in business as a manufacturer of tobacco products or cigarette papers and tubes, export warehouse proprietor, or dealer in tobacco materials, without filing the bond or obtaining the permit, as required by this chapter, together with all his right, title, and interest in the building in which such business is conducted, and the lot or tract of ground on which the building is located, shall be forfeited to the United States.

“(d) GENERAL.—All property intended for use in violating the provisions of this chapter, or regulations thereunder, or which has been so used, shall be forfeited to the United States as provided in section 7302.”

26 USC 7302.

SEC. 203. TECHNICAL AMENDMENTS RELATING TO MACHINE GUNS AND CERTAIN OTHER FIREARMS.

(a) OCCUPATIONAL TAX FOR CERTAIN DEALERS.—Subsection (a) of section 5801 is amended by striking out “dealers, \$1 a year” and inserting in lieu thereof “dealers, \$1 a year or any part thereof”. Subsection (b) of such section is amended by adding at the end thereof the following new sentence: “This subsection shall not apply to the special tax imposed at the rate of \$1 a year or any part thereof.”

26 USC 5801.

(b) TRANSFER TAX.—Section 5811 (a) is amended by striking out “12 inches but less than 18 inches” and inserting in lieu thereof “12 inches or more but less than 18 inches”.

26 USC 5811.

(c) DOCUMENTS TO ACCOMPANY TRANSFERS.—Section 5814 is amended by striking out subsection (c) and relettering subsections (d) and (e) as (c) and (d), respectively.

26 USC 5814.

(d) TAX ON MAKING CERTAIN FIREARMS.—

(1) Section 5821 (a) is amended by striking out “that rate provided in section 5811 (a) which would apply to any transfer of the firearms so made” and inserting in lieu thereof “the rate of \$200 for each firearm so made”.

26 USC 5821.

(2) Subsection 5821 (b) (2) is amended by striking out “under either section 5811 (a) or”.

(e) IDENTIFICATION OF FIREARMS.—Section 5843 is amended to read as follows:

26 USC 5843.

“SEC. 5843. IDENTIFICATION OF FIREARMS.

“Each manufacturer and importer of a firearm shall identify it with a number and other identification marks approved by the Secretary or his delegate, such number and marks to be stamped or otherwise placed thereon in a manner approved by the Secretary or his delegate.”

(f) DEFINITIONS.—

(1) Paragraph (3) of section 5848 is amended by striking out “designed and made” and inserting in lieu thereof “designed or redesigned and made or remade”.

26 USC 5848.

(2) Paragraph (4) of section 5848 is amended by striking out “designed and made” and inserting in lieu thereof “designed or redesigned and made or remade”.

(3) Paragraph (7) of section 5848 is amended to read as follows:

“(7) MANUFACTURER.—The term ‘manufacturer’ means any person who is engaged within the United States in the business of manufacturing firearms, or who otherwise produces therein any firearm for sale or disposition.”

(g) SHORT TITLE, ETC.—

(1) Subchapter B of chapter 53 is amended by adding at the end thereof the following new section:

26 USC 5841-5848.

"SEC. 5849. CITATION OF CHAPTER.National Fire-
arms Act.

"This chapter may be cited as the 'National Firearms Act' and any reference in any other provision of law to the 'National Firearms Act' shall be held to refer to the provisions of this chapter."

(2) The table of sections for subchapter B of chapter 53 is amended by adding at the end thereof the following:

"Sec. 5849. Citation of chapter."

(h) UNLAWFUL POSSESSION OF FIREARMS.—

(1) The first sentence of section 5851 is amended by striking out the period and inserting in lieu thereof a comma and the following: "or to possess any firearm which has not been registered as required by section 5841."

(2) The heading to section 5851 is amended to read as follows:

"SEC. 5851. POSSESSING FIREARMS ILLEGALLY."

(3) The first line of the table of sections for subchapter C of chapter 53 is amended to read as follows:

"Sec. 5851. Possessing firearms illegally."

(i) CERTAIN UNLAWFUL ACTS.—26 USC 5851-
5854.

(1) Subchapter C of chapter 53 is amended by striking out section 5854 and inserting in lieu thereof the following new sections:

"SEC. 5854. FAILURE TO REGISTER AND PAY SPECIAL TAX.

26 USC 5802.

"It shall be unlawful for any person required to register under the provisions of section 5802 to import, manufacture, or deal in firearms without having registered and paid the tax imposed by section 5801.

"SEC. 5855. UNLAWFUL TRANSPORTATION IN INTERSTATE COMMERCE.

26 USC 5841.

"It shall be unlawful for any person who is required to register as provided in section 5841 and who shall not have so registered, or any other person who has not in his possession a stamp-affixed order as provided in section 5814 or a stamp-affixed declaration as provided in section 5821, to ship, carry, or deliver any firearm in interstate commerce."

(2) The table of sections for subchapter C of chapter 53 is amended by striking out the last line and inserting in lieu thereof the following:

"Sec. 5854. Failure to register and pay special tax.

"Sec. 5855. Unlawful transportation in interstate commerce."

SEC. 204. AMENDMENTS TO SUBTITLE F OF THE INTERNAL REVENUE CODE OF 1954.26 USC 6001-
7852.

The following provisions of subtitle F, Procedure and Administration, are amended as follows:

(1) Subsection (b) of section 6071 is amended by deleting the period at the end thereof and inserting in lieu thereof "and section 5142."

(2) Paragraph (4) of section 6207 is amended to read as follows:

"(4) For assessment with respect to taxes required to be paid by chapter 52, see section 5703."

(3) Section 6207 is further amended by striking out paragraphs (6) and (7) thereof, and renumbering paragraphs (8) and (9) as paragraphs (6) and (7), respectively.

(4) Paragraph (14) of section 6422 is amended to read as follows: 26 USC 6422.

“(14) For special provisions relating to alcohol and tobacco taxes, see subtitle E.”

(5) Subsection (c) of section 7214 is amended to read as follows: 26 USC 7214.

“(c) CROSS REFERENCE.—

“For penalty on collecting or disbursing officers trading in public funds or debts or property, see 18 U. S. C. 1901.”

(6) Subsection (a) of section 7272 is amended by inserting after “person” the following: “(other than persons required to register under subtitle E, or persons engaging in a trade or business on which a special tax is imposed by such subtitle)”. 26 USC 7272.
26 U S C 5001-5862.

(7) Subsection (b) of section 7272 is amended by striking out “5802, 5841.”

(8) Subsection (e) of section 7301 is amended to read as follows: 26 USC 7301.

“(e) CONVEYANCES.—Any property (including aircraft, vehicles, vessels, or draft animals) used to transport or for the deposit or concealment of property described in subsection (a) or (b), or any property used to transport or for the deposit or concealment of property which is intended to be used in the making or packaging of property described in subsection (a), may also be seized, and shall be forfeited to the United States.”

(9) Section 7324 is amended by inserting after “section 7301” the words “or section 7302”. 26 USC 7324.

(10) Section 7325 is amended by striking wherever it appears therein, including the title, “\$1,000” and inserting in lieu thereof “\$2,500”. 26 USC 7325.

(11) The table of sections for part II of subchapter C of chapter 75 is amended by striking out “\$1,000” where it appears therein, and inserting in lieu thereof “\$2,500”. 26 U S C 7321-7329.

(12) Section 7325 (4) is amended to read as follows:

“(4) SALE IN ABSENCE OF BOND.—If no claim is interposed and no bond is given within the time above specified, the Secretary or his delegate shall give reasonable notice of the sale of the goods, wares, or merchandise by publication, and, at the time and place specified in the notice, shall, unless otherwise provided by law, sell the articles so seized at public auction, or upon competitive bids, in accordance with such regulations as may be prescribed by the Secretary or his delegate.”

(13) Section 7326 is amended to read as follows: 26 USC 7326.

“SEC. 7326. DISPOSAL OF FORFEITED OR ABANDONED PROPERTY IN SPECIAL CASES.

“(a) COIN-OPERATED GAMING DEVICES.—Any coin-operated gaming device as defined in section 4462 (a) (2) upon which a tax is imposed by section 4461 and which has been forfeited under any provision of this title shall be destroyed, or otherwise disposed of, in such manner as may be prescribed by the Secretary or his delegate. 26 USC 4461.

“(b) NARCOTIC DRUGS.—

“For provisions relating to disposal of forfeited narcotic drugs, see sections 4714, 4733, and 4745 (d).

“(c) FIREARMS.—

“For provisions relating to disposal of forfeited firearms, see section 5862 (b).”

(14) Subchapter A of chapter 78 is amended by renumbering section 7608 as 7609, and by inserting after section 7607 the following new section: 26 U S C 7601-7607.

“SEC. 7608. AUTHORITY OF INTERNAL REVENUE ENFORCEMENT OFFICERS.

26 U S C 5001-5862.

“Any investigator, agent, or other internal revenue officer by whatever term designated, whom the Secretary or his delegate charges with the duty of enforcing any of the criminal, seizure, or forfeiture provisions of subtitle E or of any other law of the United States pertaining to the commodities subject to tax under such subtitle for the enforcement of which the Secretary or his delegate is responsible, may—

“(1) carry firearms;

“(2) execute and serve search warrants and arrest warrants, and serve subpoenas and summonses issued under authority of the United States;

“(3) in respect to the performance of such duty, make arrests without warrant for any offense against the United States committed in his presence, or for any felony cognizable under the laws of the United States if he has reasonable grounds to believe that the person to be arrested has committed, or is committing, such felony; and

“(4) in respect to the performance of such duty, make seizures of property subject to forfeiture to the United States.”

(15) Section 7609 (as renumbered by paragraph (14)) is amended to read as follows:

“SEC. 7609. CROSS REFERENCES.

“(a) INSPECTION OF BOOKS, PAPERS, RECORDS, OR OTHER DATA.—

“For inspection of books, papers, records, or other data in the case of—

“(1) Wholesale dealers in oleomargarine, see section 4597.

“(2) Wholesale dealers in process or renovated butter or adulterated butter, see section 4815 (b).

“(3) Opium, opiates, and coca leaves, see section 4702 (a), 4705, 4721, 4773.

“(4) Marihuana, see sections 4742, 4753 (b), and 4773.

“(5) Wagering, see section 4423.

“(6) Alcohol, tobacco, and firearms taxes, see subtitle E.

“(b) SEARCH WARRANTS.—

“For provisions relating to—

“(1) Searches and seizures, see Rule 41 of the Federal Rules of Criminal Procedure.

“(2) Issuance of search warrants with respect to subtitle E, see section 5557.

“(3) Search warrants with respect to property used in violation of the internal revenue laws, see section 7302.”

26 U S C 7601-7607.

(16) The table of sections for subchapter A of chapter 78 is amended by striking out

“Sec. 7608. Cross references.”

and inserting in lieu thereof the following:

“Sec. 7608. Authority of internal revenue enforcement officers.

“Sec. 7609. Cross references.”

26 USC 7652.

(17) Paragraph (1) of section 7652 (a) is amended by striking out “5318” and inserting “5314” in lieu thereof.

(18) Paragraph (1) of section 7652 (b) is amended by striking out “5318” and inserting “5314” in lieu thereof.

26 USC 7655.

(19) Subsection (a) of section 7655 is amended by striking out paragraph (5) and renumbering paragraph (6) as paragraph (5).

SEC. 205. REPEAL OF ACT OF MARCH 3, 1877, ETC.

The Act entitled “An Act relating to the production of fruit-brandy, and to punish frauds connected with the same”, approved March 3, 1877 (ch. 114, 19 Stat. 393), and the Act entitled “An Act to provide for warehousing fruit brandy”, approved October 18, 1888 (ch. 1194, 25 Stat. 560), are hereby repealed.

SEC. 206. EXTENSION OF BONDING PERIOD.

(a) Section 5006 (a) (2) is amended to read as follows:

“(2) DISTILLED SPIRITS DEPOSITED IN INTERNAL REVENUE BONDED WAREHOUSES.—The tax on distilled spirits entered for deposit in internal revenue bonded warehouses shall be determined at the time the same are withdrawn therefrom and within 8 or 20 years from the date of original entry for deposit therein, whichever may be required by the bond covering such spirits (except that distilled spirits which on July 26, 1936, were 8 years of age or older and which were in bonded warehouses on that date, may remain therein).”

(b) Section 5232 (a) is amended to read as follows:

“(a) GENERAL.—The Secretary or his delegate shall, by regulations, prescribe the form and penal sums of bonds covering distilled spirits in internal revenue bonded warehouses and in transit to and between such warehouses: *Provided*, That the penal sums of such bonds covering distilled spirits shall not exceed in the aggregate \$200,000 for each such warehouse. Such bonds shall be conditioned (1) on the withdrawal of the spirits from the internal revenue bonded warehouse within 20 years (or, in the discretion of the person or persons furnishing any bond, within 8 years) from the date of original entry for deposit; (2) on payment of the tax on the spirits as determined on withdrawal from the internal revenue bonded warehouse; and (3) on compliance with all provisions of law and regulations relating to the business of warehousing distilled spirits.”

(c) The last sentence of section 5243 (b) (relating to bottling requirements of certain distilled spirits known commercially as gin) is amended by striking out “at any time within 8 years after entry in bond”.

(d) Section 5005 (d) (1) (relating to persons liable for tax) is amended to read as follows:

“(1) For provisions relating to bonds covering distilled spirits in internal revenue bonded warehouses and in transit to and between such warehouses, see section 5232 (a).”

(e) Section 5242 (b) (5) (relating to deposit of spirits in warehouses) is amended to read as follows:

“(5) For provisions requiring in certain cases that distilled spirits entered for deposit in internal revenue bonded warehouses be withdrawn within 8 years from date of entry for deposit, see section 5006 (a).”

(f) (1) The amendments made by this section shall apply with respect to:

(A) distilled spirits which on the date of the enactment of this Act are in internal revenue bonded warehouses or are in transit to or between such warehouses, and in respect of which the 8-year bonding period has not expired before the date of enactment of this Act; and

(B) distilled spirits which after the date of the enactment of this Act are entered for deposit in an internal revenue bonded warehouse.

(2) If the 8 years from the date of original entry of any distilled spirits for deposit in internal revenue bonded warehouses expires at any time during the 10-day period which begins on the date of the enactment of this Act, the amendments made by this section shall apply with respect to such spirits if (and only if) before the close of such 10-day period there is filed with the Secretary of the Treasury or his delegate either—

(A) a consent of surety which changes (for periods on and after the date of the enactment of this Act) the condition based

on the withdrawal of spirits from the internal revenue bonded warehouse within 8 years from the date of original entry for deposit to a condition based on the withdrawal of spirits from the internal revenue bonded warehouse within 20 years from the date of original entry for deposit, or

(B) a bond which applies to periods on and after the date of the enactment of this Act and which satisfies the requirements of the Internal Revenue Code of 1954, as amended by this section, and is conditioned on the withdrawal of spirits from the internal revenue bonded warehouse within 20 years from the date of original entry for deposit.

SEC. 207. BEER LOST BY REASON OF FLOODS OF 1951 OR HURRICANES OF 1954.

(a) **AUTHORIZATION.**—The Secretary of the Treasury or his delegates shall pay (without interest) to the person specified in subsection (b) an amount equal to the amount of the internal revenue tax paid under section 3150 (a) of the Internal Revenue Code of 1939 on any fermented malt liquor which was lost, rendered unmarketable, or condemned by a duly authorized health official of the United States or of a State, by reason of the floods of 1951 or the hurricanes of 1954.

26 U.S.C. app.
3150.

(b) **CONDITIONS.**—The payment provided by subsection (a) shall be made only if—

(1) such fermented malt liquor was lost, rendered unmarketable, or condemned while in the possession of (A) the person who paid such tax, or (B) a dealer selling fermented malt liquor at wholesale or retail;

(2) the person paying the tax, or a dealer specified in paragraph (1) (B), files a claim for such payment with the Secretary of the Treasury or his delegate within 6 months after the effective date of this section; and

(3) the person filing such claim furnishes proof establishing to the satisfaction of the Secretary of the Treasury or his delegate (A) that the internal revenue tax on such fermented malt liquor was fully paid, (B) that such fermented malt liquor was lost, rendered unmarketable, or condemned, by reason of the floods of 1951 or the hurricanes of 1954, (C) in the case of fermented malt liquor rendered unmarketable or condemned, that such liquor has been destroyed, (D) that the claimant was not indemnified against loss of the tax by any valid claim of insurance or otherwise, and (E) if the claimant was not the possessor of the fermented malt liquor at the time it was so lost, rendered unmarketable, or condemned, (i) that such claimant has either reimbursed such possessor for the full cost of such fermented malt liquor, or has replaced for such possessor the full equivalent thereof, without receiving payment or credit of any kind in respect of the tax on such fermented malt liquor, and (ii) that such possessor was not indemnified against loss of the tax by any valid claim of insurance or otherwise (other than by such reimbursement or replacement by the claimant).

(c) **REGULATIONS.**—The Secretary of the Treasury or his delegate may prescribe such regulations as may be necessary to carry out the provisions of this section.

SEC. 208. LOSSES OF ALCOHOLIC LIQUORS CAUSED BY DISASTER.

(a) **AUTHORIZATION.**—Where the President has determined under the Act of September 30, 1950 (42 U. S. C., sec. 1855), that a "major disaster" as defined in such Act has occurred in any part of the United States, the Secretary of the Treasury or his delegate shall pay (without interest) to the person specified in subsection (b) an amount equal to the amount of the internal revenue taxes paid or determined and

64 Stat. 1109.

customs duties paid on distilled spirits, wines, rectified products, and beer previously withdrawn, which were lost, rendered unmarketable, or condemned by a duly authorized official by reason of such disaster occurring in such part of the United States after December 31, 1954, and not later than the date of enactment of this Act, if such spirits, wines, rectified products, or beer were at the time of such disaster in the possession of—

(1) the person paying such tax, or such tax and duty, or obligated to pay a determined tax, on such spirits, wines, rectified products, or beer,

(2) a bottler of distilled spirits, wines, or rectified products, or a rectifier, or

(3) a wholesale or retail dealer in distilled spirits, wines, or beer,

all referred to in this section as the possessor or possessors.

(b) **TO WHOM MADE.**—Any payment authorized by this section may be made—

(1) to the possessor, or

(2) to any distiller, winemaker, brewer, rectifier, importer, wholesale liquor dealer, or wholesale beer dealer who replaced (or to any distiller, winemaker, brewer, rectifier, importer, or wholesale dealer who has given credit or made replacement to a wholesale dealer who replaced) for the possessor the full equivalent of distilled spirits, wines, rectified products, or beer so lost or rendered unmarketable or condemned, without compensation, remuneration, or credit of any kind in respect of the tax, or tax and duty, on such spirits, wines, rectified products, or beer.

(c) **CLAIMS.**—No claim shall be allowed under this section unless—

(1) filed within 6 months after the date of enactment of this Act, and

(2) the claimant furnishes proof to the satisfaction of the Secretary of the Treasury or his delegate that—

(A) neither the claimant nor any possessor was indemnified by any valid claim of insurance or otherwise in respect of the tax or tax and duty on the distilled spirits, wines, rectified products, or beer covered by the claim, and

(B) the claimant is entitled to payment under this section.

Claims under this section shall be filed under such regulations as the Secretary of the Treasury or his delegate shall prescribe.

(d) **DESTRUCTION OF DISTILLED SPIRITS, WINES, RECTIFIED PRODUCTS, OR BEER.**—When the Secretary of the Treasury or his delegate has made payment under this section in respect of the tax, or tax and duty, on the distilled spirits, wines, rectified products, or beer condemned by a duly authorized official or rendered unmarketable, such distilled spirits, wines, rectified products, or beer shall be destroyed under such supervision as the Secretary of the Treasury or his delegate may prescribe, unless such distilled spirits, wines, rectified products, or beer were previously destroyed under supervision satisfactory to the Secretary of the Treasury or his delegate.

(e) **PRODUCTS OF PUERTO RICO.**—The provisions of this section shall not be applicable in respect of distilled spirits, wines, rectified products, and beer of Puerto Rican manufacture brought into the United States and so lost or rendered unmarketable or condemned.

(f) **OTHER LAWS APPLICABLE.**—All provisions of law, including penalties, applicable in respect of internal revenue taxes on distilled spirits, wines, rectified products, and beer shall, insofar as applicable and not inconsistent with this section, be applied in respect of the payments provided for in this section to the same extent as if such payments constituted refunds of such taxes.

SEC. 209. LOSSES OF TOBACCO PRODUCTS CAUSED BY DISASTER.

64 Stat. 1109.

(a) **AUTHORIZATION.**—Where the President has determined under the Act of September 30, 1950 (42 U. S. C., sec. 1855), that a "major disaster" as defined in such Act has occurred in any part of the United States, the Secretary of the Treasury or his delegate shall pay (without interest) to the person specified in subsection (b) an amount equal to the amount of the internal revenue taxes paid or determined and customs duties paid on tobacco products and cigarette papers and tubes removed, which were lost, rendered unmarketable, or condemned by a duly authorized official by reason of such disaster occurring in such part of the United States after December 31, 1954, and not later than the date of enactment of this Act, if such tobacco products or cigarette papers or tubes were at the time of such disaster in the possession of—

- (1) the person paying such tax, or such tax and duty, or obligated to pay a determined tax, on such tobacco products or cigarette papers or tubes,
- (2) the manufacturer or importer, or
- (3) a wholesale or retail dealer,

all referred to in this section as the possessor or possessors.

(b) **TO WHOM MADE.**—Any payment authorized by this section may be made—

- (1) to the possessor, or
- (2) to any manufacturer, importer, or wholesaler who replaced (or to any manufacturer or importer who has given credit or made replacement to a wholesaler who replaced) for the possessor the full equivalent of the tobacco products or cigarette papers or tubes so lost or rendered unmarketable or condemned, without compensation, remuneration, or credit of any kind in respect of the tax, or tax and duty, on such tobacco products or cigarette papers or tubes.

(c) **CLAIMS.**—No claim shall be allowed under this section unless—

- (1) filed within 6 months after the date of enactment of this Act, and
- (2) the claimant furnishes proof to the satisfaction of the Secretary of the Treasury or his delegate that—

(A) neither the claimant nor any possessor was indemnified by any valid claim of insurance or otherwise in respect of the tax, or tax and duty, on the tobacco products or cigarette papers or tubes covered by the claim, and

(B) the claimant is entitled to payment under this section.

Claims under this section shall be filed under such regulations as the Secretary of the Treasury or his delegate shall prescribe.

(d) **DESTRUCTION OF TOBACCO PRODUCTS OR CIGARETTE PAPERS OR TUBES.**—Before the Secretary of the Treasury or his delegate makes payment under this section in respect of the tax, or tax and duty, on the tobacco products or cigarette papers or tubes rendered unmarketable or condemned by a duly authorized official, such tobacco products or cigarette papers or tubes shall be destroyed under such supervision as the Secretary of the Treasury or his delegate may prescribe, unless such tobacco products or cigarette papers or tubes were previously destroyed under supervision satisfactory to the Secretary of the Treasury or his delegate.

(e) **OTHER LAWS APPLICABLE.**—All provisions of law, including penalties, applicable in respect of internal revenue taxes on tobacco products and cigarette papers and tubes shall, insofar as applicable and not inconsistent with this section, be applied in respect of the payments provided for in this section to the same extent as if such payments constituted refunds of such taxes.

SEC. 210. EFFECTIVE DATE AND RELATED PROVISIONS.**(a) EFFECTIVE DATE.—**

(1) **IN GENERAL.**—The amendments made by sections 201 and 205 shall take effect on July 1, 1959, except that any provision having the effect of a provision contained in such amendments may be made effective at an earlier date by the promulgation of regulations by the Secretary or his delegate to effectuate such provision, in which case the effective date shall be that prescribed in such regulations. The amendments made by paragraphs (17) and (18) of section 204 shall take effect on July 1, 1959. Except as provided in section 206 (f), all other provisions of this title shall take effect on the day following the date of the enactment of this Act.

(2) **MINGLING OF DISTILLED SPIRITS.**—Provisions having the effect of—

(A) section 5025 (e) (7) (exemption from laws pertaining to rectification), and

(B) section 5234 (a) (2) (permitting the mingling of distilled spirits for further storage in bond)

of the Internal Revenue Code of 1954 (as such sections are included in chapter 51 of such Code as amended by section 201 of this Act) shall be deemed to be included in the Internal Revenue Code of 1954, effective on the day following the date of the enactment of this Act. In applying the provisions of such sections 5025 (e) (7) and 5234 (a) (2) during the period beginning on the day following the date of the enactment of this Act and ending at the close of June 30, 1959, references to bonded premises shall be treated as references to internal revenue bonded warehouses.

(3) **LOSSES CAUSED BY DISASTER.**—Provisions having the effect of section 5064 of the Internal Revenue Code of 1954 (as such section is included in chapter 51 of such Code as amended by section 201 of this Act) shall be deemed to be included in the Internal Revenue Code of 1954, effective on the day following the date of the enactment of this Act, and shall apply with respect to disasters occurring after such date of enactment, and not later than June 30, 1959.

(b) **EFFECT OF THIS TITLE ON EXISTING PROVISIONS OF THE INTERNAL REVENUE CODE OF 1954.**—The amendment of any provision of the Internal Revenue Code of 1954 by this title shall not affect any act done or any right accruing or accrued, or any suit or proceeding had or commenced in any civil cause before such amendment; but all rights and liabilities under such code prior to such amendment shall continue, and may be enforced in the same manner, as if such amendment had not been made.

(c) **CRIMES AND FORFEITURES.**—All offenses committed, and all penalties or forfeitures incurred, under any provision of law amended by this title, may be prosecuted and punished in the same manner and with the same effect as if this title had not been enacted.

(d) **REFERENCES TO OTHER PROVISIONS OF LAW.**—For the purpose of applying any provision of this title to any occurrence on or after the effective date of such provision, any reference in this title to another provision thereof shall also be deemed to be a reference to the corresponding provision of prior law, when consistent with the purpose of the provision to be applied.

(e) **RULES AND REGULATIONS IN EFFECT.**—Until regulations are promulgated under any provision of this title which depends for its application upon the promulgation of regulations (or which is to be applied in such manner as may be prescribed by regulations) all

instructions, rules, or regulations which are in effect immediately prior to the effective date of such provision shall, to the extent such instructions, rules, or regulations could be prescribed as regulations under authority of such provision, be applied as if promulgated as regulations under such provision.

26 USC 5176.

(f) CONTINUATION OF DISTILLER'S NOTICE AND BOND.—Notwithstanding any provision of section 5175 or 5176 (a) of the Internal Revenue Code of 1954, the Secretary of the Treasury or his delegate may waive, as to registered distillers or registered fruit distillers qualified to operate under bond on April 30, 1959, requirements for filing notice and executing new bond on May 1, 1959, if the distiller and the surety have executed consent to continuation of the terms of the existing bond to cover operations from May 1, 1959, to June 30, 1959, both dates inclusive. Nothing in this subsection shall be construed as limiting the authority of the Secretary of the Treasury or his delegate under section 5176 (b) or (c) of the Internal Revenue Code of 1954.

26 USC 5304.

(g) CONTINUATION OF ALCOHOL PERMITS AND BONDS.—Notwithstanding any provision of section 5304 of the Internal Revenue Code of 1954, the Secretary of the Treasury or his delegate may extend any permit issued under such section 5304 to the close of June 30, 1959, if—

- (1) such permit is in effect on December 31, 1958,
- (2) the permittee makes application for such extension, and
- (3) where bond is required, the permittee and the surety have executed consent to continuation of the terms of the existing bond to cover operations from January 1, 1959, to June 30, 1959, both dates inclusive.

Any permit issued under such section 5304 after the date of the enactment of this title may be issued to expire at the close of June 30, 1959. Nothing in this subsection shall be construed to limit the authority of the Secretary of the Treasury or his delegate under the provisions of such section 5304.

Approved September 2, 1958.

Public Law 85-860

September 2, 1958
[S. 2117]

AN ACT

Directing the Secretary of the Army to transfer certain buildings to the Crow Creek Sioux Indian Tribe.

Crow Creek Sioux
Indian Tribe.
Transfer of
buildings.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army is authorized and directed to transfer to the Crow Creek Sioux Indian Tribe, without compensation, title to those buildings which were a part of the Government improvements and facilities acquired by the Corps of Engineers on the original site of the Crow Creek Agency at Fort Thompson, South Dakota, within the taking area of the Fort Randall Dam and Reservoir project, and which were released by the Corps of Engineers to the Crow Creek Sioux Indian Tribe.

Reimbursement.

SEC. 2. The Secretary of the Army shall reimburse the Crow Creek Sioux Indian Tribe in the amount of any money received by him from the said tribe as payment for the buildings referred to in the first section of this Act: *Provided*, That such reimbursement shall not exceed the sum of \$6,000.

Approved September 2, 1958.

Public Law 85-861

AN ACT

To amend titles 10, 14, and 32, United States Code, to codify recent military law, and to improve the Code.

September 2, 1958
[H. R. 8943]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 10, United States Code, is amended as follows:

Title 10, U. S.
Code.
Amendments.
70A Stat. 3.
10 USC 101.

(1) Section 101 is amended by inserting the following new clause after clause (24):

“(25) ‘Active status’ means the status of a reserve commissioned officer, other than a commissioned warrant officer, who is not in the inactive Army National Guard or inactive Air National Guard, on an inactive status list, or in the Retired Reserve.”

(2) Chapter 3 is amended—

(A) by adding the following new sections after section 121:

“§ 122. Official registers

“The Secretary of a military department may have published, annually or at such other times as he may designate, official registers containing the names of, and other pertinent information about, such regular and reserve officers of the armed forces under his jurisdiction as he considers appropriate. The register may also contain any other list that the Secretary considers appropriate.

“§ 123. Suspension of certain provisions of law relating to reserve commissioned officers

“(a) In time of war, or of emergency declared by Congress, the President may suspend the operation of any provision of the following sections of this title with respect to any armed force: 592, 1002, 1005, 1006, 1007, 1374, 3217, 3218, 3219, 3220, 3352 (a) (last sentence), 3353, 3354, 3359, 3360, 3362, 3363, 3364, 3365, 3366, 3367, 3368, 3369, 3370, 3371, 3375, 3378, 3380, 3382, 3383, 3384, 3385, 3386, 3388, 3389, 3390, 3391, 3392, 3393, 3494, 3571, 3819, 3820 (c), 3841, 3842, 3843, 3844, 3845, 3846, 3847, 3848, 3849, 3850, 3851, 3852, 3853, 3854, 5414, 5457, 5458, 5506, 5600, 5665, 5867, 5891, 5892, 5893, 5894, 5895, 5896, 5897, 5898, 5899, 5900, 5901, 5902, 5903, 5904, 5905, 5906, 5907, 5908, 5909, 5910, 5911, 6389, 6391, 6397, 6403, 6410, 8217, 8218, 8219, 8353, 8354, 8358, 8359, 8360, 8361, 8362, 8363, 8365, 8366, 8367, 8368, 8370, 8371, 8372, 8373, 8374, 8375, 8376, 8377, 8378, 8379, 8380, 8381, 8392, 8393, 8494, 8571, 8819, 8841, 8842, 8843, 8844, 8845, 8846, 8847, 8848, 8849, 8850, 8851, 8852, and 8853.

10 USC 592-
8853 *passim*.

“(b) If a provision is so suspended, the Secretary of Defense shall, before the end of that suspension, recommend to Congress legislation necessary to adjust the grades of reserve commissioned officers other than commissioned warrant officers. So far as practicable, this legislation shall be the same as that recommended for adjusting the grades of officers of the regular component of the armed force concerned.”; and

(B) by adding the following new items at the end of the analysis:

“122. Official registers.

“123. Suspension of certain provisions of law relating to reserve commissioned officers.”

(3) Section 268 is amended by striking out the figure “1,500,000” and inserting the figure “2,900,000” in place thereof.

10 USC 268.

(4) Section 269 (e) is amended—

10 USC 269.

(A) by inserting the following new clauses after clause (1):

“(2) he has served on active duty (other than for training) in the armed forces for at least one year and has served satisfac-

69 Stat. 602,
50 USC 1014.

torily as a member of a unit of the Ready Reserve after being transferred under section 1014 (a) of title 50, for a period that, when added to the period of his active duty, totals four years;

“(3) he has satisfactorily completed an enlistment under section 1014 (b) of that title:” and

(B) by redesignating clauses (2), (3), and (4) as clauses “(4)”, “(5)”, and “(6)”, respectively.

10 USC 261-280.

(5) Chapter 11 is amended—

(A) by inserting the following new sections after section 269:

“§ 270. Ready Reserve: training requirements

“(a) Except as specifically provided in regulations to be prescribed by the Secretary of Defense, or by the Secretary of the Treasury with respect to the Coast Guard when it is not operating as a service in the Navy, each person who is inducted, enlisted, or appointed in an armed force after August 9, 1955, and who becomes a member of the Ready Reserve under any provision of law except section 269 (b) of this title, shall be required, while in the Ready Reserve, to—

“(1) participate in at least 48 scheduled drills or training periods during each year and serve on active duty for training not more than 17 days during each year; or

“(2) serve on active duty for training not more than 30 days during each year.

50 USC app.
456.

“(b) A member of the Ready Reserve covered by this section, other than one enlisted under section 456 (c) (2) (C) of title 50, appendix, who fails in any year to satisfactorily perform the training duty prescribed in subsection (a), as determined by the Secretary concerned under regulations to be prescribed by the Secretary of Defense, may be ordered without his consent to perform additional active duty for training for not more than 45 days. If the failure occurs during the last year of his required membership in the Ready Reserve, his membership is extended until he performs that additional active duty for training, but not for more than six months.

“§ 271. Ready Reserve: continuous screening

“Under regulations to be prescribed by the President, each armed force shall provide a system of continuous screening of units and members of the Ready Reserve to insure that—

“(1) there will be no significance attrition of those members or units during a mobilization;

“(2) there is a proper balance of military skills;

“(3) except for those with military skills for which there is an overriding requirement, members having critical civilian skills are not retained in numbers beyond the need for those skills;

“(4) with due regard to national security and military requirements, recognition will be given to participation in combat; and

“(5) members whose mobilization in an emergency would result in an extreme personal or community hardship are not retained in the Ready Reserve.

“§ 272. Ready Reserve: transfer back from Standby Reserve

“Under regulations to be prescribed by the Secretary of Defense, or by the Secretary of the Treasury with respect to the Coast Guard when it is not operating as a service in the Navy, a member of the Standby Reserve who has not completed his required period of service in the Ready Reserve may be transferred to the Ready Reserve when the reason for his transfer to the Standby Reserve no longer exists.”:

(B) by amending section 275—

10 USC 275.

(i) by inserting the designation “(a)” before the word “Each” at the beginning thereof; and

(ii) by inserting the following new subsection at the end thereof:

“(b) Under regulations to be prescribed by the Secretary of Defense, each military department shall prepare and maintain a record of the number of members of each class of each reserve component who, during each fiscal year, have participated satisfactorily in active duty for training and inactive duty training with pay.”; and

(C) by inserting the following new section after section 278:

“§ 279. Training reports

“The Secretary of Defense shall report to the President and to Congress, in January of each year, the status of training of each reserve component, and the progress made in strengthening the reserve components, during the preceding fiscal year.”

(6) The analysis of chapter 11 is amended by inserting the following new items:

“270. Ready Reserve: training requirements.

“271. Ready Reserve: continuous screening.

“272. Ready Reserve: transfer back from Standby Reserve.

“279. Training reports.”

(7) Section 311 (a) is amended by inserting the following before the period at the end thereof: “and of female citizens of the United States who are commissioned officers of the National Guard”.

10 USC 311.

(8) Section 511 is amended—

10 USC 511.

(A) by inserting the following new subsection after subsection (a):

“(b) Under regulations to be prescribed by the Secretary concerned, a person who is qualified for enlistment for active duty in an armed force, and who is not under orders to report for induction into an armed force under sections 451-473 of title 50, appendix, may be enlisted as a Reserve for service in the Army Reserve, Naval Reserve, Air Force Reserve, Marine Corps Reserve, or Coast Guard Reserve, for a term of six years. Each person enlisted under this subsection shall serve—

50 USC app.
451-473.

“(1) on active duty for a period of two years;

“(2) satisfactorily as a member of the Ready Reserve for a period that, when added to his active duty under clause (1), totals five years; and

“(3) the rest of his period of enlistment as a member of the Standby Reserve.”; and

(B) by redesignating subsection (b) as subsection “(c)”.

(9) Chapter 31 is amended—

(A) by adding the following new section at the end thereof:

“§ 516. Effect upon enlisted status of acceptance of appointment as cadet or midshipman

“(a) The enlistment or period of obligated service of an enlisted member of the armed forces who accepts an appointment as a cadet at the United States Military Academy, the United States Air Force Academy, or the United States Coast Guard Academy, or as a midshipman at the United States Naval Academy or in the Naval Reserve, may not be terminated because of the acceptance of that appointment. However, while serving as a cadet or midshipman at an Academy, he is entitled only to the pay, allowances, compensation, pensions, and other benefits provided by law for such a cadet or midshipman or, if he is a midshipman in the Naval Reserve, to the compensation and emoluments of a midshipman in the Naval Reserve.

“(b) If a person covered by subsection (a) is separated from service as a cadet or midshipman, or from service as a midshipman in the Naval Reserve, for any reason other than his appointment as a commissioned officer of a regular or reserve component of an armed force or because of a physical disability, he resumes his enlisted status and shall complete the period of service for which he was enlisted or for which he has an obligation, unless he is sooner discharged. In computing the unexpired part of an enlistment or period of obligated service for the purposes of this subsection, all service as a cadet or midshipman is counted as service under that enlistment or period of obligated service.”

(B) by striking out the following item from the analysis:

“513. Reserve components: promotions.”; and

(C) by adding the following new item at the end of the analysis:

“516. Effect upon enlisted status of acceptance of appointment as cadet or midshipman.”

10 USC 591.

(10) Chapter 35 is amended—

(A) by amending section 591 (c) by inserting the following new sentence after the first sentence thereof: “Women who are otherwise qualified may be appointed as Reserves of the armed forces with a view to serving as nurses or medical specialists in the Army National Guard of the United States or the Air National Guard of the United States.”; and

(B) by inserting the following new section after section 591:

“§ 592. Commissioned officer grades

“Except for commissioned warrant officers, the reserve commissioned officer grades in each armed force are those authorized for regular commissioned officers of that armed force.”; and

10 USC 593.

(C) by striking out the period at the end of section 593 (a) and inserting the following words in place thereof: “, except as provided in section 3352 of this title.”

10 USC 3352.

(11) The analysis of chapter 35 is amended—

(A) by inserting the following new item:

“592. Commissioned officer grades.”; and

(B) by striking out the following item:

“596. Officers: promotion.”

10 USC 651.

(12) Section 651 (a) is amended to read as follows:

“(a) Each male person who after August 9, 1955, becomes a member of an armed force before his twenty-sixth birthday, other than a person enlisted under section 1013 of title 50 or deferred under the next to the last sentence of section 456 (d) (1) of title 50, appendix, shall serve in the armed forces for a total of six years, unless he is sooner discharged because of personal hardship under regulations prescribed by the Secretary of Defense or, if he is a member of the Coast Guard while it is not operating as a service in the Navy, by the Secretary of the Treasury. Any part of such service that is not active duty or is active duty for training shall be performed in a reserve component.”

50 USC 1013.

50 USC app.
456.

10 USC 672.

(13) Section 672 (a) is amended to read as follows:

“(a) In time of war or of national emergency declared by Congress, or when otherwise authorized by law, an authority designated by the Secretary concerned may, without the consent of the persons affected, order any unit, and any member not assigned to a unit organized to serve as a unit, of a reserve component under the jurisdiction of that

Secretary to active duty for the duration of the war or emergency and for six months thereafter. However—

“(1) a member on an inactive status list or in a retired status may not be ordered to active duty under this subsection unless the Secretary concerned, with the approval of the Secretary of Defense in the case of the Secretary of a military department, determines that there are not enough qualified Reserves in an active status or in the inactive National Guard in the required category who are readily available; and

“(2) a member of the Standby Reserve may not be ordered to active duty under this subsection unless the Director of Selective Service determines that the member is available for active duty.”

(14) Section 673 is amended—

10 USC 673.

(A) by striking out the last sentence of subsection (a); and

(B) by adding the following new subsection after subsection (b):

“(c) Not more than 1,000,000 members of the Ready Reserve may be on active duty (other than for training), without their consent, under this section at any one time.”

(15) Chapter 39 is amended by inserting the following new sections after section 683:

10 USC 671-686.

“§ 684. Payment of certain Reserves while on duty

“(a) Except as provided by subsection (b), a Reserve of the Army, Navy, Air Force, or Marine Corps who because of his earlier military service is entitled to a pension, retired or retainer pay, or disability compensation, and who performs duty for which he is entitled to compensation, may elect to receive for that duty either—

“(1) the payments to which he is entitled because of his earlier military service; or

“(2) if he specifically waives those payments, the pay and allowances authorized by law for the duty that he is performing.

“(b) Unless the payments because of his earlier military service are greater than the compensation prescribed by subsection (a) (2), a Reserve of the Army, Navy, Air Force, or Marine Corps who because of his earlier military service is entitled to a pension, retired or retainer pay, or disability compensation, and who upon being ordered to active duty for a period of more than 30 days in time of war or national emergency is found physically qualified to perform that duty, ceases to be entitled to the payments because of his earlier military service until the period of active duty ends. While on that active duty, he is entitled to the compensation prescribed by subsection (a) (2). Other rights and benefits of the member or his dependents are unaffected by this subsection.

“§ 685. Reserves: theological students; limitations

“A Reserve may not be required to serve on active duty, or to participate in inactive duty training, while preparing for the ministry in a recognized theological or divinity school.”

(16) The analysis of chapter 39 is amended by inserting the following new items:

“684. Payment of certain Reserves while on duty.

“685. Reserves: theological students; limitations.”

10 USC 711-715.

(17) Chapter 41 is amended by adding the following new section after section 715:

“§ 716. Members of the armed forces: participation in international sports

“(a) The Secretary of Defense, or the Secretary of the Treasury with respect to the Coast Guard when it is not operating as a service in the Navy, may permit members of the armed forces under his jurisdiction to train for, attend, and participate in—

“(1) Pan-American Games and Olympic Games; and

“(2) any other international competition in amateur sports, if the Secretary of State determines that the interests of the United States will be served by participation in that competition.

“(b) At least 30 days before the entry of any members under subsection (a) (2), the Secretary of Defense or the Secretary of the Treasury, as the case may be, shall report to the Committees on Armed Services of the Senate and the House of Representatives the details of the proposed participation.

“(c) Subject to subsections (d), (e), and (f), the Secretary of Defense or the Secretary of the Treasury, as the case may be, may spend such funds, and acquire and use such supplies, as he determines to be necessary to provide for—

“(1) the training of members of the armed forces for the competitions covered by subsection (a);

“(2) their attendance at and participation in those competitions; and

“(3) the training of animals of the armed forces for, and their attendance at and participation in, those competitions.

“(d) Not more than \$800,000, to be apportioned among the military departments as the Secretary of Defense prescribes, may be spent during each successive four-year period beginning on March 14, 1955, for the participation of members of the Army, Navy, Air Force, and Marine Corps in the competitions covered by subsection (a).

“(e) Not more than \$100,000 may be spent during each successive four-year period beginning on March 14, 1955, for the participation of members of the Coast Guard in the competitions covered by subsection (a).

“(f) Appropriations available to the Department of Defense or to the Department of the Treasury, as the case may be, may be used to carry out this section.”

(18) The analysis of chapter 41 is amended by adding the following new item at the end thereof:

“716. Members of the armed forces: participation in international sports.”

(19) The analysis of chapter 43 is amended by striking out the following item:

“742. Rank: officers of regular and reserve components.”

(20) Chapter 49 is amended by striking out the words “[No present sections]” and inserting the following in place thereof:

“Sec.

“971. Service credit: officers may not count enlisted service performed while serving as cadet or midshipman.

“972. Enlisted members: required to make up time lost.

“§ 971. Service credit: officers may not count enlisted service performed while serving as cadet or midshipman

“The period of service under an enlistment or period of obligated service while also serving as a cadet at the United States Military Academy, the United States Air Force Academy, or the United States Coast Guard Academy, or as a midshipman at the United States Naval

Academy or in the Naval Reserve, under an appointment accepted after June 25, 1956, may not be counted in computing, for any purpose, the length of service of an officer of an armed force.”

“§ 972. Enlisted members: required to make up time lost

“An enlisted member of an armed force who—

- “(1) deserts;
- “(2) is absent from his organization, station, or duty for more than one day without proper authority, as determined by competent authority;
- “(3) is confined for more than one day while awaiting trial and disposition of his case, and whose conviction has become final;
- “(4) is confined for more than one day under a sentence that has become final; or
- “(5) is unable for more than one day, as determined by competent authority, to perform his duties because of intemperate use of drugs or alcoholic liquor, or because of disease or injury resulting from his misconduct;

is liable, after his return to full duty, to serve for a period that, when added to the period that he served before his absence from duty, amounts to the term for which he was enlisted or inducted.”

(21) The analysis of subtitle A and part II of subtitle A is amended by striking out the following item:

“49. Miscellaneous Prohibitions and Penalties. [No present sections]”

and inserting the following item in place thereof:

“49. Miscellaneous Prohibitions and Penalties..... 971”.

(22) Chapter 51 is amended—

(A) by inserting the following new section after section 1001:

“§ 1002. Standards and qualifications: result of failure to comply with

“(a) To be retained in an active status, a reserve commissioned officer must, in any applicable yearly period, attain the number of points under section 1332 (a) (2) of this title prescribed by the Secretary concerned, with the approval of the Secretary of Defense in the case of a Secretary of a military department, and must conform to such other standards and qualifications as the Secretary concerned may prescribe. The Secretary may not prescribe a minimum of more than 50 points under this subsection.

“(b) Subject to section 1005 of this title, a reserve commissioned officer who fails to attain the number of points, or to conform to the standards and qualifications, prescribed in subsection (a) shall—

- “(1) be transferred to the Retired Reserve if he is qualified and applies therefor;
- “(2) if he is not qualified or does not apply for transfer to the Retired Reserve, be transferred to an inactive status, if he is qualified therefor; or
- “(3) if he is not transferred to the Retired Reserve or an inactive status, be discharged from his reserve appointment.

“(c) This section does not apply to commissioned warrant officers or to adjutants general or assistant adjutants general of States and Territories, Puerto Rico, the Canal Zone, and the District of Columbia.”; and

10 USC 1001-1004.

10 USC 1332.

(B) by inserting the following new sections after section 1004:

“§ 1005. Commissioned officers: retention until completion of required service

“A reserve commissioned officer, other than a commissioned warrant officer, who has not completed the period of service required of him by section 651 of this title or any other provision of law, may not be discharged or transferred from an active status under chapter 337, 361, 363, 573, 837, 861, or 863 of this title. Unless, under regulations prescribed by the Secretary concerned, he is promoted to a higher reserve grade, he shall be retained in an active status in his reserve grade for the rest of his period of required service and shall be an additional number to the authorized strength of his grade.

“§ 1006. Commissioned officers: retention of after completing 18 or more, but less than 20, years of service

“(a) If on the date prescribed for the discharge or transfer from an active status of a reserve commissioned officer he is entitled to be credited with at least 18, but less than 19, years of service computed under section 1332 of this title, he may not be discharged or transferred from an active status under chapter 337, 361, 363, 573, 837, 861, or 863 of this title without his consent before the earlier of the following dates—

“(1) the date on which he is entitled to be credited with 20 years of service computed under section 1332 of this title; or

“(2) the third anniversary of the date on which he would otherwise be discharged or transferred from an active status.

“(b) If on the date prescribed for the discharge or transfer from an active status of a reserve commissioned officer he is entitled to be credited with at least 19, but less than 20, years of service computed under section 1332 of this title, he may not be discharged or transferred from an active status under chapter 337, 361, 363, 573, 837, 861, or 863 of this title without his consent before the earlier of the following dates—

“(1) the date on which he is entitled to be credited with 20 years of service computed under section 1332 of this title; or

“(2) the second anniversary of the date on which he would otherwise be discharged or transferred from an active status.

“(c) An officer of the Army or the Air Force who is retained in an active status under subsection (a) or (b) is an additional number to those otherwise authorized.

“(d) Subsections (a) and (b) do not apply to—

“(1) officers who are discharged or transferred from an active status for physical disability, for cause, or because they have reached the age at which transfer from an active status or discharge is required by law; or

“(2) commissioned warrant officers.

“(e) A reserve commissioned officer on active duty (other than for training) who, on the date on which he would otherwise be removed from an active status under section 3846, 3847, 3848, 3849, 3851, 3852, 6389, 6397, 6403, 6410, 8846, 8847, 8848, 8849, 8851, or 8852 of this title or section 1391 of title 50, and who is within two years of qualifying for retirement under section 3911, 6323, or 8911 of this title, may, in the discretion of the Secretary concerned, be retained on active duty for a period of not more than two years, if at the end of that period he will be qualified for retirement under one of those sections and will not, before the end of that period, reach the age at which transfer from an active status or discharge is required by this title. An officer who is retained on active duty under this section may not be removed from an active status while he is on that duty. For officers covered by sec-

10 USC 1332.

10 USC 3351 et
seq.

10 USC 3846-
8852 *passim*.

50 USC 1391.

tion 3846, 3847, 3848, 3849, 3851, or 3852 of this title, the ages at which transfer from an active status or discharge is required are those set forth in section 3843, 3844, or 3845 of this title, or section 21 (e) of the Act enacting this section, as the case may be.

“§ 1007. Commissioned officers: retention in active status while assigned to Selective Service System

“Notwithstanding chapters 337, 363, 573, 837, and 863 of this title, a reserve commissioned officer, other than a commissioned warrant officer, who is assigned to the Selective Service System may be retained in an active status in that assignment until he becomes 60 years of age.”

10 USC 3351 et seq.

(23) The analysis of chapter 51 is amended by inserting the following new items:

“1002. Standards and qualifications: result of failure to comply with.

“1005. Commissioned officers: retention until completion of required service.

“1006. Commissioned officers: retention of after completing 18 or more, but less than 20, years of service.

“1007. Commissioned officers: retention in active status while assigned to Selective Service System.”

(24) Chapter 53 is amended—

(A) by adding the following new section at the end thereof:

10 USC 1031-1035.

“§ 1037. Counsel before foreign judicial tribunals and administrative agencies; court costs and bail

“(a) Under regulations to be prescribed by him, the Secretary concerned may employ counsel, and pay counsel fees, court costs, bail, and other expenses incident to the representation, before the judicial tribunals and administrative agencies of any foreign nation, of persons subject to the Uniform Code of Military Justice. So far as practicable, these regulations shall be uniform for all armed forces.

“(b) The person on whose behalf a payment is made under this section is not liable to reimburse the United States for that payment, unless he is responsible for forfeiture of bail provided under subsection (a).

“(c) Appropriations available to the military department concerned or the Department of the Treasury, as the case may be, for the pay of persons under its jurisdiction may be used to carry out this section.”; and

(B) by adding the following new item at the end of the analysis:

“1037. Counsel before foreign judicial tribunals and administrative agencies; court costs and bail.”

(25) Chapter 55 is amended—

(A) by amending the title to read as follows:

“CHAPTER 55.—MEDICAL AND DENTAL CARE”;

(B) by inserting the following new sections after the analysis:

“§ 1071. Purpose of sections 1071-1085 of this title

“The purpose of sections 1071-1085 of this title is to create and maintain high morale in the uniformed services by providing an improved and uniform program of medical and dental care for members and certain former members of those services, and for their dependents.

10 USC 1071-1085.

“§ 1072. Definitions

“In sections 1071–1085 of this title:

“(1) ‘Uniformed services’ means the armed forces and the Commissioned Corps of the Coast and Geodetic Survey and of the Public Health Service.

“(2) ‘Dependent’, with respect to a member or former member of a uniformed service, means—

“(A) the wife;

“(B) the unremarried widow;

“(C) the husband, if he is in fact dependent on the member or former member for over one-half of his support;

“(D) the unremarried widower, if, because of mental or physical incapacity he was in fact dependent on the member or former member at the time of her death for over one-half of his support;

“(E) an unmarried legitimate child, including an adopted child or a stepchild, who either—

“(i) has not passed his twenty-first birthday;

“(ii) is incapable of self-support because of a mental or physical incapacity that existed before that birthday and is, or was at the time of the member’s or former member’s death, in fact dependent on him for over one-half of his support; or

“(iii) has not passed his twenty-third birthday, is enrolled in a full-time course of study in an institution of higher learning approved by the Secretary of Defense or the Secretary of Health, Education, and Welfare, as the case may be, and is, or was at the time of the member’s or former member’s death, in fact dependent on him for over one-half of his support; and

“(F) a parent or parent-in-law who is, or was at the time of the member’s or former member’s death, in fact dependent on him for over one-half of his support and residing in his household.

“§ 1073. Administration of sections 1071–1085 of this title

“Except as otherwise provided in sections 1071–1085 of this title, the Secretary of Defense shall administer those sections for the armed forces under his jurisdiction, and the Secretary of Health, Education, and Welfare shall administer them for the Coast Guard when the Coast Guard is not operating as a service in the Navy, and for the Coast and Geodetic Survey and the Public Health Service.

“§ 1074. Medical and dental care for members and certain former members

“(a) Under joint regulations to be prescribed by the Secretary of Defense and the Secretary of Health, Education, and Welfare, a member of a uniformed service who is on active duty is entitled to medical and dental care in any facility of any uniformed service.

“(b) Under joint regulations to be prescribed by the Secretary of Defense and the Secretary of Health, Education, and Welfare, a member or former member of a uniformed service who is entitled to retired or retainer pay, or equivalent pay, except a member or former member who is entitled to retired pay under chapter 67 of this title and has served less than eight years on active duty (other than for training), may, upon request, be given medical and dental care in any facility of any uniformed service, subject to the availability of space and facilities and the capabilities of the medical and dental staff.

“§ 1075. Officers and certain enlisted members: subsistence charges

“When an officer or former officer of a uniformed service is hospitalized under section 1074 of this title, he shall pay an amount equal to the part of the charge prescribed under section 1078 of this title that is attributable to subsistence. An enlisted member, or former enlisted member, of a uniformed service who is entitled to retired or retainer pay, or equivalent pay may not be so charged.

“§ 1076. Medical and dental care for dependents: general rule

“(a) A dependent of a member of a uniformed service who is on active duty for a period of more than 30 days, or of such a member who died while on that duty, is entitled, upon request, to the medical and dental care prescribed by section 1077 of this title in facilities of the uniformed services, subject to the availability of space and facilities and the capabilities of the medical and dental staff.

“(b) Under joint regulations to be prescribed by the Secretary of Defense and the Secretary of Health, Education, and Welfare, a dependent of a member or former member who is, or was at the time of his death, entitled to retired or retainer pay, or equivalent pay, except a member or former member who is, or was at the time of his death, entitled to retired pay under chapter 67 of this title and has served less than eight years on active duty (other than for training) may, upon request, be given the medical and dental care prescribed by section 1077 of this title in facilities of the uniformed services, subject to the availability of space and facilities and the capabilities of the medical and dental staff.

“(c) A determination by the medical or dental officer in charge, or the contract surgeon in charge, or his designee, as to the availability of space and facilities and to the capabilities of the medical and dental staff is conclusive. Care under this section may not be permitted to interfere with the primary mission of those facilities.

“(d) To utilize more effectively the medical and dental facilities of the uniformed services, the Secretary of Defense and the Secretary of Health, Education, and Welfare shall prescribe joint regulations to assure that dependents entitled to medical or dental care under this section will not be denied equal opportunity for that care because the facility concerned is that of a uniformed service other than that of the member.

“§ 1077. Medical and dental care for dependents: specific inclusions and exclusions

“(a) Only the following medical care may be given under section 1076 of this title:

- “(1) Diagnosis.
- “(2) Treatment of acute medical and surgical conditions.
- “(3) Treatment of contagious diseases.
- “(4) Immunization.
- “(5) Maternity and infant care.
- “(6) Treatment authorized by subsection (b).

“(b) Hospitalization may not be given to dependents for the treatment of nervous or mental disorders or chronic diseases or for elective medical and surgical treatment, except that the Secretary of Defense, after consulting the Secretary of Health, Education, and Welfare, may by regulation provide, in special and unusual cases, for not more than one year's hospitalization for any such treatment. Hospitalization may not be given to dependents for domiciliary care.

“(c) None of the following may be given to dependents under section 1076 of this title:

“(1) Prosthetic devices, hearing aids, orthopedic footwear, and spectacles, except that outside the United States, and at remote stations inside the United States where adequate civilian facilities are unavailable, those items, if available from supplies belonging to the United States, may be sold to dependents at the invoice price to the United States.

“(2) Ambulance service, except in acute emergency.

“(3) Home calls, except in special cases in which the medical officer in charge, or contract surgeon in charge, or his designee, determines them to be medically necessary.

“(d) Only the following dental care may be given under section 1076 of this title:

“(1) Emergency care to relieve pain and suffering, but not including permanent restorative work or dental prosthesis.

“(2) Care as a necessary adjunct to medical or surgical treatment.

“(3) Care outside the United States, and in remote areas inside the United States where adequate civilian facilities are unavailable.

“§ 1078. Medical and dental care for dependents: charges

“(a) The Secretary of Defense, after consulting the Secretary of Health, Education, and Welfare, shall prescribe fair charges for inpatient medical and dental care given to dependents under section 1076 of this title. Charges shall be the same for all dependents.

“(b) As a restraint on excessive demands for medical and dental care under section 1076 of this title, uniform minimal charges may be imposed for outpatient care. Charges may not be more than such amounts, if any, as the Secretary of Defense may prescribe after consulting the Secretary of Health, Education, and Welfare, and after a finding that such charges are necessary.

“(c) Amounts received for subsistence and medical and dental care given under section 1076 of this title shall be deposited to the credit of the appropriation supporting the maintenance and operation of the facility furnishing the care.

“§ 1079. Contracts for medical care for spouses and children: plans

“(a) To assure that medical care is available for dependent spouses and children of members of the uniformed services who are on active duty for a period of more than 30 days, the Secretary of Defense, after consulting with the Secretary of Health, Education, and Welfare, shall contract, under the authority of this section, for medical care for those persons under such insurance, medical service, or health plans as he considers appropriate. Except as provided in subsection (b), these plans shall include the following:

“(1) Hospitalization in semiprivate rooms for not more than 365 days for each admission, including necessary services and supplies furnished during inpatient confinement.

“(2) Medical and surgical care incident to hospitalization.

“(3) Complete obstetrical and maternity service, including prenatal and postnatal care.

“(4) Required services of a physician or surgeon before and after hospitalization for a bodily injury or surgical operation.

“(5) Diagnostic tests and services, including laboratory and X-ray examinations, performed or recommended by a physician or surgeon incident to hospitalization.

“(6) Provision for payment by the patient of hospital expenses incurred for each admission under clause (1) in the amount of—

(A) \$25; or

(B) the charge prescribed under section 1078 (a) of this title multiplied by the number of days of hospitalization; whichever amount is greater.

“(b) The Secretary of Defense, after consulting the Secretary of Health, Education, and Welfare, may make such reasonable variances from the requirements of subsection (a) as he considers appropriate. However, a variance may not include outpatient care, or care other than that provided for in sections 1076–1078 of this title.

“§ 1080. Contracts for medical care for spouses and children: election of facilities

“A dependent covered by section 1079 of this title may elect to receive medical care either in (1) the facilities of the uniformed services, under the conditions prescribed by sections 1076–1078 of this title, or (2) the facilities provided under a plan contracted for under section 1079 of this title. However, under such regulations as the Secretary of Defense, after consulting the Secretary of Health, Education, and Welfare, may prescribe, the right to make this election may be limited for dependents residing in the area where the member concerned is assigned, if adequate medical facilities of the uniformed services are available in that area for those dependents.

“§ 1081. Contracts for medical care for spouses and children: review and adjustment of payments; reports

“Each plan under section 1079 of this title shall provide for a review, and if necessary an adjustment of payments, by the Secretary of Defense or the Secretary of Health, Education, and Welfare not later than 120 days after the close of each year the plan is in effect. Not later than 90 days after each such review, the Secretary of Defense shall report to the Committees on Armed Services of the Senate and the House of Representatives the amounts paid during the year covered by the review and the adjustments made.

“§ 1082. Contracts for medical care for spouses and children: advisory committees

“To carry out sections 1079–1081 of this title, the Secretary of Defense may establish advisory committees on insurance, medical service, and health plans, to advise and make recommendations to him. He shall prescribe regulations defining their scope, activities, and procedures. Each committee shall consist of the Secretary, or his designee, as chairman, and such other persons as the Secretary may select. So far as possible, the members shall be representative of the organizations in the field of insurance, medical service, and health plans. They shall serve without compensation but may be allowed transportation and a per diem payment in place of subsistence and other expenses.

“§ 1083. Contracts for medical care for spouses and children: additional hospitalization

“If a dependent covered by a plan under section 1079 of this title needs hospitalization beyond the time limits in that plan, and if the hospitalization is authorized in medical facilities of the uniformed services, he may be transferred to such a facility for additional hospitalization. If transfer is not feasible, the expenses of additional hospitalization in the civilian facility may be paid under such regulations as the Secretary of Defense may prescribe after consulting the Secretary of Health, Education, and Welfare.

“§ 1084. Determinations of dependency

“A determination of dependency by the Secretary of Defense or the Secretary of Health, Education, and Welfare under sections 1071–1085 of this title is conclusive. However, he may change a determination because of new evidence or for other good cause. The Secretary’s determination may not be reviewed in any court or by the General Accounting Office, unless there has been fraud or gross negligence.

“§ 1085. Medical and dental care from another uniformed service: reimbursement

“If a person receives inpatient medical or dental care in a facility of a uniformed service other than that of the member or former member concerned, the appropriation for maintaining and operating that facility shall be reimbursed at rates established by the Bureau of the Budget to reflect the average cost of providing such care.” ; and

(C) by striking out the following items in the analysis:

- “1071. Purpose; construction.
- “1072. Definitions.
- “1073. Right to vote in wartime presidential and congressional elections.
- “1074. Enactment of legislation relating to voting in other elections.
- “1075. Post card requests for absentee ballots: printing and transmission.
- “1076. Use of post cards; waiver of registration; voting by discharged persons.
- “1077. Distribution of ballots, envelopes, and voting instructions.
- “1078. Instructions for marking ballots.
- “1079. Establishment of right to vote.
- “1080. Style and marking of envelope; inserts; return envelope; size and weight of ballots.
- “1081. Notification of elections.
- “1082. Extension of time limit.
- “1083. Transmission, delivery, and return of post cards, ballots, etc.
- “1084. Administration.
- “1085. Prevention of fraud, coercion, and undue influence; free discussion; acts done in good faith.
- “1086. Free postage.”

and inserting the following items in place thereof:

- “1071. Purpose of sections 1071–1085 of this title.
- “1072. Definitions.
- “1073. Administration of sections 1071–1085 of this title.
- “1074. Medical and dental care for members and certain former members.
- “1075. Officers and certain enlisted members: subsistence charges.
- “1076. Medical and dental care for dependents: general rule.
- “1077. Medical and dental care for dependents: specific inclusions and exclusions.
- “1078. Medical and dental care for dependents: charges.
- “1079. Contracts for medical care for spouses and children: plans.
- “1080. Contracts for medical care for spouses and children: election of facilities.
- “1081. Contracts for medical care for spouses and children: review and adjustment of payments; reports.
- “1082. Contracts for medical care for spouses and children: advisory committees.
- “1083. Contracts for medical care for spouses and children: additional hospitalization.
- “1084. Determinations of dependency.
- “1085. Medical and dental care from another uniformed service: reimbursement.”

(26) The chapter analysis of subtitle A and the chapter analysis of part II of subtitle A are amended by striking out the following item:

“55. Voting by Members of Armed Forces..... 1071”

and inserting the following item in place thereof:

“55. Medical and Dental care..... 1071”

(27) Section 1162 is amended—

(A) by inserting “(a)” before the word “Subject” at the beginning thereof; and

(B) by inserting the following new subsection at the end thereof:

“(b) Under regulations to be prescribed by the Secretary of Defense, a Reserve who becomes a regular or ordained minister of religion is entitled upon his request to a discharge from his reserve enlistment or appointment.”

(28) Chapter 61 is amended—

(A) by amending sections 1201, 1202, and 1203 by inserting the words “under section 270 (b) of this title” after the words “other than for training” in parentheses;

(B) by adding the following new section at the end thereof:

“§ 1221. Effective date of retirement or placement of name on temporary disability retired list

“Notwithstanding section 47a of title 5, the Secretary concerned may specify an effective date for the retirement of any member of the armed forces under this chapter, or for the placement of his name on the temporary disability retired list, that is earlier than the date provided for in that section.”; and

(C) by adding the following new item at the end of the analysis:

“1221. Effective date of retirement or placement of name on temporary disability retired list.”

(29) Chapter 69 is amended by inserting the following new section after section 1373:

“§ 1374. Reserve commissioned officers: grade on retirement or transfer to Retired Reserve

“(a) Unless holding an appointment in a higher grade or entitled to a higher grade under another provision of law, a reserve commissioned officer who is recommended for promotion to a higher reserve grade or who is found qualified for Federal recognition in a higher reserve grade, and who, before being promoted, is found to be incapacitated for service because of physical disability and is transferred to the Retired Reserve, transfers in the grade for which he has been recommended or found qualified for Federal recognition.

“(b) Unless entitled to a higher grade under another provision of law, a reserve commissioned officer who is transferred to the Retired Reserve is entitled to be placed on the retired list established by section 1376 (a) of this title in the highest grade in which he served satisfactorily, as determined by the Secretary concerned, in the armed force in which he is serving on the date of transfer.

“(c) A commissioned officer of the Retired Reserve who while serving on active duty (other than for training) is promoted to a higher temporary grade is entitled, upon his release from that duty, to be advanced on the retired list established by section 1376 (a) of this title to that grade.

“(d) Unless otherwise provided by law, no person is entitled to increased pay or other benefits because of this section.

“(e) This section does not apply to commissioned warrant officers.”

(30) The analysis of chapter 69 is amended by inserting the following new item:

“1374. Reserve commissioned officers: grade on retirement or transfer to Retired Reserve.”

(31) Section 1376 (b) is amended by striking out the last sentence thereof.

(31A) Section 1405 is amended by inserting the figures “6323 (e),” and “6391 (h),” after the figures “6151 (b),” and “6390 (b) (2),” respectively.

10 USC 1201-1217.

5 USC 47a.

10 USC 1371-1376.

10 USC 1405.

10 USC 1441.

(31B) Section 1441 is amended by inserting the words "except section 1115 of title 38" after the word "Administration".

10 USC 1481-1488.

(32) Chapter 75 is amended—

(A) by inserting the following new sections at the beginning thereof:

“§ 1475. Death gratuity: death of members on active duty or inactive duty training and of certain other persons

“(a) Except as provided in section 1480 of this title, the Secretary concerned shall have a death gratuity paid to or for the survivor prescribed by section 1477 of this title, immediately upon receiving official notification of the death of—

“(1) a member of an armed force under his jurisdiction who dies while on active duty or while performing authorized travel to or from active duty;

“(2) a Reserve of an armed force who dies while on inactive duty training (other than work or study in connection with a correspondence course of an armed force or attendance, in an inactive status, at an educational institution under the sponsorship of an armed force or the Public Health Service);

“(3) any Reserve of an armed force who, when authorized or required by an authority designated by the Secretary, assumed an obligation to perform active duty for training, or inactive duty training (other than work or study in connection with a correspondence course of an armed force or attendance, in an inactive status, at an educational institution, under the sponsorship of an armed force or the Public Health Service), and who dies from an injury incurred by him after December 31, 1956, while traveling directly to or from that active duty for training or inactive duty training;

“(4) any member of a reserve officers' training corps who dies while performing annual training duty under orders for a period of more than 13 days, or while performing authorized travel to or from that annual training duty; or

“(5) a person who dies while traveling to or from or while at a place for final acceptance, or for entry upon active duty (other than for training), in an armed force, who has been ordered or directed to go to that place, and who—

“(A) has been provisionally accepted for that duty; or

“(B) has been selected, under the Universal Military Training and Service Act (50 App. U. S. C. 451 et seq.), for service in that armed force.

“(b) This section does not apply to the survivors of persons who were temporary members of the Coast Guard Reserve at the time of their death.

“§ 1476. Death gratuity: death after discharge or release from duty or training

“(a) Except as provided in section 1480 of this title, the Secretary concerned shall have a death gratuity paid to or for the survivor prescribed by section 1477 of this title of each person who dies within 120 days after his discharge or release from—

“(1) active duty; or

“(2) inactive duty training (other than work or study in connection with a correspondence course of an armed force or attendance, in an inactive status, at an educational institution under the sponsorship of an armed force or the Public Health Service); if the Administrator of Veterans' Affairs determines that the death resulted from (A) disease or injury incurred or aggravated while performing duty under clause (1) or the travel described in subsection

(b), or (B) injury incurred or aggravated while performing training under clause (2) or the travel described in subsection (b) (2).

“(b) The travel covered by subsection (a) is—

“(1) authorized travel to or from the duty described in subsection (a) (1); or

“(2) travel directly to or from the duty or training described in subsection (a) (1) or (2) that is performed by a Reserve who, when authorized or required by an authority designated by the Secretary, assumed an obligation to perform that duty or training and whose injury was incurred or aggravated after December 31, 1956.

“(c) For the purpose of this section, the standards and procedures for determining the incurrence or aggravation of a disease or injury are those applicable under the laws relating to disability compensation administered by the Veterans' Administration, except that there is no requirement under this section that any incurrence or aggravation have been in line of duty.

“(d) This section does not apply to the survivors of persons who were temporary members of the Coast Guard Reserve at the time of their death.

“§ 1477. Death gratuity: eligible survivors

“(a) A death gratuity payable upon the death of a person covered by section 1475 or 1476 of this title shall be paid to or for the living survivor highest on the following list:

“(1) His surviving spouse.

“(2) His children, as prescribed by subsection (b), in equal shares.

“(3) If designated by him, any one or more of the following persons:

“(A) His parents or persons in loco parentis, as prescribed by subsection (c).

“(B) His brothers.

“(C) His sisters.

“(4) His parents or persons in loco parentis, as prescribed by subsection (c), in equal shares.

“(5) His brothers and sisters in equal shares.

Clauses (3) and (5) of this subsection include brothers and sisters of the half blood and those through adoption.

“(b) Subsection (a) (2) applies, without regard to age or marital status, to—

“(1) legitimate children;

“(2) adopted children;

“(3) stepchildren who were a part of the decedent's household at the time of his death;

“(4) illegitimate children of a female decedent; and

“(5) illegitimate children of a male decedent—

“(A) who have been acknowledged in writing signed by the decedent;

“(B) who have been judicially determined, before the decedent's death, to be his children;

“(C) who have been otherwise proved, by evidence satisfactory to the Administrator of Veterans' Affairs, to be children of the decedent; or

“(D) to whose support the decedent had been judicially ordered to contribute.

“(c) Clauses (3) and (4) of subsection (a), so far as they apply to parents and persons in loco parentis, include fathers and mothers through adoption, and persons who stood in loco parentis to the de-

cedent for a period of not less than one year at any time before he acquired a status described in section 1475 or 1476 of this title. However, only one father and one mother, or their counterparts in loco parentis, may be recognized in any case, and preference shall be given to those who exercised a parental relationship on the date, or most nearly before the date, on which the decedent entered that status.

“(d) If an eligible survivor dies before he receives the death gratuity, it shall be paid to the living survivor next in the order prescribed by subsection (a).

“§ 1478. Death gratuity: amount

“(a) The death gratuity payable under sections 1475-1477 of this title shall be equal to six months' pay at the rate to which the decedent was entitled on the date of his death, except that the gratuity may not be less than \$800 or more than \$3,000. For this purpose:

“(1) A person covered by subsection (a) (1) of section 1475 of this title who died while traveling to or from active duty (other than for training) is considered to have been on active duty on the date of his death.

“(2) A person covered by subsection (a) (3) of section 1475 of this title who died while traveling directly to or from active duty for training is considered to have been on active duty for training on the date of his death.

“(3) A person covered by subsection (a) (3) of section 1475 of this title who died while traveling directly to or from inactive duty training is considered to have been on inactive duty training on the date of his death.

“(4) A person covered by subsection (a) (4) of section 1475 of this title who died while performing annual training duty or while traveling directly to or from that duty is considered to have been entitled, on the date of his death, to the pay prescribed by section 4385 (c) or 9385 (c) of this title.

“(5) A person covered by subsection (a) (5) of section 1475 of this title is considered to have been on active duty, on the date of his death, in the grade that he would have held on final acceptance, or entry on active duty.

“(6) A person covered by section 1476 of this title is considered to have been entitled, on the date of his death, to pay at the rate to which he was entitled on the last day on which he performed duty or training.

“(7) A person covered by section 1475 or 1476 of this title who performed active duty, or inactive duty training, without pay is considered to have been entitled to basic pay while performing that duty or training.

“(8) A person covered by section 1475 or 1476 of this title who incurred a disability while on active duty or inactive duty training and who became entitled to basic pay while receiving hospital or medical care, including out-patient care, for that disability, is considered to have been on active duty or inactive duty training, as the case may be, for as long as he is entitled to that pay.

“(b) A person who is discharged, or released from active duty (other than for training), is considered to continue on that duty during the period following the date of his discharge or release that, as determined by the Secretary concerned, is necessary for that person to go to his home by the most direct route. That period may not end before midnight of the day on which the member is discharged or released.

“§ 1479. Death gratuity: delegation of determinations, payments

“For the purpose of making immediate payments under section 1475 of this title, the Secretary concerned shall—

“(1) authorize the commanding officer of a territorial command, installation, or district in which a survivor of a person covered by that section is residing to determine the beneficiary eligible for the death gratuity; and

“(2) authorize a disbursing or certifying officer of each of those commands, installations, or districts to make the payments to the beneficiary, or certify the payments due them, as the case may be.”

“§ 1480. Death gratuity: miscellaneous provisions

“(a) A payment may not be made under sections 1475-1477 of this title if the decedent was put to death as lawful punishment for a crime or a military offense, unless he was put to death by a hostile force with which the armed forces of the United States were engaged in armed conflict.

“(b) A payment may not be made under section 1476 unless the Administrator of Veterans' Affairs determines that the decedent was discharged or released, as the case may be, under conditions other than dishonorable from the last period of the duty or training that he performed.

“(c) For the purposes of section 1475 (a) (3) of this title, the Secretary concerned shall determine whether the decedent was authorized or required to perform the duty or training and whether or not he died from injury so incurred. For the purposes of section 1476 of this title, the Administrator of Veterans' Affairs shall make those determinations. In making those determinations, the Secretary or the Administrator, as the case may be, shall consider—

“(1) the hour on which the Reserve began to travel directly to or from the duty or training;

“(2) the hour at which he was scheduled to arrive for, or at which he ceased performing, that duty or training;

“(3) the method of travel used;

“(4) the itinerary;

“(5) the manner in which the travel was performed; and

“(6) the immediate cause of death.

In cases covered by this subsection, the burden of proof is on the claimant.

“(d) Payments under sections 1475-1477 of this title shall be made from appropriations available for the payment of members of the armed force concerned.”;

(B) by striking out the words: “CARE OF THE DEAD” in the title thereof; and

(C) by inserting the following new items at the beginning of the analysis:

“1475. Death gratuity: death of members on active duty or inactive duty training and of certain other persons.

“1476. Death gratuity: death after discharge or release from duty or training.

“1477. Death gratuity: eligible survivors.

“1478. Death gratuity: amount.

“1479. Death gratuity: delegation of determinations, payments.

“1480. Death gratuity: miscellaneous provisions.”

(33) The chapter analysis of subtitle A and the chapter analysis of part II of subtitle A are amended by striking out the following item:

“75. Death Benefits: Care of the Dead----- 1481”

and inserting the following item in place thereof:

“75. Death Benefits----- 1475”

10 USC 1581.

(34) Section 1581 is amended—

(A) by amending subsection (a) to read as follows:

“(a) The Secretary of Defense may establish not more than 120 civilian positions in the Department of Defense, and not more than 25 civilian positions in the National Security Agency, to carry out research and development relating to the national defense, military medicine, and other activities of the Department of Defense and the National Security Agency, respectively, that require the services of specially qualified scientists or professional personnel.”; and

(B) by striking out the figures “\$10,000” and “\$15,000” in subsection (b) and inserting the figures “\$12,500” and “\$19,000”, respectively, in place thereof.

10 USC 1582.

(35) Section 1582 is amended by striking out the words “sections 1581, 4021, 7471, and 9021” and inserting the words “section 1581” in place thereof.

10 USC 2232.

(36) Section 2232 is amended by adding the following new clause at the end thereof:

“(3) ‘Armory’ means a structure that houses one or more units of a reserve component and is used for training and administering those units. It includes a structure that is appurtenant to such a structure and houses equipment used for that training and administration.”

10 USC 2233.

(37) Section 2233 (a) is amended by striking out clauses (2) and (3) and inserting the following clauses in place thereof:

“(2) contribute to any State or Territory, Puerto Rico, or the District of Columbia such amounts as he determines to be necessary to expand, rehabilitate, or convert facilities owned by it for use jointly by units of two or more reserve components of the armed forces;

“(3) contribute to any State or Territory, Puerto Rico, or the District of Columbia such amounts as he determines to be necessary to expand, rehabilitate, or convert facilities owned by it (or to acquire, construct, expand, rehabilitate, or convert additional facilities) made necessary by the conversion, redesignation, or reorganization of units of the Army National Guard of the United States or the Air National Guard of the United States authorized by the Secretary of the military department concerned; and

“(4) contribute to any State or Territory, Puerto Rico, or the District of Columbia such amounts for the acquisition, construction, expansion, rehabilitation, or conversion by it of additional facilities as he determines to be required by any increase in the strength of the Army National Guard of the United States or the Air National Guard of the United States.”

(38) Section 2233 (b) is amended to read as follows:

“(b) Title to property acquired by the United States under subsection (a) (1) vests in the United States.”

(39) Section 2233 is amended by adding the following new subsection at the end thereof:

“(d) The expenses of leasing property under subsection (a) (1) may be paid from appropriations available for the payment of rent.”

10 USC 2236.

(40) Section 2236 (a) and (b) is amended to read as follows:

“(a) Contributions under section 2233 of this title are subject to such terms as the Secretary of Defense, after consulting the Committees on Armed Services of the Senate and the House of Representatives, considers necessary for the purposes of this chapter. Except as otherwise agreed when the contribution is made, a facility provided by a contribution under section 2233 (a) (3) or (4) of this title may be used jointly by units of two or more reserve components of the

armed forces only to the extent that the State or Territory, Puerto Rico, or the District of Columbia, whichever is concerned, considers practicable.

“(b) A contribution made for an armory under section 2233 (a) (4) of this title may not be more than 75 percent of the cost of the construction to which it is applied. For the purpose of computing the cost of construction under this subsection, the amount contributed by the State or Territory, Puerto Rico, or the District of Columbia, whichever is concerned, may not include the cost or market value of any real property that it has contributed.”

(41) Section 2237 is amended to read as follows:

10 USC 2237.

“§ 2237. Supervision of construction: compliance with State law

“(a) Any construction, expansion, rehabilitation, or conversion under any provision of this chapter except section 2233 (a) (2), (3), and (4) of this title may be performed under the supervision of the Chief of Engineers of the Army or the Chief of the Bureau of Yards and Docks of the Navy.

“(b) The construction, expansion, rehabilitation, or conversion of facilities in a State or Territory, Puerto Rico, or the District of Columbia under section 2233 (a) (2), (3), or (4) of this title shall be done according to the laws of that jurisdiction and under the supervision of its officials, subject to the inspection and approval of the Secretary of Defense.”

(42) The analysis of chapter 133 is amended by striking out the following item:

“2237. Supervision of construction.”

and inserting the following item in place thereof:

“2237. Supervision of construction: compliance with State law.”

(43) Section 2238 is amended to read as follows:

10 USC 2238.

“§ 2238. Army National Guard of United States; Air National Guard of United States; limitation on relocation of units

“A unit of the Army National Guard of the United States or the Air National Guard of the United States may not be relocated or withdrawn under this chapter without the consent of the governor of the State or Territory, or Puerto Rico, or the commanding general of the National Guard of the District of Columbia, as the case may be.”

(43A) Sections 2302 (3) and 2356 (b) are amended by striking out the words “(a) and (b)”.

10 USC 2302,
2356.

(44) Section 2305 is amended—

(A) by redesignating subsections (b) and (c) as “(c)” and “(d)”, respectively; and

10 USC 2305.

(B) by inserting the following new subsection after subsection (a):

“(b) The specifications in invitations for bids must contain the necessary language and attachments, and must be sufficiently descriptive in language and attachments, to permit full and free competition. If the specifications in an invitation for bids do not carry the necessary descriptive language and attachments, or if those attachments are not accessible to all competent and reliable bidders, the invitation is invalid and no award may be made.”

(45) Chapter 141 is amended by adding the following new section after section 2386:

10 USC 2381-
2386.

“§ 2387. Procurement of table and kitchen equipment for officers’ quarters: limitation on

“(a) Except under regulations approved by the Secretary of Defense and providing for uniform practices among the armed forces under his jurisdiction, no part of any appropriation of the Department of Defense may be used to supply or replace table linen, dishes, glassware, silver, and kitchen utensils for use in the residences on shore, or quarters on shore, of officers of those armed forces.

“(b) This section does not apply to—

“(1) field messes;

“(2) messes temporarily set up on shore for bachelor officers and officers attached to seagoing or district defense vessels;

“(3) aviation units based on seagoing vessels;

“(4) fleet air bases;

“(5) submarine bases; and

“(6) landing forces and expeditions.”

10 U S C 2381-
2386.

(46) Chapter 141 is amended by adding the following new section at the end thereof:

“§ 2388. Liquid fuels: contracts for storage, handling, and distribution

“(a) The Secretary of a military department may contract for the storage, handling, and distribution of liquid fuels for periods of not more than five years, with options to renew for additional periods of not more than five years each, but not for more than a total of 20 years.

“(b) This section applies only to facilities that conform to standards prescribed by the Secretary of Defense for protection, including dispersal, and that are in a program approved by the Secretary of Defense for the protection of petroleum facilities.

“(c) A contract under this section may contain an option for the purchase by the United States of the facility covered by the contract at the expiration or termination of the contract, without regard to section 4774 (d) or 9774 (d) of this title, section 529 of title 31, or section 259 or 267 of title 40, and before approval of title to the underlying land by the Attorney General.

“(d) The Secretary concerned shall report to the Committees on Armed Services of the Senate and the House of Representatives the terms of the contracts made under this section and the names of the contractors. The reports shall be made at such times and in such form as may be agreed upon by the Secretary and those Committees.”

(47) The analysis of chapter 141 is amended by adding the following new items at the end thereof:

“2387. Procurement of table and kitchen equipment for officers’ quarters: limitation on.

“2388. Liquid fuels: contracts for storage, handling, and distribution.”

10 U S C 2541,
2542.

(48) Chapter 151 is amended—

(A) by adding the following new section at the end thereof:

“§ 2543. Equipment: Inaugural Committee

“(a) The Secretary of Defense, under such conditions as he may prescribe, may lend, to an Inaugural Committee established under section 721 of title 36, hospital tents, smaller tents, camp appliances, hospital furniture, flags other than battle flags, flagpoles, litters, and ambulances and the services of their drivers, that can be spared without detriment to the public service.

“(b) The Inaugural Committee must give a good and sufficient bond for the return in good order and condition of property lent under subsection (a).

36 USC 721.

“(c) Property lent under subsection (a) shall be returned within nine days after the date of the ceremony inaugurating the President. The Inaugural Committee shall—

(1) indemnify the United States for any loss of, or damage to, property lent under subsection (a); and

(2) defray any expense incurred for the delivery, return, rehabilitation, replacement, or operation of that property.”; and

(B) by adding the following new item at the end of the analysis:

“2543. Equipment: Inaugural Committee.”

(49) Section 2571 is amended—

10 USC 2571.

(A) by amending the catchline to read as follows:

“§ 2571. Interchange of property and services”;

(B) by inserting the following new subsection at the beginning:

“(a) If either of the Secretaries concerned requests it and the other approves, supplies and real estate may be transferred, without compensation, from one armed force to another.”; and

(C) by redesignating subsections (a) and (b) as subsections “(b)” and “(c)”, respectively.

(50) The analysis of chapter 153 is amended by striking out the following item:

10 USC 2571-2575.

“2571. Interchange of supplies and services.”

and inserting the following item in place thereof:

“2571. Interchange of property and services.”

(51) Chapter 159 is amended by adding the following new sections at the end thereof:

10 USC 2661-2670.

“§ 2672. Acquisition: interests in land when cost is not more than \$5,000

“The Secretary of a military department may acquire any interest in land that—

“(1) he determines is urgently needed in the interest of national defense; and

“(2) does not cost more than \$5,000, exclusive of administrative costs and the amounts of any deficiency judgments.

This section does not apply to the acquisition, as a part of the same project, of more than one parcel of land unless the parcels are non-contiguous, or, if contiguous, unless the total cost is not more than \$5,000.

“§ 2673. Restoration or replacement of facilities damaged or destroyed

“With the approval of the Secretary of Defense and after notifying the Committees on Armed Services of the Senate and the House of Representatives, the Secretary of a military department may acquire, construct, rehabilitate, and install temporary or permanent public works, including appurtenances, utilities, equipment, and the preparation of sites, to restore or replace facilities that have been damaged or destroyed.

“§ 2674. Establishment and development of military facilities and installations costing less than \$200,000

“(a) Under such regulations as the Secretary of Defense may prescribe, the Secretary of a military department may acquire, construct, convert, extend, and install, at military installations and facilities, urgently needed permanent or temporary public works not otherwise authorized by law, including the preparation of sites and the furnishing of appurtenances, utilities, and equipment, but excluding the construction of family quarters.

“(b) This section does not authorize a project costing more than \$200,000. A project costing more than \$50,000 must be approved in advance by the Secretary of Defense, and a project costing more than \$25,000 must be approved in advance by the Secretary concerned.

“(c) Not more than one allotment may be made for any project authorized under this section.

“(d) Not more than \$50,000 may be spent under this section during a fiscal year to convert structures to family quarters at any one installation or facility.

“(e) Appropriations available for military construction may be used for the purposes of this section. In addition, the Secretary concerned may spend, from appropriations available for maintenance and operations, amounts necessary for any project costing not more than \$25,000 that is authorized under this section.

“(f) The Secretary of each military department shall report in detail every six months to the Committees on Armed Services of the Senate and House of Representatives on the administration of this section.

“§ 2675. Leases: foreign countries: structures not on a military base

“Notwithstanding any other provision of law, the Secretary of a military department may acquire by lease, in any foreign country, structures and real property relating thereto that are not located on a military base and that are needed for military purposes. A lease under this section may not be for a period of more than five years.

“§ 2676. Acquisition: limitation

“No military department may acquire real property not owned by the United States unless the acquisition is expressly authorized by law.

“§ 2677. Options: property required for public works projects of military departments

“(a) Before acquisition of a parcel of real property is authorized by law, the Secretary of a military department may acquire an option on it, if he considers it suitable and likely to be needed for a public works project of his department.

“(b) As consideration for an option acquired under subsection (a), the Secretary may pay, from funds available to his department for real property activities, an amount that is not more than 3 percent of the appraised fair market value of the property for each year the option is to continue, and proportionately for any other period.

“(c) For each six-month period ending on June 30 or December 31, during which he acquires options under subsection (a), the Secretary of each military department shall report those options to the Committees on Armed Services of the Senate and House of Representatives.”

“§ 2678. Acquisition of mortgaged housing units

“The Secretary of a military department may buy, subject to the mortgage, any housing unit that is subject to a mortgage insured under Title VI or IX of the National Housing Act (12 U. S. C. 1736 et seq. and 1750 et seq.), if the housing unit is—

“(1) located near a military installation; and

“(2) suitable and adequate for housing members of the armed forces and their dependents.

The Secretary may assume the obligation to make the payments on the mortgage that become due after the date of acquisition, and to make these payments he may use appropriations available for the construction of military public works.”

(52) The analysis of chapter 159 is amended by adding the following new items at the end thereof:

- "2672. Acquisition: interests in land when cost is not more than \$5,000.
- "2673. Restoration or replacement of facilities damaged or destroyed.
- "2674. Establishment and development of military facilities and installations costing less than \$200,000.
- "2675. Leases: foreign countries: structures not on a military base.
- "2676. Acquisition: limitation.
- "2677. Options: property required for public works projects of military departments.
- "2678. Acquisition of mortgaged housing units."

(53) Section 2732 (a) is amended by striking out the figure "\$2,500" and inserting the figure "\$6,500" in place thereof.

10 USC 2732.

(54) Section 2733 is amended—

10 USC 2733.

(A) by amending subsection (b) (1) to read as follows:

"(1) it is presented in writing within two years after it accrues, except that if the claim accrues in time of war or armed conflict or if such a war or armed conflict intervenes within two years after it accrues, and if good cause is shown, the claim may be presented not later than two years after the war or armed conflict is terminated;"

(B) by amending subsection (b) by adding the following new sentence at the end thereof: "For the purposes of clause (1), the dates of the beginning and ending of an armed conflict are the dates established by concurrent resolution of Congress or by a determination of the President."; and

(C) by amending subsection (c) to read as follows:

"(c) Payment may not be made under this section for reimbursement for medical, hospital, or burial services furnished at the expense of the United States."

(55) Section 2734 is amended—

10 USC 2734.

(A) by striking out the figure "\$5,000" in subsections (a) and (d) and inserting the figure "\$15,000" in place thereof;

(B) by striking out the words "arising in foreign countries" in subsection (a);

(C) by striking out the words "that country" in subsections (a) (1) and (a) (2) and inserting the words "a foreign country" in place thereof;

(D) by striking out the words "in that country" in subsection (a) and inserting the words "outside the United States, or the Territories, Commonwealths, or possessions," in place thereof;

(E) by striking out the words "In time of war and upon" in subsection (f) and inserting the word "Upon" in place thereof; and

(F) by adding the following new subsection at the end:

"(h) The Secretary of Defense may designate any claims commission appointed under subsection (a) to settle and pay, as provided in this section, claims for damage caused by a civilian employee of the Department of Defense other than an employee of a military department. Payments of claims under this subsection shall be made from appropriations available to the Office of the Secretary of Defense for the payment of claims."

(56) Section 2771 is amended to read as follows:

10 USC 2771.

§ 2771. Final settlement of accounts: deceased members

"(a) In the settlement of the accounts of a deceased member of the armed forces who dies after December 31, 1955, an amount due from the armed force of which he was a member shall be paid to the person highest on the following list living on the date of death:

"(1) Beneficiary designated by him in writing to receive such an amount, if the designation is received, before the deceased

member's death, at the place named in regulations to be prescribed by the Secretary concerned.

"(2) Surviving spouse.

"(3) Children and their descendants, by representation.

"(4) Father and mother in equal parts or, if either is dead, the survivor.

"(5) Legal representative.

"(6) Person entitled under the law of the domicile of the deceased member.

"(b) Designations and changes of designation of beneficiaries under subsection (a) (1) are subject to regulations to be prescribed by the Secretary concerned. So far as practicable, these regulations shall be uniform for the armed forces, the Coast and Geodetic Survey, and the Public Health Service.

"(c) Under such regulations as the Comptroller General may prescribe, payments under subsection (a) shall be made by the military department concerned or the Department of the Treasury, as the case may be. Payments under clauses (2)-(6) of subsection (a) may be paid only after settlement by the General Accounting Office.

"(d) A payment under this section bars recovery by any other person of the amount paid."

10 USC 3012.

(57) Section 3012 (h) is amended by striking out the figure "\$18,000" and inserting the figure "\$22,000" in place thereof.

10 USC 3013.

(58) Section 3013 (b) is amended to read as follows:

"(b) The compensation of the Under Secretary and of each of the four Assistant Secretaries is \$20,000 a year."

10 USC 3011-3017.

(59) Chapter 303 is amended—

(A) by adding the following new section at the end thereof:

"§ 3018. Compensation of General Counsel

"The compensation of the General Counsel of the Department of the Army is \$19,000 a year."; and

(B) by adding the following new item at the end of the analysis:

"3018. Compensation of General Counsel."

(60) The following sections are amended by striking out the words "Women's Medical Specialist Corps" wherever they appear therein and inserting the words "Army Medical Specialist Corps" in place thereof: 3067 (8), 3205 (2), 3209 (a), 3311, 3357, 3579 (a) and (b), and 3963 (b).

10 USC 3067-3963 *passim*.

10 USC 3201.

(62) Section 3201 is amended—

(A) by striking out the word "and" at the end of subsection (a) (3);

(B) by adding the word "and" at the end of subsection (a) (4);

(C) by adding the following new clause after subsection (a) (4):

"(5) enlisted members serving as cadets at the United States Military Academy, the United States Air Force Academy, or the United States Coast Guard Academy, or as midshipmen at the United States Naval Academy or in the Naval Reserve;";

(D) by striking out the word "and" at the end of subsection (b) (2);

(E) by adding the word "and" at the end of subsection (b) (3); and

(F) by adding the following new clause after subsection (b) (3):

"(4) enlisted members serving as cadets at the United States Military Academy, the United States Air Force Academy, or

the United States Coast Guard Academy, or as midshipmen at the United States Naval Academy or in the Naval Reserve;”.

(63) Section 3202 (c) is amended by inserting the word “authorized” before the word “appointment”. 10 USC 3202.

(64) Sections 3203 and 3214 are amended by striking out the figures “3201 (a) (1)-(4)” and inserting the figures “3201 (a) (1)-(5)” in place thereof. 10 USC 3203, 3214.

(65) Section 3205 is amended— 10 USC 3205.

(A) by inserting the designation “(a)” before the words “The authorized strength” at the beginning thereof;

(B) by striking out the figure “30,600” and inserting the figure “49,500” in place thereof; and

(C) by adding the following new subsection at the end thereof:

“(b) Subject to subsection (a), the Secretary of Defense, with the approval of the President, shall estimate each year, for each of the five years following that year, the strength of the Regular Army in commissioned officers on the active list exclusive of officers in the categories listed in subsection (a) (1)-(4).”

(66) Section 3210 is amended— 10 USC 3210.

(A) by striking out the word “The” at the beginning of subsection (a) and inserting the words “Subject to section 3202 (a) of this title, the” in place thereof; and

(B) by striking out subsection (c) and designating subsections (d) and (e) as subsections “(c)” and “(d)”, respectively.

(67) The last sentence of section 3211 (a) is amended by inserting the word “authorized” before the word “appointment”. 10 USC 3211.

(68) Section 3212 is amended to read as follows: 10 USC 3212.

“§ 3212. Regular Army; Army Reserve; Army National Guard of United States: strength in grade; temporary increases

“The authorized strength in any regular or reserve grade, as prescribed by or under this chapter, is automatically increased to the minimum extent necessary to give effect to each appointment made in that grade under section 541, 1211 (a), 3036, 3298, 3299, 3304, 3365 (a), 3366, or 4353 of this title. An authorized strength so increased is increased for no other purpose, and while he holds that grade the officer whose appointment caused the increase is counted for the purpose of determining when other appointments, not under those sections, may be made in that grade.”

(69) Chapter 331 is amended—

(A) by inserting the following new sections after section 3216: 10 USC 3201-3225.

“§ 3217. Reserves: commissioned officers in active status

“The authorized strength of the Army in reserve commissioned officers in an active status is 275,000. However, the Secretary of the Army may prescribe a higher authorized strength to meet mobilization requirements or to permit increases otherwise required by or resulting from the operation of any law.

“§ 3218. Reserves: strength in grade; general officers in active status

“The authorized strength of the Army in reserve general officers in an active status, exclusive of those serving as adjutants general or assistant adjutants general of a State or Territory, Puerto Rico, the Canal Zone, or the District of Columbia, and those serving in the National Guard Bureau, is 207.

“§ 3219. Reserves: strength in grade; commissioned officers in grades below brigadier general in active status

“(a) Subject to subsection (b), the authorized strength of the Army in reserve commissioned officers in an active status in each grade named in that subsection is as prescribed by the Secretary of the Army. A vacancy in any grade may be filled by an authorized appointment in any lower grade.

“(b) A strength prescribed by the Secretary under subsection (a) may not be higher than the percentage of the authorized strength fixed for the grade by the following table:

“Grade	Percentage of authorized strength under sec. 3217 of this title
Colonel.....	2
Lieutenant colonel.....	6
Major.....	13
Captain.....	35
First lieutenant and second lieutenant (when combined with the number authorized for general officer grades under section 3218 of this title).....	44

“§ 3220. Reserve officers: distribution

“The Secretary of the Army shall distribute the number of reserve commissioned officers authorized in each commissioned grade between those assigned to reserve units organized to serve as units and those not assigned to such units. He shall distribute the number who are assigned to reserve units organized to serve as units among the units of each reserve component by prescribing appropriate tables of organization and tables of distribution. He shall distribute the number who are not assigned to such units between—

- “(1) each special branch and the Women’s Army Corps; and
 “(2) all other branches taken together.”; and

(B) by adding the following new section after section 3225:

“§ 3230. Personnel detailed outside Department of Defense

“Members of the Army who are detailed for duty with agencies of the United States outside the Department of Defense on a reimbursable basis are not counted in computing strengths under any law.”

(70) The analysis of chapter 331 is amended—

(A) by striking out the following item:

“3212. Regular Army; strength in grade; temporary increases.”
 and inserting the following item in place thereof:

“3212. Regular Army; Army Reserve; Army National Guard of United States: strength in grade; temporary increases.”;

(B) by inserting the following new items:

“3217. Reserves: commissioned officers in active status.

“3218. Reserves: strength in grade; general officers in active status.

“3219. Reserves: strength in grade; commissioned officers in grades below brigadier general in active status.

“3220. Reserve officers: distribution.”; and

(C) by adding the following new item at the end thereof:

“3230. Personnel detailed outside Department of Defense.”

(71) Chapter 333 is amended—

(A) by amending section 3262 (b) by striking out the figure “3638” and inserting the figure “972” in place thereof;

10 USC 3225.

10 USC 3251-3262.

(B) by adding the following new section after section 3262:

10 USC 3262.

“§ 3263. Voluntary extension of enlistment

“(a) Under such regulations as the Secretary of the Army may prescribe, the term of enlistment of a member of the Army may be extended, with his written consent, for a period of less than one year from the date of the expiration of his existing enlistment.

“(b) While serving under an enlistment extended under this section, a member is entitled to the pay and allowances to which he would have been entitled if he had been discharged and reenlisted immediately after the expiration of his enlistment, if it had not been so extended.

“(c) The extension of a term of enlistment under this section does not deprive the member, upon discharge from that enlistment, of any right, privilege, or benefit to which he would have been entitled, at the expiration of the term, if it had not been so extended.”; and

(C) by adding the following new item at the end of the analysis:

“3263. Voluntary extension of enlistment.”

(72) Section 3285 is amended to read as follows:

10 USC 3285.

“§ 3285. Commissioned officers: original appointment; qualifications

“To be eligible for original appointment in a commissioned grade in the Regular Army, except in the Medical Corps or the Dental Corps, and except as provided in section 4353 (b) of this title, a person must—

“(1) be a citizen of the United States;

“(2) be at least 21 years of age;

“(3) be of good moral character;

“(4) be physically qualified for active service; and

“(5) have such other qualifications as the Secretary of the Army may prescribe.”

(73) Section 3286 is amended to read as follows:

10 USC 3286.

“§ 3286. Commissioned officers: original appointment; age limitations

“(a) A person may not be originally appointed in a commissioned grade in the Regular Army, except in the Medical Corps, Dental Corps, Army Nurse Corps, or Army Medical Specialist Corps, if on the date of his appointment he has already passed his—

“(1) thirty-fourth birthday, for a person appointed as a chaplain;

“(2) thirty-second birthday, for a person appointed in the Judge Advocate General's Corps or the Veterinary Corps;

“(3) thirtieth birthday, for a person appointed in the Medical Service Corps; or

“(4) twenty-seventh birthday, for all other persons.

However, each maximum age is increased by the period credited to the appointee under section 3287 (a) of this title, other than that credited under clause (2) (A) or (B) of that section.

“(b) Notwithstanding subsection (a), a person may not be originally appointed in a commissioned grade in the Regular Army, except in the Medical Corps, Dental Corps, Army Nurse Corps, or Army Medical Specialist Corps, if he is above the age that would permit him to complete 20 years of active commissioned service in the armed forces before his fifty-fifth birthday.”

10 USC 3287.

(74) Section 3287 is amended to read as follows:

“§ 3287. Commissioned officers: original appointment; service credit

“(a) For the purpose of determining grade, position on a promotion list, seniority in his grade in the Regular Army, and eligibility for promotion, a person originally appointed in a commissioned grade in the Regular Army, except in the Medical Corps, Dental Corps, Army Nurse Corps, or Army Medical Specialist Corps, may, in the discretion of the Secretary of the Army, be credited at the time of his appointment—

“(1) with the active commissioned service in the Army that he performed after December 6, 1941, after becoming 21 years of age, and before his appointment; and

“(2) with one of the following periods, if applicable:

“(A) Three years, if he is appointed as a chaplain, in the Judge Advocate General's Corps, or in the Veterinary Corps.

“(B) Three years, if he is appointed in the Medical Service Corps and if he holds the degree of doctor of philosophy or a comparable degree recognized by the Surgeon General in a science allied to medicine.

“(C) If he was a commissioned officer on active duty on July 20, 1956, a period of not more than 8 years, computed by—

“(i) taking the period of commissioned service that may be credited to him in computing his basic pay, but not more than the period computed by subtracting 27 years from his age on the date of his appointment; and

“(ii) subtracting the period of active commissioned service in the Army that he performed after December 6, 1941, after becoming 21 years of age, and before his appointment, but not more than the difference in age computed under subparagraph (i).

“(D) The number of days, months, and years by which the appointee's age exceeds 27 years, but not more than two years.

“(b) Notwithstanding any other provision of law, a person who was a cadet at the United States Military Academy or the United States Air Force Academy, or a midshipman at the United States Naval Academy, may not be originally appointed in a commissioned grade in the Regular Army before his classmates at that academy are graduated and appointed as officers. A person who was a cadet or midshipman at, but was not graduated from, one of those academies may not be credited, upon original appointment as a commissioned officer of the Regular Army, with longer service than that credited to any member of his class at that academy whose service in the Army has been continuous since graduation.

“(c) A graduate of the United States Military Academy, the United States Naval Academy, or the United States Air Force Academy who is originally appointed as a second lieutenant in the Regular Army is not entitled to any service credit under this section.”

10 USC 3288.

(75) Section 3288 is amended to read as follows:

“§ 3288. Commissioned officers: original appointment; determination of grade

“A person originally appointed as a commissioned officer in the Regular Army, except in the Medical Corps, Dental Corps, Army Nurse Corps, or Army Medical Specialist Corps, is appointed in the grade that is held by the junior officer on the applicable promotion list who is not a deferred officer, or an officer considered but not recommended for promotion under section 518 of the Officer Personnel Act of 1947 (61 Stat. 910), and who has the same or the next longer service.”

10 USC 5591.

(77) Section 3294 is amended to read as follows:

10 USC 3294.

“§ 3294. Commissioned officers; Medical and Dental Corps: original appointment

“(a) Original appointments in the Regular Army may be made in the grades of first lieutenant through colonel in the Medical Corps or Dental Corps, as the needs of the Army require. These appointments may be made only from qualified doctors of medicine, osteopathy, or dentistry, as the case may be, who are citizens of the United States and who have such other qualifications as the Secretary of the Army may prescribe. In addition, to be eligible for appointment in the Medical Corps under this section, a doctor of osteopathy must—

“(1) be a graduate of a college of osteopathy whose graduates are eligible to be licensed to practice medicine or surgery in a majority of the States;

“(2) be licensed to practice medicine, surgery, or osteopathy in a State or Territory or in the District of Columbia;

“(3) under regulations to be prescribed by the Secretary of Defense, have completed a number of years of osteopathic and preosteopathic education equal to the number of years of medical and premedical education prescribed for persons entering recognized schools of medicine who become doctors of medicine and who would be qualified for appointment under this section in the grade for which that person is applying; and

“(4) have such other qualifications as the Secretary of the Army prescribes after considering the recommendation, if any, of the Surgeon General.

“(b) For the purposes of determining grade, position on a promotion list, seniority in his grade in the Regular Army, and eligibility for promotion, an officer appointed under subsection (a) shall be credited with the amount of service prescribed by the Secretary, but not less than four years. However, a doctor of medicine or osteopathy who has completed an internship of one year, or the equivalent, may not be credited with less than five years.”

(78) Section 3295 is amended to read as follows:

10 USC 3295.

“§ 3295. Commissioned officers: original appointment; determination of place on promotion list

“The name of each person who is originally appointed in a commissioned grade in the Regular Army and whose name is to be carried on a promotion list, other than a person appointed in the Medical Corps, Dental Corps, Army Nurse Corps, or Army Medical Specialist Corps, shall be placed on the applicable promotion list immediately below the junior officer of the same grade on that list who is not a deferred officer, or an officer considered but not recommended for promotion under section 518 of the Officer Personnel Act of 1947 (61 Stat. 910), and who has the same or the next longer service.”

10 USC 5591.

(79) Chapter 335 is amended—

(A) by adding the following new section at the end thereof:

10 USC 3281-3313.

“§ 3314. Commissioned officers: promotion not to be delayed by another appointment

“The promotion to a higher regular grade of a commissioned officer of the Regular Army who is on a recommended list awaiting promotion may not be withheld or delayed because of the original appointment of any other person to a commissioned grade in the Regular Army. This section does not apply to appointments in the Medical Corps, Dental Corps, Army Nurse Corps, or Army Medical Specialist Corps.”; and

(B) by adding the following new item at the end of the analysis:

"3314. Commissioned officers: promotion not to be delayed by another appointment."

10 USC 3351-
3395.

(80) Chapter 337 is amended—

(A) by amending the last sentence of section 3352 (a) to read as follows: "Notwithstanding any other provision of this chapter or section 593 of this title, an officer who is transferred under this section shall be advanced to the highest regular or reserve grade ever held by him in the Army, unless the Secretary determines that it is not in the best interests of the service.";

(B) by inserting the following new section after section 3352:

"§ 3353. Commissioned officers: appointment; service credit

"(a) For the purposes of chapters 337 and 363 of this title, a person who is appointed as a reserve commissioned officer of the Army and is not already a commissioned officer of an armed force may be credited, upon his appointment, with service in an active status that reflects his combined years of experience and education and such other qualifications as the Secretary of the Army may by regulation prescribe.

"(b) A person covered by subsection (a) who is appointed with a view to assignment or designation in one of the following categories shall be credited, upon his appointment, and for the purposes of subsection (a), with at least the following service in an active status:

"(1) Medical Corps—four years.

"(2) Dental Corps—three years.

"(3) Veterinary Corps—three years.

"(4) Judge Advocate General's Corps—three years.

"(5) Chaplains—three years.

"(c) A person covered by subsection (a) who is appointed with a view to assignment as a medical service officer, and who holds a degree of doctor of philosophy, or a comparable degree, in a science that the Secretary determines is allied to medicine may be credited upon his appointment, and for the purposes of subsection (a), with at least three years of service in an active status.";

(C) by amending section 3354—

(i) by amending the catchline to read as follows:

"§ 3354. Commissioned officers: appointment of warrant officers and enlisted members of Army National Guard of United States; status";

(ii) by inserting the designation "(a)" before the word "Notwithstanding" at the beginning thereof; and

(iii) by inserting the following new subsection at the end thereof:

"(b) A member of the Army National Guard of the United States who is appointed in a commissioned grade under this section is not in an active status as a commissioned officer unless he is on active duty as a commissioned officer.";

(D) by amending section 3357—

(i) by amending the catchline to read as follows:

"§ 3357. Commissioned officers; Army Reserve: for service in Army Nurse Corps or Army Medical Specialist Corps"; and

(ii) by striking out the words "a woman".

(E) by inserting the following new sections after section 3357:

“§ 3359. Commissioned officers: original appointment; determination of grade

“Based upon the service credited under section 3353 of this title, the commissioned grade in which a person credited with service under that section is originally appointed as a reserve officer of the Army is:

“(1) For persons with less than three years of service—second lieutenant.

“(2) For persons with at least three, but less than seven, years of service—first lieutenant.

“(3) For persons with at least seven, but less than 14, years of service—captain.

“(4) For persons with at least 14, but less than 21, years of service—major.

“(5) For persons with at least 21 years of service—lieutenant colonel.

“(6) For persons with at least 23 years of service—lieutenant colonel or colonel, as the Secretary of the Army determines.

“§ 3360. Commissioned officers: promotion service

“(a) To be eligible under this chapter for (1) consideration for promotion, (2) examination for Federal recognition, or (3) promotion, a reserve commissioned officer must be in an active status.

“(b) For the purposes of sections 3363, 3364, 3365, 3366 (a) (column 2), 3367, 3370, 3371 (a), 3382, 3819, and 3820 (c) of this title, an officer's years of service are computed by adding—

10 USC 3820.

“(1) all service that he has, or is credited by the Secretary of the Army with having, in his current grade in the Army, or in the discretion of the Secretary of the Army, any other armed force, while in an active status or on the active list;

“(2) for a person who was on active duty (other than for training) before September 3, 1945, all service while on active duty (other than for training) before January 1, 1949, in the Army or, in the discretion of the Secretary, any other armed force, in a temporary grade equal to or higher than his current reserve grade; and

“(3) for a person originally appointed in a grade below colonel, all service credited under section 3353 of this title or section 22 of the Act enacting this section, that exceeds the minimum years of service prescribed by section 3359 of this title for the grade in which he is appointed.

No service may be counted more than once. For a person credited with service under section 3353 of this title or section 22 of the Act enacting this section, no service before appointment or transfer may be counted under clause (1) or (2).

“(c) For the purposes of section 3369 of this title, an officer's years of service are the greater of—

“(1) the sum of (A) his years of service as a commissioned officer of any component of the armed forces or of the Army without specification of component, (B) his years of service before June 15, 1933, as a commissioned officer in the federally recognized National Guard or in a federally recognized commissioned status in the National Guard, and (C) the years of service credited to him under section 3353 of this title or section 22 of the Act enacting this section; and

“(2) the number of years by which his age exceeds 25 years. No service may be counted more than once. For a person credited

with service under section 3353 of this title or section 22 of the Act enacting this section, no service before appointment may be counted.

“§ 3362. Commissioned officers: selection boards

“(a) The Secretary of the Army, or such authority as he directs, shall convene selection boards to consider reserve commissioned officers under this chapter.

“(b) Each board shall be composed of at least five members who are seniors in regular or reserve grade to, and who outrank, any officer considered by that board. Five members of a board constitute a quorum. So far as practicable, at least one-half of the members of the board must be reserve officers.

“(c) A board may not serve longer than one year and a member may not serve on two consecutive boards for promotions to the same grade, if the second board considers any officer considered but not recommended by the first.

“(d) Each member of a board must swear that he will perform his duties without prejudice or partiality, having in view the special fitness of officers and the efficiency of the Army.

“(e) A recommendation for promotion must be made by the majority of the total membership of the board.

“(f) An officer eligible for consideration for promotion by a board under this chapter is entitled to send a letter, through official channels, calling attention to any matter of record in the armed forces concerning himself that he considers important to his case. The letter may not criticize any officer or reflect on his character, conduct, or motives. A letter sent under this subsection may not be considered by a selection board unless it is received by the time the board convenes.

“(g) The Secretary of the Army shall prescribe regulations to carry out this chapter.

“§ 3363. Commissioned officers: selection boards; general procedure

“(a) Except as provided in section 3383 (b) of this title and section 309 of title 32, an officer in the reserve grade of second lieutenant may not be promoted or federally recognized in the next higher reserve grade until he completes three years of service computed under section 3360 (b) of this title.

“(b) An officer in a reserve grade above second lieutenant may not be considered for promotion, or examined for Federal recognition in the next higher reserve grade, until he completes the following number of years of service computed under section 3360 (b) of this title:

“(1) First lieutenant—two years.

“(2) Captain—four years.

“(3) Major—four years.

“(4) Lieutenant colonel—three years.

“(5) Colonel—two years.

“(6) Brigadier general—two years.

This subsection does not apply to the adjutant general or assistant adjutants general of a State or Territory, Puerto Rico, the Canal Zone, or the District of Columbia.

“(c) An officer may not be considered by a selection board for promotion under this chapter more than two years before the date on which it is anticipated that he will be promoted if recommended by the selection board.

“(d) A promotion under this chapter may be made effective before, on, or after the date on which it is made. The officer concerned is entitled to pay, allowances, and any other benefits provided by law for the grade to which he is promoted from the effective date of the promotion.

“(e) The Secretary of the Army may delay the promotion of a reserve commissioned officer who is under investigation or against whom proceedings of a court-martial or board of officers are pending, until the investigation or proceedings are completed.

“(f) On the basis of the results of an investigation or proceedings of a court-martial or board of officers, the Secretary may remove from a recommended list the name of any officer whom he considers to be not qualified for promotion. An officer in an active status who is not assigned to a unit organized to serve as a unit, and whose name is so removed from a recommended list, shall be treated, for the purposes of section 3368 of this title, as if he had been considered but not recommended for promotion.

“(g) Promotions of reserve commissioned officers of each special branch and the Women’s Army Corps shall be made from reserve commissioned officers assigned to that branch or corps, as the case may be. Promotions of reserve commissioned officers in any other branch shall be made from reserve commissioned officers who are not assigned to a special branch or the Women’s Army Corps.

“§ 3364. Commissioned officers: selection for promotion; order of promotion; zone of consideration list; officers not assigned to units

“(a) When officers are considered for promotion under section 3366, 3367, 3370, or 3371 of this title, the names of reserve officers assigned to each special branch, except the Judge Advocate General’s Corps, and to the Women’s Army Corps shall be placed on a separate zone of consideration list for, or be considered for promotion for service in, that branch or corps. The names of all other reserve officers shall be placed on a zone of consideration list, or considered for promotion, without regard to the branch to which they are assigned. The convening officer shall refer each list to a selection board for consideration.

“(b) Except as provided in subsection (d), an officer in an active status who is assigned to a special branch or the Women’s Army Corps, and who is recommended for promotion under section 3366, 3367, or 3370 of this title, may not be promoted before an officer of the same reserve grade and the same branch or corps who is in an active status, who has more service computed under section 3360 (b) of this title, who has been recommended for promotion, and who is not assigned to a unit organized to serve as a unit.

“(c) Except as provided in subsection (d), an officer who is not assigned to a special branch or the Women’s Army Corps, and who is recommended for promotion under section 3366, 3367, or 3370 of this title, may not be promoted before an officer of the same reserve grade in an active status who is not assigned to a special branch or the Women’s Army Corps, who has more service computed under section 3360 (b) of this title, who has been recommended for promotion, and who is not assigned to a unit organized to serve as a unit.

“(d) For the purposes of subsections (b) and (c) —

“(1) the Secretary shall, by regulation, prescribe the order of promotion of officers having the same amount of service computed under section 3360 (b) of this title;

“(2) the promotion of an officer who is otherwise eligible for promotion may not be withheld because of a delay in the promotion, under section 3362, 3363, 3368, or 3380 of this title, of an officer with more service computed under section 3360 (b) of this title; and

“(3) an officer who has completed the service in grade prescribed in section 20 of the Act enacting this section may be promoted before an officer who has not completed that service.

“§ 3365. Commissioned officers: promotion of second lieutenants not assigned to units

“(a) Without regard to vacancies, each second lieutenant of the Army Reserve who is in an active status and who is not assigned to a unit organized to serve as a unit, and each reserve second lieutenant who is on active duty (other than for training) shall, if he is found qualified for promotion by the Secretary of the Army or an officer designated by him, be promoted to the reserve grade of first lieutenant effective as of the date on which he completes three years of service computed under section 3360 (b) of this title.

“(b) If an officer of the Army National Guard of the United States is found qualified for promotion under this section, section 3390 of this title applies in place of the examination for Federal recognition in the reserve grade of first lieutenant.

“§ 3366. Commissioned officers: promotion of first lieutenants, captains, and majors not assigned to units; mandatory consideration

“(a) Without regard to vacancies, each officer of the Army Reserve in the reserve grade of first lieutenant, captain, or major, who is in an active status, who is not assigned to a unit organized to serve as a unit, and who has not been considered by a selection board under this section or section 3367 of this title, and each reserve officer in such a grade who is on active duty (other than for training) and who has not been so considered, shall be considered for promotion to the next higher reserve grade far enough in advance of the date on which he will complete the service prescribed in column 2 of the following table that, if recommended, he may be promoted effective on the date on which he will complete that service:

“Column 1	Column 2
Current reserve grade	Years of service computed under sec. 3360 (b) of this title
First lieutenant.....	4
Captain.....	7
Major.....	7

“(b) An officer recommended for promotion under this section may be promoted to fill a vacancy at any time. If not sooner promoted, he shall be promoted, effective as of the date on which he completes the service prescribed in column 2 of the table in subsection (a) without regard to vacancies.

“(c) If an officer in the reserve grade of first lieutenant, captain, or major becomes subject to this section upon transfer from an inactive status, upon transfer from the Army National Guard of the United States, or upon release from a unit of the Army Reserve, and after completing the service necessary for consideration under subsection (a), he shall be considered by the next appropriate selection board. If recommended by that board, he shall be promoted on the later of the following dates—

“(1) the date on which the board reports its recommendations;

or

“(2) the date on which he completes the service prescribed in column 2 of the table in subsection (a).

“(d) A selection board considering officers under this section shall use one of the following methods of selection, as directed by the Secretary of the Army:

“(1) Recommend those officers whose names have been referred to it whom it considers to be fully qualified for promotion, and report those whom it considers not to be so qualified.

“(2) Recommend a number specified by him whom it considers to be the best qualified of those officers whose names have been referred to it.

If the method prescribed in clause (2) is used in considering officers for promotion to the grade of captain, major, or lieutenant colonel, the number recommended by the selection board must be at least 80 percent of those listed for consideration.

“(e) A reserve officer whose name is on a zone of consideration list for consideration for promotion under this section and who is serving in, or has been recommended for promotion to, a temporary grade that is equal to or higher than the grade for which he is to be considered under this section, may not be considered under this section, but shall be considered to have been recommended for promotion and shall be promoted when he completes the service prescribed by column 2 of the table in subsection (a) for the grade concerned.

“(f) This section does not apply to the promotion to a grade above captain of reserve officers of the Army Nurse Corps or the Army Medical Specialist Corps, or to the promotion to a grade above major of reserve officers of the Women’s Army Corps.

“(g) If an officer of the Army National Guard of the United States is found qualified for promotion under this section, section 3390 of this title applies in place of the examination for Federal recognition in the grade for which found qualified.

“§ 3367. Commissioned officers: promotion of first lieutenants, captains, and majors not assigned to units to fill vacancies

“(a) Whenever the Secretary of the Army determines that, within the distribution of officers not assigned to units, there are existing or anticipated vacancies in the reserve grade of captain, major, or lieutenant colonel, he may convene a selection board to consider and recommend, for promotion to those grades, officers of the Army Reserve who are in an active status and who are not assigned to units organized to serve as units, and reserve officers who are on active duty (other than for training). The Secretary shall prescribe for each zone of consideration list established under section 3364 of this title the minimum service, computed under section 3360 (b) of this title, that an officer of the appropriate branch must have to be placed on that list. He shall also require that officers—

“(1) who are in an active status and not assigned to units organized to serve as units, or are on active duty (other than for training); and

“(2) who have the prescribed service computed under section 3360 (b) of this title;

be placed on that list, and shall prescribe the number to be recommended for promotion from each list.

“(b) Subject to section 3380 of this title, an officer recommended for promotion under this section may be promoted whenever there is a vacancy; but it is not mandatory that the authorized number be maintained in any grade.

“(c) A selection board considering officers under this section shall use one of the following methods, as directed by the Secretary of the Army:

“(1) (A) Consider the officers referred to it in the order of their service computed under section 3360 (b) of this title;

“(B) recommend those who are fully qualified for promotion;

“(C) pass over and report those not so qualified; and

“(D) continue this procedure until the number of officers specified by him is recommended.

“(2) Recommend a number specified by him whom it considers to be the best qualified of those officers referred to it.

If the method prescribed in clause (2) is used, the number recommended by the selection board must be at least 80 percent of the officers listed for consideration.

“(d) This section does not apply to the promotion to a grade above captain of reserve officers of the Army Nurse Corps or the Army Medical Specialist Corps, or to the promotion to a grade above major of reserve officers of the Women’s Army Corps.

“(e) If an officer of the Army National Guard of the United States is found qualified for promotion under this section, section 3390 of this title applies in place of the examination for Federal recognition in the grade for which found qualified.

“§ 3368. Commissioned officers: promotion of first lieutenants, captains, and majors not assigned to units; second consideration

“An officer in the reserve grade of first lieutenant, captain, or major who is considered, but not recommended, by a selection board under section 3366 or 3367 of this title shall, if he remains in an active status, be placed on the next zone of consideration list established under either of those sections for the consideration of officers of his branch and grade. If he is again considered under section 3366 of this title and is recommended for promotion, he shall be promoted one year after the date on which he would have been promoted if he had been recommended by the board that first considered him. However, if, upon second consideration under either section, he is not recommended for promotion, he may not thereafter be considered for promotion or examined for Federal recognition and shall be treated as prescribed in section 3846 of this title.

“§ 3369. Commissioned officers: Army Reserve; first promotion of officers not assigned to unit after transfer from unit or from Army National Guard of United States

“A reserve officer in a grade named in the following table who, upon transfer from the Army National Guard of the United States or upon release from a unit in the Army Reserve, is in an active status and is not assigned to a unit organized to serve as a unit, or who is on active duty (other than for training) may not be promoted to a higher reserve grade for the first time after that transfer or release, or entrance on active duty, as the case may be, until he completes the following service:

“Grade	Years of service computed under sec. 3366 (e) of this title
First lieutenant.....	6
Captain.....	12
Major.....	17
Lieutenant colonel or higher.....	19

“§ 3370. Commissioned officers: officers not assigned to units; promotion to field grade in certain cases

“(a) Whenever the Secretary of the Army determines that, within the distribution of officers not assigned to units, there are existing or anticipated vacancies in the reserve grade of—

“(1) major in the Army Nurse Corps or the Army Medical Specialist Corps;

“(2) lieutenant colonel in the Army Nurse Corps or the Women’s Army Corps; or

“(3) colonel in any other branch;

he may convene a selection board to consider and recommend, to fill those vacancies, reserve officers who are in an active status and who are not assigned to units organized to serve as units and reserve officers who are on active duty (other than for training).

“(b) The Secretary shall prescribe for each zone of consideration list established under section 3364 of this title the amount of service computed under section 3360 (b) of this title that an officer of the branch concerned must have to be placed on it for consideration under this section. The Secretary shall require that each officer with that amount of service be placed on that list. He shall prescribe the number to be recommended for promotion from each list.

“(c) A selection board considering officers under this section shall recommend the prescribed number of officers whom it considers to be the best qualified.

“(d) Subject to section 3380 of this title, an officer recommended for promotion under this section may be promoted whenever there is a vacancy, but it is not mandatory that the authorized number be maintained in any grade.

“(e) If an officer of the Army National Guard of the United States is found qualified for promotion under this section, section 3390 of this title applies in place of the examination for Federal recognition in the grade for which found qualified.

“§ 3371. Commissioned officers: promotion of brigadier generals and colonels not assigned to units

“(a) Whenever vacancies are authorized or anticipated in the Army Reserve in the reserve grades of major general or brigadier general for officers who are in an active status and who are not assigned to units organized to serve as a unit or for officers who are on active duty (other than for training), the Secretary of the Army may convene a selection board to consider those officers who are in the reserve grade of brigadier general or colonel, as the case may be, for promotion and prescribe the number to be promoted. Only officers who have at least two years of service computed under section 3360 (b) of this title and who meet standards prescribed by the Secretary may be considered by a selection board under this section.

“(b) The selection board shall recommend the prescribed number of those officers whom it considers to be the best qualified.

“(c) Subject to section 3380 of this title, an officer recommended for promotion under this section may be promoted whenever there is a vacancy, but it is not mandatory that the authorized number be maintained in any grade.

“(d) If an officer of the Army National Guard of the United States is found qualified for promotion under this section, section 3390 of this title applies in place of the examination for Federal recognition in the grade for which found qualified.

“§ 3375. Commissioned officers: generals ceasing to occupy commensurate positions

“Within 30 days after an officer in a reserve general officer grade ceases to occupy a position commensurate with his grade or with a higher grade, the Secretary of the Army shall, as the officer elects—

“(1) transfer him in grade to the Retired Reserve, if he is qualified and applies therefor;

“(2) transfer him in grade to the inactive status list of the Standby Reserve, if he is qualified;

“(3) discharge him from his reserve appointment and, if he is qualified and applies therefor, appoint him in the reserve grade held by him as a reserve officer before his appointment in a general officer grade; or

“(4) discharge him from his reserve appointment.

“§ 3378. Commissioned officers: promotion of officers removed from active status

“(a) A reserve commissioned officer who has been recommended by a selection board for promotion to, or found qualified for Federal recognition in, the next higher reserve grade, and who at the time he would otherwise be promoted is not eligible because he has been removed from an active status, may not be placed on the recommended list when he returns to an active status unless he is again recommended by a selection board or is again found qualified for Federal recognition in the next higher reserve grade.

“(b) A reserve commissioned officer who has been removed from an active status after being recommended by a selection board for promotion to, or found qualified for Federal recognition in, the next higher reserve grade, shall be treated as if he had not been considered by that selection board or examined by the Federal recognition board that found him qualified for that Federal recognition.

“§ 3380. Commissioned officers: election to continue on active duty after promotion

“(a) A reserve commissioned officer on active duty (other than for training) who is promoted to a reserve grade that is higher than the grade in which he is serving continues to serve on active duty in the grade in which he was serving immediately before that promotion. Unless he expressly declines the promotion he shall be treated as if he had accepted, on the date of that promotion, an appointment in a temporary grade equal to the grade in which he was serving before that promotion. If he elects not to continue on active duty in the grade in which he is serving, he shall, except as provided in subsection (b), be relieved from active duty and be promoted on the day after he is relieved or on the date on which he would have been promoted if he had stayed on active duty, whichever is the later. If he is relieved from active duty after the date on which he would have been promoted if he had stayed on active duty, he shall be credited with the service he would have had if he had remained on active duty and had been promoted.

“(b) A reserve commissioned officer on active duty (other than for training) who has not completed the period of active duty that he is required by law or regulation to perform as a member of a reserve component, and who is recommended or found qualified for promotion to a higher reserve grade, may not elect to be relieved from active duty under subsection (a), but may decline the promotion if he does not desire to serve on active duty in a grade lower than his reserve grade. If he so declines the promotion, he shall, if he applies, be promoted to the grade for which he was recommended or found qualified upon being temporarily promoted to that higher grade or, subject to subsection (a), upon completing his period of required active duty.

“§ 3382. Commissioned officers: Army Reserve; promotion of second lieutenants assigned to units

“Without regard to vacancies, each second lieutenant of the Army Reserve who is in an active status and who is assigned to a unit organized to serve as a unit shall, if he is found qualified for promotion by the Secretary of the Army or an officer designated by him, be promoted to the reserve grade of first lieutenant effective as of the date on which he completes three years of service computed under section 3360 (b) of this title.

“§ 3383. Commissioned officers: Army Reserve; promotion to grades of first lieutenant, captain, major, lieutenant colonel, and colonel to fill vacancies in units

“(a) The Secretary of the Army may convene a selection board to consider and recommend officers of any unit of the Army Reserve that is organized to serve as a unit for promotion to fill a vacancy in that unit in the grade of captain, major, lieutenant colonel, or colonel within the numbers authorized for that unit under sections 3217 and 3219 of this title.

“(b) In referring the names of officers for consideration for promotion under subsection (a), the convening officer shall place on a zone of consideration list the name of each officer who is assigned to a unit organized to serve as a unit, who is eligible for consideration for promotion under section 3363 (b) or (g) of this title, and who is geographically available to fill the vacancy. The convening officer shall refer the list to the selection board for consideration. Without regard to section 3363 (a) and (b) of this title, he may also place on such a list for promotion to the next higher reserve grade the name of any reserve first lieutenant or second lieutenant who has served creditably for at least a year in a position that is in a unit organized to serve as a unit and is prescribed to be filled by a captain, and who has not previously been promoted under this section.

“(c) The selection board shall recommend the officer whom it considers to be the best qualified.

“(d) An officer recommended for promotion under this section may be immediately promoted to fill the vacancy.

“§ 3384. Commissioned officers: Army Reserve; promotion to grade of brigadier general or major general to fill vacancies in units

“(a) Officers of the Army Reserve may be promoted to the reserve grades of brigadier general and major general to fill vacancies in those grades in any unit of the Army Reserve that is organized to serve as a unit and has attained the strength prescribed by the Secretary of the Army.

“(b) Within one year after an officer has been assigned to the duties of a general officer of the next higher reserve grade in a unit of the Army Reserve organized to serve as a unit, he shall be evaluated by his superior officer. If the superior officer determines that the officer has shown his fitness for the position, he shall send the officer's name to the Secretary for consideration by a selection board for promotion to the next higher reserve grade.

“(c) To be eligible for consideration for promotion under this section, an officer must meet the requirements of this chapter and the standards prescribed by the Secretary.

“(d) The names of officers who meet the requirements of this section and section 3363 (b) of this title shall be submitted to a selection board convened at least once each year by the Secretary. The selection board shall recommend the officer whom it considers to be the best qualified to fill each vacancy.

“(e) An officer recommended for promotion under this section may be immediately promoted to fill the vacancy.

“§ 3385. Commissioned officers: Army National Guard of United States; promotion upon Federal recognition

“An officer of the Army National Guard of the United States to whom Federal recognition has been extended under section 309 or 310 of title 32 may, as of the date of that Federal recognition, be promoted to the next higher reserve grade.

“§ 3386. Commissioned officers: promotion upon release from active duty

“Upon release from active duty (other than for training), a reserve commissioned officer shall be promoted to a reserve grade that is equal to the highest temporary grade in which he served on that duty satisfactorily, as determined by the Secretary of the Army. An officer who is promoted under this section may not thereafter be promoted for the first time as a reserve officer in an active status and not assigned to a unit organized to serve as a unit, until he completes the service prescribed under section 3369 of this title for promotion to the grade concerned.

“§ 3388. Commissioned officers: Army Reserve; effect of entering upon active duty while eligible for promotion

“If a commissioned officer of the Army Reserve who enters upon active duty (other than for training) while his name is on a zone of consideration list under section 3383 of this title has had his name submitted to a selection board, or is recommended for promotion under section 3383 or 3384 of this title, his name shall be removed from the list or withdrawn from those recommended for promotion, and he shall be treated as if he had not been considered for promotion.

“§ 3389. Commissioned officers: promotion to higher reserve grade after temporary appointment

“(a) When he completes the service prescribed by the Secretary of the Army, a commissioned officer of the Army Reserve who is on active duty (other than for training) in a temporary grade that is higher than his reserve grade shall be promoted to an appropriate higher reserve grade that is not higher than his temporary grade and not above colonel.

“(b) When he completes the service prescribed by the Secretary, a commissioned officer of the Army National Guard of the United States who is on active duty in a temporary grade that is higher than his reserve grade is eligible for promotion to an appropriate higher reserve grade that is not higher than his temporary grade and not above colonel.

“(c) The Secretary shall annually prescribe the period of service required for promotion to each grade under this section. The period shall conform as nearly as possible to the corresponding period of service then being applied to the promotion of regular officers.

“§ 3390. Commissioned officers: Army National Guard of United States; procedure for promotion to higher reserve grade after temporary appointment

“(a) If an officer of the Army National Guard of the United States who is on active duty (other than for training) is recommended for promotion or becomes eligible for promotion under section 3389 of this title, an opportunity shall be given to the appropriate authority of the State or Territory, Puerto Rico, the Canal Zone, or the District of Columbia, as the case may be, to promote that officer to fill a vacancy in the Army National Guard of that jurisdiction. If necessary, a vacancy may be created for the purposes of this subsection.

“(b) If such an officer is so promoted in the Army National Guard, Federal recognition is extended to him effective as of the date on which he would have been promoted if he were an officer of the Army Reserve, and he may be promoted in his reserve grade effective as of the date of the extension of Federal recognition. However, if he is not so promoted in the Army National Guard, his Federal recognition in his reserve grade shall be withdrawn and he shall be transferred to the Army Reserve.

“§ 3391. Commissioned officers: officers of Army Nurse Corps, Army Medical Specialist Corps, and Women’s Army Corps not to be promoted above certain grades

“A reserve officer of the Army Medical Specialist Corps may not be promoted to a reserve grade above major. A reserve officer of the Army Nurse Corps or the Women’s Army Corps may not be promoted to a reserve grade above lieutenant colonel.

“§ 3392. Commissioned officers: reserve grade of adjutants general and assistant adjutants general

“Notwithstanding any other provision of this chapter, the adjutant general or an assistant adjutant general of a State or Territory, Puerto Rico, the Canal Zone, or the District of Columbia may, upon being extended Federal recognition, be appointed as a reserve officer of the Army as of the date on which he is so recognized.

“§ 3393. Commissioned officers: sea or foreign service not to be required for promotion

“Sea or foreign service may not be made a condition to the promotion of reserve commissioned officers in reserve grades.”

(F) by striking out the following item in the analysis:

“3354. Commissioned officers; Army Reserve: appointment of warrant officers and enlisted members of Army National Guard of United States.”

and inserting the following item in place thereof:

“3354. Commissioned officers: appointment of warrant officers and enlisted members of Army National Guard of United States; status.”;

(G) by striking out the following item in the analysis:

“3357. Female commissioned officers; Army Reserve: for service in Army Nurse Corps or Women’s Medical Corps.”

and inserting the following item in place thereof:

“3357. Commissioned officers; Army Reserve: for service in Army Nurse Corps or Army Medical Specialist Corps.”; and

(H) by inserting the following new items in the analysis:

“3353. Commissioned officers: appointment; service credit.

“3359. Commissioned officers: original appointment; determination of grade.

“3360. Commissioned officers: promotion service.

“3362. Commissioned officers: selection boards.

“3363. Commissioned officers: selection boards; general procedure.

“3364. Commissioned officers: selection for promotion; order of promotion; zone of consideration list; officers not assigned to units.

“3365. Commissioned officers: promotion of second lieutenants not assigned to units.

“3366. Commissioned officers: promotion of first lieutenants, captains, and majors not assigned to units; mandatory consideration.

“3367. Commissioned officers: promotion of first lieutenants, captains, and majors not assigned to units to fill vacancies.

“3368. Commissioned officers: promotion of first lieutenants, captains, and majors not assigned to units; second consideration.

“3369. Commissioned officers: Army Reserve; first promotion of officers not assigned to units after transfer from unit or from Army National Guard of United States.

“3370. Commissioned officers: officers not assigned to units; promotion to field grade in certain cases.

“3371. Commissioned officers: promotion of brigadier generals and colonels not assigned to units.

“3375. Commissioned officers: generals ceasing to occupy commensurate positions.

“3378. Commissioned officers: promotion of officers removed from active status.

“3380. Commissioned officers: election to continue on active duty after promotion.

“3382. Commissioned officers: Army Reserve; promotion of second lieutenants assigned to units.

- "3383. Commissioned officers: Army Reserve; promotion to grades of first lieutenant, captain, major, lieutenant colonel, and colonel to fill vacancies in units.
- "3384. Commissioned officers: Army Reserve; promotion to grade of brigadier general or major general to fill vacancies in units.
- "3385. Commissioned officers: Army National Guard of United States; promotion upon Federal recognition.
- "3386. Commissioned officers: promotion upon release from active duty.
- "3388. Commissioned officers: Army Reserve; effect of entering upon active duty while eligible for promotion.
- "3389. Commissioned officers: promotion to higher reserve grade after temporary appointment.
- "3390. Commissioned officers: Army National Guard of United States; procedure for promotion to higher reserve grade after temporary appointment.
- "3391. Commissioned officers: officers of Army Nurse Corps, Army Medical Specialist Corps, and Women's Army Corps not to be promoted above certain grades.
- "3392. Commissioned officers: reserve grade of adjutants general and assistant adjutants general.
- "3393. Commissioned officers: sea or foreign service not to be required for promotion."

10 USC 3441-
3451.

(81) Chapter 339 is amended—

(A) by amending section 3444 by adding the following new subsection at the end thereof:

"(d) For the purposes of determining grade, position on a promotion list, seniority in temporary grade, and eligibility for promotion, an officer of the Medical or Dental Corps who is appointed in a temporary grade under subsection (a) shall, when he enters on active duty, be credited with the constructive service authorized by section 3294 (b) of this title.";

(B) by amending section 3445 (b) by striking out the figure "3443,";

(C) by amending section 3446 to read as follows:

"§ 3446. Retention on active duty

"Notwithstanding any other provision of law, the President may retain on active duty a disabled officer until his physical condition is such that he will not be further benefited by retention in a military or Veterans' Administration hospital or until he is processed for physical disability benefits provided by law.";

(D) by amending section 3447 (a) by striking out the figure "3443,";

(E) by adding the following new section at the end thereof:

"§ 3452. Officers: Medical and Dental Corps: temporary promotion to captain

"Notwithstanding any other provision of law, an officer of the Medical Corps or Dental Corps may be promoted to the temporary grade of captain at any time after the first anniversary of the date upon which he graduated from a medical, osteopathic, or dental school, as the case may be.";

(F) by striking out the following item in the analysis:

"3443. Commissioned officer; Reserves: appointment in higher or lower grade.";

(G) by adding the following new item at the end of the analysis:

"3452. Officers; Medical and Dental Corps: temporary promotion to captain."

(82) Chapter 341 is amended—

(A) by inserting the following new section after section 3493:

10 USC 3491-3504.

“§ 3494. Commissioned officers: grade in which ordered to active duty

“A reserve commissioned officer who is ordered to active duty shall be ordered to that duty in his reserve grade unless the Secretary of the Army, in his discretion, orders him to active duty (other than for training) in a higher temporary grade.”; and

(B) by inserting the following new item in the analysis:

“3494. Commissioned officers: grade in which ordered to active duty.”

(83) Section 3504 (c) (2) is amended by inserting the words “or the Army Medical Specialist Corps” before the period at the end thereof.

(84) The analysis of chapter 343 is amended by striking out the following item:

10 USC 3531-3548.

“3546. Duties: officers of Medical Corps, contract surgeons; attendance on families of members.”

(85) Section 3571 is amended to read as follows:

10 USC 3571.

“§ 3571. Rank: commissioned officers on active duty

“(a) Commissioned officers of the Army on active duty in the same grade rank among themselves according to date of rank. The date of rank—

“(1) for an officer of the Regular Army serving in his regular grade, is that stated in his commission or letter of appointment;

“(2) for an officer of the Regular Army serving in a temporary grade, is his date of appointment in that grade, unless adjusted under section 3572 of this title; and

10 USC 3572.

“(3) for a reserve officer, precedes his date of entry on active duty by a period computed by adding—

“(A) the years of service after July 1, 1955, while in his current grade or in any higher grade, that are credited to him under section 1332 (a) (2) of this title;

10 USC 1332.

“(B) the periods of active service, while in his current grade or in any higher grade, that are not credited to him under clause (A);

“(C) the periods of service, while in his current grade or in any higher grade, that he has performed under section 502, 503, 504, or 505 of title 32, and that are not credited to him under clause (A); and

32 USC 502-505.

“(D) one day for each point for drill or equivalent instruction after July 1, 1955, while in his current grade or in any higher grade, that is credited to him under section 1332 (a) (2) (B) of this title and not credited to him under clause (A).

“(b) When the dates of rank prescribed by subsection (a) are the same, rank is determined by adding all active commissioned service in the Army, all commissioned service under section 502, 503, 504, or 505 of title 32, and all service credited for points under section 1332 (a) (2) (B) of this title.

“(c) When the dates of rank prescribed by subsection (a) and service computed under subsection (b) are the same:

“(1) Regular officers rank before reserve officers.

“(2) Regular officers rank among themselves according to sections 3573 and 3574 of this title.

10 USC 3573, 3574.

“(3) Reserve officers rank among themselves according to age.”

(86) Section 3574 (c) is amended to read as follows:

“(c) Rank among the graduates of each class at the United States Military Academy, United States Naval Academy, or United States

Air Force Academy who, upon graduation, are appointed in the Regular Army shall be fixed under regulations to be prescribed by the Secretary."

10 USC 3579.

(87) Section 3579 (b) is amended by striking out the words "her own" and "her" and inserting the word "his" in place thereof.

10 USC 3631-3639.

(88) The analysis of chapter 349 is amended by striking out the following item:

"3638. Enlisted members: required to make up time lost."

10 USC 3685.

(89) Section 3685 (b) is amended by inserting the words "the Army National Guard of the United States or" before the words "the Army Reserve".

10 USC 3687.

(90) Section 3687 (1) is amended by inserting the words "under section 270 (b) of this title" after the words "other than for training" in parentheses.

10 USC 3681-3693.

(91) The analysis of chapter 353 is amended by striking out the following items:

"3681. Army Register: regular officers; service to be listed.

* * * * *

"3688. Death gratuity."

10 USC 3721-3723.

(92) Chapter 355 is amended—

(A) by inserting the words "(other than for training under section 270 (b) of this title)" after the words "active duty" in section 3721 (1);

(B) by striking out the words "R. O. T. C. and" in the catch-line of section 3722;

(C) by striking out the words "member of the Reserve Officers' Training Corps, or person attending a Citizens' Military Training Camp," in section 3722 (a) (3) and inserting the words "person attending a Citizens' Military Training Camp" in place thereof and by striking out the words "4385 or" in the same section; and

(D) by striking out the following item in the analysis:

"3722. Members of R. O. T. C. and C. M. T. C.; members of Army not covered by section 3721 of this title.";

and inserting the following item in place thereof:

"3722. Members of C. M. T. C.; members of Army not covered by section 3721 of this title."

10 USC 3811-3820.

(93) Chapter 361 is amended—

(A) by inserting the following new section after section 3818:

"§ 3819. Army Reserve officers: discharge for failure of promotion to first lieutenant

"Except as provided in sections 1005 and 1006 of this title, each second lieutenant of the Army Reserve who is in an active status shall be discharged from his reserve appointment if he is not promoted before or on the date on which he completes three years of service computed under section 3360 (b) of this title.";

(B) by adding the following new subsection at the end of section 3820:

"(c) Except as provided in sections 1005 and 1006 of this title, each second lieutenant of the Army National Guard of the United States who is not promoted before or on the date on which he completes three years of service computed under section 3360 (b) of this title, shall be discharged from his reserve appointment."; and

(C) by inserting the following new item in the analysis:

"3819. Army Reserve officers: discharge for failure of promotion to first lieutenant."

(94) Chapter 363 is amended by striking out the words “[No present sections]” and inserting the following new items and sections in place thereof:

“Sec.

- “3841. Age 50: Army Nurse Corps or Army Medical Specialist Corps; reserve officers below major.
- “3842. Age 55: Army Nurse Corps or Army Medical Specialist Corps; reserve officers above captain.
- “3843. Age 60: reserve officers below major general.
- “3844. Age 62: reserve major generals other than those covered by section 3845 and brigadier generals on a recommended list.
- “3845. Age 64: officers holding certain offices.
- “3846. First lieutenants, captains, and majors not recommended by two selection boards.
- “3847. Twenty-five years: Women's Army Corps majors.
- “3848. Twenty-eight years: reserve first lieutenants, captains, majors, and lieutenant colonels.
- “3849. Twenty-eight years: Women's Army Corps lieutenant colonels.
- “3850. Thirty years or more: reserve commissioned officers; excessive number.
- “3851. Thirty years or five years in grade: reserve colonels and brigadier generals.
- “3852. Thirty-five years or five years in grade: reserve major generals.
- “3853. Computation of years of service.
- “3854. Regulations.

“§ 3841. Age 50: Army Nurse Corps or Army Medical Specialist Corps; reserve officers below major

“After July 1, 1960, each officer in a reserve grade below captain who is assigned to the Army Nurse Corps or the Army Medical Specialist Corps, and each officer in the reserve grade of captain who is so assigned and who has not been recommended for promotion to the reserve grade of major or has not remained in an active status since such a recommendation shall, on the last day of the month in which he becomes 50 years of age—

“(1) be transferred to the Retired Reserve, if he is qualified and applies therefor; or

“(2) if he is not qualified or does not apply therefor, be discharged from his reserve appointment.

“§ 3842. Age 55: Army Nurse Corps or Army Medical Specialist Corps; reserve officers above captain

“After July 1, 1960, each officer in a reserve grade above captain who is assigned to the Army Nurse Corps or the Army Medical Specialist Corps, and each officer in the reserve grade of captain who is so assigned and who has been recommended for promotion to the reserve grade of major and has remained in an active status since that recommendation, shall, on the last day of the month in which he becomes 55 years of age—

“(1) be transferred to the Retired Reserve, if he is qualified and applies therefor; or

“(2) if he is not qualified or does not apply therefor, be discharged from his reserve appointment.

“§ 3843. Age 60: reserve officers below major general

“(a) Except as provided in section 3845 of this title, each officer in the reserve grade of brigadier general who has not been recommended for promotion to the reserve grade of major general or has not remained in an active status since such a recommendation shall, on the last day of the month in which he becomes 60 years of age—

“(1) be transferred to the Retired Reserve, if he is qualified and applies therefor; or

“(2) if he is not qualified or does not apply therefor, be discharged from his reserve appointment.

“(b) Except as provided in section 3845 of this title, after July 1, 1960, each commissioned officer in an active status in a reserve grade below brigadier general shall, on the last day of the month in which he becomes 60 years of age—

“(1) be transferred to the Retired Reserve, if he is qualified and applies therefor; or

“(2) if he is not qualified or does not apply therefor, be discharged from his reserve appointment.

“§ 3844. Age 62: reserve major generals other than those covered by section 3845 and brigadier generals on a recommended list

“Except as provided in section 3845 of this title, each officer in an active status in the reserve grade of major general and each officer in an active status in the reserve grade of brigadier general who is on a recommended list for promotion to the reserve grade of major general shall, on the last day of the month in which he becomes 62 years of age—

“(1) be transferred to the Retired Reserve, if he is qualified and applies therefor; or

“(2) if he is not qualified or does not apply therefor, be discharged from his reserve appointment.

“§ 3845. Age 64: officers holding certain offices

“An officer of the Army National Guard of the United States who is Chief of the National Guard Bureau, and each adjutant general or commanding general of the troops of a State or Territory, Puerto Rico, the Canal Zone, or the District of Columbia, shall, on the last day of the month in which he becomes 64 years of age—

“(1) be transferred to the Retired Reserve, if he is qualified and applies therefor; or

“(2) if he is not qualified or does not apply therefor, be discharged from his reserve appointment.

“§ 3846. First lieutenants, captains, and majors not recommended by two selection boards

“Except as provided in sections 1005 and 1006 of this title, an officer in the reserve grade of first lieutenant, captain, or major who, while serving in the reserve grade that he then holds, was considered but not recommended for promotion by two selection boards convened under section 3366 or 3367 of this title, shall, within 90 days after the second selection board submits its report to the convening authority if he is not on active duty or is on active duty for training, or within 120 days after being notified of his failure of selection by the second selection board if he is on active duty (other than for training)—

“(1) be transferred to the Retired Reserve, if he is qualified and applies therefor; or

“(2) if he is not qualified or does not apply therefor, be discharged from his reserve appointment.

“§ 3847. Twenty-five years: Women's Army Corps majors

“After July 1, 1960, each officer in the reserve grade of major who is assigned to the Women's Army Corps, and who has not been recommended for promotion to the reserve grade of lieutenant colonel or has not remained in an active status since such a recommendation shall, 30 days after she completes 25 years of service computed under section 3853 of this title—

“(1) be transferred to the Retired Reserve, if she is qualified and applies therefor; or

“(2) if she is not qualified or does not apply therefor, be discharged from her reserve appointment.

“§ 3848. Twenty-eight years: reserve first lieutenants, captains, majors, and lieutenant colonels

“(a) After July 1, 1960, each officer in an active status in the reserve grade of first lieutenant, captain, major, or lieutenant colonel shall, 30 days after he completes 28 years of service computed under section 3853 of this title—

“(1) be transferred to the Retired Reserve, if he is qualified and applies therefor; or

“(2) if he is not qualified or does not apply therefor, be discharged from his reserve appointment.

“(b) Each officer in the reserve grade of lieutenant colonel who has been recommended for promotion, and who would otherwise be removed from an active status under this section, shall be retained in that status until he is appointed or is refused appointment to the next higher grade.

“(c) Notwithstanding subsections (a) and (b), the Secretary of the Army may authorize the retention in an active status until age 60 of any officer of the Army National Guard of the United States who would otherwise be removed from an active status under this section and who is assigned to a headquarters or headquarters detachment of a State or Territory, Puerto Rico, the Canal Zone, or the District of Columbia.

“§ 3849. Twenty-eight years: Women’s Army Corps lieutenant colonels

“(a) After July 1, 1960, each officer in an active status in the reserve grade of lieutenant colonel who is assigned to the Women’s Army Corps, and each officer in the reserve grade of major who is assigned to the Women’s Army Corps and who has been recommended for promotion to the reserve grade of lieutenant colonel and has remained in an active status since that recommendation, shall, 30 days after she completes 28 years of service computed under section 3853 of this title—

“(1) be transferred to the Retired Reserve, if she is qualified and applies therefor; or

“(2) if she is not qualified or does not apply therefor, be discharged from her reserve appointment.

“(b) Notwithstanding subsection (a), an officer who would otherwise be removed from an active status under this section may, in the discretion of the Secretary of the Army, be retained in an active status, but not later than 30 days after she completes 30 years of service computed under section 3853 of this title.

“§ 3850. Thirty years or more: reserve commissioned officers; excessive number

“Whenever the Secretary of the Army believes that there are too many commissioned officers in an active status, in any reserve grade, who have at least 30 years of service computed under section 3853 of this title or at least 20 years of service computed under section 1332 of this title, he shall convene a board to consider all officers in an active status in that grade who have that amount of service and who are not assigned to a unit organized to serve as a unit. The board shall recommend officers by name for removal from an active status, in the number specified by the Secretary. In the case of an officer so recommended, the Secretary may—

“(1) transfer him to the Retired Reserve, if he is qualified and applies therefor; or

“(2) if he is not qualified or does not apply therefor, discharge him from his reserve appointment.

“§ 3851. Thirty years or five years in grade: reserve colonels and brigadier generals

“(a) After July 1, 1960, each officer in an active status in the reserve grade of colonel or brigadier general shall, 30 days after he completes 30 years of service computed under section 3853 of this title or on the fifth anniversary of the date of his appointment in his current reserve grade, whichever is later—

“(1) be transferred to the Retired Reserve, if he is qualified and applies therefor; or

“(2) if he is not qualified or does not apply therefor, be discharged from his reserve appointment.

“(b) Each officer who has been recommended for promotion, and who would otherwise be removed from an active status under this section, shall be retained in that status until he is appointed or refused appointment to the next higher grade.

“(c) Notwithstanding subsections (a) and (b), the Secretary of the Army may authorize the retention in an active status until age 60 of any officer of the Army National Guard of the United States whose reserve grade is colonel, who would otherwise be removed from an active status under this section, and who is assigned to a headquarters or headquarters detachment of a State or Territory, Puerto Rico, the Canal Zone, or the District of Columbia.

“§ 3852. Thirty-five years or five years in grade: reserve major generals

“After July 1, 1960, each officer in an active status in the reserve grade of major general shall, 30 days after he completes 35 years of service computed under section 3853 of this title, or on the fifth anniversary of the date of his appointment to that grade, whichever is later—

“(1) be transferred to the Retired Reserve, if he is qualified and applies therefor; or

“(2) if he is not qualified or does not apply therefor, be discharged from his reserve appointment.

“§ 3853. Computation of years of service

“For the purpose of determining whether a reserve commissioned officer may be transferred to the Retired Reserve, or discharged, under this chapter, his years of service are the greater of—

“(1) the sum of (A) his years of service as a commissioned officer of any component of the armed forces or of the Army without specification of component, (B) his years of service before June 15, 1933, as a commissioned officer in the federally recognized National Guard or in a federally recognized commissioned status in the National Guard, and (C) the years of service credited to him under section 3353 of this title or section 23 of the Act enacting this section; and

“(2) the number of years by which his age exceeds 25 years.

No service may be counted more than once. For a person credited with service under section 3353 of this title or section 22 of the Act enacting this section, no service before appointment may be counted.

“§ 3854. Regulations

“The Secretary of the Army shall prescribe regulations to carry out this chapter.”

(95) The chapter analysis of subtitle B and the chapter analysis of part II of subtitle B are amended by striking out the following item:

"363. Separation or Transfer to Retired Reserve. [No present sections]"

and inserting the following item in place thereof:

"363. Separation or Transfer to Retired Reserve----- 3841".

(96) Section 3888 is amended to read as follows:

10 USC 3888.

"§ 3888. Computation of years of service: mandatory retirement; regular commissioned officers

"For the purpose of computing the retired pay of a commissioned officer of the Regular Army retired under section 3883, 3884, 3885, or 3886 of this title, his years of service are the greatest of—

10 U S C 3883-3886.

"(1) the years of service that may be credited to him under section 1405 of this title;

"(2) the years of service credited to him at the time of his original appointment in the Regular Army to determine his eligibility for promotion, except the constructive service credited to him under section 3287 (a) (2) (A) or (B) or 3294 (b) of this title or under section 506 (c) of the Officer Personnel Act of 1947 (61 Stat. 890), plus his years of active commissioned service in the Regular Army after that appointment; or

10 USC 506c.

"(3) his years of service computed under clause (A), (B), or (C), whichever applies, if any:

"(A) For a reserve judge advocate appointed in the Regular Army in the grade of captain in the Judge Advocate General's Department under section 24e of the National Defense Act, as amended (53 Stat. 558)—

53 Stat. 557.

"(i) his years of active commissioned service in the Army after becoming 21 years of age, after December 7, 1941, and before the date of that appointment; or

"(ii) the number of days, months, and years by which his age at the time of that appointment exceeded 25 years;

whichever is greater, plus his years of active commissioned service in the Regular Army after that appointment.

"(B) For an officer appointed in the Regular Army, except in the Army Nurse Corps or Army Medical Specialist Corps, before December 31, 1947, other than an officer covered by clause (A) or appointed under the Act of December 28, 1945, ch. 601 (59 Stat. 663), the sum of—

10 USC 131, 142, 233, 291.

"(i) his years of active commissioned service in the Regular Army after that appointment; and

"(ii) his years of active commissioned service in the Army after becoming 21 years of age and after December 7, 1941, under any earlier appointment.

"(C) For an officer appointed in the Regular Army, except in the Army Nurse Corps or Army Medical Specialist Corps, after December 31, 1947, other than an officer appointed in the Women's Army Corps, Regular Army, under section 108 of the Women's Armed Services Integration Act of 1948 (62 Stat. 361), the sum of—

10 USC 559c.

"(i) his years of active commissioned service in the Regular Army after that appointment; and

"(ii) his years of active commissioned service in the Army after becoming 21 years of age and after December 31, 1947, under an earlier appointment."

10 USC 3925.

(97) Section 3925 (b) is amended by striking out the figure "3638" and inserting the figure "972" in place thereof.

10 USC 3927.

(98) Section 3927 is amended to read as follows:

“§ 3927. Computation of years of service: mandatory retirement; regular commissioned officers

“(a) For the purpose of determining whether a regular commissioned officer may be retired under section 3913, 3915, 3916, 3919, 3921, 3922, or 3923 of this title, his years of service are the greater of—

10 USC 3913-3923 *passim*.

“(1) the years of service credited to him at the time of his original appointment in the Regular Army to determine his eligibility for promotion, except the constructive service credited to him under section 3287 (a) (2) (A) or (B) or 3294 (b) of this title or under section 506 (c) of the Officer Personnel Act of 1947 (61 Stat. 890), plus his years of active commissioned service in the Regular Army after that appointment; or

10 USC 506c.

“(2) his years of service computed under clause (A), (B), or (C), whichever applies, if any:

“(A) For a reserve judge advocate appointed in the Regular Army in the grade of captain in the Judge Advocate General's Department under section 24e of the National Defense Act, as amended (53 Stat. 558)—

“(i) his years of active commissioned service in the Army after becoming 21 years of age, after December 7, 1941, and before the date of that appointment; or

“(ii) the number of days, months, and years by which his age at the time of the appointment exceeded 25 years; whichever is greater, plus his years of active commissioned service in the Regular Army after that appointment.

“(B) For an officer appointed in the Regular Army, except in the Army Nurse Corps or Army Medical Specialist Corps, before December 31, 1947, other than an officer covered by clause (A) or appointed under the Act of December 28, 1945, ch. 601 (59 Stat. 663), the sum of—

“(i) his years of active commissioned service in the Regular Army after that appointment; and

“(ii) his years of active commissioned service in the Army after becoming 21 years of age and after December 7, 1941, under any earlier appointment.

“(C) For an officer appointed in the Regular Army, except in the Army Nurse Corps or Army Medical Specialist Corps, after December 31, 1947, other than an officer appointed in the Women's Army Corps, Regular Army, under section 108 of the Women's Armed Services Integration Act of 1948 (62 Stat. 361), the sum of—

“(i) his years of active commissioned service in the Regular Army after that appointment; and

“(ii) his years of active commissioned service in the Army after becoming 21 years of age and after December 31, 1947, under any earlier appointment.

“(b) For the purpose of computing the retired pay of a commissioned officer of the Regular Army retired under section 3913, 3915, 3916, 3919, 3921, 3922, or 3923 of this title, his years of service are the greater of—

“(1) the years of service that may be credited to him under section 1405 of this title; or

“(2) his years of service computed under subsection (a).”

10 USC 131, 142, 233, 291.

10 USC 559c.

(99) Section 3962 is amended by striking out subsection (c) and redesignating subsection (d) as subsection “(c)”. 10 USC 3962.

(100) Sections 3963 (a) and 3964 are amended by striking out the words “, after September 8, 1940, and before July 1, 1946”. 10 USC 3963.

(101) Section 3966 is amended by striking out the words “, to be published annually in the official Army Register,” in subsections (a) and (b). 10 USC 3966.

(101A) The table in section 3991 is amended— 10 USC 3991.

(A) by striking out the figure “3962 (d)” in footnote 1 and inserting the figure “3962 (c)” in place thereof; and

(B) by striking out the figures “3962 (c), 3963 (a),” in footnote 2 and inserting the figure “3963 (a)” in place thereof.

(102) The analysis of chapter 373 is amended by striking out the following item: 10 USC 4021-4025.

“4021. Appointment: professional and scientific services.”

(103) Section 4353 (b) is amended to read as follows: 10 USC 4353.

“(b) Notwithstanding any other provision of law, a cadet who completes the prescribed course of instruction may, upon graduation, be appointed a second lieutenant in the Regular Army.”

(104) Section 4384 is amended— 10 USC 4384.

(A) by inserting the words “, including flight instruction,” after the words “practical military training”; and

(B) by adding the following new sentence at the end thereof: “The Secretary shall report to Congress in January of each year on the progress of the flight instruction program authorized by this section.”

(105) Chapter 449 is amended— 10 USC 4771-4779.

(A) by adding the following new section at the end thereof:

“§ 4780. Acquisition of buildings in District of Columbia

“(a) In time of war or when war is imminent, the Secretary of the Army may acquire by lease any building, or part of a building, in the District of Columbia that may be needed for military purposes.

“(b) At any time, the Secretary may, for the purposes of the Department of the Army, requisition the use and take possession of any building or space in any building, and its appurtenances, in the District of Columbia, other than—

“(1) a dwelling house occupied as such;

“(2) a building occupied by any other agency of the United States; or

“(3) space in such a dwelling house or building.

The Secretary shall determine, and pay out of funds appropriated for the payment of rent by the Department of the Army, just compensation for that use. If the amount of the compensation is not satisfactory to the person entitled to it, the Secretary shall pay 75 percent of it to that person, and the claimant is entitled to recover by action against the United States an additional amount that, when added to the amount paid by the Secretary, is determined by the court to be just compensation for that use.”;

(B) by adding the following new item at the end of the analysis:

"4780. Acquisition of buildings in District of Columbia."

10 USC 5011-5013.

(106) Chapter 503 is amended—

(A) by adding the following new section at the end thereof:

§ 5014. Compensation of General Counsel

"The compensation of the General Counsel of the Department of the Navy is \$19,000 a year."; and

(B) by adding the following new item at the end of the analysis:

"5014. Compensation of General Counsel."

10 USC 5031.

(107) Section 5031 (d) is amended by striking out the figure "\$18,000" and inserting the figure "\$22,000" in place thereof.

10 USC 5033.

(108) Section 5033 (c) is amended to read as follows:

"(c) The compensation of the Under Secretary is \$20,000 a year."

10 USC 5034.

(109) Section 5034 (d) is amended to read as follows:

"(d) The compensation of each of the four Assistant Secretaries is \$20,000 a year."

10 USC 5401-5413.

(110) Chapter 531 is amended—

(A) by adding the following new sections at the end thereof:

§ 5414. Naval Reserve and Marine Corps Reserve: officers in an active status in permanent grades above chief warrant officer, W-4

"(a) The authorized strength of the Naval Reserve in officers in an active status in permanent grades above chief warrant officer, W-4, is 150,000.

"(b) The authorized strength of the Marine Corps Reserve in officers in an active status in permanent grades above chief warrant officer, W-4, is 29,500.

"(c) The authorized strengths prescribed by this section may not be exceeded unless the Secretary of the Navy determines that a greater number is necessary for planned mobilization requirements, or unless the excess results directly from the operation of mandatory provisions of law.

§ 5415. Enlisted members serving as midshipmen or cadets excluded

"Enlisted members of the Navy or the Marine Corps serving as cadets at the United States Military Academy, the United States Air Force Academy, or the United States Coast Guard Academy, or as midshipmen at the United States Naval Academy or in the Naval Reserve, are not counted in computing strengths under any law.

§ 5416. Personnel detailed outside Department of Defense

"Members of the Navy or the Marine Corps, or of the Coast Guard when it is operating as a service in the Navy, who are detailed for duty with agencies of the United States outside the Department of Defense on a reimbursable basis are not counted in computing strengths or numbers in grade under any law.

§ 5417. Estimate of future regular commissioned officer strength

"The Secretary of Defense, with the approval of the President, shall estimate each year, for each of the five years following that year, the strengths of the Navy and the Marine Corps in officers on the active lists exclusive of officers specifically authorized by law as additional numbers."; and

(B) by adding the following new items at the end of the analysis:

- "5414. Naval Reserve and Marine Corps Reserve: officers in an active status in permanent grades above chief warrant officer, W-4.
- "5415. Enlisted members serving as midshipmen or cadets excluded.
- "5416. Personnel detailed outside Department of Defense.
- "5417. Estimate of future regular commissioned officer strength."

(111) Section 5452 is amended to read as follows:

"§ 5452. Navy: women line officers on the active list; permanent grade 10 USC 5452.

"(a) The numbers of women officers on the active list in the line of the Navy holding permanent appointments in the grades of commander and lieutenant commander may not exceed, respectively, 10 percent and 20 percent of the number of women officers on the active list in the line of the Navy. The Secretary of the Navy, whenever the needs of the service require but at least once annually, shall compute the number of women officers authorized under this section to hold permanent appointments in each of these grades. The number so computed for each grade is the number of women officers on the active list in the line of the Navy prescribed for that permanent grade. The Secretary may, however, determine a lesser number for each grade and, if he determines a lesser number for the grade of commander only, he may determine a number for the grade of lieutenant commander that exceeds the computed number for that grade by the amount of the difference between the computed and determined numbers for the grade of commander. The numbers so determined become the prescribed numbers for the grades concerned until the next computations and determinations are made.

"(b) During the period between one computation and the next, the number of officers prescribed for the grade of lieutenant commander under subsection (a) is temporarily increased by the number of officers of that grade for whom vacancies exist in the grade of commander but whose promotion to the grade of commander is delayed for any reason."

(112) Section 5453 is amended—

(A) by striking out the words "as of January 1 of each year" in the second sentence and inserting the words "whenever the needs of the service require but at least once annually" in place thereof; 10 USC 5453.

(B) by striking out the word "annual" in the fifth sentence; and
(C) by striking out the words "annual" and "succeeding computation" in the sixth sentence.

(113) Chapter 533 is amended—

(A) by adding the following new sections at the end thereof: 10 USC 5441-5456.

"§ 5457. Naval Reserve: officers in an active status in permanent grades above chief warrant officer, W-4

"(a) The authorized strength of the Naval Reserve in officers in an active status in the permanent grade of rear admiral is 48, distributed among the line and the staff corps as follows:

- "(1) Line—28.
- "(2) Medical Corps—7.
- "(3) Supply Corps—8.
- "(4) Chaplain Corps—1.
- "(5) Civil Engineer Corps—2.
- "(6) Dental Corps—2.

"(b) The authorized strengths of the Naval Reserve in line officers in an active status in the permanent grades of captain, commander, lieutenant commander, and lieutenant, and in the permanent grades of

lieutenant (junior grade) and ensign combined are the following percentages of the total number of such officers:

- "(1) Captain—1.5 percent.
- "(2) Commander—7 percent.
- "(3) Lieutenant commander—22 percent.
- "(4) Lieutenant—37 percent.
- "(5) Lieutenant (junior grade) and ensign combined—32.5 percent.

"(c) When the actual number of line officers in an active status in any grade is less than the number authorized by subsection (b) for that grade, the difference may be applied to increase the number authorized by subsection (b) for any lower grade or grades.

"(d) An officer may not be reduced in permanent grade because of a reduction in the number authorized by this section for his grade.

§ 5458. Marine Corps Reserve: officers in an active status in permanent grades above chief warrant officer, W-4

"(a) The authorized strength of the Marine Corps Reserve in officers in an active status in the permanent grades of brigadier general and major general combined is 5.

"(b) The authorized strengths of the Marine Corps Reserve in officers in an active status in the permanent grades of colonel, lieutenant colonel, major, and captain, and in the permanent grades of first and second lieutenant combined are the following percentages of the total number of such officers:

- "(1) Colonel—2 percent.
- "(2) Lieutenant colonel—6 percent.
- "(3) Major—12 percent.
- "(4) Captain—35 percent.
- "(5) First and second lieutenant combined—45 percent.

"(c) When the actual number of officers in an active status in any grade is less than the number authorized by subsection (b) for that grade, the difference may be applied to increase the number authorized by subsection (b) for any lower grade or grades.

"(d) An officer may not be reduced in permanent grade because of a reduction in the number authorized by this section for his grade.";

(B) by adding the following new items at the end of the chapter analysis:

"5457. Naval Reserve: officers in an active status in permanent grades above chief warrant officer, W-4.

"5458. Marine Corps Reserve: officers in an active status in permanent grades above chief warrant officer, W-4."

10 U S C 5501-5508.

(114) Chapter 535 is amended—

(A) by inserting the following new section after section 5505:

§ 5506. Naval Reserve and Marine Corps Reserve; officers: precedence

"Officers in an active status in the Naval Reserve in each grade and officers in an active status in the Marine Corps Reserve in each grade rank among themselves and among officers of the same grade in the Regular Navy and the Regular Marine Corps, respectively, in accordance with the dates of rank stated in their commissions. When regular and reserve officers are in the same grade and have the same date of rank, they rank among themselves as the Secretary of the Navy determines.";

(B) by inserting the following new item in the analysis:

"5506. Naval Reserve and Marine Corps Reserve; officers: precedence."

(115) The analysis of chapter 537 is amended by striking out the following item: 10 USC 5531-5540.

"5536. Extension: time lost through misconduct or unauthorized absence."

(116) Section 5539 (a) is amended by inserting the words "for less than one year or" after the word "agreement".

(117) Section 5572 is amended by striking out the word "Each" and inserting the words "Except as provided in section 5573a of this title, each" in place thereof. 10 USC 5572.

(118) Chapter 539 is amended—

(A) by inserting the following new section after section 5573: 10 USC 5571-5599.

§ 5573a. Regular Navy and Regular Marine Corps: from reserve and temporary officers

"(a) Appointments to the active list of the Navy in permanent grades not above lieutenant and to the active list of the Marine Corps in permanent grades not above captain may be made from officers of the Naval Reserve or the Marine Corps Reserve and from officers of the Regular Navy or the Regular Marine Corps who do not hold permanent commissioned appointments therein.

"(b) Appointments under subsection (a) shall be made by the President alone under regulations to be prescribed by him for the administration of this section. The regulations shall include provisions—

"(1) establishing standards and qualifications for appointments in each grade in which appointments are authorized by subsection (a);

"(2) for determining the lineal position of appointees; and

"(3) for assigning running mates to officers appointed in a staff corps.

"(c) To be eligible for an appointment under this section, an officer must have such qualifications as the Secretary of the Navy may prescribe.

"(d) An officer may not be appointed to the active list of the Navy or the Marine Corps under this section in a permanent grade higher than the grade in which he is serving at the time of that appointment. However, an officer appointed in a permanent grade under this section may also be temporarily appointed to a higher grade appropriate to the lineal position assigned to him. Such a temporary appointment shall be considered to have been made under the provisions of law under which officers having a comparable lineal position on the active list of the Navy or the Marine Corps, as the case may be, were temporarily promoted to that higher grade.

"(e) An officer who, at the time of his appointment under this section, has to his credit leave accrued but not taken does not lose that accrued leave because of that appointment."; and

(B) by inserting the following new item in the analysis:

"5573a. Regular Navy and Regular Marine Corps: from reserve and temporary officers."

(119) Section 5574 is amended—

(A) by amending subsection (b) to read as follows:

"(b) Under such regulations as the Secretary may prescribe, original appointments to the active list of the Navy in the Medical Corps may also be made, as the needs of the service require, from—

"(1) doctors of medicine who have such qualifications as the Secretary may prescribe; and

“(2) doctors of osteopathy who are qualified under subsection (c) and who have such other qualifications as the Secretary may prescribe.

Appointments under this subsection may be in the grades of lieutenant (junior grade) through captain.”;

(B) by amending subsection (c) to read as follows:

“(c) To be eligible for appointment in the Medical Corps under subsection (b), a doctor of osteopathy must—

“(1) be a graduate of a college of osteopathy whose graduates are eligible to be licensed to practice medicine or surgery in a majority of the States;

“(2) be licensed to practice medicine, surgery, or osteopathy in a State or Territory or in the District of Columbia;

“(3) under regulations to be prescribed by the Secretary of Defense, have completed a number of years of osteopathic and preosteopathic education equal to the number of years of medical and premedical education prescribed for persons entering recognized schools of medicine who become doctors of medicine and who would be qualified for appointment under this section in the grade for which that person is applying; and

“(4) have such other qualifications as the Secretary of the Navy prescribes after considering the recommendation, if any, of the Chief of the Bureau of Medicine and Surgery.”; and

(C) by adding the following new subsection at the end thereof:

“(d) For the purposes of determining lineal position, permanent grade, seniority in permanent grade, and eligibility for promotion, an officer appointed under subsection (b) shall be credited with the amount of service prescribed by the Secretary, but not less than four years. However, an officer who has completed an internship of one year, or the equivalent, may not be credited with less than five years.”

10 USC 5578.

(120) Section 5578 is amended—

(A) by amending subsection (b) to read as follows:

“(b) Under such regulations as the Secretary may prescribe, original appointments to the active list of the Navy in the Dental Corps may also be made, as the needs of the service require, from doctors of dentistry who have such qualifications as the Secretary may prescribe. Appointments under this subsection may be in the grades of lieutenant (junior grade) through captain.”; and

(B) by adding the following new subsection at the end thereof:

“(c) For the purposes of determining lineal position, permanent grade, seniority in permanent grade, and eligibility for promotion, an officer appointed in the Dental Corps under subsection (b) shall be credited with the amount of service prescribed by the Secretary, but not less than four years.”

10 USC 5571-5599.

(121) Chapter 539 is amended—

(A) by adding the following new sections at the end thereof:

“§ 5600. Naval Reserve and Marine Corps Reserve: service credit upon original appointment

“(a) For the purpose of determining his grade and lineal position, a person who is not already an officer in an armed force in a permanent grade above chief warrant officer, W-4, may be credited, at the time of his original appointment as an officer of the Naval Reserve or the Marine Corps Reserve, with an amount of service in an active status that will reflect his combined years of experience and education and such other qualifications as the Secretary of the Navy prescribes by regulations.

“(b) For the purposes of this section—

“(1) a person appointed in the Naval Reserve in any of the following corps shall be credited with at least the following amounts of service in an active status:

“(A) Medical Corps—4 years;

“(B) Dental Corps—3 years;

“(C) Chaplain Corps—3 years;

“(2) a person appointed in the Naval Reserve with a view to designation as a law specialist shall be credited with at least 3 years of service in an active status; and

“(3) a person who is appointed in the Naval Reserve in the Medical Service Corps, and who holds a degree of doctor of philosophy or a comparable degree in a science allied to medicine as determined by the Secretary, may be credited with at least 3 years of service in an active status.

“§ 5601. Naval Reserve: Nurse Corps: men

“Men may be appointed in the Naval Reserve in the Nurse Corps.”

and

(B) by adding the following new items at the end of the analysis:

“5600. Naval Reserve and Marine Corps Reserve: service credit upon original appointment.

“5601. Naval Reserve: Nurse Corps: men.”

(122) Section 5652 is amended—

10 USC 5652.

(A) by amending subsection (a) to read as follows:

“(a) Except as provided in sections 5652a, 5652b, 5652c, 5653, and 5654 of this title, officers serving in the grade of lieutenant (junior grade) on the active list of the Navy in each staff corps who have dates of rank in the same calendar year shall, after the end of that calendar year, have assigned to them, in the order of their lineal rank, running mates from among eligible line officers who are serving on active duty in the grade of lieutenant (junior grade) and who have dates of rank in the same calendar year as the staff corps officers.”;

10 USC 5654.

and

(B) by striking out the words “calendar year prescribed in subsection (a)” and the words “prescribed calendar year” wherever they occur in subsection (b) and inserting the words “same calendar year as the staff corps officer” in place thereof.

(123) Chapter 541 is amended—

10 USC 5651-5666.

(A) by inserting the following new sections after section 5652:

“§ 5652a. Regular Navy: lieutenants (junior grade); Medical and Dental Corps

“An officer appointed to the active list of the Navy in the grade of lieutenant (junior grade) in the Medical Corps or the Dental Corps shall have assigned as his running mate the junior eligible line officer serving on active duty in the grade of lieutenant (junior grade) with the same date of rank as himself or, if there is none, the junior eligible line officer serving on active duty in that grade with the next earlier date of rank.

“§ 5652b. Regular Navy: lieutenants (junior grade) originally appointed as ensigns under section 5573, 6904, 6906, or 6909 of this title

“Each officer appointed to the active list of the Navy in the grade of ensign under section 5573, 6904, 6906, or 6909 of this title who is serving as a staff corps officer at the time of his promotion to the grade of lieutenant (junior grade) shall, upon that promotion, have assigned to him as his running mate the eligible officer serving

10 USC 5573, 6904, 6906, 6909.

on active duty in the grade of lieutenant (junior grade), with date of rank in the same calendar year, who would be next senior to him if the staff corps officer had been originally appointed in the grade of ensign in the line and had continued to serve as a line officer until the date of his promotion to the grade of lieutenant (junior grade), or, if there is none, the eligible line officer who would have been next junior to the staff corps officer.

“§ 5652c. Regular Navy: officers appointed from the Naval Reserve or from temporary officers

“An officer appointed to the active list of the Navy in a staff corps under section 5573a of this title shall have a running mate assigned to him under regulations to be prescribed by the President.”; and

(B) by inserting the following new items in the analysis thereof:

“5652a. Regular Navy: lieutenants (junior grade); Medical and Dental Corps.

“5652b. Regular Navy: lieutenants (junior grade) originally appointed as ensigns under section 5573, 6904, 6906, or 6909 of this title.

“5652c. Regular Navy: officers appointed from the Naval Reserve or from temporary officers.”

10 USC 5653.

(124) Section 5653 is amended by striking out the words “section 5654” and inserting the words “sections 5652c and 5654” in place thereof.

10 USC 5651-5666.

(125) Chapter 541 is amended—

(A) by inserting the following new section after section 5664:

“§ 5665. Naval Reserve and Marine Corps Reserve: active status officers in permanent grades above chief warrant officer, W-4

“(a) While in the grade of lieutenant (junior grade) or in a higher grade in which initially appointed, each officer in an active status in the Naval Reserve shall have a running mate of the same grade. Except as provided in subsection (d), the running mate shall be the officer not restricted in the performance of duty on the lineal list of line officers of the Navy who is next junior to the reserve officer.

“(b) While in the grade of first lieutenant or in a higher grade in which initially appointed, each officer in an active status in the Marine Corps Reserve shall have a running mate of the same grade. Except as provided in subsection (d), the running mate shall be the officer not restricted in the performance of duty on the active list of the Marine Corps who is next junior to the reserve officer.

“(c) An officer in an active status in the Naval Reserve or the Marine Corps Reserve who is assigned a running mate after the initial assignment under subsection (a) or (b) shall be assigned a running mate in accordance with the principles prescribed by this chapter for the assignment of running mates to staff corps officers on the active list of the Navy. However, except as provided in subsection (d), the running mate shall, whenever possible, be the officer not restricted in the performance of duty on the lineal list of line officers of the Navy or on the active list of the Marine Corps, as appropriate, who is next junior to the reserve officer.

“(d) The running mate of a woman officer of the Naval Reserve, except an officer in the Nurse Corps or an officer appointed under section 5581 of this title, shall be the woman officer on the active list in the line of the Navy who is next junior to her. The running mate of a woman officer of the Marine Corps Reserve shall be the woman officer on the active list of the Marine Corps who is next junior to her.

10 USC 5581.

“(e) A reserve officer who was assigned a running mate under laws in effect before July 1, 1955, continues to have that running mate unless assigned a new one under subsection (c).”; and

(B) by inserting the following new item in the analysis:

“5665. Naval Reserve and Marine Corps Reserve: active status officers in permanent grades above chief warrant officer, W-4.”

(126) Clause (3) of section 5752 (a) is amended to read as follows:

10 USC 5752.

“(3) Such period of service in the grade of lieutenant (junior grade) in the Navy or first lieutenant in the Marine Corps as the Secretary of the Navy prescribes.”

(127) Section 5763 is amended by adding the following new sentence at the end thereof: “If the computation produces an indeterminate or inequitable number, the Secretary shall furnish the board with a number that is equitable.”

10 USC 5763.

(128) Chapter 545 is amended—

10 USC 5751-5792.

(A) by inserting the following new sections after section 5787:

“§ 5787a. Navy; lieutenants (junior grade) in Medical and Dental Corps: temporary promotion

“(a) Notwithstanding any other provision of law, an officer in the Medical Corps or the Dental Corps may be temporarily promoted to the grade of lieutenant at any time after the first anniversary of the date upon which he graduated from medical, osteopathic, or dental school, as the case may be.

“(b) The Secretary of the Navy may prescribe regulations for the administration of this section.

“§ 5787b. Navy, women ensigns; Marine Corps, women second lieutenants: temporary promotion

“(a) A woman officer serving on active duty in the grade of ensign in the Navy or second lieutenant in the Marine Corps may be temporarily promoted to the next higher grade under regulations prescribed by the President.

“(b) The permanent appointment of a woman officer who is temporarily promoted under subsection (a) is not vacated by that temporary promotion.

“(c) A woman officer temporarily promoted under subsection (a) is entitled to the pay and allowances of the higher grade from the date of her eligibility for that temporary promotion.”; and

(B) by inserting the following new items in the analysis:

“5787a. Navy: lieutenants (junior grade) in Medical and Dental Corps: temporary promotion.

“5787b. Navy, women ensigns; Marine Corps, women second lieutenants: temporary promotion.”

(129) Section 5861 is amended to read as follows:

10 USC 5861.

“§ 5861. Regular Navy and Regular Marine Corps: physical examination

“Before an officer of the Regular Navy or the Regular Marine Corps may be promoted to a grade above ensign in the Navy or second lieutenant in the Marine Corps, he must qualify for promotion by passing such physical examination as the Secretary of the Navy may prescribe. However, such an officer may not be excluded from a promotion to which he would otherwise be entitled if in his case the Secretary, or the Chief of the Bureau of Medicine and Surgery when authorized by the Secretary, determines that—

(1) his physical disqualification was caused by wounds received in the line of duty; and

(2) these wounds do not incapacitate him for the performance of useful service in the higher grade.”

10 USC 5861-5866.

(130) The analysis of chapter 547 is amended by striking out the following item:

“5861. Physical examination.”

and inserting the following item in place thereof:

“5861. Regular Navy and Regular Marine Corps: physical examination.”

(131) Section 5862 is amended to read as follows:

“§ 5862. Navy and Marine Corps: mental, moral, and professional examination; examining board; board members; procedure

“(a) Before an officer on the active list of the Navy or the Marine Corps may be promoted permanently to the grade of lieutenant (junior grade) or first lieutenant, he must demonstrate to the satisfaction of an examining board such mental, moral, and professional qualifications as the Secretary of the Navy may prescribe.

“(b) Before an officer serving on active duty in a grade above ensign and below captain in the Navy or in a grade above second lieutenant and below colonel in the Marine Corps may be promoted to the next higher grade, he must demonstrate to the satisfaction of an examining board such professional qualifications as the Secretary may prescribe.

“(c) Examining boards for the examination of officers under this section shall be convened from time to time by the Secretary or, when authorized by the Secretary, by the senior officer present, or other commanding officer, on a foreign station. A board convened by a senior officer present, or other commanding officer, on a foreign station may examine only officers who are under the command of the convening authority and who are directed to appear before the board.

“(d) Each examining board convened under this section shall be composed of commissioned officers of the naval service. At least three members must act in each case. A member may not act in the case of an officer senior to him.

“(e) The Secretary shall prescribe regulations governing the procedures to be followed by examining boards, including regulations to insure a full and fair hearing to officers whose cases come before the boards and who demand a hearing.

“(f) The Secretary may suspend the operation of any part of this section in connection with the promotion of officers under section 5787 of this title.”

10 USC 5787.

(132) Chapter 547 is amended—

(A) by adding the following new section after section 5866:

“§ 5867. Naval Reserve and Marine Corps Reserve; officers: moral, professional, and physical examinations

“(a) Before an officer of the Naval Reserve or the Marine Corps Reserve may be promoted to the next higher grade he must—

“(1) qualify for promotion by passing such moral, professional, and physical examinations as the Secretary of the Navy prescribes: and

“(2) attain the minimum number of points, credited under section 1332 of this title, prescribed by the Secretary of the Navy with the approval of the Secretary of Defense.

10 USC 1332.

“(b) The physical standards for the promotion of reserve officers prescribed by the Secretary of the Navy under this section shall be the same as those prescribed by him for the retention of officers in the Naval Reserve and the Marine Corps Reserve.

“(c) This section does not exclude from the promotion to which he would otherwise be entitled any reserve officer in whose case a medical board reports that—

“(1) his physical disqualification for duty at sea or in the field was caused by wounds received in the line of duty; and

“(2) these wounds do not incapacitate him for other duties in the grade to which he is to be promoted.”;

(B) by striking out the following item from the analysis:

“5862. Mental, moral, and professional examination: examining boards; board members.”

and inserting the following item in place thereof:

“5862. Navy and Marine Corps: mental, moral, and professional examinations; examining board; board members; procedure.”;

(C) by striking out the following items from the analysis:

“5863. Examining boards: procedure.”

“5866. Delegation of power of President to Secretary of the Navy.”; and

(D) by adding the following new item at the end of the analysis:

“5867. Naval Reserve and Marine Corps Reserve officers: moral, professional, and physical examinations.”

(133) Subtitle C is amended by inserting the following new chapter after chapter 547:

“CHAPTER 549.—RESERVE PROMOTIONS

“Sec.

“5891. Officers who may be promoted under this chapter.

“5892. Numbers that may be promoted.

“5893. Selection boards: composition.

“5894. Selection boards: oath of members.

“5895. Selection boards: information furnished to boards.

“5896. Selection boards: officers to be recommended for promotion.

“5897. Selection boards: reports; certification required.

“5898. Selection boards: reports; submission to President.

“5899. Eligibility for consideration by selection board: promotion zones.

“5900. Communication with selection board.

“5901. Numbers that may be recommended for promotion.

“5902. Promotion lists; eligibility for promotion; date of rank.

“5903. Failure of selection.

“5904. Effect of erroneous omission of name from list furnished to selection board.

“5905. Removal from promotion list.

“5906. Effect of transfer to inactive status list.

“5907. Pay and allowances.

“5908. Ensigns; second lieutenants.

“5909. Sea or foreign service not required.

“5910. Promotions under regulations prescribed by Secretary.

“5911. Promotions: temporary; permanent.

“5912. Appointing power.

“§ 5891. Officers who may be promoted under this chapter

“(a) To be eligible for consideration for promotion by a selection board convened under this chapter, or for promotion under this chapter, an officer must be in an active status in the Naval Reserve or the Marine Corps Reserve.

“(b) Except as provided in subsections (c), (d), and (e), a reserve officer who is on a lineal list maintained under section 5504 of this title is ineligible for promotion under this chapter and for consideration by a selection board convened under this chapter.

“(c) A reserve officer who was eligible for consideration for promotion by a selection board convened under chapter 543 of this title, but whose name was not furnished to that board, may be considered by the corresponding selection board convened under this chapter to

consider officers of his grade for promotion to the next higher grade and may be promoted under this chapter even though he is on a lineal list at the time of his selection and promotion.

“(d) A reserve officer who has been recommended for promotion in the approved report of a selection board convened under this chapter, and who is placed on a lineal list before he is promoted, may be promoted under this chapter, notwithstanding the fact that he is on a lineal list at the time of promotion.

“(e) A reserve officer who has been recommended for promotion in the approved report of a selection board convened under chapter 543 of this title and who is removed from the lineal list before he is promoted may be promoted under this chapter, notwithstanding the fact that he was on a lineal list when selected for promotion.

10 U S C 5701-
5711.

“(f) A reserve officer whose name was furnished to a selection board convened under chapter 543 of this title, and who is removed from the lineal list before the corresponding selection board is convened under this chapter to consider officers of his grade for promotion to the next higher grade, is ineligible for consideration by the latter board.

“§ 5892. Numbers that may be promoted

“Each year the Secretary of the Navy shall prescribe the number of officers in each grade in the Naval Reserve and the Marine Corps Reserve that may be promoted in that year to the next higher grade under this chapter. He shall prescribe for each grade the number that he determines to be necessary to provide—

“(1) equitable opportunity for promotion among succeeding groups of reserve officers; and

“(2) an adequate continuing strength of reserve officers in an active status.

However, the Secretary may not prescribe numbers that will cause the number of reserve officers in an active status holding permanent appointments in any grade to exceed the number authorized for that grade in section 5457 or section 5458 of this title. With respect to the numbers of reserve officers in the staff corps that may be promoted, the Secretary shall prescribe numbers that will cause the relationship between line and staff corps officers in an active status in the Naval Reserve to conform to that prescribed for line and staff corps officers on the active list of the Navy.

“§ 5893. Selection boards: composition

“(a) The Secretary of the Navy, or such other authority as he directs, shall appoint and convene selection boards, each consisting of at least five officers, to consider for promotion to the next higher grade—

“(1) officers of the Naval Reserve in each grade above ensign and below rear admiral; and

“(2) officers of the Marine Corps Reserve in each grade above second lieutenant and below major general.

“(b) At least half the members of each selection board convened under this section must be reserve officers so far as practicable. All members of each board must be senior in both permanent and temporary grade to all officers that are to be considered by the board. An officer may not serve on two consecutive boards to consider officers for promotion to the same grade if the second of the two is to consider any officer who was considered and not recommended for promotion to that grade by the first board. Selection boards convened under this section may serve for as long as the Secretary prescribes, but not longer than one year.

“(c) Regardless of the number of officers appointed to a board under this section, five officers constitute a quorum. However, at least

a majority of the total membership of the board must concur in each recommendation made by the board.

“§ 5894. Selection boards: oath of members

“Each member of a selection board convened under this chapter shall swear that he will, without prejudice or partiality, and having in view both the special fitness of officers and the efficiency of the naval service, perform the duties imposed on him as a member of the board.

“§ 5895. Selection boards: information furnished to boards

“The Secretary of the Navy shall furnish each board convened under this chapter with—

“(1) the number of officers that the board may recommend for promotion, as prescribed or determined by him under section 5901 of this title; and

“(2) the names and records of all officers who are eligible for consideration for promotion by the board.

“§ 5896. Selection boards: officers to be recommended for promotion

“(a) Of the officers considered for promotion by a selection board convened under this chapter, the board shall recommend for promotion, as appropriate—

“(1) those eligible male officers in the line of the Naval Reserve or eligible male officers of the Marine Corps Reserve whom the board considers best fitted for promotion;

“(2) those eligible male officers of the Naval Reserve in the Supply Corps or the Civil Engineer Corps whom the board considers best fitted for promotion;

“(3) those eligible male officers of the Naval Reserve and eligible women officers appointed under section 5581 of this title, under consideration for promotion to the grade of commander or above in the Medical Corps, the Chaplain Corps, the Dental Corps, or the Medical Service Corps whom the board considers best fitted for promotion;

“(4) those eligible male officers of the Naval Reserve and women officers appointed under section 5581 of this title, under consideration for promotion to the grade of lieutenant commander or below in the Medical Corps, the Chaplain Corps, the Dental Corps, or the Medical Service Corps whom the board considers fitted for promotion;

“(5) those eligible officers of the Naval Reserve under consideration for promotion to the grade of captain or commander in the Nurse Corps whom the board considers best fitted for promotion;

“(6) those eligible officers of the Naval Reserve under consideration for promotion to the grade of lieutenant commander or lieutenant in the Nurse Corps whom the board considers fitted for promotion;

“(7) those eligible women officers of the Naval Reserve, other than officers in the Nurse Corps and officers appointed under section 5581 of this title, under consideration for promotion to the grade of commander or lieutenant commander, and those eligible women officers of the Marine Corps Reserve under consideration for promotion to the grade of lieutenant colonel or major, whom the board considers best fitted for promotion; and

“(8) those eligible women officers of the Naval Reserve, other than officers in the Nurse Corps and officers appointed under section 5581 of this title, under consideration for promotion to the grade of lieutenant, and those eligible women officers of the Marine Corps Reserve under consideration for promotion to the grade of captain, whom the board considers qualified for promotion.

“(b) The recommendation of a selection board with respect to any woman line officer of the Naval Reserve or any woman officer of the Marine Corps Reserve shall be based on her comparative fitness for the duties to which women officers are normally assigned in the line of the Navy or in the Marine Corps. The recommendation of a selection board with respect to any woman officer of the Naval Reserve in a staff corps, other than an officer in the Nurse Corps or an officer appointed under section 5581 of this title, shall be based on her comparative fitness for the duties to which women officers are normally assigned in her staff corps.

10 USC 5581.

“(c) Administrative staff duty, duty in aviation, or duty in any technical specialty performed by an officer of the Marine Corps Reserve shall be given weight by the selection board in determining his fitness for promotion equal to that given line duty equally well performed.

“(d) The status of having once failed of selection for promotion to a grade does not prejudice an officer with respect to his qualifications, his fitness for the naval service, or his eligibility for selection for promotion to that grade by the next succeeding selection board.

“(e) The total number of officers that may be recommended for promotion to any grade may not exceed the number furnished the board concerned by the Secretary of the Navy.

“(f) An officer may not be recommended for promotion unless he receives the recommendation of a majority of the total membership of the board concerned.

“§ 5897. Selection boards: reports; certification required

“(a) Each board convened under this chapter shall submit a report in writing, signed by all the acting members thereof, and shall certify in its report that the board has carefully considered the case of each officer whose name was furnished to it under section 5895 of this title.

“(b) A board convened under this chapter that recommends officers in any of the following categories for promotion shall certify in its report that, in the opinion of a majority of the members of the board, the officers recommended are selected as best fitted to assume the duties of the next higher grade:

“(1) Male officers in the line of the Naval Reserve.

“(2) Male officers of the Marine Corps Reserve.

“(3) Male officers of the Naval Reserve in the Supply Corps.

“(4) Male officers of the Naval Reserve in the Civil Engineer Corps.

“(5) Officers of the Naval Reserve in the Nurse Corps in the grade of lieutenant commander or above;

“(6) Women officers in the line or staff corps of the Naval Reserve in the grade of lieutenant or above, other than officers in the Nurse Corps and officers appointed under section 5581 of this title.

“(7) Women officers of the Marine Corps Reserve in the grade of captain or above.

“(8) Officers of the Naval Reserve in any staff corps in the grade of lieutenant commander or above.

“(c) A board convened under this chapter that recommends officers in any of the following categories for promotion shall certify in its report that, in the opinion of a majority of the members of the board, the officers recommended are selected as fitted to assume the duties of the next higher grade:

“(1) Male officers of the Naval Reserve, and women officers appointed under section 5581 of this title, in the grade of lieutenant or lieutenant (junior grade) in the Medical Corps, the Chaplain Corps, the Dental Corps, or the Medical Service Corps.

10 USC 5581.

“(2) Officers of the Naval Reserve in the grade of lieutenant or lieutenant (junior grade) in the Nurse Corps.

“(d) A board convened under this chapter that recommends officers in any of the following categories for promotion shall certify in its report that, in the opinion of a majority of the members of the board, the officers recommended are selected as qualified for promotion:

“(1) Women officers in the line and staff corps of the Naval Reserve in the grade of lieutenant (junior grade), other than officers in the Nurse Corps and officers appointed under section 5581 of this title.

10 USC 5581.

“(2) Women officers of the Marine Corps Reserve in the grade of first lieutenant.

“§ 5898. Selection boards: reports; submission to President

“(a) The report of a board convened under this chapter shall be submitted to the President for his approval or disapproval. If any officer recommended by the board is not acceptable to the President, the board shall be informed of the name of that officer and shall, except as provided in subsection (b) of this section, recommend another eligible officer for promotion.

“(b) If any woman officer, other than an officer in the Nurse Corps or an officer appointed under section 5581 of this title, who is recommended for promotion to the grade of lieutenant in the Naval Reserve or to the grade of captain in the Marine Corps Reserve, is not acceptable to the President, the board shall be informed, the name of that officer shall be removed from the report of the board, and no additional recommendation may be made.

10 USC 5581.

“§ 5899. Eligibility for consideration by selection board: promotion zones

“(a) A male officer of the Naval Reserve, or a woman officer appointed under section 5581 of this title, is in the promotion zone and is eligible for consideration for promotion to the next higher grade by a selection board convened under this chapter when his running mate is in or above the promotion zone established for his grade under section 5764 of this title.

10 USC 5581.

“(b) A male officer of the Marine Corps Reserve is in the promotion zone and is eligible for consideration for promotion to the next higher grade by a selection board convened under this chapter when any male officer of the Marine Corps Reserve on the lineal list who is junior to him is in or above the promotion zone established for his grade under section 5765 of this title or when his running mate is in or above that zone.

10 USC 5764.

10 USC 5765.

“(c) A woman officer of the Naval Reserve, other than an officer in the Nurse Corps or an officer appointed under section 5581 of this title, is eligible for consideration for promotion to the next higher grade by a selection board convened under this chapter when her running mate is eligible for consideration for promotion under section 5752 of this title.

“(d) A woman officer of the Marine Corps Reserve is eligible for consideration for promotion to the next higher grade by a selection board convened under this chapter when her running mate is eligible for consideration for promotion under section 5752 of this title.

“(e) An officer of the Naval Reserve in the Nurse Corps is eligible for consideration for promotion to the next higher grade by a selection board convened under this chapter when she is senior to the junior officer on the lineal list of the Nurse Corps who has been selected for promotion to that grade by a selection board convened under section 5702 of this title.

10 USC 5702.

“(f) An officer who becomes eligible for consideration for promotion under this section remains so eligible while he is in an active status, regardless of failures of selection for promotion. However, a selection board convened under this chapter may not consider for promotion to the next higher grade an officer whose name is on the promotion list for that grade as a result of his selection by an earlier board convened under this chapter or by a board convened under chapter 543 of this title.

10 USC 5701-5711.

“(g) The Secretary of the Navy may withhold from consideration by a selection board the name of an officer who is otherwise eligible for consideration for promotion under this section but who has failed to meet the requirements for eligibility prescribed by the Secretary.

“§ 5900. Communication with selection board

“An officer who is eligible for consideration for promotion by a selection board convened under this chapter has the right to send a communication through official channels, inviting attention to any matter of record in the armed forces concerning himself that he considers important in his case. The communication may not criticize any officer or reflect upon the character, conduct, or motive of any officer. A communication sent under this section must arrive by the time the board convenes.

“§ 5901. Numbers that may be recommended for promotion

“(a) The Secretary of the Navy shall prescribe, subject to section 5892 of this title, and shall furnish to the appropriate selection board convened under this chapter, the number of officers in each category that the Board may recommend for promotion.

“(b) Within the number to be recommended that the Secretary furnishes to a selection board considering line officers of the Naval Reserve for promotion to any grade, the Secretary may specify numbers of officers of stated qualifications and experience that are required to meet mobilization needs in that grade.

“(c) The numbers furnished to selection boards under this section shall be determined by the Secretary in accordance with the procedures prescribed in sections 5756–5763 of this title, except as may be necessary, in the discretion of the Secretary, to adapt those procedures to the reserve components.

10 USC 5756-5763.

“§ 5902. Promotion lists; eligibility for promotion; date of rank

“(a) Officers of the Naval Reserve and the Marine Corps Reserve who are recommended for promotion in the report of a selection board convened under this chapter are considered as selected for promotion upon approval of the report by the President. The names of these officers shall be placed on the promotion list for officers of their grade.

“(b) An officer of the Naval Reserve whose name is on a promotion list established under this section is eligible for promotion to the grade for which selected when the officer who is to be his running mate in the higher grade becomes eligible for promotion under chapter 545 of this title. When promoted, he shall be given the same date of rank as that given to his running mate in the grade to which promoted.

10 USC 5751-5792.

“(c) A male officer of the Marine Corps Reserve whose name is on a promotion list established under this chapter is eligible for promotion to the grade for which selected under the following conditions:

“(1) If his running mate was in or above the promotion zone established under chapter 545 of this title, the reserve officer is eligible for promotion when his running mate becomes eligible for promotion; or, if the running mate was not selected for promotion, when a selected officer on the lineal list junior to his running mate is eligible for promotion.

"(2) If his running mate was not in or above the promotion zone established under chapter 545 of this title and the reserve officer was eligible for consideration for promotion because of being senior to a reserve officer on the lineal list who was in the zone, the reserve officer is eligible for promotion when that reserve officer on the lineal list becomes eligible for promotion; or, if that reserve officer was not selected for promotion, when a selected officer on the lineal list junior to that officer becomes eligible for promotion.

10 USC 5751-5792.

When promoted, an officer of the Marine Corps Reserve shall be given the same date of rank in the higher grade as that given to the officer upon whom his eligibility for promotion depended.

"(d) A woman officer of the Marine Corps Reserve whose name is on a promotion list established under this chapter is eligible for promotion to the grade for which selected when the officer who is to be her running mate in the higher grade becomes eligible for promotion under chapter 545 of this title. When promoted, she shall be given the same date of rank as that given to her running mate in the grade to which promoted.

"§ 5903. Failure of selection

"(a) A male officer of the Naval Reserve, a woman officer appointed under section 5581 of this title, or a male officer of the Marine Corps Reserve is considered as having failed of selection for promotion if—

10 USC 5581.

"(1) he is in a promotion zone established under this chapter;

"(2) his name is furnished to the appropriate selection board;

and

"(3) he is not selected for promotion.

"(b) A male officer of the Naval Reserve, a woman officer appointed under section 5581 of this title, or a male officer of the Marine Corps Reserve whose name is withheld by the Secretary of the Navy, under section 5899 (g) of this title, from consideration by two selection boards for promotion to the same higher grade is considered as having twice failed of selection for promotion to that grade.

"§ 5904. Effect of erroneous omission of name from list furnished to selection board

"An officer of the Naval Reserve or the Marine Corps Reserve who has met the requirements for eligibility for consideration for promotion but whose name is omitted by administrative error from the list of officers furnished a selection board is not considered as having failed of selection for promotion by that board. If he is selected for promotion by the next selection board to consider officers of the same grade, he is entitled to the same date of rank and to the pay and allowances of the higher grade for duty performed from the same date as if he had been selected by the board from which his name was erroneously withheld.

"§ 5905. Removal from promotion list

"(a) The President may remove the name of any reserve officer from a promotion list established under this chapter.

"(b) The name of a reserve officer selected under this chapter for promotion to a grade above captain in the Navy or above colonel in the Marine Corps shall be removed from the promotion list if the Senate rejects his appointment to the grade for which he has been recommended.

"(c) An officer whose name is removed from a promotion list under subsection (a) or (b) continues to be eligible for consideration for promotion. If he is recommended for promotion by the next selection board, and the report of the board is approved by the President, his

name shall be placed on the promotion list without prejudice and, if he is promoted, he shall have the same lineal rank and date of rank that he would have had if his name had not been removed. However, if the officer is not recommended for promotion in the approved report of the next selection board, or if he is so recommended but the President removes his name from the promotion list or the Senate rejects his appointment, he is considered for all purposes as having twice failed of selection for promotion.

“§ 5906. Effect of transfer to inactive status list

“A reserve officer who is recommended for promotion by a selection board convened under this chapter or under chapter 543 of this title, and who, at the time he would otherwise be promoted, is ineligible for promotion because he has been transferred to the inactive status list, shall be treated as if he had not been considered for promotion by the selection board that last considered him. If he is later returned to an active status, his name may not be placed on a promotion list for promotion to the next higher grade until he is considered by another selection board and is recommended for promotion in the approved report of that board.

“§ 5907. Pay and allowances

“A reserve officer, when promoted under this chapter to a grade above lieutenant (junior grade) in the Naval Reserve or above first lieutenant in the Marine Corps Reserve, is entitled to the pay and allowances of the grade to which promoted for duty performed from the date on which he became eligible for promotion to that grade.

“§ 5908. Ensigns; second lieutenants

“(a) An ensign in the Naval Reserve or a second lieutenant in the Marine Corps Reserve is eligible for promotion to the grade of lieutenant (junior grade) or first lieutenant, as appropriate, upon completing three years of service in grade in an active status computed from his date of rank in the grade of ensign or second lieutenant. He is entitled to the pay and allowances of the higher grade for duty performed from the date given him as his date of rank.

“(b) The Secretary of the Navy may withhold from promotion any officer who is otherwise eligible for promotion under this section but who has failed to meet the requirements for promotion prescribed by the Secretary.

“§ 5909. Sea or foreign service not required

“Sea or foreign service may not be made a prerequisite for the promotion of reserve officers under this chapter.

“§ 5910. Promotions under regulations prescribed by Secretary

“(a) Notwithstanding any other provision of this chapter, an officer of the Naval Reserve in a grade above ensign may be promoted under regulations prescribed by the Secretary of the Navy whenever any part of the law governing the promotion of his running mate is suspended by the President. An officer of the Naval Reserve in the grade of ensign may be promoted under regulations prescribed by the Secretary whenever ensigns on the active list of the Navy are being promoted with less than three years of service in that grade.

“(b) Notwithstanding any other provision of this chapter, an officer of the Marine Corps Reserve in a grade above second lieutenant may be promoted under regulations prescribed by the Secretary whenever any part of the law governing the promotion of his running mate is suspended by the President. An officer of the Marine Corps Reserve in the grade of second lieutenant may be promoted under regulations prescribed by the Secretary whenever second lieutenants on the active

list of the Marine Corps are being promoted with less than three years of service in that grade.

“(c) Promotions under subsections (a) and (b) may be made in such numbers as the Secretary prescribes.

“(d) In the regulations prescribed by him for the promotion of reserve officers under subsections (a) and (b), the Secretary shall provide for equality of opportunity for consideration for promotion among officers of the Naval Reserve and among officers of the Marine Corps Reserve, respectively.

“§ 5911. Promotions: temporary; permanent

“Notwithstanding any other provision of law, the promotion of a reserve officer under this chapter shall be made by a temporary appointment if the promotion of his running mate is made by a temporary appointment. If the running mate's temporary appointment is terminated for reasons other than disciplinary and he reverts to a lower grade, the temporary appointment of the reserve officer shall also be terminated and the reserve officer reverts to the same lower grade in the same manner as his running mate and with corresponding rank. If the running mate is permanently appointed in the grade in which he is serving under a temporary appointment, the reserve officer may be permanently appointed in the grade in which he is serving under a temporary appointment.

“§ 5912. Appointing power

“Permanent and temporary appointments under this chapter in grades above captain in the Naval Reserve and in grades above colonel in the Marine Corps Reserve shall be made by the President, by and with the advice and consent of the Senate. All other permanent and temporary appointments under this chapter shall be made by the President alone.”

(134) The chapter analysis of subtitle C and the chapter analysis of part II of subtitle C are amended by inserting the following item:

“549. Reserve Promotions----- 5891”

(135) The analysis of chapter 555 is amended by striking out the following item:

10 USC 6011-6034.

“6016. Retired officers carried on Navy Register.”

(136) Chapter 559 is amended by striking out the following item in the analysis:

10 USC 6111-6116.

“6115. Drill pay: uniform gratuity: time limit for filing claims.”

(137) Section 6148 is amended—

10 USC 6148.

(A) by amending subsection (b) by inserting the words “under section 270 (b) of this title” after the words “other than active duty for training”;

(B) by amending subsection (c) to read as follows:

“(c) Subsections (a) and (b) do not authorize the hospitalization of dependents of members of the Naval Reserve, the Fleet Reserve, the Marine Corps Reserve, or the Fleet Marine Corps Reserve.”; and

(C) by amending subsection (e) to read as follows:

“(e) If a person is entitled to benefits under subsection (a) or (b) and under—

“(1) section 6327 of this title; or

“(2) the Act of June 23, 1937, ch. 376 (50 Stat. 305);

10 USC 6327.
38 USC ch. 12A.

he must elect the provision that is to be applied to him.”

(138) Section 6151 (a) is amended to read as follows:

10 USC 6151.

“(a) Unless otherwise entitled to a higher retired grade, each member, other than a retired member, of the Navy or the Marine Corps shall, when retired, be advanced on the retired list to the highest officer

grade in which he served satisfactorily under a temporary appointment as determined by the Secretary of the Navy.”

10 USC 6141-6158.

(139) Chapter 561 is amended—

(A) by amending the catchline of section 6151 to read as follows:

“§ 6151. Higher retired grade and pay for members who serve satisfactorily under temporary appointments”; and

(B) by striking out the following item in the analysis thereof:

“6151. Higher retired grade and pay for members temporarily appointed or promoted during World War II.”

and inserting the following item in place thereof:

“6151. Higher retired grade and pay for members who serve satisfactorily under temporary appointments.”

10 USC 6222.

(140) Section 6222 is amended to read as follows:

“§ 6222. United States Marine Band: composition; director; assistant director

“(a) The band of the Marine Corps shall be composed of one director, two assistant directors, and other personnel in such numbers and grades as the Secretary of the Navy determines to be necessary.

“(b) The Secretary shall designate the director and assistant directors of the Marine Band from among qualified members of the Marine Corps. Upon the recommendation of the Secretary, a member so designated may be appointed by the President, by and with the advice and consent of the Senate, to a commissioned grade in the Regular Marine Corps.

“(c) The initial appointment to a commissioned grade of a member designated as director of the Marine Band shall be in the grade of captain, except that a member who, at the time of his designation, holds an appointment in a higher grade may be appointed in that higher grade, but not above lieutenant colonel. The initial appointment of a member designated as assistant director shall be in a grade below captain.

“(d) The Secretary shall prescribe regulations for the promotion of members designated as director or assistant director of the Marine Band, and the President, by and with the advice and consent of the Senate, may from time to time appoint them to higher grades. However, the grade of the director may not be higher than lieutenant colonel and the grades of the assistant directors may not be higher than captain.

“(e) A member who accepts a commission under this section is entitled, while serving thereunder, only to the pay and allowances of an officer in the grade in which he is serving. However, his pay and allowances may not be less than those to which he was entitled at the time of his appointment under this section.

“(f) Unless otherwise entitled to higher retired grade and retired pay, a member who holds, or has held, an appointment under this section is entitled, when retired, to be retired in, and with retired pay based on, the highest grade held under this section in which the Secretary determines that he served satisfactorily.

“(g) The Secretary may revoke any designation as director or assistant director of the Marine Band. When a member's designation is revoked, his appointment to commissioned grade under this section terminates and he is entitled, at his option—

“(1) to be discharged from the Marine Corps; or

“(2) to revert to the grade and status he held at the time of his designation as director or assistant director.”

(141) The analysis of chapter 565 is amended by striking out the following item: 10 U S C 6221-6224.

"6222. United States Marine Corps Band: composition; pay and allowances of leader and second leader."

and inserting the following item in place thereof:

"6222. United States Marine Band: composition; director; assistant director."

(142) Section 6323 is amended to read as follows: 10 USC 6323.

"§ 6323. Officers: 20 years

"(a) An officer of the Navy or the Marine Corps who applies for retirement after completing more than 20 years of active service, of which at least 10 years was service as a commissioned officer, may, in the discretion of the President, be retired on the first day of any month designated by the President.

"(b) For the purposes of this section—

"(1) an officer's years of active service are computed by adding all his active service in the armed forces; and

"(2) his years of service as a commissioned officer are computed by adding all his active service in the armed forces under permanent or temporary appointments in grades above warrant officer, W-1.

"(c) Unless otherwise entitled to a higher grade, each officer retired under this section shall be retired—

"(1) in the highest grade, permanent or temporary, in which he served satisfactorily on active duty as determined by the Secretary of the Navy; or

"(2) if the Secretary determines that he did not serve satisfactorily in his highest temporary grade, in the next lower grade in which he has served, but not lower than his permanent grade.

"(d) A warrant officer who retires under this section may elect to be placed on the retired list in the highest grade and with the highest retired pay to which he is entitled under any provision of this title. If the pay of that highest grade is less than the pay of any warrant grade satisfactorily held by him on active duty, his retired pay shall be based on the higher pay.

"(e) Unless otherwise entitled to higher pay, an officer retired under this section is entitled to retired pay at the rate of 2½ percent of the basic pay to which he would be entitled if serving on active duty in the grade in which retired multiplied by the number of years of service that may be credited to him under section 1405 of this title, but the retired pay may not be more than 75 percent of the basic pay upon which the computation of retired pay is based.

"(f) Officers of the Naval Reserve and the Marine Corps Reserve who were transferred to the Retired Reserve from an honorary retired list under section 213 (b) of the Armed Forces Reserve Act of 1952 (66 Stat. 485), or are transferred to the Retired Reserve under section 6327 of this title, may be retired under this section, notwithstanding their retired status, if they are otherwise eligible." 50 USC 933.
10 USC 6327.

(143) Sections 6325 (a) is amended by striking out the words "6322, or 6323" and inserting in place thereof the words "or 6322". 10 USC 6325.

(144) Chapter 573 is amended—

(A) by inserting the following new section after section 6388:

"§ 6389. Naval Reserve and Marine Corps Reserve; officers: elimination from active status; computation of total commissioned service

"(a) Subject to section 1005 of this title, an officer in an active status in the Naval Reserve in the permanent grade of lieutenant or lieutenant (junior grade), and an officer in an active status in the Marine Corps Reserve in the permanent grade of captain or first lieu-

tenant, who is considered as having twice failed of selection for promotion to the next higher grade may, in the discretion of the Secretary of the Navy, be eliminated from an active status.

“(b) An officer who is to be eliminated from an active status under subsection (a) shall, if qualified, be given an opportunity to request transfer to the appropriate Retired Reserve and, if he requests it, shall be so transferred. If he is not so transferred, he shall, in the discretion of the Secretary, be transferred to the appropriate inactive status list or be discharged from the Naval Reserve or the Marine Corps Reserve.

“(c) An officer in an active status in the Naval Reserve in the permanent grade of lieutenant commander or above, and an officer in an active status in the Marine Corps Reserve in the permanent grade of major or above, who is considered as having twice failed of selection for promotion to the next higher grade shall, if qualified, be given an opportunity to request transfer to the appropriate Retired Reserve. If he is not so transferred, he shall be discharged from the Naval Reserve or the Marine Corps Reserve if he has completed a period of total commissioned service equal to that specified below for the permanent grade in which he is serving:

Navy	“Grade Marine Corps	Total commissioned service
Captain.....	Colonel.....	30 years.....
Commander.....	Lieutenant colonel.....	26 years.....
Lieutenant commander..	Major.....	20 years.....

“(d) For the purposes of subsection (c), the total commissioned service of an officer who has served continuously in the Naval Reserve or the Marine Corps Reserve following appointment therein in the permanent grade of ensign or second lieutenant, as the case may be, shall be computed from June 30 of the fiscal year in which he accepted the appointment. Each other officer is considered to have for this purpose as much total commissioned service as any officer in the line on the active list of the Navy, not restricted in the performance of duty, or any officer on the active list of the Marine Corps, not restricted in the performance of duty, as appropriate, who has served continuously since original appointment as ensign on the active list of the Navy or as second lieutenant on the active list of the Marine Corps, has not lost numbers or precedence, and is, or has been after September 6, 1947, junior to that other officer. However, the total commissioned service that the other officer is considered to have may not be less than the actual number of years he has served as a commissioned officer in a grade above chief warrant officer, W-4.

“(e) This section applies to women officers appointed under section 5581 of this title, but not to other women reserve officers or to reserve officers in the Nurse Corps.”;

(B) by inserting the following new section after section 6390:

“§ 6391. Naval Reserve and Marine Corps Reserve; officers: retirement at age 62

“(a) An officer in an active status in the Naval Reserve or the Marine Corps Reserve in a grade above chief warrant officer, W-4, shall, except as provided in subsections (b) and (c), be transferred to the Retired Reserve when he becomes 62 years of age.

“(b) The Secretary of the Navy may defer the retirement under this section of any officer of the Naval Reserve in a grade above captain or any officer of the Marine Corps Reserve in a grade above colonel and retain him in an active status until he becomes 64 years of age. However, not more than ten officers may be so deferred at any one time, distributed between the Naval Reserve and the Marine Corps Reserve as the Secretary determines.

“(c) An officer who was initially appointed in the Naval Reserve or the Marine Corps Reserve before January 1, 1953, and who cannot complete 20 years of service computed under section 1332 of this title before he becomes 62 years of age, but can complete this service by the time he becomes 64 years of age, may be retained in an active status not later than the date he becomes 64 years of age.”;

(C) by striking out section 6394 (g) and inserting the following new subsections in place thereof:

10 USC 6394.

“(g) Unless otherwise entitled to a higher grade, each officer retired under this section shall be retired in—

“(1) the highest grade, permanent or temporary, in which he served satisfactorily on active duty as determined by the Secretary; or

“(2) if the Secretary determines that he did not serve satisfactorily in his highest grade, the next lower grade in which he has served, but not lower than his permanent grade.

“(h) Unless otherwise entitled to higher pay, an officer retired under this section is entitled to retired pay at the rate of 2½ percent of the basic pay to which he would be entitled if serving on active duty in the grade in which retired multiplied by the number of years of service that may be credited to him under section 1405 of this title, but the retired pay may not be more than 75 percent of the basic pay upon which the computation of retired pay is based.”;

(D) by inserting the following new section after section 6396:

“§ 6397. Naval Reserve; officers in the Nurse Corps; elimination from active status

“(a) An officer of the Naval Reserve in any grade in the Nurse Corps may be eliminated from an active status under the conditions prescribed by this chapter for the separation from the active list of an officer on the active list of the Navy in the same grade in the Nurse Corps.

“(b) An officer who is to be eliminated from an active status under this section shall, if qualified, be given an opportunity to request transfer to the Retired Reserve and, if he requests it, shall be so transferred. If he is not transferred to the Retired Reserve, he shall, in the discretion of the Secretary of the Navy, be transferred to the inactive status list or be discharged from the Naval Reserve.

“(c) An officer may be eliminated from an active status under this section, only upon the recommendation of a board appointed by the Secretary and convened at such times as he directs.”;

(E) by inserting the following new section after section 6402:

10 USC 6402.

“§ 6403. Naval Reserve and Marine Corps Reserve; women officers: elimination from active status

“(a) A woman officer in any grade in the Naval Reserve, other than an officer in the Nurse Corps or an officer appointed under section 5581 of this title, may, in the discretion of the Secretary of the Navy, be eliminated from an active status under the conditions prescribed by this chapter for the retirement or discharge of a woman line officer in the same grade on the active list of the Navy, or at any time after those conditions are met.

“(b) A woman officer in any grade in the Marine Corps Reserve may, in the discretion of the Secretary, be eliminated from an active status under the conditions prescribed by this chapter for the retirement or discharge of a woman officer in the same grade on the active list of the Marine Corps, or at any time after those conditions are met.

“(c) For the purposes of subsections (a) and (b) all commissioned service is considered active commissioned service.

“(d) An officer who is to be eliminated from an active status under this section shall, if qualified, be given an opportunity to request transfer to the appropriate Retired Reserve and, if she requests it, shall be so transferred. If she is not transferred to the Retired Reserve, she shall, in the discretion of the Secretary, be transferred to the appropriate inactive status list or be discharged from the Naval Reserve or the Marine Corps Reserve.

“(e) An officer may be eliminated from an active status under this section, only upon the recommendation of a board appointed by the Secretary and convened at such times as he directs.”;

10 USC 6409.

(F) by inserting the following new section after section 6409:

“§ 6410. Naval Reserve and Marine Corps Reserve; officers: elimination from active status to provide a flow of promotion

“(a) Whenever he determines that such action is necessary to provide a steady flow of promotion for officers in an active status in the Naval Reserve or the Marine Corps Reserve, the Secretary of the Navy may convene a board to recommend an appropriate number of these officers for elimination from an active status. Subject to section 1005 of this title, officers so recommended may be eliminated from an active status as provided in subsection (b).

“(b) An officer who is to be eliminated from an active status under this section shall, if qualified, be given an opportunity to request transfer to the appropriate Retired Reserve and, if he requests it, shall be so transferred. If he is not transferred to the Retired Reserve, he shall, in the discretion of the Secretary, be transferred to the appropriate inactive status list or be discharged from the Naval Reserve or the Marine Corps Reserve.”

(G) by inserting the following new items in the analysis:

“6389. Naval Reserve and Marine Corps Reserve; officers: elimination from active status; computation of total commissioned service.

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“6391. Naval Reserve and Marine Corps Reserve; officers: retirement at age 62.

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“6397. Naval Reserves; officers in the Nurse Corps: elimination from active status.

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“6403. Naval Reserve and Marine Corps Reserve; women officers: elimination from active status.

* * * * *

“6410. Naval Reserve and Marine Corps Reserve; officers: elimination from active status to provide a flow of promotion.”

10 USC 6521, 6522.

(145) The analysis of chapter 577 is amended by striking out the following item:

“6521. Allowance to dependents: designation of beneficiary.”

10 USC 6901.

(146) Section 6901 is amended—

(A) by striking out subsection (d) and the second sentence of subsection (f);

(B) by redesignating subsections (e) and (f) as “(d)” and “(e)”, respectively; and

(C) by adding the following new subsection at the end thereof:

“(f) The Secretary shall report to Congress in January of each year on the progress of the flight instruction program of the Naval Reserve Officers’ Training Corps.”

(147) Chapter 601 is amended—

(A) by amending section 6912 to read as follows:

10 USC 6901-6915.

“§ 6912. Aviation cadets: benefits

“Except as provided in section 251 (a) of title 37, aviation cadets or their beneficiaries are entitled to the same allowances, pensions, gratuities, and other benefits as are provided for enlisted members in pay grade E-4. While on active duty, an aviation cadet is entitled to uniforms, clothing, and equipment at the expense of the United States.”; and

37 USC 251.

(B) by striking out the following item in the analysis:

“6912. Aviation cadets: pay and allowances.”

and inserting the following item in place thereof:

“6912. Aviation cadets: benefits.”

(148) Section 7043 is amended to read as follows:

10 USC 7043.

“§ 7043. Academic Dean

“(a) There is at the Naval Postgraduate School the civilian position of Academic Dean. The Academic Dean shall be appointed, to serve for periods of not more than five years, by the Secretary of the Navy upon the recommendation of the Postgraduate School Council consisting of the Superintendent, the Deputy Superintendent, and the directors of the Technical, Administrative, and Professional Divisions of the school.

“(b) The Academic Dean is entitled to such compensation for his services as the Secretary prescribes, but not more than \$13,500 a year.”

(149) Section 7081 is amended by adding the following new subsection at the end thereof:

10 USC 7081.

“(c) This chapter does not apply to any person who was a civilian member after September 30, 1956.”

(150) The analysis of chapter 631 is amended by striking out the following item:

10 USC 7201-7229.

“7206. Minor construction and extension of structures.”

(151) The analysis of chapter 643 is amended by striking out the following item:

10 USC 7471-7478.

“7471. Appointments: professional and scientific services.”

(152) Section 8012 (g) is amended by striking out the figure “\$18,000” and inserting the figure “\$22,000” in place thereof.

10 USC 8012.

(153) Section 8013 (b) is amended to read as follows:

10 USC 8013.

“(b) The compensation of the Under Secretary and of each of the four Assistant Secretaries is \$20,000 a year.”

(154) Chapter 803 is amended—

10 USC 8011-8017.

(A) by adding the following new section at the end thereof:

“§ 8018. Compensation of General Counsel

“The compensation of the General Counsel of the Department of the Air Force is \$19,000 a year.”; and

(B) by adding the following new item at the end of the analysis:

“8018. Compensation of General Counsel.”

(155) Chapter 649 is amended by striking out the following item in the analysis:

10 USC 7571-7581.

“7578. Tableware and kitchen utensils: limitations on furnishing.”

(156) The following sections are amended by striking out the words “female” and “women” wherever they appear therein: 8067 (e) and (f), 8209, 8296 (a) and (c), 8579 (b), 8683 (4) (B), and 8963 (b).

10 USC 8067, 8209, 8296, 8579, 8683, 8963.

(157) Section 8201 is amended—

10 USC 8201.

(A) by striking out the word “and” at the end of subsection (a) (4);

(B) by adding the word “and” at the end of subsection (a) (5);

(C) by adding the following new clause after subsection (a) (5):

“(6) enlisted members serving as cadets at the United States Air Force Academy, the United States Military Academy, or the United States Coast Guard Academy, or as midshipmen at the United States Naval Academy or in the Naval Reserve;”;

(D) by striking out the word “and” at the end of subsection (b) (2);

(E) by adding the word “and” at the end of subsection (b) (3); and

(F) by adding the following new clause after subsection (b) (3):

(4) enlisted members serving as cadets at the United States Air Force Academy, the United States Military Academy, or the United States Coast Guard Academy, or as midshipmen at the United States Naval Academy or in the Naval Reserve;”.

10 USC 8202.

(158) Section 8202 (c) is amended by inserting the word “authorized” before the word “appointment”.

10 USC 8203,
8214.

(159) Sections 8203 and 8214 are amended by striking out the figures “8201 (a) (1)–(5)” and inserting the figures “8201 (a) (1)–(6)” in place thereof.

10 USC 8205.

(160) Section 8205 is amended—

(A) by inserting the designation “(a)” before the words “The authorized strength” at the beginning thereof;

(B) by striking out the figure “27,500” and inserting the figure “69,425” in place thereof; and

(C) by adding the following new subsection at the end thereof:

“(b) Subject to subsection (a), the Secretary of Defense, with the approval of the President, shall estimate each year, for each of the five years following that year, the strength of the Regular Air Force in commissioned officers on the active list exclusive of officers specifically authorized by law as additional numbers.”

10 USC 8210.

(161) Section 8210 is amended to read as follows:

“§ 8210. Regular Air Force: strength in grade; general officers

“(a) Subject to section 8202 (a) of this title, the authorized strength of the Regular Air Force in general officers on the active list is 75/10,000 of the authorized strength of the Regular Air Force in commissioned officers on the active list. Of this authorized strength, not more than one-half may be in a regular grade above brigadier general.

“(b) When the application of subsection (a) results in a fraction, a fraction of one-half or more is counted as one, and a fraction of less than one-half is disregarded.

“(c) General officers on the active list of the Regular Air Force who are specifically authorized by law to hold a civil office under the United States, or an instrumentality thereof, are not counted in determining authorized strength under this section.”

10 USC 8211.

(162) The last sentence of section 8211 (a) is amended by inserting the word “authorized” before the word “appointment”.

(163) Section 8212 is amended to read as follows:

10 USC 8212.

“§ 8212. Regular Air Force; Air Force Reserve; Air National Guard of United States: strength in grade; temporary increases

“The authorized strength in any regular or reserve grade, as prescribed by or under this chapter, is automatically increased to the minimum extent necessary to give effect to each appointment made in that grade under section 541, 1211 (a), 8298, 8299, 8365 (a) and (c), 8366 (a) and (d), 8375, 8376, 8380, 8381, or 9353, of this title. An authorized strength so increased is increased for no other purpose, and while he holds that grade the officer whose appointment caused the increase is counted for the purpose of determining when other appointments, not under those sections, may be made in that grade.”

10 USC 541-8381
passim.

(164) Chapter 831 is amended—

10 USC 8201-8225.

(A) by inserting the following new sections after section 8215:

“§ 8217. Reserves: commissioned officers in an active status

“The authorized strength of the Air Force in reserve commissioned officers in an active status is 200,000. However, a higher authorized strength may be prescribed to meet mobilization requirements or to permit increases otherwise required by or resulting from the operation of any law.

“§ 8218. Reserves: strength in grade; general officers in an active status

“The authorized strength of the Air Force in reserve general officers in an active status, exclusive of those serving as adjutants general or assistant adjutants general of a State or Territory, Puerto Rico, the Canal Zone, or the District of Columbia, and those serving in the National Guard Bureau, is 157.

“§ 8219. Reserves: strength in grade; commissioned officers in grades below brigadier general in an active status

“(a) Subject to subsection (b), the authorized strength of the Air Force in reserve commissioned officers in an active status in each grade below brigadier general is as prescribed by the Secretary of the Air Force. A vacancy in any grade may be filled by an authorized appointment in any lower grade.

“(b) A strength prescribed by the Secretary under subsection (a) may not be higher than the percentage of the authorized strength fixed for the grade by the following table:

“Grade	Percentage of authorized strength under sec. 8217 of this title
Colonel.....	1. 8
Lieutenant colonel.....	4. 6
Major.....	14. 0
Captain.....	32. 0
First lieutenant and second lieutenant (when combined with the number authorized for general officer grades under section 8218 of this title).....	47. 6”

(B) by adding the following new section after section 8225:

“§ 8230. Personnel detailed outside Department of Defense

“Members of the Air Force who are detailed for duty with agencies of the United States outside the Department of Defense on a reimbursable basis are not counted in computing strengths under any law.”

(165) The analysis of chapter 831 is amended—

(A) by striking out the following item:

“8212. Regular Air Force: strength in grade; temporary increases.”

and inserting the following item in place thereof:

“8212. Regular Air Force; Air Force Reserve; Air National Guard of United States: strength in grade; temporary increases.”;

(B) by inserting the following new items:

“8217. Reserves: commissioned officers in an active status.

“8218. Reserves: strength in grade; general officers in an active status.

“8219. Reserves: strength in grade; commissioned officers in grades below brigadier general in an active status.

* * * * *

“8230. Personnel detailed outside Department of Defense.”; and

(C) by striking out the word “women” wherever it appears therein and inserting the words “Air Force” in place thereof.

10 USC 8251-8262.

(166) Chapter 833 is amended—

(A) by amending section 8262(b) by striking out the figure “8638” and inserting the figure “972” in place thereof;

(B) by adding the following new section after section 8262:

“§ 8263. Voluntary extension of enlistment

“(a) Under such regulations as the Secretary of the Air Force may prescribe, the term of enlistment of a member of the Air Force may be extended, with his written consent, for a period of less than one year from the date of the expiration of his existing enlistment.

“(b) While serving under an enlistment extended under this section, a member is entitled to the pay and allowances to which he would have been entitled if he had been discharged and reenlisted immediately after the expiration of his enlistment if it had not been so extended.

“(c) The extension of a term of enlistment under this section does not deprive the member, upon discharge from that enlistment, of any right, privilege, or benefit to which he would have been entitled, at the expiration of the term, if it had not been so extended.”;

(C) by striking out the following item in the analysis:

“8261. Air National Guard of United States: enlistment.”

and inserting the following item in place thereof:

“8261. Air National Guard of United States.”; and

(D) by adding the following new item at the end of chapter analysis:

“8263. Voluntary extension of enlistment.”

10 USC 8285.

(167) Section 8285 is amended to read as follows:

“§ 8285. Commissioned officers: original appointment; qualifications

“(a) To be eligible for original appointment in a commissioned grade in the Regular Air Force, except with a view to designation as a medical or dental officer, and except as provided in section 9353 (b) of this title, a person must—

“(1) be a citizen of the United States;

“(2) be at least 21 years of age;

“(3) be of good moral character;

“(4) be physically qualified for active service; and

“(5) have such other qualifications as the Secretary of the Air Force may prescribe.

In addition, to be eligible for original appointment with a view to designation as an Air Force nurse, a person must be a graduate of a hospital or university school of nursing and a registered nurse.

“(b) The Secretary of the Air Force shall convene selection boards, to meet at times prescribed by him, to consider persons who are eligible for original appointment in the Regular Air Force other than with a view to designation as medical or dental officers, or as Air Force nurses or medical specialists. Each board shall be composed of at least five commissioned officers of the Regular Air Force. A recommendation for appointment may be made only by a majority of the total membership of the board.

“(c) The President may remove from the list of persons recommended by the board the name of any person who in his opinion is not qualified for appointment.

“(d) The name of each person credited with service under section 8287 (a) (4) of this title who was appointed during the preceding calendar year, the grade in which appointed, and the justification therefor shall be reported before July 16 of each year, beginning in 1958, to the Committees on Armed Services of the Senate and House of Representatives.”

(168) Section 8286 is amended to read as follows:

10 USC 8286.

“§ 8286. Commissioned officers: original appointment; age limitations

“(a) A person may not be originally appointed in a commissioned grade in the Regular Air Force, except with a view to designation as a medical or dental officer or as an Air Force nurse or medical specialist, if on the date of his appointment he has already passed his thirtieth birthday. However, the maximum age—

“(1) is increased by the period of active commissioned service in the armed forces performed after the appointee became 21 years of age and before his appointment; and

“(2) may be waived by the Secretary of the Air Force for any category in which, in his opinion, there are not enough officers with the required qualifications.

“(b) Notwithstanding subsection (a), a person may not be originally appointed in a commissioned grade in the Regular Air Force, except with a view to designation as a medical or dental officer or as an Air Force nurse or medical specialist, if he is above the age that would permit him to complete 20 years of active commissioned service in the armed forces before his fifty-fifth birthday.”

(169) Section 8287 is amended to read as follows:

10 USC 8287.

“§ 8287. Commissioned officers: original appointment; service credit

“(a) For the purpose of determining grade, position on a promotion list, seniority in his grade in the Regular Air Force, and eligibility for promotion, a person originally appointed in a commissioned grade in the Regular Air Force, other than a person appointed with a view to designation as a medical or dental officer or as an Air Force nurse or medical specialist, shall be credited, at the time of his appointment—

“(1) with the active commissioned service in the armed forces that he performed after becoming 21 years of age and before his appointment;

“(2) three years, if he is appointed in the Regular Air Force with a view to designation as a chaplain, judge advocate, or veterinary officer;

“(3) under such regulations as the Secretary may prescribe, three years, if he is appointed in the Regular Air Force with a view to designation as a medical service officer and if he holds a degree of doctor of philosophy or a comparable degree in a science allied to medicine, so recognized by the Secretary;

"(4) under regulations to be prescribed by the Secretary, not more than eight years, if he is one of not more than 100 persons in any calendar year who are appointed from civil life or from Reserves of the Air Force who have qualifications not otherwise available from members of the Air Force on active duty; and

"(5) under regulations to be prescribed by the Secretary, not more than two years, if he is appointed while on active duty in the Air Force.

"(b) For the purposes set forth in subsection (a), a person originally appointed in a commissioned grade in the Regular Air Force with a view to designation as an Air Force nurse or medical specialist shall be credited, at the time of her appointment, with all active commissioned service in the armed forces after December 6, 1941, that she performed after becoming 21 years of age and before her appointment. However, not more than 14 years of service may be so credited. For the same purposes, a person who is originally appointed in the grade of first lieutenant under section 8288 (b) of this title and who has not performed at least three years of active commissioned service in the armed forces after December 6, 1941, shall be credited with that amount of service.

10 USC 8288.

"(c) Notwithstanding any other provision of law, a person who was a cadet at the United States Air Force Academy or the United States Military Academy, or a midshipman at the United States Naval Academy, may not be originally appointed in a commissioned grade in the Regular Air Force before the date on which his classmates at that academy are graduated and appointed as officers. A person who was a cadet or midshipman at, but was not graduated from, one of those academies may not be credited, upon original appointment as a commissioned officer of the Regular Air Force, with longer service than that credited to any member of his class at that academy whose service in the Air Force, or in the Army and the Air Force, has been continuous since graduation.

(d) A graduate of the United States Air Force Academy, the United States Military Academy, or the United States Naval Academy who is originally appointed as a second lieutenant in the Regular Air Force is not entitled to any service credit under this section."

10 USC 8288.

(170) Section 8288 (a) is amended to read as follows:

"(a) Except for a person appointed with a view to designation as a medical or dental officer or as an Air Force nurse or medical specialist, the commissioned grade in which a person is originally appointed in the Regular Air Force, based on the service credited under section 8287 (a) of this title, is:

"(1) For persons with less than three years of service—second lieutenant.

"(2) For persons with at least three, but less than seven, years of service—first lieutenant.

"(3) For persons with at least seven, but less than 14, years of service—captain.

"(4) For persons with at least 14, but less than 21, years of service—major.

"(5) For persons with at least 21 years of service—lieutenant colonel."

10 USC 8294.

(173) Section 8294 is amended to read as follows:

§ 8294. Commissioned officers; medical and dental officers: original appointment

"(a) Original appointments in the Regular Air Force may be made in the grades of first lieutenant through colonel with a view to designation as medical or dental officers, as the needs of the Air Force require. These appointments may be made only from qualified doc-

tors of medicine, osteopathy, or dentistry, as the case may be, who are citizens of the United States and who have such other qualifications as the Secretary of the Air Force may prescribe. In addition, to be eligible for appointment under this section with a view to designation as a medical officer, a doctor of osteopathy must—

“(1) be a graduate of a college of osteopathy whose graduates are eligible to be licensed to practice medicine or surgery in a majority of the States;

“(2) be licensed to practice medicine, surgery, or osteopathy in a State or Territory or in the District of Columbia;

“(3) under regulations to be prescribed by the Secretary of Defense, have completed a number of years of osteopathic and preosteopathic education equal to the number of years of medical and premedical education prescribed for persons entering recognized schools of medicine who become doctors of medicine and who would be qualified for appointment under this section in the grade for which that person is applying; and

“(4) have such other qualifications as the Secretary of the Air Force prescribes after considering the recommendation, if any, of the Surgeon General.

“(b) For the purposes of determining grade, position on a promotion list, seniority in his grade in the Regular Air Force, and eligibility for promotion, an officer appointed under subsection (a) shall be credited with the amount of service prescribed by the Secretary, but not less than four years. However, a doctor of medicine or osteopathy who has completed an internship of one year, or the equivalent, may not be credited with less than five years.”

(174) Section 8295 is amended to read as follows:

10 USC 8295.

“§ 8295. Commissioned officers: original appointment; determination of place on promotion list

“The name of each person who is originally appointed in a commissioned grade in the Regular Air Force and whose name is to be carried on a promotion list, other than a person appointed with a view to designation as a medical or dental officer or as an Air Force nurse or medical specialist, shall be placed on the applicable promotion list immediately below the junior officer of the same grade on that list who has the same or the next longer service credited to him under section 8287 of this title.”

(175) Section 8296 (b) is amended by striking out clause (8) and inserting the following new clause in place thereof:

10 USC 8296.

“(8) Air Force medical specialists.”

(177) Chapter 835 is amended—

(A) by adding the following new section at the end thereof:

10 USC 8281-8313.

“§ 8314. Commissioned officers: promotion not to be delayed by another appointment

“The promotion to a higher regular grade of a commissioned officer of the Air Force who is on a recommended list awaiting promotion may not be withheld or delayed because of the original appointment of any other person to a commissioned grade in the Regular Air Force. This section does not apply to appointments of persons with a view to designation as medical or dental officers or Air Force nurses or medical specialists.”; and

(B) by adding the following new item at the end of the analysis:

"8314. Commissioned officers: promotion not to be delayed by another appointment."

10 U S C 8351-8395.

(178) Chapter 837 is amended—

(A) by inserting the following new section after section 8352:

"§ 8353. Commissioned officers: appointment; service credit

"(a) For the purposes of chapters 837 and 863 of this title, a person who is appointed as a reserve commissioned officer of the Air Force, and is not already a commissioned officer of an armed force may be credited, upon his appointment, with service in an active status that reflects his combined years of experience and education and such other qualifications as the Secretary of the Air Force may by regulation prescribe.

"(b) A person covered by subsection (a) who is appointed with a view to assignment or designation in one of the following categories shall be credited, upon his appointment, and for the purposes of subsection (a), with at least the following service in an active status:

"(1) Medical officer—four years.

"(2) Dental officer—three years.

"(3) Veterinary officer—three years.

"(4) Chaplain—three years.

"(5) Judge Advocate—three years.

"(c) A person covered by subsection (a) who is appointed with a view to assignment or designation as a medical service officer, and who holds a degree of doctor of philosophy, or a comparable degree, in a science that the Secretary determines is allied to medicine may be credited upon his appointment, and for the purposes of subsection (a), with at least three years of service in an active status.";

(B) by amending section 8354—

(i) by amending the catchline to read as follows:

"§ 8354. Commissioned officers: appointment of warrant officers and enlisted members of Air National Guard of United States; status";

(ii) by inserting the designation "(a)" before the word "Notwithstanding" at the beginning thereof; and

(iii) by inserting the following new subsection at the end thereof:

"(b) A member of the Air National Guard of the United States who is appointed in a commissioned grade under this section is not in an active status as a commissioned officer unless he is on active duty as a commissioned officer."; and

(C) by inserting the following new sections after section 8356:

"§ 8358. Commissioned officers: original appointment; service credit

"For the purpose of determining seniority in his reserve grade and eligibility for promotion, a person appointed in a grade below colonel under section 8359 of this title shall be credited with the number of years of service, computed under section 8360 (e) of this title, in that grade that is equal to the difference between the number of years of service credited to him under section 8353 of this title and the minimum number of years of service prescribed by section 8359 of this title for the grade in which he is appointed.

“§ 8359. Commissioned officers: original appointment; determination of grade

“Based on the service credited under section 8353 of this title, the commissioned grade in which a person credited with service under that section is originally appointed as a reserve officer of the Air Force is:

“(1) For persons with less than three years of service—second lieutenant.

“(2) For persons with at least three, but less than seven, years of service—first lieutenant.

“(3) For persons with at least seven, but less than 14, years of service—captain.

“(4) For persons with at least 14, but less than 21, years of service—major.

“(5) For persons with at least 21 years of service—lieutenant colonel.

“(6) For persons with at least 23 years of service—lieutenant colonel or under regulations prescribed by the Secretary of the Air Force—colonel.

“§ 8360. Commissioned officers: promotion service

“(a) To be eligible under this chapter for (1) consideration for promotion, (2) examination for Federal recognition, or (3) promotion, a reserve commissioned officer must be in an active status.

“(b) To be in an active status, a reserve commissioned officer must have credited to him, during each applicable period prescribed in subsection (c) or (d), the number of points that the Secretary of the Air Force prescribed for that period under section 1002 of this title before that period began. This does not apply to an adjutant general or assistant adjutant general of a State or Territory, Puerto Rico, the Canal Zone, or the District of Columbia.

“(c) For a reserve commissioned officer who was a Reserve in an active status in the Air Force on July 1, 1949, and who has continued in an active status since that date, points shall be computed for a period of 12 consecutive months beginning on July 1 of each year.

“(d) For a reserve commissioned officer who was originally appointed as a reserve officer of the Air Force after July 1, 1949, or who returned to an active status after that date, points shall be computed for periods of 12 consecutive months beginning on the date of that appointment or of his most recent return to an active status, and on each successive anniversary of that date.

“(e) For the purposes of sections 8358, 8361, 8363 (a), 8365, 8366 (a), 8368 (b), 8375 (b), 8377 (a), 8380 (c), 8381 (b), and 8819 of this title, an officer's years of service are computed by adding—

“(1) all service while in an active status in his current reserve grade; and

“(2) all service in an active status after June 25, 1950, and before July 1, 1955—

“(A) while eligible for promotion in reserve grade on the basis of service in a higher temporary grade; or

“(B) in regular or reserve grade, in any armed force, that was equal to or higher than his current reserve grade, including service in a federally recognized commissioned status in the Army National Guard or the Air National Guard.

No service may be counted more than once.

“§ 8361. Commissioned officers: seniority for promotion purposes

“(a) For promotion purposes, reserve commissioned officers in any grade are senior to those in any lower grade.

“(b) Among reserve commissioned officers in the same reserve grade, seniority for promotion purposes is based on length of service in that grade computed under section 8360 (e) of this title.

“(c) When seniority determined under subsection (b) is the same, seniority for promotion purposes is based on length of service computed under section 8366 (e) of this title.

“(d) When seniority determined under subsection (c) is the same, the Secretary of the Air Force shall fix the seniority.

“(e) For promotion purposes, the years of service computed under section 8360 (e) of this title of a reserve commissioned officer who is returned to an active status are reduced, so far as necessary, so that one year after the date on which he is returned to that status he will not have more than four years of that service if he is in the reserve grade of first lieutenant, or seven years of that service if he is in the reserve grade of captain or major.

“§ 8362. Commissioned officers: selection boards

“(a) Under such regulations and in such number as he may prescribe, the Secretary of the Air Force, or such authority as he directs, shall from time to time appoint and convene selection boards to consider reserve commissioned officers for promotion under this chapter.

“(b) Each board shall be composed of at least five members who are senior in regular or reserve grade to, and who outrank, any officer considered by that board. Five members of a board constitute a quorum. So far as practicable, at least one-half of the members of the board must be reserve officers.

“(c) A board serves for as long as the Secretary of the Air Force prescribes but not longer than one year. A member may not serve on two consecutive boards for promotions to the same grade, if the second board considers any officers considered but not recommended for promotion by the first.

“(d) Each member of a board must swear that he will perform his duties without prejudice or partiality, having in view the special fitness of officers and the efficiency of the Air Force.

“(e) A recommendation for promotion must be made by the majority of the total membership of the board.

“(f) An officer eligible for consideration for promotion by a board under this chapter is entitled to send a letter, through official channels, calling attention to any matter of record in the armed forces concerning himself that he considers important to his case. The letter may not criticize any officer or reflect on his character, conduct, or motives. A letter sent under this subsection may not be considered by a selection board unless it is received by the time the board convenes.

“§ 8363. Commissioned officers: selection boards; general procedure

“(a) An officer in a reserve grade above second lieutenant may not be considered for promotion, or examined for Federal recognition in the next higher grade, until he completes the following number of years of service, computed under section 8360 (e) of this title, in his current reserve grade:

“(1) First lieutenant—two years.

“(2) Captain—four years.

“(3) Major—four years.

“(4) Lieutenant colonel—three years.

“(5) Colonel—one year.

“(6) Brigadier general—one year.

This subsection does not apply to an adjutant general or assistant adjutant general of a State or Territory, Puerto Rico, the Canal Zone, or the District of Columbia who holds his reserve grade solely because of his position as adjutant general or assistant adjutant general.

“(b) An officer may not be considered by a selection board for promotion under this chapter more than two years, if in a reserve grade below colonel, or more than one year, if in a reserve grade above lieutenant colonel, before the date on which it is anticipated that he will be promoted if recommended by the selection board.

“(c) Except for officers being considered under section 8372 of this title, and except for deferred officers who may not be considered at that time, an officer may not be considered by a selection board for promotion unless the board considers all officers who are senior to him in his reserve grade and who are not on a recommended list.

“(d) The names of officers recommended by a selection board for promotion shall be placed on a recommended list of their grade below the names of those recommended by earlier selection boards and in the same order among themselves as existed when they were considered by the selection board. A name so placed on a list shall be carried thereon until the officer is promoted to the grade for which he is recommended or until his name is removed under another provision of this chapter.

“(e) Except as provided in section 8366 (c), 8372, 8374, 8379, or 8380 of this title or subsection (f) of this section, a reserve officer whose name is on a recommended list may not be promoted ahead of any officer whose name precedes his on that recommended list.

“(f) A promotion under this chapter may be made effective before, on, or after the date on which it is made. Unless expressly provided otherwise in this chapter, the officer concerned is entitled to the pay, allowances, and any other benefits authorized by law for the grade to which he is promoted from the effective date of the promotion.

“§ 8365. Commissioned officers: promotion to first lieutenant

“(a) An officer of the Air Force Reserve in an active status in the reserve grade of second lieutenant shall, if he is found qualified for promotion, be promoted to the reserve grade of first lieutenant effective on the date on which he completes three years of service, computed under section 8360 (e) of this title, in the reserve grade of second lieutenant.

“(b) Whenever the Secretary of the Air Force determines that there are vacancies in the reserve grade of first lieutenant, officers in the reserve grade of second lieutenant who have not completed three years of service, computed under section 8360 (e) of this title, in that grade, may be promoted to the reserve grade of first lieutenant under regulations to be prescribed by the Secretary.

“(c) An officer of the Air National Guard of the United States in the reserve grade of second lieutenant who is appointed in the grade of first lieutenant by the governor or other appropriate authority of the jurisdiction concerned to fill a vacancy in the Air National Guard shall be extended Federal recognition in the grade of first lieutenant, without the examination prescribed in section 307 of title 32, and shall be promoted to that reserve grade, effective on the date on which he completes three years of service, computed under section 8360 (e) of this title, in the reserve grade of second lieutenant.

32 USC 307.

“§ 8366. Commissioned officers: promotion to captain, major, or lieutenant colonel

“(a) Without regard to vacancies, each officer whose reserve grade is first lieutenant, captain, or major shall be considered for promotion to the next higher reserve grade, far enough in advance of the date on which he will complete the years of service prescribed in columns

2 and 3 of the following table that, if recommended, he may be promoted effective on the date on which he will complete that service.

"Column 1	Column 2	Column 3
Current reserve grade	Service computed under sec. 8360 (e) of this title	Service computed under subsec. (e)
First lieutenant.....	4	7
Captain.....	7	14
Major.....	7	21

"(b) Having in view the number of actual and anticipated vacancies in the Air Force Reserve in the reserve grade of captain, major, or lieutenant colonel, the Secretary of the Air Force may direct a selection board to consider and recommend officers for promotion to those grades. The names of the officers to be considered shall include—

"(1) the name of the senior officer of the Air Force Reserve in the reserve grade of first lieutenant, captain, or major, as the case may be, whose name is not on a recommended list;

"(2) the names of such additional officers of the Air Force Reserve in those reserve grades, in order of seniority, as the Secretary may prescribe; and

"(3) the names of those officers of the Air National Guard of the United States who must be considered at that time under subsection (a).

"(c) Each officer of the Air National Guard of the United States who is recommended by a selection board for promotion to the reserve grade of captain, major, or lieutenant colonel, and who, before the date on which he would be promoted under subsection (d), is appointed in the next higher grade to fill a vacancy in the Air National Guard, shall be extended Federal recognition in that grade, without the examination prescribed in section 307 of title 32, and shall be promoted to that reserve grade effective on the date on which he is appointed in that grade in the Air National Guard. If he is not so appointed in the next higher grade in the Air National Guard, he shall, effective as of the date on which he must be promoted under subsection (d), have his Federal recognition terminated, be transferred to the Air Force Reserve, and be promoted.

"(d) An officer whose reserve grade is first lieutenant, captain, or major and whose name is on a recommended list may be promoted at any time to fill a vacancy, and shall be promoted, without regard to the existence of a vacancy, on the date on which he completes the service prescribed in subsection (a).

"(e) For the purpose of column 3 of subsection (a), an officer's years of service are computed by adding—

"(1) all service as a commissioned officer of any armed force;

"(2) all service as a commissioned officer in the federally recognized National Guard before June 15, 1933, or in a federally recognized commissioned status therein; and

"(3) all service credited to him under section 8353 of this title.

No service may be counted more than once.

"(f) This section does not apply to the promotion to a grade above captain of female reserve officers who are designated as Air Force nurses or medical specialists, or to the promotion to a grade above major of any female reserve officer who is not designated under section 8067 of this title or appointed in the Air Force with a view to designation under that section.

“§ 8367. Commissioned officers: promotion to captain, major, or lieutenant colonel; selection board procedure

“(a) When officers in the reserve grade of first lieutenant, captain, or major are to be considered, under section 8366 of this title, by a selection board for promotion to the next higher grade to fill existing or anticipated vacancies, the Secretary of the Air Force may direct the board to—

“(1) consider officers whose names are referred to it in the order of their seniority;

“(2) recommend those who are fully qualified for promotion;

“(3) pass over those not so qualified; and

“(4) continue this procedure until the number of officers specified by him is recommended.

“(b) When an officer in the reserve grade of first lieutenant, captain, or major must be considered under section 8366 (a) of this title for promotion because of length of service, the Secretary may—

“(1) furnish to the board a list of officers to be considered for promotion to the grade concerned; and

“(2) direct the board to recommend the officers on that list whom it considers fully qualified for promotion.

“(c) In place of the procedure prescribed in subsection (a) or (b), the Secretary may furnish to the board a list of officers to be considered and may direct the board to recommend a number specified by him for promotion. The board shall recommend those officers whom it considers to be the best qualified. However, the number recommended by the selection board must be at least 80 percent of those listed for consideration.

“§ 8368. Commissioned officers: effect of failure of promotion to captain, major, or lieutenant colonel

“(a) In this chapter, ‘deferred officer’ means any of the following officers who has been considered, for the first time under this chapter, by a selection board for promotion to the next grade higher than his current reserve grade but not recommended for that promotion, or who has been examined for the first time for Federal recognition in the next grade higher than his current reserve grade, but found not qualified for that recognition:

“(1) An officer in the reserve grade of first lieutenant.

“(2) An officer in the reserve grade of captain, other than a female Air Force nurse or medical specialist.

“(3) An officer in the reserve grade of major, other than a female Air Force nurse or medical specialist or a female officer who is not designated under section 8067 of this title or appointed in the Air Force with a view to designation under that section.

“(b) The years of service computed under sections 8360 (e) and 8366 (e) of this title, with which a deferred officer is credited shall be reduced, if necessary, so that one year after the date on which he would have been promoted if he had been recommended by a selection board he will not have more than four years of service computed under section 8360 (e) of this title if he is in the reserve grade of first lieutenant, or seven years of that service if he is in the reserve grade of captain or major. For the purpose of this subsection, the date on which a deferred officer would have been promoted had he been recommended is the earlier of the following dates—

“(1) the earliest date of appointment in the next higher reserve grade of any officer who, before the deferred officer’s loss of seniority, was junior to him; or

“(2) the date on which he would have completed the amount of service prescribed in columns 2 and 3 of section 8366 (a) of this

title, if his years of service had not been reduced under this section.

“(c) Unless he is sooner recommended for promotion under section 8372 of this title or examined for Federal recognition in the next higher grade—

“(1) an officer who is deferred because he was considered but not recommended by a selection board shall be considered for promotion by the next selection board considering officers of his grade and category under section 8366 of this title; and

“(2) an officer who is deferred because he was found not qualified for Federal recognition shall be considered for promotion by the next appropriate selection board convened under section 8366 of this title when the officer next junior to him is also considered, but not before one year after the date on which he was found not qualified for Federal recognition.

“(d) An officer who is deferred because he was considered but not recommended by a selection board may, if he is appointed to the next higher grade in the Air National Guard, be examined for Federal recognition in that grade at any time before the date on which he must be considered for promotion under subsection (c) (1).

“(e) An officer who is deferred because he was found not qualified for Federal recognition in the next higher grade may be again examined for Federal recognition in that grade at any time before the date on which he must be considered for promotion under subsection (c) (2), but not before one year after the date on which he was first found not qualified for Federal recognition in that grade.

“(f) A deferred officer who is again considered for promotion under subsection (c) (1) and is not recommended for promotion, may not thereafter be considered for promotion or examined for Federal recognition and shall be treated as provided in section 8846 (a) of this title and section 323 (e) of title 32.

“(g) A deferred officer who is again considered for promotion or examined for Federal recognition in the next higher grade under subsection (c) (2), (d), or (e), and is not recommended for promotion or found qualified for Federal recognition, may not thereafter be considered for promotion or examined for Federal recognition, and shall be treated as provided in section 8846 (b) of this title and section 323 (e) of title 32.

“§ 8370. Commissioned officers: promotion of female officers, nurses, and medical specialists

“(a) A female reserve officer, other than an officer designated under section 8067 of this title or appointed in the Air Force with a view to designation under that section, may not be promoted to a reserve grade above lieutenant colonel, and may be promoted to the reserve grade of lieutenant colonel only to fill a vacancy in the number authorized by the Secretary of the Air Force for that category.

“(b) The Secretary of the Air Force shall furnish to selection boards the names of female reserve officers to be considered for promotion to reserve grades above captain, and shall direct the board to recommend a number prescribed by him for promotion to those grades. The board shall recommend the prescribed number of those officers whom it considers to be the best qualified of those named for consideration.

“(c) A female reserve officer who is designated as an Air Force nurse or medical specialist may be promoted to a reserve grade above captain only to fill a vacancy in her category.

“§ 8371. Commissioned officers: Air Force Reserve; promotion to colonel

“(a) Having in view the number of actual and anticipated vacancies in the Air Force Reserve in the reserve grade of colonel, the Secretary of the Air Force shall furnish to selection boards lists of officers to be considered by those boards and shall direct the board to recommend a number prescribed by him for promotion to that grade.

“(b) The lists of officers to be considered under subsection (a) must include the name of the senior officer of the Air Force Reserve in the reserve grade of lieutenant colonel whose name is not on a recommended list, and the names of such additional officers of the Air Force Reserve in that reserve grade, in order of seniority, as the Secretary may prescribe.

“(c) The board shall recommend the prescribed number of those officers whom it considers to be the best qualified.

“(d) An officer recommended for promotion under this section may be promoted only to fill a vacancy.

“§ 8372. Commissioned officers: Air Force Reserve; promotion; officers with special qualifications

“(a) In addition to the method prescribed in sections 8367 and 8371 of this title, whenever there are vacancies in the Air Force Reserve in the reserve grade of captain, major, lieutenant colonel, or colonel, and the Secretary of the Air Force considers that there are or will be an inadequate number of officers in any one of those grades with special qualifications, he may direct a selection board to recommend a prescribed number of officers of the Air Force Reserve with those qualifications for promotion to that reserve grade. Selection for promotion to grades below colonel under this subsection shall be made under the procedures prescribed in section 8367 (a) or 8367 (c) of this title. Selection for promotion to the grade of colonel under this subsection shall be made under the procedures prescribed in the first two sentences of section 8367 (c) of this title.

“(b) Whenever the Secretary considers that the number of officers in the reserve grade of captain, major, lieutenant colonel, or colonel in—

“(1) any unit of the Air Force Reserve that is organized to serve as a unit and is not on active duty or is on active duty for training; or

“(2) the Air Force Reserve, in positions to be filled by officers with a mobilization assignment or designation; is or may become unbalanced, and that there are vacancies in that grade, he may direct that, of the officers to be selected for that grade, a number specified by him be selected from officers of the Air Force Reserve who are not on active duty or are on active duty for training but who are specially qualified for, and are geographically available to fill, those vacancies. Selection for promotion under this subsection shall be made under the procedures prescribed in the first two sentences of section 8367 (c) of this title.

“(c) An officer recommended for promotion under this section may be promoted only to fill a vacancy for which he was recommended.

“(d) Officers on a recommended list may be promoted under this section, in the order in which the officers' names appear on the recommended list, if they meet the requirements of subsection (b).

“(e) If an officer enters upon active duty before being promoted to fill a vacancy for which he was recommended under subsection (b), his name shall be removed from the recommended list.

“(f) If an officer is considered but not recommended for promotion under this section, or if his name is removed from a recommended list under subsection (e), he is not a deferred officer and he shall be treated as if he had not been considered for promotion under this section.

“§ 8373. Commissioned officers: Air Force Reserve; promotion to brigadier general and major general

“(a) Having in view the number of actual and anticipated vacancies in the Air Force Reserve in the reserve grade of brigadier general or major general, as the case may be, the Secretary of the Air Force shall furnish to selection boards lists of officers to be considered by those boards and shall direct the boards to recommend a number prescribed by him for promotion to the grade concerned.

“(b) The lists of officers to be considered under subsection (a) shall include the name of the senior officer of the Air Force Reserve in the reserve grade of colonel or brigadier general, as the case may be, whose name is not on a recommended list, and the names of such additional officers in the Air Force Reserve in that reserve grade, in order of seniority, as the Secretary may prescribe. To assure an adequate number of general officers of the Air Force Reserve with experience qualifying them for active service, the Secretary may further direct that of those recommended a specified number be officers with experience qualifying them for active service in a specific position, specialty, or category.

“(c) The board shall recommend the prescribed number of officers whom it considers to be the best qualified, including any prescribed number with special qualifying experience.

“(d) An officer recommended for promotion under this section may be promoted only to fill a vacancy.

“§ 8374. Commissioned officers: promotion effective as of date of Federal recognition

“A reserve commissioned officer shall be promoted effective as of the date on which he is extended Federal recognition in the next higher grade in the Air National Guard.

“§ 8375. Commissioned officers: brigadier general or major general; procedure or reassignment

“(a) Within 30 days after an officer who was promoted to the reserve grade of brigadier general or major general to fill a vacancy ceases to occupy the position he was promoted to fill, he shall, unless he is assigned to a comparable position of the same or a higher grade, be treated as prescribed in clause (1), (2), or (3), as determined by the Secretary of the Air Force:

“(1) Be transferred in grade to the inactive status list if he is qualified, or if he is qualified and applies therefor, be transferred to the Retired Reserve.

“(2) Be discharged from his reserve appointment and, if he is qualified and applies therefor, be appointed in the reserve grade held by him before his appointment in a reserve general officer grade.

“(3) If not transferred under clause (1) or appointed under clause (2), be discharged from his reserve appointment.

“(b) An officer who is appointed under subsection (a) (2) shall be credited with an amount of service, computed under section 8360 (e) of this title, in the grade in which appointed that is equal to the amount of service computed under that section with which he was credited in that grade and in any higher grade.

“§ 8376. Commissioned officers: promotion when serving in temporary grade higher than reserve grade

“(a) A reserve officer who is serving on active duty (other than for training) in a temporary grade which is higher than his reserve grade, and who was promoted to that temporary grade under a general selection board procedure, shall, upon his application, be promoted to the

next higher reserve grade when he completes the amount of service in his current reserve grade prescribed by section 8363 (a) of this title.

“(b) If an officer of the Air National Guard of the United States is eligible and applies for promotion under this section, the governor or other appropriate authority of the jurisdiction concerned may promote him to fill a vacancy specially created, if necessary, in the Air National Guard of the jurisdiction concerned. If he is so promoted, he shall, effective on the date of promotion, be extended Federal recognition in the grade to which promoted, without the examination prescribed in section 307 of title 32. If he is not so promoted in the Air National Guard within 90 days after he applies, his Federal recognition in his reserve grade shall be terminated and he shall be transferred to the Air Force Reserve and promoted therein.

32 USC 307.

“(c) A reserve officer who is serving on active duty (other than for training) in a temporary grade which is higher than his reserve grade retains that temporary grade if he is released from active duty before completing the amount of service prescribed in section 8363 (a) of this title. When he completes that amount of service, an officer of the Air Force Reserve covered by this subsection shall, upon his application, be promoted to the next higher reserve grade, without regard to vacancies. An officer of the Air National Guard covered by this subsection who is promoted to a grade in the Air National Guard which is equal to his temporary grade, shall be extended Federal recognition in that grade, without the examination prescribed in section 307 of title 32. If necessary, he shall be carried as an additional number therein until a vacancy occurs, but not for more than two years. If a vacancy does not occur within two years, his Federal recognition shall be terminated and he shall be transferred to the Air Force Reserve.

“§ 8377. Commissioned officers: effect of removal from recommended list by President

“(a) If a reserve commissioned officer who is recommended for promotion to a reserve grade is not promoted because the President declines to appoint him, or because the Senate does not consent to his appointment after he has been nominated for appointment in a reserve general officer grade, he continues to be eligible as if he had not been considered for promotion and shall be considered by the next appropriate selection board considering officers of his grade. If he is recommended by the next selection board, his name shall be placed on the recommended list. If he is promoted on the recommendation of that board, he shall be credited with the same amount of service, computed under section 8360 (e) of this title, in the grade to which promoted, that he would have had if he had been promoted as a result of his original selection.

“(b) An officer in the reserve grade of first lieutenant, captain, or major who is not promoted because the President declines to appoint him in the next higher grade, and who is not thereafter promoted because—

“(1) he is considered by a selection board but is not recommended for promotion; or

“(2) the President again declines to appoint him in the next higher grade;

shall, except as provided in sections 1005 and 1006 of this title, be transferred to the Retired Reserve, if he is qualified and applies therefor, or be discharged from his reserve appointment.

“§ 8378. Commissioned officers: promotion of officers removed from active status

“(a) A reserve commissioned officer who has been recommended by a selection board for promotion to, or found qualified for Federal recognition in, the next higher reserve grade, and who at the time he would otherwise be promoted is not eligible because he has been removed from an active status, may not, if returned to an active status, be placed on the recommended list unless he is again recommended by a selection board or is again found qualified for Federal recognition in the next higher reserve grade.

“(b) A reserve commissioned officer covered by subsection (a) shall, if returned to an active status, be treated as if he had not been considered by that selection board or examined by the Federal recognition board that found him qualified for that Federal recognition before his return to an active status.

“§ 8379. Commissioned officers: appointment in Air National Guard; function of governor

“Notwithstanding any other provision of this chapter, the appointment of commissioned officers of the Air National Guard is a function of the governor or other appropriate authority of the jurisdiction concerned.

“§ 8380. Commissioned officers: status while serving on active duty after promotion

“(a) A reserve commissioned officer on active duty (other than for training) who is promoted to a reserve grade that is higher than the grade in which he is serving may not serve on active duty in the reserve grade to which he is promoted and is not entitled to the rank, pay, or allowances of that higher grade unless he is ordered to serve on active duty in that higher grade or is temporarily promoted to that higher grade.

“(b) Except as provided in subsection (c), a reserve commissioned officer on active duty (other than for training) who is promoted to a reserve grade that is higher than the grade in which he is serving continues to serve on active duty in the grade in which he was serving immediately before that promotion, and he may be appointed in a temporary grade that is equal to the grade in which he was so serving before that promotion. Unless he expressly declines it, an officer who is appointed in a temporary grade under this subsection is considered to have accepted the appointment on the date of the orders announcing it, and he need not take a new oath of office upon being so appointed. However, he may decline the temporary appointment within six months after the date of the orders announcing it. If he so declines the appointment, he shall be released from active duty.

“(c) A reserve commissioned officer on active duty (other than for training) who has not completed the period of active duty that he is required by law or regulation to perform as a member of a reserve component, and who is recommended or found qualified for promotion to a higher reserve grade, may not be promoted until he completes that period of active duty or until he is temporarily promoted to a higher grade. Upon completing that period of active duty, or upon being temporarily promoted to that higher grade, he shall, upon his application, be promoted, he is subject to subsection (b), and he shall be credited with the service, computed under section 8360 (e) of this title, in the higher grade that he would have had but for this subsection.

“§ 8331. Commissioned officers: adjutants general and assistant adjutants general

“(a) Within 30 days after a reserve officer who is federally recognized in the Air National Guard solely because of his appointment as adjutant general or assistant adjutant general of a State or Territory, Puerto Rico, the Canal Zone, or the District of Columbia ceases to occupy that position—

“(1) his Federal recognition shall be withdrawn; and

“(2) he shall—

“(A) be transferred in grade to the Retired Reserve, if he is qualified and applies therefor;

“(B) be discharged from his reserve appointment and appointed in the reserve grade held by him as a reserve officer of the Air Force immediately before his appointment as adjutant general or assistant adjutant general, if he is qualified and applies for that appointment; or

“(C) be discharged from his reserve appointment.

“(b) An officer who is appointed under subsection (a) (2) (B) shall be credited with an amount of service, computed under section 8360 (e) of this title, in the grade in which he is appointed that is equal to the amount of that service with which he was credited in that grade and in any higher grade.

10 USC 8360.

“§ 8392. Commissioned officers: reserve grade of adjutants general and assistant adjutants general

“The adjutant general or an assistant adjutant general of a State or Territory, Puerto Rico, the Canal Zone, or the District of Columbia may be appointed in the reserve commissioned grade in which Federal recognition in the Air National Guard is extended to him.

“§ 8393. Commissioned officers: sea or foreign service not to be required for promotion

“Sea or foreign service may not be made a condition to the promotion of reserve commissioned officers in reserve grades.

(179) The analysis of chapter 837 is amended—

(A) by inserting the following new item:

10 USC 8351-8395.

“8353. Commissioned officers: appointment; service credit.”;

(B) by striking out the following item:

“8354. Commissioned officers; Air Force Reserve: appointment of warrant officers and enlisted members of Air National Guard of United States.”

and inserting the following item in place thereof:

“8354. Commissioned officers: appointment of warrant officers and enlisted members of Air National Guard of United States; status.”; and

(C) by inserting the following new items:

“8358. Commissioned officers: original appointment; service credit.

“8359. Commissioned officers: original appointment; determination of grade.

“8360. Commissioned officers: promotion service.

“8361. Commissioned officers: seniority for promotion purposes.

“8362. Commissioned officers: selection boards.

“8363. Commissioned officers: selection boards, general procedure.

“8365. Commissioned officers: promotion to first lieutenant.

“8366. Commissioned officers: promotion to captain, major, or lieutenant colonel.

“8367. Commissioned officers: promotion to captain, major, or lieutenant colonel; selection board procedure.

“8368. Commissioned officers: effect of failure of promotion to captain, major, or lieutenant colonel.

“8370. Commissioned officers: promotion of female officers, nurses, and medical specialists.

“8371. Commissioned officers: Air Force Reserve; promotion to colonel.

“8372. Commissioned officers: Air Force Reserve; promotion; officers with special qualifications.

- "8373. Commissioned officers: Air Force Reserve; promotion to brigadier general and major general.
- "8374. Commissioned officers: promotion effective as of date of Federal recognition.
- "8375. Commissioned officers: brigadier general or major general; procedure on reassignment.
- "8376. Commissioned officers: promotion when serving in temporary grade higher than reserve grade.
- "8377. Commissioned officers: effect of removal from recommended list by President.
- "8378. Commissioned officers: promotion of officers removed from active status.
- "8379. Commissioned officers: appointment in Air National Guard; function of governor.
- "8380. Commissioned officers: status while serving on active duty after promotion.
- "8381. Commissioned officers: adjutants general and assistant adjutants general.
- "8392. Commissioned officers: reserve grade of adjutants general and assistant adjutants general.
- "8393. Commissioned officers: sea or foreign service not to be required for promotion."

10 U S C 8441-
8451.

(180) Chapter 839 is amended—

(A) by adding the following new subsection at the end of section 8444:

"(d) For the purposes of determining grade, position on a promotion list, seniority in temporary grade, and eligibility for promotion, each medical or dental officer of the Air Force who is appointed in a temporary grade under subsection (a) with a view to designation as a medical or dental officer shall, when he enters on active duty, be credited with the constructive service authorized by section 8294 (b) of this title."

(B) by amending section 8445 (b) by striking out the figure "8443";

(C) by amending section 8446 to read as follows:

"§ 8446. Retention on active duty

"Notwithstanding any other provision of law, the President may retain on active duty any disabled officer until his physical condition is such that he will not be further benefited by retention in a military or Veterans' Administration hospital or until he is processed for physical disability benefits provided by law."

(D) by amending section 8447 (a) by striking out the figure "8443";

(E) by adding the following new section at the end thereof:

"§ 8452. Medical and dental officers: temporary promotion to captain

"Notwithstanding any other provision of law, a medical or dental officer may be promoted to the temporary grade of captain at any time after the first anniversary of the date upon which he graduated from a medical, osteopathic, or dental school, as the case may be."

(F) by striking out the following item in the analysis thereof:

"8443. Commissioned officers; Reserves: appointment in higher or lower grade." and

(G) by adding the following new item at the end of the analysis thereof:

"8452. Medical and dental officers: temporary promotion to captain."

10 U S C 8491-
8504.

(181) Chapter 841 is amended—

(A) by inserting the following new section after section 8492:

"§ 8494. Commissioned officers: grade in which ordered to active duty

"A reserve commissioned officer who is ordered to active duty shall be ordered to that duty in his reserve grade unless the Secretary of the

Air Force, in his discretion, orders him to active duty (other than for training) in a higher temporary grade.”; and

(B) by inserting the following new item in the analysis:

“8494. Commissioned officers: grade in which ordered to active duty.”

(182) The analysis of chapter 843 is amended by striking out the following item: 10 USC 8531-8549.

“8546. Duties: medical officers, contract surgeons; attendance on families of members.”

(183) Section 8571 is amended to read as follows: 10 USC 8571.

“§ 8571. Rank: commissioned officers on active duty

“(a) Commissioned officers of the Air Force on active duty in the same grade rank among themselves according to date of rank. The date of rank—

“(1) for an officer of the Regular Air Force serving in his regular grade, is that stated in his commission or letter of appointment:

“(2) for an officer of the Regular Air Force serving in a temporary grade, is his date of appointment in that grade, unless adjusted under section 8572 of this title; and 10 USC 8572.

“(3) for a reserve officer, precedes his date of entry on active duty by a period computed by adding—

“(A) the years of service after July 1, 1955, while in his current grade or in any higher grade, that are credited to him under section 1332 (a) (2) of this title; 10 USC 1332.

“(B) the periods of active service, while in his current grade or in any higher grade, that are not credited to him under clause (A);

“(C) the periods of service, while in the current grade or in any higher grade, that he has performed under section 502, 503, 504, or 505 of title 32, and that are not credited to him under clause (A); and 32 USC 502-505.

“(D) one day for each point for drill or equivalent instruction after July 1, 1955, while in his current grade or in any higher grade, that is credited to him under section 1332 (a) (2) (B) of this title and not credited to him under clause (A).

“(b) When the dates of rank prescribed by subsection (a) are the same, rank is determined by adding all active commissioned service in the Air Force and the Army, all commissioned service under section 502, 503, 504, or 505 of title 32, and all service credited for points under section 1332 (a) (2) (B) of this title.

“(c) When the dates of rank prescribed by subsection (a) and service computed under subsection (b) are the same:

“(1) Regular officers rank before reserve officers.

“(2) Regular officers rank among themselves according to sections 8573 and 8574 of this title. 10 USC 8573, 8574.

“(3) Reserve officers rank among themselves according to age.”

(184) Section 8574 (c) is amended to read as follows:

“(c) Rank among the graduates of each class at the United States Military Academy, United States Naval Academy, or United States Air Force Academy who, upon graduation, are appointed in the Regular Air Force shall be fixed under regulations prescribed by the Secretary.”

(185) Section 8579 (b) is amended by striking out the word “her” and inserting the word “his” in place thereof. 10 USC 8579.

(186) The analysis of chapter 849 is amended by striking out the following item: 10 USC 8631-8639.

“8638. Enlisted members: required to make up time lost.”

10 USC 8685.

(187) Section 8685 (b) is amended by inserting the words "the Air National Guard of the United States or" before the words "the Air Force Reserve".

10 USC 8687.

(188) Section 8687 (1) is amended by inserting the words "under section 270 (b) of this title" after the words "other than for training" in parentheses.

10 USC 8681-8693.

(189) The analysis of chapter 853 is amended by striking out the following items:

"8681. Air Force Register: Regular Air Force officers; service to be listed.

* * * * *

"8688. Death gratuity."

10 USC 8721-8723.

(190) Chapter 855 is amended—

(A) by inserting the words "(other than for training under section 270 (b) of this title)" after the words "active duty" in section 8721 (1);

(B) by striking out the words "A. F. R. O. T. C. and" in the catchline of section 8722;

(C) by striking out in section 8722 (a) (3) the words "member of the Air Force Reserve Officers' Training Corps, or person attending a Citizens' Air Training Camp," and inserting the words "person attending a Citizens' Air Training Camp" in place thereof and by striking out the words "9385 or" in the same section; and

(D) by striking out the following item in the analysis thereof:

"8722. Members of A. F. R. O. T. C. and C. A. T. C.; members of Air Force not covered by section 8721 of this title."

and inserting the following item in place thereof:

"8722. Members of C. A. T. C.; members of Air Force not covered by section 8721 of this title."

10 USC 8811-8820.

(191) Chapter 861 is amended—

(A) by inserting the following new section after section 8818:

"§ 8819. Reserve officers: discharge for failure of promotion to first lieutenant

"(a) Except as provided by sections 1005 and 1006 of this title, each second lieutenant of the Air Force Reserve who completes three years of service, computed under section 8360 (e) of this title, in that grade shall be discharged from his reserve appointment if he is found to be not qualified for promotion.

"(b) Except as provided by section 1005 of this title, each second lieutenant of the Air National Guard of the United States who completes three years of service, computed under section 8360 (e) of this title, in that grade shall be discharged from his reserve appointment within 90 days after he completes that service, unless before he completes that service he is appointed in the grade of first lieutenant by the governor or other appropriate authority of the jurisdiction concerned."; and

(B) by inserting the following new item in the analysis:

"8819. Reserve officers: discharge for failure of promotion to first lieutenant."

(192) Chapter 863 is amended by striking out the words "[No present sections]" and inserting the following new items and sections after the chapter heading:

"Sec.

"8841. Age 50: female reserve nurses and medical specialists below major.

"8842. Age 55: female reserve nurses and medical specialists above captain.

"8843. Age 60: reserve officers below major general.

"8844. Age 62: reserve major generals, except Chief of National Guard Bureau.

"8845. Age 64: Chief of National Guard Bureau.

"8846. Deferred officers.

"8847. Twenty-five years: female reserve officers below lieutenant colonel, except those designated under section 8067 of this title.

"8848. Twenty-eight years: reserve first lieutenants, captains, majors, and lieutenant colonels.

"8849. Twenty-eight years: female reserve lieutenant colonels, except those designated under section 8067 of this title.

"8850. Thirty years or more: reserve commissioned officers; excessive number.

"8851. Thirty years or five years in grade: reserve colonels and brigadier generals.

"8852. Thirty-five years or more in grade: reserve major generals.

"8853. Computation of years of service.

"§ 8841. Age 50: female reserve nurses and medical specialists below major

"After June 30, 1960, each female Air Force nurse or medical specialist whose reserve grade is below major, and whose name is not on a recommended list for promotion to the reserve grade of major, shall, 30 days after the date on which she becomes 50 years of age—

"(1) be transferred to the Retired Reserve, if she is qualified and applies therefor; or

"(2) if she is not qualified or does not apply therefor, be discharged from her reserve appointment.

"§ 8842. Age 55: female reserve nurses and medical specialists above captain

"After June 30, 1960, each female Air Force nurse or medical specialist whose reserve grade is above captain, or whose name is on a recommended list for promotion to the reserve grade of major, shall, 30 days after the date on which she becomes 55 years of age—

"(1) be transferred to the Retired Reserve, if she is qualified and applies therefor; or

"(2) if she is not qualified or does not apply therefor, be discharged from her reserve appointment.

"§ 8843. Age 60: reserve officers below major general

"Unless retired, transferred to the Retired Reserve, or discharged at an earlier date, each commissioned officer whose reserve grade is below major general shall, on the last day of the month in which he becomes 60 years of age—

"(1) be transferred to the Retired Reserve, if he is qualified and applies therefor; or

"(2) if he is not qualified or does not apply therefor, be discharged from his reserve appointment.

"§ 8844. Age 62: reserve major generals, except Chief of National Guard Bureau

"Unless retired, transferred to the Retired Reserve, or discharged at an earlier date, each commissioned officer whose reserve grade is major general, except the Chief of the National Guard Bureau, shall, on the last day of the month in which he becomes 62 years of age—

"(1) be transferred to the Retired Reserve, if he is qualified and applies therefor; or

"(2) if he is not qualified or does not apply therefor, be discharged from his reserve appointment.

"§ 8845. Age 64: Chief of National Guard Bureau

"Unless retired, transferred to the Retired Reserve, or discharged at an earlier date, a reserve officer of the Air Force who is Chief of the National Guard Bureau shall, on the last day of the month in which he becomes 64 years of age—

"(1) be transferred to the Retired Reserve, if he is qualified and applies therefor; or

"(2) if he is not qualified or does not apply therefor, be discharged from his reserve appointment.

“§ 8846. Deferred officers

“(a) Except as provided in sections 1005 and 1006 of this title, a deferred officer who is not recommended for promotion under section 8368 (c) (1) of this title shall, one year and 90 days after the date on which he would have been promoted if he had been recommended by the first selection board that considered him—

“(1) be transferred to the Retired Reserve, if he is qualified and applies therefor; or

“(2) if he is not qualified or does not apply therefor, be discharged from his reserve appointment.

“(b) Except as provided in sections 1005 and 1006 of this title, a deferred officer who is not recommended for promotion or is found to be not qualified for Federal recognition under section 8368 (c) (2), (d), or (e) of this title, shall, within 90 days after the date on which the report of the selection board or Federal recognition board is approved by the Secretary of the Air Force—

“(1) be transferred to the Retired Reserve, if he is qualified and applies therefor; or

“(2) if he is not qualified or does not apply therefor, be discharged from his reserve appointment.

“§ 8847. Twenty-five years: female reserve officers below lieutenant colonel, except those designated under section 8067 of this title

“After June 30, 1960, each female commissioned officer in an active status in a reserve grade below lieutenant colonel, except an officer whose name is on a recommended list for promotion to the reserve grade of lieutenant colonel, and except an officer designated under section 8067 of this title, shall, 30 days after she completes 25 years of service computed under section 8853 of this title—

“(1) be transferred to the Retired Reserve, if she is qualified and applies therefor; or

“(2) if she is not qualified or does not apply therefor, be discharged from her reserve appointment.

“§ 8848. Twenty-eight years: reserve first lieutenants, captains, majors, and lieutenant colonels

“After June 30, 1960, each officer in an active status in the reserve grade of first lieutenant, captain, or major, and each officer in an active status in the reserve grade of lieutenant colonel who is not on a recommended list for promotion to the reserve grade of colonel, shall, 30 days after he completes 28 years of service computed under section 8853 of this title—

“(1) be transferred to the Retired Reserve, if he is qualified and applies therefor; or

“(2) if he is not qualified or does not apply therefor, be discharged from his reserve appointment.

“§ 8849. Twenty-eight years: female reserve lieutenant colonels, except those designated under section 8067 of this title

“(a) After June 30, 1960, each female officer in an active status in the reserve grade of lieutenant colonel, and each female officer whose name is on a recommended list for promotion to the reserve grade of lieutenant colonel, except an officer designated under section 8067 of this title, shall, 30 days after she completes 28 years of service computed under section 8853 of this title—

“(1) be transferred to the Retired Reserve, if she is qualified and applies therefor; or

“(2) if she is not qualified or does not apply therefor, be discharged from her reserve appointment.

“(b) Notwithstanding subsection (a), an officer who would otherwise be removed from an active status under this section may, in the discretion of the Secretary of the Air Force, be retained in an active status, but not later than 30 days after she completes 30 years of service computed under section 8853 of this title.

“§ 8850. Thirty years or more: reserve commissioned officers; excessive number

“Whenever the Secretary of the Air Force believes that there are too many commissioned officers in an active status, in any reserve grade, who have at least 30 years of service computed under section 8853 of this title or at least 20 years of service computed under section 1332 of this title, he may convene a board to consider all reserve officers in an active status in that grade who have that amount of service. The board shall recommend officers by name for removal from an active status, in the number specified by the Secretary. In the case of an officer so recommended, the Secretary may—

10 USC 1332.

“(1) transfer him to the Retired Reserve, if he is qualified and applies therefor;

“(2) transfer him to an inactive status, if he is qualified; or

“(3) discharge him from his reserve appointment.

“§ 8851. Thirty years or five years in grade: reserve colonels and brigadier generals

“(a) After June 30, 1960, each officer in an active status in the reserve grade of lieutenant colonel whose name is on a recommended list for promotion to the reserve grade of colonel, each officer in an active status in the reserve grade of colonel, and each officer in an active status in the reserve grade of brigadier general whose name is not on a recommended list for promotion to the reserve grade of major general, shall, 30 days after he completes 30 years of service computed under section 8853 of this title or on the fifth anniversary of the date of his appointment in the grade in which he is serving, whichever is later—

“(1) be transferred to the Retired Reserve, if he is qualified and applies therefor; or

“(2) if he is not qualified or does not apply therefor, be discharged from his reserve appointment.

“(b) Notwithstanding subsection (a), an officer in the reserve grade of brigadier general who would otherwise be removed from an active status under this section may, in the discretion of the Secretary of the Air Force, be retained in an active status, but not later than the date on which he becomes 60 years of age. Not more than 10 officers may be retained under this subsection at any one time.

“§ 8852. Thirty-five years or five years in grade: reserve major generals

“(a) After June 30, 1960, each officer in an active status in the reserve grade of major general, and each officer in an active status in the reserve grade of brigadier general who is on a recommended list for promotion to the reserve grade of major general, shall, 30 days after he completes 35 years of service computed under section 8853 of this title or on the fifth anniversary of the date of his appointment in the grade in which he is serving, whichever is later—

“(1) be transferred to the Retired Reserve, if he is qualified and applies therefor; or

“(2) if he is not qualified or does not apply therefor, be discharged from his reserve appointment.

“(b) Notwithstanding subsection (a), an officer in the reserve grade of major general who would otherwise be removed from an active status under this section may, in the discretion of the Secretary of the

Air Force, be retained in an active status, but not later than the date on which he becomes 62 years of age. Not more than 10 officers may be retained under this subsection at any one time.

“§ 8853. Computation of years of service

“For the purpose of determining whether a reserve commissioned officer may be transferred to the Retired Reserve, or discharged, under this chapter, his years of service are computed by adding—

- “(1) all service as a commissioned officer of any armed force;
 - “(2) all service as a commissioned officer in the federally recognized National Guard before June 15, 1933, or in a federally recognized commissioned status in the National Guard; and
 - “(3) all service credited to him under section 8353 of this title.
- No service may be counted more than once.”

(193) The chapter analysis of subtitle D and the chapter analysis of part II of subtitle D are amended by striking out the following item:

“863. Separation or transfer to Retired Reserve.”

and inserting the following item in place thereof:

“863. Separation or transfer to Retired Reserve..... 8841.”

10 USC 8888.

(194) Section 8888 is amended to read as follows:

“§ 8888. Computation of years of service: mandatory retirement; regular commissioned officers

“For the purpose of computing the retired pay of a commissioned officer of the Regular Air Force retired under section 8883, 8884, 8885, or 8886 of this title, his years of service are the greater of—

“(1) the years of service that may be credited to him under section 1405 of this title; or

“(2) his years of service computed under clause (A), (B), (C), (D), (E), (F), (G), or (H), whichever applies:

“(A) For an officer of the Regular Air Force appointed in the Regular Army or the Regular Air Force before January 1, 1948, under the Act of December 28, 1945, ch. 601 (59 Stat. 663), the sum of—

“(i) the years of service credited to him under that Act at the time of his appointment;

“(ii) his years of active commissioned service in the Regular Army and the Regular Air Force after that appointment; and

“(iii) the years of service credited to him under section 27 of the Act enacting this amended section.

“(B) For an officer appointed in the Regular Air Force under section 308 of the Women’s Armed Services Integration Act of 1948 (62 Stat. 373), the sum of—

“(i) the years of service credited to her under that section at the time of her appointment;

“(ii) her years of active commissioned service in the Regular Air Force after that appointment;

“(iii) the years of service credited to her under section 27 of the Act enacting this amended section.

“(C) For a reserve judge advocate appointed in the Regular Army in the grade of captain in the Judge Advocate General’s Department under section 24e of the National Defense Act, as amended (53 Stat. 558)—

“(i) his years of active commissioned service in the Army after becoming 21 years of age, after December 7, 1941, and before the date of that appointment; or

10 USC 8883-8886.

10 USC 131, 142, 233, 291.

5 USC 627g.

“(ii) the number of days, months, and years by which his age at the time of that appointment exceeded 25 years;

whichever is greater, plus his years of active commissioned service in the Regular Army and the Regular Air Force after that appointment, and the years of service credited to him under section 27 of the Act enacting this amended section.

“(D) For an Air Force nurse or medical specialist, the period of service credited to her under the Army-Navy Nurses Act of 1947, as amended, or credited to her under section 8287 (b) of this title at the time of her appointment, plus her years of active commissioned service in the Regular Air Force after her appointment in the Regular Air Force.

“(E) For an officer of the Regular Air Force appointed in the Regular Army or the Regular Air Force before December 31, 1947, other than an officer covered by clause (A), (C), or (D), the sum of—

“(i) his years of active commissioned service in the Regular Army and the Regular Air Force after that appointment;

“(ii) his years of active commissioned service in the Army and the Air Force after becoming 21 years of age and after December 7, 1941, under any earlier appointment; and

“(iii) the years of service credited to him under section 27 of the Act enacting this amended section.

“(F) For an officer of the Regular Air Force appointed in the Regular Army or the Regular Air Force after December 31, 1947, under section 506 of the Officer Personnel Act of 1947 (61 Stat. 890), the sum of—

“(i) his years of active commissioned service in the Regular Army and the Regular Air Force after that appointment;

“(ii) his years of active commissioned service in the armed forces after becoming 21 years of age and after December 6, 1941, under any earlier appointment; and

“(iii) the years of service credited to him under section 27 of the Act enacting this amended section.

“(G) For an officer of the Regular Air Force who was appointed in the Regular Army or the Regular Air Force after December 31, 1947, other than an officer covered by clause (B), (D), (E), or (H), the sum of—

“(i) his years of active commissioned service in the Regular Army and the Regular Air Force after that appointment;

“(ii) his years of active commissioned service in the Army and the Air Force after December 31, 1947, under any earlier appointment; and

“(iii) the years of service credited to him under section 27 of the Act enacting this amended section.

“(H) For an officer of the Regular Air Force who was appointed in the Regular Air Force after July 19, 1956, other than an officer who is covered by clause (D) or (F) or who is designated as a medical or dental officer, the sum of—

“(i) his years of active commissioned service in the Regular Air Force after that appointment;

“(ii) his years of active commissioned service in the armed forces after becoming 21 years of age and before that appointment; and

61 Stat. 41.
10 USC 156note.

10 USC 506c.

“(iii) the years of service credited to him under section 8287 (a) (3), (4), or (5) of this title.”

10 USC 8925.

(195) Section 8925 (b) is amended by striking out the figure “8638” and inserting the figure “972” in place thereof.

10 USC 8927.

(196) Section 8927 is amended—

(A) by amending subsection (a) to read as follows:

10 USC 8913-8923 *passim*.

(a) For the purpose of determining whether a regular commissioned officer may be retired under section 8913, 8915, 8916, 8919, 8921, 8922, or 8923 of this title, his years of service are as follows:

10 USC 131, 142, 233, 291.

“(1) For an officer of the Regular Air Force appointed in the Regular Army or the Regular Air Force before January 1, 1948, under the Act of December 28, 1945, ch. 601 (59 Stat. 663), the sum of—

“(A) the years of service credited to him under that Act at the time of his appointment;

“(B) his years of active commissioned service in the Regular Army and the Regular Air Force after that appointment; and

“(C) the years of service credited to him under section 27 of the Act enacting this amended section.

“(2) For an officer appointed in the Regular Air Force under section 308 of the Women’s Armed Services Integration Act of 1948 (62 Stat. 373), the sum of—

5 USC 627g.

“(A) the years of service credited to her under that section at the time of her appointment;

“(B) her years of active commissioned service in the Regular Air Force after that appointment; and

“(C) the years of service credited to her under section 27 of the Act enacting this amended section.

“(3) For a reserve judge advocate appointed in the Regular Army in the grade of captain in the Judge Advocate General’s Department under section 24e of the National Defense Act, as amended (53 Stat. 558)—

“(A) his years of active commissioned service in the Army after becoming 21 years of age, after December 7, 1941, and before the date of that appointment; or

“(B) the number of days, months, and years by which his age at the time of that appointment exceeded 25 years;

whichever is greater, plus his years of active commissioned service in the Regular Army and the Regular Air Force after that appointment, and the years of service credited to him under section 27 of the Act enacting this amended section.

10 USC 166 note.

“(4) For an Air Force nurse or medical specialist, the period of service credited to her under the Army-Navy Nurses Act of 1947, as amended, or credited to her under section 8287 (b) of this title at the time of her appointment, plus her years of active commissioned service in the Regular Air Force after her appointment in the Regular Air Force.

“(5) For an officer of the Regular Air Force appointed in the Regular Army or the Regular Air Force before December 31, 1947, other than an officer covered by clause (1), (3), or (4), the sum of—

“(A) his years of active commissioned service in the Regular Army and the Regular Air Force after that appointment;

“(B) his years of active commissioned service in the Army and the Air Force after becoming 21 years of age and after December 7, 1941, under any earlier appointment; and

“(C) the years of service credited to him under section 27 of the Act enacting this amended section.

"(6) For an officer of the Regular Air Force appointed in the Regular Army or the Regular Air Force after December 31, 1947, under section 506 of the Officer Personnel Act of 1947 (61 Stat. 890), the sum of—

10 USC 506c.

"(A) his years of active commissioned service in the Regular Army and the Regular Air Force after that appointment;

"(B) his years of active commissioned service in the armed forces after becoming 21 years of age and after December 6, 1941, under any earlier appointment; and

"(C) the years of service credited to him under section 27 of the Act enacting this amended section.

"(7) For an officer of the Regular Air Force who was appointed in the Regular Army or the Regular Air Force after December 31, 1947, other than an officer covered by clause (2), (4), (6), or (8), the sum of—

"(A) his years of active commissioned service in the Regular Army and the Regular Air Force after that appointment;

"(B) his years of active commissioned service in the Army and the Air Force after becoming 21 years of age and after December 31, 1947, under any earlier appointment; and

"(C) the years of service credited to him under section 27 of the Act enacting this amended section.

"(8) For an officer of the Regular Air Force who was appointed in the Regular Air Force after July 19, 1956, other than an officer who is covered by clause (4) or (6) or who is designated as a medical or dental officer, the sum of—

"(A) his years of active commissioned service in the Regular Air Force after that appointment;

"(B) his years of active commissioned service in the armed forces after becoming 21 years of age and before that appointment; and

"(C) the years of service credited to him under section 8287 (a) (3), (4), or (5) of this title."; and

(B) by amending subsection (b) (2) by striking out the words "or (5)" and inserting the words "(5), (6), (7), or (8)" in place thereof.

(197) Section 8962 is amended by striking out subsection (b) and redesignating subsection (c) as subsection "(b)".

10 USC 8962.

(198) Section 8963 (a) is amended by striking out the words "in the Army" and "after September 8, 1940, and before July 1, 1946".

10 USC 8963.

(198A) Section 8964 is amended by striking out the words "after September 8, 1940, and before July 1, 1946".

10 USC 8964.

(199) Section 8966 is amended by striking out the words "to be published annually in the official Air Force Register," in subsections (a) and (b).

10 USC 8966.

(199A) The table in section 8991 is amended by striking out the figures "8962 (b), 8963 (a)," in footnote 2 and inserting the figure "8963 (a)" in place thereof.

10 USC 8991.

(200) The analysis of chapter 873 is amended by striking out the following item:

10 USC 9021-9025.

"9021. Appointment: professional and scientific services."

(201) Section 9353 (b) is amended to read as follows:

10 USC 9353.

"(b) Notwithstanding any other provision of law, a cadet who completes the prescribed course of instruction may, upon graduation, be appointed a second lieutenant in the Regular Air Force."

(202) Section 9384 is amended—

10 USC 9384.

(A) by inserting the words "including flight instruction," after the words "practical military training"; and

(B) by adding the following new sentence at the end thereof:
 “The Secretary shall report to Congress in January of each year on the progress of the flight instruction program authorized by this section.”

10 USC 9771-
9779.

(203) Chapter 949 is amended—

(A) by adding the following new section at the end thereof:

“§ 9780. Acquisition of buildings in District of Columbia

“(a) In time of war or when war is imminent, the Secretary of the Air Force may acquire by lease any building, or part of a building, in the District of Columbia that may be needed for military purposes.

“(b) At any time, the Secretary may, for the purposes of the Department of the Air Force, requisition the use and take possession of any building or space in any building, and its appurtenances, in the District of Columbia, other than—

“(1) a dwelling house occupied as such;

“(2) a building occupied by any other agency of the United States; or

“(3) space in such a dwelling house or building.

The Secretary shall determine, and pay out of funds appropriated for the payment of rent by the Department of the Air Force, just compensation for that use. If the amount of the compensation is not satisfactory to the person entitled to it, the Secretary shall pay 75 percent of it to that person, and the claimant is entitled to recover by action against the United States an additional amount that, when added to the amount paid by the Secretary, is determined by the court to be just compensation for that use.”; and

(B) by adding the following new item at the end of the analysis:

“9780. Acquisition of buildings in District of Columbia.”

AMENDMENTS TO TITLE 32

70A Stat. 596.
32 USC 101.

SEC. 2. Title 32, United States Code, is amended as follows:

(1) Section 101 is amended—

(A) by redesignating clauses (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), and (16) as clauses “(3)”, “(4)”, “(5)”, “(6)”, “(7)”, “(8)”, “(9)”, “(10)”, “(11)”, “(12)”, “(13)”, “(14)”, “(15)”, “(16)”, and “(17)”, respectively;

(B) by inserting the following clause after clause (1):

“(2) ‘Armed forces’ means the Army, Navy, Air Force, Marine Corps, and Coast Guard.”; and

(C) by adding the following clause at the end thereof:

“(18) ‘Spouse’ means husband or wife, as the case may be.”

32 USC 109.

(2) Section 109 is amended—

(A) by striking out the words “State defense forces” in subsections (a) and (b) and inserting the following in place thereof: “defense forces authorized by subsection (c)”;

(B) by adding the following new subsections:

“(c) In addition to its National Guard, if any, a State or Territory, Puerto Rico, the Virgin Islands, the Canal Zone, or the District of Columbia may, as provided by its laws, organize and maintain defense forces. A defense force established under this section may be used within the jurisdiction concerned, as its chief executive (or commanding general in the case of the District of Columbia) considers necessary, but it may not be called, ordered, or drafted into the armed forces.

“(d) A member of a defense force established under subsection (c) is not, because of that membership, exempt from service

in the armed forces, nor is he entitled to pay, allowances, subsistence, transportation, or medical care or treatment, from funds of the United States.

“(e) A person may not become a member of a defense force established under subsection (c) if he is a member of a reserve component of the armed forces.”

(3) Chapter 1 is amended by adding the following new section 32 USC 101-110.

“§ 111. Suspension of certain provisions of this title

“In time of war, or of emergency declared by Congress, the President may suspend the operation of any provision of sections 307 (e), 309, 310, and 323 (d) and (e) of this title with respect to the Army National Guard or the Air National Guard.” 32 USC 307, 309, 310, 323.

(4) The analysis of chapter 1 is amended by adding the following new item at the end thereof:

“111. Suspension of certain provisions of this title.”

(5) Section 305 is amended as follows: 32 USC 305.

(A) By striking out the word “Only” at the beginning and inserting the following in place thereof: “(a) Except as provided in subsection (b), only male”.

(B) By adding the following new subsection at the end thereof:

“(b) Women are eligible for Federal recognition as commissioned officers of the National Guard, with a view to serving as nurses or medical specialists. However, to be eligible for Federal recognition under this section with a view to serving as a nurse, a woman must be a graduate of a hospital or university training school and a registered nurse.”

(6) Section 307 is amended— 32 USC 307.

(A) by striking out the words “subsection (d)”, in subsection (a) (3), and inserting the words “subsections (d) and (e) of this section and sections 8365 and 8366 of title 10” in place thereof; and

(B) by adding the following new subsections at the end thereof:

“(e) Subject to subsection (a) (1) and (2), Federal recognition shall be extended to each officer of the Air Force Reserve who is appointed in a commissioned grade in the Air National Guard to fill a vacancy, if on the date on which he is appointed his reserve grade is the same as the grade in which he is appointed or his name is on a recommended list for promotion to that reserve grade.

“(f) Federal recognition extended under subsection (d) or (e) is effective from the date of appointment in the Army National Guard or the Air National Guard, as the case may be.”

(7) Chapter 3 is amended by inserting the following sections after section 308:

“§ 309. Federal recognition of officers: Army National Guard; officers promoted to fill vacancies

“Each officer of the Army National Guard who is promoted to fill a vacancy in a federally recognized unit thereof, and who is eligible for promotion under section 3363 (b) of title 10, shall be examined for Federal recognition in the grade to which he is promoted. However, a second lieutenant or first lieutenant of the Army National Guard who has served creditably for at least one year in a position prescribed to be filled by a captain, and who has not previously been federally recognized under this section, may be examined for Federal recognition in the next higher grade without regard to section 3363 (b) of title 10.

“§ 310. Federal recognition of officers: Army National Guard; automatic recognition

32 USC 307, 309.

“(a) Notwithstanding sections 307 and 309 of this title, if a second lieutenant of the Army National Guard is promoted to the grade of first lieutenant to fill a vacancy in a federally recognized unit thereof, Federal recognition is automatically extended to him in the grade of first lieutenant, effective as of the date on which he completes three years of service computed under section 3360 (a) of title 10.

“(b) Notwithstanding sections 307 and 309 of this title, if an officer of the Army Reserve in a reserve grade above second lieutenant is appointed in the next higher grade in the Army National Guard to fill a vacancy in a federally recognized unit thereof, Federal recognition is automatically extended to him in the grade in which he is so appointed in the Army National Guard, if he has been recommended for promotion to the grade concerned under section 3366, 3367, 3370, or 3383 of title 10 and has remained in an active status since he was so recommended. The extension of Federal recognition under this subsection is effective as of the date when the officer is appointed in the Army National Guard.”

(8) The analysis of chapter 3 is amended by inserting the following new items:

“309. Federal recognition of officers: Army National Guard; officers promoted to fill vacancies.

“310. Federal recognition of officers: Army National Guard; automatic recognition.”

32 USC 313.

(9) Section 313 (b) is amended to read as follows:

“(b) To be eligible for appointment as an officer of the National Guard, a person must—

“(1) be a citizen of the United States;

“(2) be at least 18 years of age and under 64; and

“(3) in the case of a woman appointed with a view to serving as a nurse or medical specialist, be at least 21 years of age and under 64.”

32 USC 321.

(10) Section 321 is amended to read as follows:

“§ 321. Death gratuity

“(a) Except as provided in subsection (h), the Secretary of the Army or the Secretary of the Air Force, as the case may be, shall have a death gratuity paid to or for the survivor prescribed by subsection (e) immediately upon receiving official notification of the death of a member of the National Guard who—

“(1) dies while performing full-time training or duty under section 316, 502, 503, 504, or 505 of this title or while performing authorized travel to or from that training or duty;

“(2) dies while performing other training or duty under one of those sections or under section 301 of title 37; or

“(3) when authorized or required by an authority designated by the Secretary concerned, assumed an obligation to perform training or duty under one of those sections or under section 301 of title 37 (other than work or study in connection with a correspondence course of an armed force or attendance, in an inactive status, at an educational institution under the sponsorship of an armed force or the Public Health Service), and who dies from an injury incurred by him after December 31, 1956, while traveling directly to or from that training or duty.

“(b) Except as provided in subsection (h), the Secretary of the Army or the Secretary of the Air Force, as the case may be, shall have a death gratuity paid to or for the survivor prescribed by subsection (e) of each member of the National Guard who dies within 120 days after his discharge or release from—

32 USC 316, 502-505.

37 USC 301.

“(1) full-time training or duty under section 316, 502, 503, 504, or 505 of this title; or

“(2) other training or duty performed under one of those sections or under section 301 of title 37 (other than work or study in connection with a correspondence course of an armed force or attendance, in an inactive status, at an educational institution under the sponsorship of an armed force or the Public Health Service);

32 USC 316, 502-505.

37 USC 301.

if the Administrator of Veterans' Affairs determines that the death resulted from (A) disease or injury incurred or aggravated while performing training or duty under clause (1) or the travel described in subsection (c), or (B) injury incurred or aggravated while performing training or duty under clause (2) or the travel described in subsection (c) (2).

“(c) The travel covered by subsection (b) is—

“(1) authorized travel to or from the training or duty described in subsection (b) (1); or

“(2) travel directly to or from the training or duty described in subsection (b) (1) or (2) that is performed by a member of the National Guard who, when authorized or required by an authority designated by the Secretary concerned, assumed an obligation to perform that training or duty, and whose injury was incurred or aggravated after December 31, 1956.

“(d) For the purposes of subsections (b) and (c), the standards and procedures for determining the incurrence or aggravation of a disease or injury are those applicable under the laws relating to disability compensation administered by the Veterans' Administration, except that there is no requirement under this section that any incurrence or aggravation have been in line of duty.

“(e) A death gratuity payable upon the death of a person covered by subsections (a)–(d) shall be paid to or for the living survivor named in section 1477 of title 10, except that references in that section to section 1475 or 1476 shall be treated as references to subsection (a) or subsections (b)–(d) of this section, as the case may be.

“(f) The death gratuity payable under this section shall be equal to 6 months' pay at the rate to which the decedent was entitled on the date of his death, except that the gratuity may not be less than \$800 or more than \$3,000. For this purpose:

“(1) A person covered by subsection (a), (b), or (c) is considered to have been entitled, on the date of his death, to pay at the rate to which he was entitled on the last day on which he performed training or duty.

“(2) A person covered by subsection (a), (b), or (c) who performed training or duty without pay is considered to have been performing that training or duty with pay.

“(3) A person covered by subsection (a), (b), or (c) who incurred a disability while performing training or duty under section 316, 502, 503, 504, or 505 of this title or under section 301 of title 37 and who became entitled to basic pay while receiving hospital or medical care, including out-patient care, for that disability, is considered to have been on that training or duty for as long as he is entitled to that pay.

32 USC 316, 502-505.

37 USC 301.

“(g) The Secretary of the Army, the Secretary of the Air Force, and the Administrator of Veterans' Affairs have the same obligations with respect to payments under subsections (a), (b), and (c) as they have under sections 1479 and 1480 (c) of title 10.

“(h) Payments under this section are subject to the restrictions that section 1480 (a), (b), and (d) of title 10 imposes on payments under sections 1475–1477 of that title.”

32 USC 323.

(11) Section 323 is amended by adding the following new subsections at the end thereof:

10 USC 3820.

“(d) Except as provided in sections 1005 and 1006 of title 10, the Federal recognition of a second lieutenant of the Army National Guard who is discharged under section 3820 (c) of title 10 for failure of promotion shall be withdrawn on the date of that discharge.

“(e) Except as provided in sections 1005 and 1006 of title 10, the Federal recognition of a reserve officer of the Air Force who is not recommended for promotion under section 8368 (c) (1) or (2) of title 10, or who is found to be not qualified for Federal recognition under section 8368 (d) or (e) of title 10, shall be withdrawn.”

32 USC 701-713.

(12) Chapter 7 is amended by adding the following new section at the end thereof:

“§ 714. Final settlement of accounts: deceased members

“(a) In the settlement of the accounts of a member of the National Guard who dies after December 31, 1955, an amount due from the armed force of which he was a member shall be paid to the person highest on the following list living on the date of death:

“(1) Beneficiary designated by him in writing to receive such an amount, if the designation is received, before the deceased member's death, at the place named in regulations to be prescribed by the Secretary concerned.

“(2) Surviving spouse.

“(3) Children and their descendants, by representation.

“(4) Father and mother in equal parts or, if either is dead, the survivor.

“(5) Legal representative.

“(6) Person entitled under the law of the domicile of the deceased member.

“(b) Designations and changes of designation of beneficiaries under subsection (a) (1) are subject to regulations to be prescribed by the Secretary concerned. So far as practicable, these regulations shall be uniform with those prescribed for the armed forces under section 2771 (b) of title 10.

“(c) Under such regulations as the Comptroller General may prescribe, payments under subsection (a) shall be made by the Department of the Army or the Department of the Air Force, as the case may be. Payments under clauses (2)–(6) of subsection (a) may be paid only after settlement by the General Accounting Office.

“(d) A payment under this section bars recovery by any other person of the amount paid.”

(13) The analysis of chapter 7 is amended by adding the following new item at the end thereof:

“714. Final settlement of accounts: deceased members.”

**PARTS OF TITLE 10 ADOPTED FOR COAST AND
GEODETIC SURVEY**

33 USC 857a.

SEC. 3. Section 3 (a) of the Act of August 10, 1956, ch. 1041 (70A Stat. 619), is amended—

(1) by amending clause (2) to read as follows:

“(2) Chapter 69, Retired Grade, except sections 1374, 1375, and 1376 (a).”;

(2) by amending clause (5) to read as follows:

“(5) Chapter 75, Death Benefits.”;

(3) by redesignating clause (6) as clause “(7)”; and

(4) by inserting the following new clause after clause (5):

“(6) Section 2771, Final settlement of accounts: deceased members.”

PARTS OF TITLE 10 ADOPTED FOR PUBLIC HEALTH SERVICE

SEC. 4. Section 221 of the Public Health Service Act is amended—

70A Stat. 619.
42 USC 213a.

(1) by striking out the word “chapters” and inserting the word “provisions” in place thereof;

(2) by striking out clause (1);

(3) by renumbering clauses (2), (3), (4), (5), and (6) as clauses “(1)”, “(2)”, “(3)”, “(4)”, and “(5)”, respectively;

(4) by amending clause (1), as so renumbered, to read as follows:

“(1) Chapter 61, Retirement or Separation for Physical Disability, except that sections 1201, 1202, and 1203 do not apply to commissioned officers of the Public Health Service who have been ordered to active duty for training for a period of more than 30 days.”;

10 USC 1201-1203.

(5) by amending clause (2), as so renumbered, to read as follows:

“(2) Chapter 69, Retired Grade, except sections 1374, 1375, and 1376 (a).”;

(6) by amending clause (5), as so renumbered, to read as follows:

“(5) Chapter 75, Death Benefits.”; and (7) by inserting the following new clause before clause (7):

“(6) Section 2771, Final settlement of accounts: deceased members.”

AMENDMENTS TO TITLE 14, COAST GUARD

SEC. 5. Title 14, United States Code, is amended as follows:

14 USC 531-653.

(1) Chapter 17 is amended by striking out the following item in the analysis thereof:

“640. Interchange of supplies between Army, Navy, and Coast Guard.”

(2) Chapter 21 is amended by adding the following new subchapter at the end thereof:

14 USC 751-762.

“COMMISSIONED OFFICERS

“§ 770. Definitions

“As used in sections 770 to 795, inclusive, of this title—

“(1) ‘Secretary’ means the Secretary of the respective department in which the Coast Guard is operating;

“(2) ‘Reserve’ means the Coast Guard Reserve;

“(3) ‘Reserve officer’ means a commissioned officer in the Coast Guard Reserve, except those officers specifically excluded by section 771 of this title, and except commissioned warrant officers;

“(4) ‘promotion’ and ‘promoted’, unless otherwise specified or required by the context, refer to the appointment of a Reserve officer in the next higher grade as a Reserve officer of the Coast Guard;

“(5) ‘grade’ means, unless otherwise specified, the permanent grade of a Reserve officer;

“(6) ‘points’ means points credited under section 1332 (a) (2) of title 10, United States Code;

10 USC 1332.

“(7) ‘active status’ means the status of a Reserve officer who is not on the Inactive Status List, or in the Retired Reserve;

“(8) ‘discharged’ means discharged from an appointment as a Reserve officer;

“(9) ‘this subchapter’ means sections 770 to 795, inclusive, of this title.

“§ 771. Applicability of this subchapter

“(a) This subchapter applies:

“(1) only to the Coast Guard Reserve;

“(2) equally to women members of the Reserve except where the context indicates otherwise.

“(b) This subchapter does not apply to:

“(1) officers of the Reserve whose names appear in the Register of the Commissioned and Warrant Officers and Cadets of the United States Coast Guard;

“(2) temporary members of the Coast Guard Reserve.

“(c) Officers excluded under subsection (b) (1) of this section shall be considered for promotion under the regulations governing promotions of officers of the Regular Coast Guard as though such officers were officers of the Regular Coast Guard.

“§ 772. Authorized number of officers

“(a) The authorized number of officers in the Coast Guard Reserve in active status is six thousand. The actual number of Reserve officers in active status at any time shall not exceed these authorized numbers unless the Secretary shall determine that a greater number is necessary for planned mobilization requirements, or unless such excess shall result directly from the operation of mandatory provisions of this or other laws.

“(b) The authorized number of officers of the Coast Guard Reserve in active status in each of the grades below the grade of rear admiral shall be a percentage of the total number of such officers in active status below the grade of rear admiral, and shall be 0.6 percent in the grade of captain, 3.5 percent in the grade of commander, 25 percent in the grade of lieutenant commander, 37 percent in the grade of lieutenant, and 33.9 percent in the combined grades of lieutenant (junior grade) and ensign, except that when the actual number of Coast Guard Reserve officers in active status in any grade is less than the number which is so authorized, the difference may be applied to increase the authorized number in any lower grade or grades. No Reserve officer shall be reduced in rank or grade solely because of a reduction in an authorized number provided in this subsection. The authorized number of Coast Guard Reserve officers in active status in the grade of rear admiral shall be two.

“(c) The Secretary may determine the number of Reserve officers in each grade who may be promoted annually under the provisions of this subchapter. The number which shall be so determined for each grade shall be the number deemed to be necessary to provide equitable opportunity for promotion among succeeding groups of Reserve officers and an adequate continuing strength of Reserve officers in an active status, and shall not cause the number of Reserve officers in active status in any grade to exceed the number authorized in this section for that grade.

“§ 773. Constructive credit upon initial appointment

“Upon appointment as a Coast Guard Reserve officer, a person who holds no appointment as a commissioned officer of the Armed Forces may be placed in a commensurate position on the Reserve lineal list to reflect his combined years of experience, education, and such other qualifications as may be prescribed by regulations promulgated by the Secretary. Any such person who is appointed for the purpose of or with a view to assignment or designation as a Law Specialist of the Coast Guard Reserve shall, for purposes of this subchapter only, be credited with a minimum amount of service in an active status of three years, and a person holding a degree of Doctor of Philosophy, or comparable degree, in a science allied to

medicine as may be determined by the Secretary, may be credited with a minimum amount of service in an active status of three years if appointed for an assignment comparable to that of an officer in the Medical Service Corps of the Army.

“§ 774. Eligibility for promotion; retention in active status

“To be eligible for consideration for promotion and to be eligible for promotion under this subchapter, a Reserve officer must be in an active status.

“§ 775. Selection boards; appointment

“(a) Selection boards and other boards of officers appointed under this subchapter shall be appointed and convened by the Secretary or by such competent authority as the Secretary may direct.

“(b) At least 50 percent of the members of any selection board appointed under the provisions of this subchapter shall, to the extent practicable, be Reserve officers. All members of any selection board shall be senior in permanent grade and temporary rank to any officer being considered by that board.

“(c) Selection boards shall serve for such length of time as the Secretary may prescribe, but no board shall serve longer than one year. No officer shall serve on two consecutive selection boards when the second of such boards considers any of the officers who were considered but not recommended for promotion to the same grade by the first selection board upon which he served.

“(d) Each selection board shall be composed of not less than five members which number shall constitute a quorum. Every officer who is appointed a member of a selection board will swear or affirm that he will without prejudice or partiality and, having in view both the special fitness of officers and the efficiency of the Coast Guard, perform the duties imposed on him as a member of such board. Not less than a majority of the total membership of any selection board must concur in each recommendation made by the board.

“(e) Any officer eligible for consideration for promotion by any selection board shall have the right to forward through official channels a written communication inviting attention to any matter of record in the Armed Forces concerning himself which he deems important to his consideration which must arrive at a time not later than the convening of the selection board. The communication may not criticize or reflect upon the character, conduct, or motive of any officer.

“§ 776. Grade on entry upon active duty

“Reserve officers who are hereafter ordered to active duty or active duty for training shall be so ordered in the grades held by them as Reserve officers except that the Secretary may, in his discretion, order such officers to active duty in any higher temporary grade.

“§ 777. Recommendation for promotion of officers previously removed from active status

“Any Reserve officer recommended for promotion by a selection board who, at the time he otherwise would be promoted, is not eligible therefor because he has been removed from an active status, shall not, if returned to an active status, be placed on a recommended list for promotion until subsequently recommended for promotion by a selection board and shall not be deemed to have been considered for promotion by the selection board which last considered him prior to the time he is returned to an active status.

“§ 778. Suspension of this subchapter in war or national emergency

“In time of war or national emergency declared by the Congress, the President is authorized, in his discretion, to suspend the operation of all or any of the sections of this subchapter. If any or all of such sections are suspended by the President under this section, the Secretary of Defense, prior to the sections suspended being again placed in operation, shall recommend to Congress necessary legislation designed to adjust the grades of Reserve officers and such legislation shall be, insofar as practicable, comparable to any similar legislation recommended for adjustment of the grades of officers of the Regular Coast Guard.

“§ 779. Sea or foreign service requirements

“There shall be no requirement for sea or foreign service for the promotion of Reserve officers under this subchapter.

“§ 780. Promotion; recommendations of selection boards

“(a) Except as otherwise provided by law, all promotions of Reserve officers shall be effected pursuant only to the recommendation of a selection board.

“(b) Selection boards shall be convened from time to time so that Reserve officers in the promotion zone for a particular grade will receive consideration for promotion concurrently with, or as soon as practicable after, their running mates. Separate boards may be convened to consider officers in one or more grades; or one board may be convened to consider officers in all grades, whichever is most practicable, provided that all members of such boards shall be senior to all officers to be considered by the board.

“(c) Each selection board, from among those officers whose names are submitted to it as determined by section 783 of this title, and without regard to existing precedence or seniority, shall recommend for promotion those officers whom it considers to be qualified to assume the duties of the next higher grade. Such officers shall receive consideration in the order of their relative seniority and when the number of officers found to be qualified equals the number of vacancies to be filled, the board need not consider any officers junior to the last officer found to be qualified and recommended for promotion.

“(d) Any such junior officers not considered pursuant to subsection (c) of this section shall not be considered to have failed of selection, and the names of such officers shall be again submitted to the next ensuing selection board.

“(e) The law and regulations now or hereafter existing relating to the selection for promotion of commissioned officers of the Coast Guard to the grade of rear admiral shall apply to officers of the Reserve except that no officer in the grade of captain shall be eligible for consideration who has not completed a minimum of twenty years of total commissioned Coast Guard or Coast Guard Reserve service. Until January 1, 1963, for purposes of this subsection, in addition to actual commissioned service, a Reserve officer initially appointed in a grade above that of ensign shall be allowed a period of constructive service equal to that of the regular officer next senior to him in precedence who has served continuously on active duty and who has not lost numbers or precedence, computed from the date of such regular officer's first appointment as ensign up to the date of original appointment of such Reserve officer.

“(f) The report of each promotion board shall be submitted to the Commandant for review and transmission to the President for approval. In case any officer or officers recommended by a board for promotion are not acceptable to the President, the final action by the President will disapprove their selection for promotion.

“(g) The recommendations of promotion boards, as approved by the President, will constitute promotion lists from which promotion of officers of the Reserve will be made, subject to establishment of physical qualification and verification that service subsequent to the convening of the promotion board has remained of satisfactory character. Officers on a promotion list will remain thereon until promoted unless removed by the President for due cause. If an existing promotion list has not been exhausted by the time a later list has been approved, all remaining officers on the older list shall be tendered appointments before use of the later list is commenced.

“(h) The procedure of selection boards and the procedures for effecting the promotion of those officers selected shall be as determined by the Secretary.

“§ 781. Precedence

“Officers of the Reserve shall have rank and take precedence in their respective grades among themselves and with officers of the same grades of the Regular Coast Guard respectively in accordance with the dates of rank as stated in their commissions. When Reserve and Regular officers have the same date of rank in a grade, such officers shall take precedence as determined by the Secretary.

“§ 782. Running mates

“(a) Each officer of the Reserve in an active status shall have a running mate who shall be the officer of the Regular Coast Guard of the same grade, exclusive of extra numbers, who is next senior to him in precedence as determined in the manner prescribed in section 781 of this title.

“(b) When necessary, new running mates shall be determined at the times and in the manner set forth below:

“(1) If a running mate is retired, dies, or otherwise is separated from the service, suffers loss of numbers, or fails to qualify for promotion, the new running mate shall be the officer of the Regular Coast Guard of the same grade who was next senior to the old running mate, exclusive of extra numbers, or if there be no such Regular officer then the most senior Regular officer in the grade.

“(2) If an officer of the Reserve suffers loss of numbers, the new running mate shall be the officer of the Regular Coast Guard, exclusive of extra numbers, who is the running mate of the Reserve officer next senior to the officer concerned after the loss of numbers has been effected.

“(3) If an officer of the Reserve fails of selection or fails to qualify for promotion and his running mate is promoted, the new running mate shall be the senior officer of the Regular Coast Guard remaining in that grade, exclusive of extra numbers, whose name is not on a promotion list.

“(4) If a running mate is retarded in rate of promotion or has attained the highest rank to which he may be promoted, the new running mate shall be the officer of the Regular Coast Guard who is next senior to the old running mate, exclusive of extra numbers, or if there be no such Regular officer then the Regular officer of the same grade who is next eligible for promotion. An officer shall be considered to have been retarded when another officer in his grade junior to him is eligible for promotion ahead of him. If subsequently the old running mate is promoted and is restored to the precedence he would have held but for the retardation, he shall be reassigned as the running mate of the Reserve officer concerned.

“§ 783. Promotion zone

“Subject to the provisions of section 774 of this title—

“(a) an officer of the Reserve shall be deemed to be in the promotion zone when his running mate is in the promotion zone and shall then become eligible for consideration by a selection board for promotion to the next higher grade at approximately the same time as his running mate is considered for promotion; and

“(b) an officer whose name is on a promotion list, shall, unless his promotion is withheld pursuant to applicable laws or regulations, be tendered an appointment in the next higher grade at the same time, or as soon thereafter as practicable, as a similar appointment is tendered to his running mate.

“§ 784. Date of rank upon promotion; entitlement to pay

“When an officer of the Reserve is promoted to the next higher grade under the provisions of this subchapter either for temporary service or for service in permanent grade, he shall be assigned the same date of rank as that assigned to his running mate for either and/or both types of service and a Reserve officer so promoted shall be allowed pay and allowances of the higher grade for duty performed from the date of his appointment thereto.

“§ 785. Limitation on consideration for promotion

“No officer of the Reserve shall receive consideration for promotion or be promoted under any provision of law unless he has attained the minimum number of points prescribed by the Secretary. Such number of points shall not exceed fifty points per anniversary year.

“§ 786. Qualifications for promotion

“(a) No officer of the Coast Guard Reserve shall be promoted to a higher grade until he has been found to be mentally, morally, professionally, and physically qualified therefor.

“(b) Subsection (a) of this section shall not exclude from the promotion to which he would otherwise be regularly entitled any Reserve officer in whose case a medical board may report that his physical disqualification for duty at sea or in the field was occasioned by wounds received in the line of duty, and that such wounds do not incapacitate him for other duties in the grade to which he shall be promoted.

“§ 787. Failure of selection and elimination

“(a) A Reserve officer not above the grade of lieutenant after failing of selection for promotion to the next higher grade for a second time may be retained in or eliminated from an active status in the discretion of the Secretary. Other Reserve officers whose names are not on a promotion list after failing of selection for promotion to the next higher grade a second time shall be given an opportunity to apply for transfer to the Retired Reserve if qualified, but unless so transferred shall be discharged on June 30 of the fiscal year in which they have completed the following periods of total commissioned service for the grades specified:

Grade	Total commissioned service
Captain.....	30 years
Commander.....	26 years
Lieutenant Commander.....	20 years

For the purposes of this subsection, the total commissioned service of an officer who shall have served continuously in the Coast Guard Reserve following appointment therein in the grade or rank of ensign shall be computed from June 30 of the fiscal year in which he accepted

appointment. Each Reserve officer initially appointed in a grade above that of ensign shall be deemed to have for these purposes, as much total commissioned service as any officer of the Regular Coast Guard who has served continuously since original appointment as ensign, has not lost numbers or precedence and who is, or shall have been, junior to such Reserve officer, except that the total commissioned service that such Reserve officer shall be deemed to have shall not be less than the actual number of years he has served in commissioned officer status above the grade of commissioned warrant officer.

“(b) A Reserve officer who is eliminated from an active status under this section—

“(1) shall be afforded an opportunity to request transfer to the Retired Reserve, if qualified; and

“(2) if qualified, and he elects transfer to the Retired Reserve, shall be so transferred; or

“(3) if not transferred to the Retired Reserve under (1) and (2) above, he shall be transferred to the Inactive Status List or discharged in the discretion of the Secretary.

“(c) Notwithstanding subsection (a), a reserve commissioned officer, other than a commissioned warrant officer, who is assigned to the Selective Service System may be retained in an active status in that assignment until he becomes 60 years of age.

“§ 788. Effect of removal by the President or failure of consent of Senate

“The President may remove the name of any officer from the promotion list. An officer whose name is so removed from the promotion list, or one whose appointment to flag rank is rejected by the Senate, shall continue to be eligible for consideration for recommendation for promotion. The next ensuing selection board may recommend the officer concerned for promotion, and thereupon, with the approval of the President, the name of such officer shall be replaced on the promotion list, without prejudice by reason of its having been temporarily removed therefrom, and when promoted such officer shall take the same rank and date of rank that he would have had had his name not been so removed. If such officer is not so recommended by such next ensuing selection board or if the President shall again remove his name from the promotion list or if the Senate shall again reject his appointment, he shall be held for all purposes to have twice failed of selection for promotion.

“§ 789. Maximum ages for retention in active status

“(a) A Reserve officer, if otherwise qualified, shall be transferred to the Retired Reserve on the date upon which he becomes sixty-two years of age, except that a Reserve officer initially appointed prior to January 1, 1953, at such age that completion of twenty years of satisfactory Federal service for retirement purposes cannot be accomplished by age sixty-two may be retained in an active status not later than the date upon which he becomes sixty-four years of age.

“(b) Notwithstanding subsection (a) of this section, the Secretary may authorize such classes or categories of Reserve flag officers as he may designate to be retained in an active status not later than the date on which the officer concerned becomes sixty-four years of age.

“(c) Except as provided in subsections (a) and (b) of this section, a Reserve officer shall, unless transferred to the Retired Reserve, be discharged effective upon the date he reaches sixty-two years of age.

“§ 790. Type of promotion; temporary; permanent

“(a) Notwithstanding any other law, if a Reserve officer is promoted when his or her running mate in the Regular Coast Guard is promoted and such promotion of the Regular running mate is on a temporary basis, the promotion of the Reserve officer concerned shall be on a temporary basis, and if subsequently the Regular running mate is reverted to a lower grade (for reasons other than disciplinary or for incompetence or at his own request), the Reserve officer shall likewise revert to the same lower grade in the same manner as his running mate in the Regular service and take corresponding precedence.

“(b) An officer of the Reserve shall be promoted for temporary service or promoted permanently dependent upon the character of the promotion extended to his running mate. Subject to satisfactory service, under such appointment for temporary service, the appointment of the officer of the Reserve will be made permanent when that of his running mate is made permanent or would have been made permanent if his temporary service in the higher grade was found to have been satisfactory.

“§ 791. Promotion of officers on active duty

“While serving on extended active duty, an officer of the Reserve may be promoted for temporary service in the same manner as an officer of the Regular Coast Guard. If so promoted by reason of being on active duty, the officer concerned will be considered an extra number in the higher grade of the Reserve and when released from such active duty, unless permanently promoted while on extended active duty, shall resume his permanent rank and status in the Reserve. Such officers shall also be considered by promotion boards for officers of the Reserve if they otherwise meet the requirements of this subchapter and the regulations of the Secretary and may be promoted in the normal manner for Reserve officers if qualified under the provisions of this subchapter.

“§ 792. Appointment of former Navy and Coast Guard officers

“Former officers of the Navy or Coast Guard who are appointed in the Reserve in the same grades or ranks held in the Regular Navy or Coast Guard as a result of application therefor, made within one year from date of resignation from the Navy or Coast Guard, shall be given the same date of rank as that held by them in the Navy or Coast Guard.

“§ 793. Grades upon relief of retired officers

“(a) Reserve officers of the Retired Reserve or officers on a Reserve retired list, when recalled to active duty, shall be recalled in the grades authorized or which may hereafter be authorized for the recall of Regular retired officers.

“(b) Notwithstanding any other provisions of this subchapter, any officer recalled to active duty pursuant to subsection (a) of this section and who is advanced to a higher grade under a temporary appointment shall, upon relief from active duty, if his performance of duty under such temporary appointment was satisfactory, be advanced on the retired list to the highest grade held while on active duty.

“§ 794. Regulations

“The Secretary may prescribe such regulations, not inconsistent with this subchapter, as he may deem necessary and appropriate in the premises.

“§ 795. Effect of this subchapter on retirements and retired pay

“Except as provided in subsection 793 (b), nothing in this subchapter authorizes the retirement of Reserve officers or the payment of retired, retirement, or severance pay to such officers, or to affect in any manner provisions of law relating to the retirement of, or the granting of retired or retirement pay or other benefits to, Reserve officers.”

(3) The analysis of chapter 21 is amended by adding the following new heading and items at the end thereof:

“COMMISSIONED OFFICERS

- “770. Definitions.
- “771. Applicability of this subchapter.
- “772. Authorized number of officers.
- “773. Constructive credit upon initial appointment.
- “774. Eligibility for promotion; retention in active status.
- “775. Selection boards; appointment.
- “776. Grade on entry upon active duty.
- “777. Recommendation for promotion of officers previously removed from active status.
- “778. Suspension of this subchapter in war or national emergency.
- “779. Sea or foreign service requirements.
- “780. Promotion; recommendations of selection boards.
- “781. Precedence.
- “782. Running mates.
- “783. Promotion zone.
- “784. Date of rank upon promotion; entitlement to pay.
- “785. Limitation on consideration for promotion.
- “786. Qualifications for promotion.
- “787. Failure of selection and elimination.
- “788. Effect of removal by the President or failure of consent of Senate.
- “789. Maximum ages for retention in active status.
- “790. Type of promotion; temporary; permanent.
- “791. Promotion of officers on active duty.
- “792. Appointment of former Navy and Coast Guard officers.
- “793. Grades upon relief of retired officers.
- “794. Regulations.
- “795. Effect of this subchapter on retirements and retired pay.”

AMENDMENT TO ACT OF JULY 23, 1947, CHAPTER 301

SEC. 6. Section 16 of the Act of July 23, 1947, chapter 301 (61 Stat. 413), as amended, is amended to read as follows:

“SEC. 16. Notwithstanding the limitations contained in subsection (a) of section 435, and subsection (a) of section 436, of title 14, United States Code, the authority granted by those sections may be exercised until—

“(1) such time as the Secretary of the Treasury determines that the number of officers holding permanent appointments on the active list of the Coast Guard is equal to 95 percent of the number of such officers authorized by law, exclusive of extra numbers; or

“(2) January 1, 1962; whichever occurs earlier.”

AMENDMENTS TO REVISED STATUTES

SEC. 7. (a) Section 189 of the Revised Statutes (5 U. S. C. 49) is amended by adding the following new sentence at the end thereof: “This section does not apply to the employment of counsel under section 1037 of title 10, United States Code.”

(b) Section 365 of the Revised Statutes (5 U. S. C. 314) is amended by adding the following new sentence at the end thereof: “This section does not apply to the compensation of counsel under section 1037 of title 10, United States Code.”

AMENDMENT TO OFFICER PERSONNEL ACT OF 1947

34 USC 3a.

34 USC 305g.

SEC. 8. The Officer Personnel Act of 1947 (61 Stat. 795), as amended, is amended by inserting the words "other than the Medical and Dental Corps" in the first sentence of section 211 (e) (1) after the words "a staff corps" and striking out from that sentence the words "if of other than the Medical Corps, and in the preceding calendar year if of the Medical Corps".

AMENDMENT TO UNIVERSAL MILITARY TRAINING AND SERVICE ACT

SEC. 9. Section 4 (d) (3) of the Universal Military Training and Service Act, as amended (50 App. U. S. C. 454 (d) (3)), is amended by adding the following at the end thereof:

"Each such person, on release from active training and service in the Armed Forces or from training in the National Security Training Corps, shall, if physically and mentally qualified, be transferred to a reserve component of the Armed Forces, and shall serve therein for the remainder of the period which he is required to serve under this paragraph and shall be deemed to be a member of the reserve component during that period. If the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force, or the Secretary of the Treasury with respect to the United States Coast Guard, determines that enlistment, enrollment, or appointment in, or assignment to, an organized unit of a reserve component or an officers' training program of the armed force in which he served is available to, and can, without undue personal hardship, be filled by such a person, that person shall enlist, enroll, or accept appointment in, or accept assignment to, the organized unit or officers' training program, and serve satisfactorily therein."

AMENDMENTS TO CAREER COMPENSATION ACT OF 1949

SEC. 10. The fourth sentence of section 301 (a) of the Career Compensation Act of 1949 (37 U. S. C. 251 (a)) is amended to read as follows: "Aviation cadets of the Navy, Air Force, and Marine Corps are entitled to the same allowances for subsistence as are now or hereafter authorized for officers of the Navy, Air Force, and Marine Corps, respectively."

SEC. 11. Title III of the Career Compensation Act of 1949 (37 U. S. C. 251 et seq.) is amended by adding the following new section at the end thereof:

"ALLOWANCES WHILE PARTICIPATING IN INTERNATIONAL SPORTS

"SEC. 307. (a) Section 716 of title 10, United States Code, does not authorize the payment of allowances at higher rates than those provided for participation in military activities not covered by that section.

"(b) Notwithstanding any other provision of law, a member of the uniformed services is not entitled to travel or transportation allowances under section 303 of this Act for any period during which his expenses for travel or transportation are being paid by the agency sponsoring his participation in a competition covered by section 716 of title 10, United States Code.

"(c) Notwithstanding any other provision of law, a member of the uniformed services who has no dependents is not entitled to the basic allowances for subsistence and quarters authorized by sections

301 and 302 of this Act for any period during which he is subsisted and quartered by the agency sponsoring his participation in a competition covered by section 716 of title 10, United States Code."

AMENDMENT TO SERVICEMEN'S AND VETERANS' SURVIVOR BENEFITS ACT

SEC. 12. Title II of the Servicemen's and Veterans' Survivor Benefits Act (70 Stat. 862) is amended by adding the following new section at the end thereof:

38 USC 1111.

"CERTIFICATION BY ADMINISTRATOR

"SEC. 211. Whenever the Administrator determines, on the basis of a claim for benefits filed with him under this title, that a death occurred under the circumstances referred to in section 1476 (a) of title 10, United States Code, or 321 (b) of title 32, United States Code, he shall certify that fact to the Secretary concerned. In all other cases, he shall make the determination referred to in that section at the request of the Secretary concerned."

MILITARY LEAVE FOR SUBSTITUTES IN THE POSTAL FIELD SERVICE

SEC. 13. Section 29 (a) of the Act of August 10, 1956, ch. 1041 (70A Stat. 632), is amended—

5 USC 30r.

(1) by inserting after the words "Civil Service system" the following: "(except a substitute employee in the postal field service)"; and

(2) by adding the following new sentences at the end thereof: "A substitute employee in the postal field service is entitled to leave of absence from his duties, without loss of pay, time, or efficiency rating, for the same purpose, on the basis of one hour of leave for each period aggregating 26 hours of work performed in the calendar year next before the calendar year in which he is ordered to that duty or training. However, he is not entitled to any leave under this section unless he has worked at least 1,040 hours during the calendar year next before that year in which he is ordered to that duty or training, and he may not be paid for more than 80 hours of leave under this section in any calendar year."

TEMPORARY INCREASES IN AUTHORIZED STRENGTH OF REGULAR AIR FORCE FOR ACADEMY GRADUATES

SEC. 14. The authorized strength in any grade in the Regular Air Force is automatically increased to the minimum extent necessary to give effect to each appointment as a second lieutenant in the Regular Air Force, before the effective date of section 541 of title 10, United States Code, of any graduate of the United States Military Academy or the United States Naval Academy. An authorized strength so increased is increased for no other purpose, and while he holds that grade the officer whose appointment caused the increase is counted for the purpose of determining when other appointments, not under this section or under section 8212 of that title, may be made in that grade.

10 USC 8212.

ADDITIONAL SERVICE CREDITABLE UNDER CHAPTER 67 OF TITLE 10

10 U S C 1331-
1337.

SEC. 15. (a) Notwithstanding section 1332 (b) (6) of title 10, United States Code, a person is entitled to count his service as an Army field clerk or as a field clerk, Quartermaster Corps, as active service in determining his entitlement to retired pay under chapter 67 of title 10, United States Code, and in computing his retired pay under that chapter.

(b) Notwithstanding section 1332 (b) (6) of title 10, United States Code, a warrant officer is entitled to count classified service as an Army headquarters clerk or as a clerk of the Army Quartermaster Corps that he performed under any law in effect before August 29, 1916, as active service in determining his entitlement to retired pay under chapter 67 of title 10, United States Code, and in computing his retired pay under that chapter.

OBLIGATION OF FUNDS UNDER SECTION 2233 OF TITLE 10

SEC. 16. Not more than \$580,000,000 may be obligated for the purposes of section 2233 of title 10, United States Code, before July 1, 1958. This limitation does not apply to the expenses for the leasing of property under section 2233 (a) (1) of that title.

CLAIMS FOR PERSONAL INJURY OR DEATH UNDER SEC- TION 2733 OF TITLE 10, UNITED STATES CODE: LIM- ITATION

SEC. 17. A claim for personal injury or death under section 2733 of title 10, United States Code, may not be allowed for more than the cost of reasonable medical, hospital, and burial expenses actually incurred, if the claim accrued before March 30, 1956.

SERVICE CREDIT FOR SPECIALISTS

SEC. 18. In place of any applicable period of service under section 3287 (a) (2) of title 10, United States Code, each of not more than 200 persons who are originally appointed before July 20, 1958, in commissioned grades in the Regular Army, except in the Medical Corps, Dental Corps, Army Nurse Corps, or Army Medical Specialist Corps, and who are outstanding specialists in a critical field according to criteria prescribed by the Secretary of the Army and approved by the President, may, in the discretion of the Secretary, be credited at the time of his appointment with a period of service, not to exceed eight years, equal to the number of days, months, and years by which his age exceeds 27 years. The name of each such person who was appointed during the period covered by the report, the grade to which appointed, and the justification therefor shall be reported to the Committees on Armed Services of the Senate and the House of Representatives before July 16, 1958, and the names and grades of the remainder, and the justification for their appointment, shall be so reported before July 16, 1959.

ADJUSTMENT OF SERVICE CREDIT FOR MEDICAL AND DENTAL OFFICERS

SEC. 19. The Secretary concerned may convene boards of officers to review the records and compute the service of each officer of the Medical Corps or the Dental Corps of the Army or the Navy, and each medical or dental officer of the Air Force, appointed before May 1, 1956, including those reserve or temporary officers who were on active duty on that date, or who entered on active duty after that date, in order to adjust the service credited to each such officer to reflect the service authorized to be credited to officers appointed under the Act of April 30, 1956, chapter 223 (70 Stat. 119), or under section 3294, 3444, 5574, 5578, or 8294 of title 10, United States Code. When that adjustment is made, such officers shall be given precedence for promotion purposes or advanced to a lineal position in accordance with their adjusted dates of rank, except that no officer of the Navy may be given an adjusted date of rank in the grade of captain which is earlier than July 1, 1955. All officers of the Navy with the adjusted date of rank of July 1, 1955, in the grade of captain shall retain the precedence among themselves that they held on May 1, 1956, and shall be junior to all other officers assigned that date of rank. If, as a result of readjustment of service credit under this section—

10 USC 8294.

(1) an officer of the Army or the Air Force is made eligible for promotion, he shall be considered for promotion by the next selection board considering officers of his grade and category; and

(2) an officer of the Navy attains lineal position equivalent to an officer who is serving in the next higher grade, or who is on a promotion list to that grade, he may be promoted thereto on the recommendation of a board of officers convened under this subsection, and, except as otherwise provided in this section, may be assigned a lineal position in the higher grade appropriate to his adjusted service credit.

PROMOTION OF RESERVE COMMISSIONED OFFICERS OF THE ARMY HOLDING GRADES ON JULY 1, 1955

SEC. 20. A reserve commissioned officer of the Army who, on July 1, 1955, was in a reserve grade listed in the following table may not be considered for promotion for the first time under any one of sections 3366, 3367, 3370, and 3371 of title 10, United States Code, until he is within one year of completing the service prescribed for that grade by the following table, and may not be promoted under any of those sections until he completes that service.

Grade	Years of service computed under sec. 3366 (c) of title 10, United States Code
First lieutenant.....	6
Captain.....	12
Major.....	17
Lieutenant colonel and above.....	19

**RESERVE COMMISSIONED OFFICERS OF THE ARMY:
TRANSFER TO RETIRED RESERVE OR DISCHARGE
BEFORE JULY 2, 1960**

SEC. 21. (a) Before July 2, 1960, each officer of the Army in the reserve grade of colonel who has not been recommended for promotion to the reserve grade of brigadier general or has not remained in an active status since such a recommendation, and each officer of the Army in the reserve grade of lieutenant colonel who has been recommended for promotion to the reserve grade of colonel and has remained in an active status since that recommendation, shall, on the last day of the month in which he becomes 58 years of age—

(1) be transferred to the Retired Reserve, if he is qualified and applies therefor; or

(2) if he is not qualified or does not apply therefor, be discharged.

(b) Before July 2, 1960, each officer of the Army in the reserve grade of lieutenant colonel who has not been recommended for promotion to the reserve grade of colonel or has not remained in an active status since such a recommendation, and each officer of the Army in a reserve grade below lieutenant colonel, shall, on the last day of the month in which he becomes 55 years of age—

(1) be transferred to the Retired Reserve, if he is qualified and applies therefor; or

(2) if he is not qualified or does not apply therefor, be discharged.

(c) Notwithstanding subsections (a) and (b), the Secretary of the Army may authorize the retention in an active status until age 60 of any officer of the Army National Guard of the United States who would otherwise be removed from an active status under this section and who is assigned to a headquarters or headquarters detachment of a State or Territory, Puerto Rico, the Canal Zone, or the District of Columbia.

(d) Notwithstanding subsections (a) and (b), a reserve officer who is on active duty (other than for training) in a temporary grade above lieutenant colonel and who would otherwise be removed from an active status under this section may, in the discretion of the Secretary, be retained on active duty, but not past his sixtieth birthday, and may not be removed from an active status while he is on that duty.

(e) Notwithstanding subsections (a) and (b), the age prescribed for the discharge or transfer from an active status before July 2, 1960, of a reserve officer covered by this section is 60 for the purposes of section 1006 of title 10, United States Code.

(f) Notwithstanding subsections (a) and (b), a reserve officer of the Army who is assigned to the Selective Service System may be retained in an active status in that assignment until he becomes 60 years of age.

**SERVICE CREDIT FOR RESERVE OFFICERS APPOINTED
IN A SPECIAL BRANCH OF THE ARMY OR IN THE
WOMEN'S ARMY CORPS**

SEC. 22. A person who was appointed before July 1, 1955, as a reserve officer of the Army in the lowest grade of a special branch or the Women's Army Corps and who was not a commissioned officer of an armed force before that date, may, for the purposes of chapter 337 of title 10, United States Code, be credited with the amount of service

in an active status prescribed in section 3353 of title 10, United States Code, as a minimum amount of service for that branch or the Women's Army Corps, as the case may be.

RETENTION OF WOMEN LIEUTENANTS ON THE ACTIVE LIST OF THE NAVY AFTER 13 YEARS OF ACTIVE COMMISSIONED SERVICE

SEC. 23. (a) Until June 15, 1960, the Secretary of the Navy, when he determines that the needs of the service so require, shall furnish to each selection board convened under section 5704 (a) or (b) of title 10, United States Code, the number of women officers in the grade of lieutenant who will complete 13 years of active commissioned service in the Navy in the current fiscal year and who, if not selected for promotion to the next higher grade, may be recommended to be retained on the active list until June 30 of the fiscal year in which they complete 15 years of active commissioned service in the Navy.

(b) A woman officer who is recommended by a selection board for retention on the active list under subsection (a) may not be discharged under section 6401 of title 10, United States Code.

(c) Each woman officer on the active list of the Navy in the grade of lieutenant who is recommended by a selection board for retention on the active list under subsection (a) shall, if not sooner selected for promotion to the next higher grade, be honorably discharged on June 30 of the fiscal year in which she completes 15 years of active commissioned service in the Navy. Each officer discharged under this section is entitled to a lump-sum payment equal to 24 times the monthly basic pay to which she was entitled at the time of discharge.

TEMPORARY INCREASE IN AUTHORIZED STRENGTH OF MARINE CORPS RESERVE IN MAJORS AND CAPTAINS

SEC. 24. If the Secretary of the Navy believes that, in order to permit promotions under chapter 549 of title 10, United States Code, it is necessary to increase the strengths of the Marine Corps Reserve in officers in an active status in the permanent grades of major and captain authorized by section 5458 of title 10, he may, until July 1, 1960, increase these strengths to the following percentages of the number of officers in an active status in the Marine Corps Reserve holding permanent appointments in the grades of second lieutenant through colonel:

- (1) Major—22 percent.
- (2) Captain—45 percent.

To permit these increases the Secretary may reduce to 25 percent the percentage of reserve officers in an active status in the permanent grades of first and second lieutenant combined.

PROMOTION OF OFFICERS OF THE NAVAL RESERVE AND MARINE CORPS RESERVE SELECTED FOR PROMOTION BEFORE JULY 1, 1955

SEC. 25. Officers of the Naval Reserve and the Marine Corps Reserve who were selected for promotion before July 1, 1955, under regulations promulgated under section 216 (a) of the Armed Forces Reserve Act of 1952 may be promoted under chapter 549 of title 10, United States Code, with the date of rank and entitlement to pay and allowances prescribed by that chapter.

SERVICE CREDIT FOR CERTAIN OFFICERS ON ACTIVE LIST OF REGULAR AIR FORCE ON JULY 20, 1956

10 USC 1850g.

SEC. 26. (a) Each officer who, as a result of being credited with service under section 207 (a) or (b) of the Armed Forces Regular Officer Augmentation Act of 1956 (70 Stat. 586), becomes eligible for mandatory consideration for promotion under section 8299 or 8300 of title 10, United States Code, shall be considered by a selection board convened for that purpose in the manner prescribed in section 8297 of that title. If he is recommended for promotion by that board, his name shall be placed on the applicable promotion list immediately below that of the junior officer on that list having the same or next longer service for promotion purposes, and a date of rank shall be given him accordingly. If he is not recommended for promotion by that board, he is a deferred officer. However, such an officer may not, because of this failure of recommendation, have his years of service reduced under section 8303 of title 10, United States Code, and he shall be considered by the next regularly convened selection board considering officers of his grade and category. If he is recommended for promotion by that board, his years of service for promotion purposes shall be reduced so that he will be junior by at least one day to the junior officer who was considered and recommended for promotion by the selection board that failed to recommend him for promotion, and who has the same or next longer period of service. If he is not recommended by that selection board, he shall be treated as provided in section 8303 (d) of title 10, United States Code.

(b) An officer whose service is adjusted under this section may have his date of rank in regular grade and his position on the applicable promotion list adjusted to reflect his increased service.

INCREASE OF SERVICE CREDIT FOR CERTAIN OFFICERS OF REGULAR AIR FORCE

SEC. 27. (a) Notwithstanding any other provision of law, the years of service credited to an officer of the Regular Air Force on July 20, 1956, for the purposes of sections 8287, 8888 (2) (A)-(C) and (E)-(G), and 8927 (a) (1)-(3) and (5)-(7) and (b) (2) of title 10, United States Code, may be increased, but not by more than two years, under regulations to be prescribed by the Secretary of the Air Force.

(b) Each officer who, as a result of being credited with service under this section, becomes eligible for mandatory consideration for promotion under section 8299 or 8300 of title 10, United States Code, shall be considered by the next regularly convened selection board considering officers of his grade and category.

(c) An officer whose service is increased under this section may have his date of rank in regular grade and his position on the applicable promotion list adjusted to reflect his increased service.

TRANSFER FROM ACTIVE STATUS OF CERTAIN MEMBERS OF AIR NATIONAL GUARD

SEC. 28. Notwithstanding chapter 863 of title 10, United States Code, a reserve officer who became a civilian employee of the Air National Guard before July 1, 1955, may not, before becoming 60 years of age and while so employed and without his consent, be removed from an active status by reason of any provision for manda-

tory promotion in chapter 837 of title 10, United States Code, except for cause or physical disability, or by reason of being twice passed over for promotion to the grade of captain, major, or lieutenant colonel. ¹⁰ USC 8351-8395.

FINAL SETTLEMENT OF ACCOUNTS: DECEASED MEMBERS

SEC. 29. (a) In the settlement of the accounts of a member of the Army, Navy, Air Force, or Marine Corps who died before January 1, 1956, if a demand is not made by his legal representative, the General Accounting Office may allow any amount due, to the person highest on the following list living on the date of settlement:

- (1) Surviving spouse.
- (2) Children and their issue, per stirpes.
- (3) Father and mother in equal parts or, if either is dead, the survivor.
- (4) Brothers and sisters, and their children, per stirpes.

(b) Reimbursement for funeral expenses may be made from the amount due the decedent's estate, if the person who paid the expenses presents a claim for them before settlement by the General Accounting Office.

INCREASE IN ANNUITIES OF RETIRED CIVILIAN MEMBERS OF THE TEACHING STAFFS OF THE UNITED STATES NAVAL ACADEMY AND UNITED STATES NAVAL POST-GRADUATE SCHOOL

SEC. 30. (a) A retired civilian member of the teaching staff of the United States Naval Academy or the United States Naval Post-graduate School who retired before April 1, 1948, is entitled to be paid, out of applicable current appropriations, \$300 a year in addition to the annuity to which he is entitled under section 7085 of title 10.

(b) A retired civilian member whose annuity, when increased by \$300 under subsection (a), is less than \$1860 is entitled to be paid an additional \$300 a year out of applicable current appropriations.

(c) Additions to the annuities of retired civilian members under subsection (b) do not increase the annuities payable to the survivors of those members.

ACCOUNTS OF DECEASED MEMBERS

SEC. 31. The designation of a beneficiary made for the purposes of any six months' death gratuity, including the designation of a person whose right to the gratuity does not depend upon that designation, and received in the military department concerned, the Department of the Treasury, the Department of Commerce, or the Department of Health, Education, and Welfare, as the case may be, before January 1, 1956, is considered as the designation of a beneficiary for the purposes of section 2771 of title 10, United States Code, section 714 of title 32, United States Code, and sections 3 and 4 of this Act, in the absence of a designation under one of those sections, unless the member making the designation was missing, missing in action, in the hands of a hostile force, or interned in a foreign country any time after July 11, 1955, and before January 1, 1956.

CONTRACTS FOR FLIGHT INSTRUCTION OF MEMBERS OF ROTC

SEC. 32. The Secretary of any military department may, for a period of four years after August 1, 1956, provide, or contract with civilian flying or aviation schools or educational institutions to provide, such personnel, aircraft, supplies, facilities, and instruction as are necessary for flight instruction of members of the reserve officers' training corps under his jurisdiction.

AMENDMENTS TO CLARIFY, OR CORRECT ERRORS IN ACT OF AUGUST 10, 1956, CH. 1041

SEC. 33. (a) Title 10, United States Code, is amended as follows:

(1) Section 101 is amended by inserting the following new clause at the end thereof:

“(35) ‘Original’, with respect to the appointment of a member of the armed forces in a regular or reserve component, refers to his most recent appointment in that component that is neither a promotion nor a demotion.”

10 USC 280.

(2) Section 280 is amended by striking out the figures “3353” and “8353” and inserting the figures “3354” and “8354”, respectively, in place thereof.

10 USC 560(b).

(3) Section 560 (b) is amended by striking out the figure “1164” and inserting the figure “1165” in place thereof.

10 USC 651.

(4) (A) The title of chapter 37 is amended to read as follows:

“CHAPTER 37.—GENERAL SERVICE REQUIREMENTS”

(B) The analysis of subtitle A and the analysis of part II of subtitle A are amended by striking out the following item:

“37. Service Requirements for Reserves..... 651”

and inserting the following item in place thereof:

“37. General Service Requirements..... 651”.

(5) The first sentence of section 672 (a), section 672 (c), and the first sentence of section 673 (a) are amended by inserting the words “(other than for training)”, after the words “active duty”.

(6) The subchapter analysis of chapter 47 is amended to read as follows:

“SUBCHAPTER	Sec.	Art.
I. General Provisions.....	801	1
II. Apprehension and Restraint.....	807	7
III. Non-Judicial Punishment.....	815	15
IV. Court-Martial Jurisdiction.....	816	16
V. Composition of Courts-Martial.....	822	22
VI. Pre-Trial Procedure.....	830	30
VII. Trial Procedure.....	836	36
VIII. Sentences.....	855	55
IX. Review of Courts-Martial.....	859	59
X. Punitive Articles.....	877	77
XI. Miscellaneous Provisions.....	935	135”.

10 USC 1217.

(7) Section 1217 is amended by inserting the word “or” before the words “to midshipmen” and by striking out the words “, or to aviation cadets”.

10 USC 1331.

(8) Section 1331 (a) (3) is amended to read as follows:

“(3) he performed the last eight years of qualifying service while a member of any category named in section 1332 (a) (1) of this title, but not while a member of a regular component, the Fleet Reserve, or the Fleet Marine Corps Reserve; and”.

- (9) Section 1332 (a) (2) (A) (ii) is amended by inserting the word "full-time" before the word "service" and inserting the figure "502," after the figure "316," 10 USC 1332.
- (10) Section 1333 is amended— 10 USC 1333.
- (A) by redesignating clauses (2) and (3) as clauses "(3)" and "(4)", respectively; and
- (B) by striking out clause (1) and inserting the following clauses in place thereof:
- "(1) his days of active service;
- "(2) his days of full-time service under sections 316, 502, 503, 504, and 505 of title 32 while performing annual training duty or while attending a prescribed course of instruction at a school designated as a service school by law or by the Secretary concerned;". 32 USC 316, 502-505.
- (11) Section 1431 (b) is amended by striking out the words "in action". 10 USC 1431.
- (12) Section 2304 (a) (6) is amended by striking out the words ", its Territories, and its" and inserting the words "and the Territories, Commonwealths, and" in place thereof. 10 USC 2304.
- (13) Section 2451 (c) is amended— 10 USC 2451.
- (A) by striking out the word "standardized" in clause (2) and inserting the word "such" in place thereof; and
- (B) by striking out the word "those" in clause (3) and inserting the word "such" in place thereof.
- (14) Section 2663 (a) is amended by striking out the last sentence. 10 USC 2663.
- (15) Section 2664 is amended— 10 USC 2664.
- (A) by striking out the last sentence of subsection (a);
- (B) by inserting the words ", including temporary use," after the words "subsection (b)" in subsections (a) and (f); and
- (C) by inserting the words "named in subsection (b), including temporary use," after the word "property".
- (16) Section 2732 (d) (2) is amended by striking out the word "or" after the semicolon and inserting the word "and" in place thereof. 10 USC 2732.
- (17) Sections 3033 (d) and 8033 (d) are amended by inserting the words "the organization, distribution, training, appointment, assignment, promotion, or discharge of members of" after the word "affecting" and by inserting the words "those of" before the word "either". 10 USC 3033, 8033.
- (18) The last sentence of section 3037 (a) is amended to read as follows: "An officer appointed as the Judge Advocate General or Assistant Judge Advocate General normally holds office for four years. However, the President may terminate or extend the appointment at any time. If an officer who is so appointed holds a lower regular grade, he shall be appointed in the regular grade of major general." 10 USC 3037.
- (19) Section 3066 (a) is amended by striking out the words "in the Army". 10 USC 3066.
- (20) Section 3261 (b) is amended by striking out the word "member" and inserting the word "member" in place thereof. 10 USC 3261.
- (21) Sections 3299 (h) and 8299 (h) are amended by adding the following new sentence at the end thereof: "This does not apply to officers covered by subsection (f)." 10 USC 3299, 8299.
- (22) Sections 3355 (4) and 8355 (4) are amended by striking out the figure "21" and inserting the figure "18" in place thereof. 10 USC 3355, 8355.
- (23) Sections 3752 (b) and 8752 (b) are amended by striking out the word "may" and inserting the word "shall" in place thereof. 10 USC 3752, 8752.
- (24) Sections 3574 (c) and 8574 (c) are amended by inserting the words "to be" after the word "regulations".
- (25) Section 3914 is amended by inserting the words "to be" after the word "regulations". 10 USC 3914.
- (26) Section 4342 (c) is amended by inserting a comma after the word "district". 10 USC 4342.

- 10 USC 4837. (27) Section 4837 is amended—
 (A) by striking out the word “basic” in subsection (b); and
 (B) by striking out the words “a commissioned” wherever they appear in subsection (f) and by inserting the word “an” in place thereof.
- 10 USC 5149. (28) Section 5149 (b) is amended by striking out the word “Office” and inserting the word “office” in place thereof.
- 10 USC 5785. (29) The catchline of section 5785 is amended to read as follows:
“§ 5785. Suspension: preceding sections”
 (30) Chapter 545 is amended—
 (A) by inserting the following new section after section 5787b:
“§ 5787c. Navy and Marine Corps, warrant officers: temporary promotion
“Warrant officers may be temporarily promoted to higher warrant officer grades under such regulations as the Secretary of the Navy may prescribe.”; and
 (B) by inserting the following new item in the analysis thereof:
“5787c. Navy and Marine Corps; warrant officers: temporary promotion.”
- 10 USC 6115. (31) The catchline of section 6115 is amended by striking out the word “uniform” and inserting the word “uniform” in place thereof.
- 10 USC 6150. (32) Section 6150 (a) is amended by striking out the words “to the Retired Reserve, be advanced to the” the second time they appear and inserting a period followed by the words “However, this section does not apply to an” in place thereof.
- 10 USC 6332. (33) Section 6332 is amended by striking out the word “retain” and inserting the word “retainer” in place thereof.
- 10 USC 7203. (34) Section 7203 (b) is amended by striking out the word “authroity” and inserting the word “authority” in place thereof.
- 10 USC 7434. (35) Section 7434 is amended by striking out the word “Committee” and inserting the word “Committees” in place thereof.
- 10 USC 8066. (36) Section 8066 (a) is amended by striking out the words “in the Air Force”.
- 10 USC 8257. (37) Section 8257 is amended by adding the following new subsection at the end thereof:
“(e) While on active duty, an aviation cadet is entitled to uniforms, clothing, and equipment at the expense of the United States.”
- 10 USC 8281-8313. (38) The analysis of chapter 835 is amended by striking out the following item:
8309. Commissioned Officers: physical examination for promotion.”
 and inserting the following item in place thereof:
“8309. Commissioned officers: physical examination for promotion.”
- 10 USC 8448. (39) Section 8448 (a) is amended by striking out the figure “8310 (a)” and inserting the figure “555 (a)” in place thereof.
- 10 USC 8631-8639. (40) The analysis of chapter 849 is amended by striking out the following item:
“8362. Members of Air Force: forfeiture of pay during absence from duty due to disease from intemperate use of alcohol or drugs.”
 and inserting the following item in place thereof:
“8632. Members of Air Force: forfeiture of pay during absence from duty due to disease from intemperate use of alcohol or drugs.”
- (41) Section 8571 (c) (2) is amended by striking out the figures “8273” and “8274” and inserting the figures “8573” and “8574”, respectively, in place thereof.

(42) Section 8885 is amended by striking out the figure "8923 (a)" and inserting the figure "8923 (2)" in place thereof. 10 USC 8885.

(43) Section 9353 (a) is amended to read as follows: 10 USC 9353.

"(a) After the date of the accrediting of the Academy, the Superintendent of the Academy may, under such conditions as the Secretary of the Air Force may prescribe, confer the degree of bachelor of science upon graduates of the Academy."

(44) Section 9382 (c) (3) is amended by striking out the figure "37" and inserting the figure "7" in place thereof. 10 USC 9382.

(45) Section 9837 is amended— 10 USC 9837.

(A) by striking out the word "basic" in subsection (b); and

(B) by striking out the words "a commissioned" wherever they appear in subsection (f) and by inserting the word "an" in place thereof.

(46) (A) Sections 4335 (b) and 9335 (b) are amended by striking out the word "regular" where it first appears in each of those sections. 10 USC 4335, 9335.

(B) Sections 4336 and 9336 are amended by striking out the word "regular" the first, second, and fourth times it appears in each of those sections. 10 USC 4336, 9336.

(b) Chapter 11 of title 14, United States Code, is amended— 14 USC 221-439.

(1) by adding the following new section at the end thereof:

§ 440. Temporary promotions of warrant officers

"Warrant officers may be temporarily promoted to higher warrant officer grades under such regulations as the Secretary may prescribe."; and

(2) by adding the following new item at the end of the analysis:

"440. Temporary promotions of warrant officers."

(c) Title 32, United States Code, is amended as follows:

(1) Section 318 is amended by striking out the words "in training" and inserting the words "called or ordered to perform training" in place thereof. 32 USC 318.

(2) Clauses (1) and (2) of section 323 (b) are amended to read as follows: 32 USC 323.

"(1) the Regular Army or the Army National Guard of the United States, or both, who outrank him and who are detailed by the Secretary of the Army, if he is a member of the Army National Guard; or

"(2) the Regular Air Force or the Air National Guard of the United States, or both, who outrank him and who are detailed by the Secretary of the Air Force, if he is a member of the Air National Guard."

(3) Section 710 (c) is amended by striking out the words "or further" in the first sentence and inserting the words "of further" in place thereof. 32 USC 710.

(d) The Armed Forces Leave Act of 1946 is amended—

(1) by inserting the words "the United States Air Force Academy," after the words "Naval Academy," in section 3 (c) (37 U. S. C. 31a (c)); and 60 Stat. 963, 37 USC 32 note.

(2) by inserting the words "the United States Air Force Academy," after the words "Military Academy" in section 10 (37 U. S. C. 38)."

(e) The Act of August 10, 1956, chapter 1041 (70A Stat.) is amended by inserting the following new section after section 33:

"WEARING OF CERTAIN DECORATIONS

"Sec. 33 A. A member or former member of an armed force of the United States holding any office of profit or trust under the United States may wear any decoration, order, medal, or emblem accepted (1) under the Act of July 20, 1942, chapter 508 (56 Stat. 662), or (2) before August 1, 1947, from the government of a cobelligerent or neutral nation or an American Republic."

10 USC 1408b.

70A Stat. 628.

Effective date of section.

(f) Section 305 (b) of the Career Compensation Act of 1949 (37 U. S. C. 255 (b)) is amended by striking out the figure "1332 (a) (2)" and inserting the figure "1332" in place thereof.

(g) This section is effective as of August 10, 1956, for all purposes.

SAVING AND SEVERABILITY CLAUSES

SEC. 34. (a) In sections 1-32 of this Act, it is the legislative purpose to restate, without substantive change, the law replaced by those sections on the effective date of this Act. However, laws effective after December 31, 1957, that are inconsistent with this Act shall be considered as superseding it to the extent of the inconsistency.

(b) References that other laws, regulations, and orders make to the replaced law shall be considered to be made to the corresponding provisions of sections 1-32.

(c) Actions taken under the replaced law shall be considered to have been taken under the corresponding provisions of sections 1-32.

(d) If a part of this Act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this Act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

(e) The enactment of this Act does not increase or decrease the pay or allowances, including retired and retainer pay, of any person.

RESTATEMENT OF SUSPENDED OR TEMPORARILY SUPERSEDED PROVISIONS

SEC. 35. If on the effective date of this Act a provision of law that is restated in this Act and repealed by section 36 would have been in a suspended or temporarily superseded status but for its repeal, the provisions of this Act that restate that provision have the same suspended or temporarily superseded status.

REPEAL PROVISIONS

SEC. 36. The following laws are repealed except with respect to rights and duties that matured, penalties that were incurred, and proceedings that were begun, before the effective date of this Act:

SCHEDULE OF LAWS REPEALED

A. STATUTES AT LARGE

Statutes at Large					U. S. Code	
Date	Chapter	Section	Volume	Page	Title	Section
1918						
July 8	139	(2d par. under "War Department.")	40	826	40.....	41.
July 9	143	(3d proviso under "Barracks and Quarters.")	40	861	40.....	37.
1946						
Apr. 18	141	5.....	60	92	34 App.....	15.
Aug. 2	756	10.....	60	854	34 App.....	853e-1.
1947						
Aug. 7	512	316 (b).....	61	867	34 App.....	15.
1948						
June 29	718	.....	62	1098	5.....	234-234f.
1950						
Sept. 27	1053	.....	64	1067	10 App..... 34 App.....	369b. 853e-1.
1954						
July 27	579	501 (b).....	68	560	Uncodified.	
July 29	614	.....	68	579	Uncodified.	
Sept. 3	1257	(Less §§ 328, 339 (a), (d), 619, 702 (c), (f)).	68	1147-1190	10 App..... 34 App..... 50.....	511. 211e. 1008 (less (e)), 1118, 1181-1264, 1266-1278, 1279 (less (a) and (d)), 1281-1399.
1955						
Mar. 14	11	.....	69	11	22.....	1981-1985.
Mar. 31	20	3, 4.....	69	22	10 App..... 34 App.....	303, 304, 304b. 850c.
June 15	142	.....	69	134	14.....	640.
June 30	247	(Less § 5 (c)).....	69	218-222	50.....	1191, 1195, 1273, 1279, 1302, 1303, 1305, 1314, 1331, 1332, 1334, 1336, 1338-1341, 1353, 1354, 1357, 1386, 1388.
July 12	328	(Less clauses (3) and (4) of 2d sentence of § 5.)	69	295-296	Uncodified. 37.....	361-365.
Do...	334	.....	69	299	10 App..... 34 App.....	628b. 184.
Do...	337	.....	69	300	10 App..... 34 App.....	369b. 853e-1.
July 13	358	604, 614.....	69	314, 317	5.....	171s, 174e.
July 15	368	509.....	69	351	42.....	1502a.
Aug. 4	551	.....	69	492	10 App.....	166e.
Do...	553	1.....	69	493	34 App.....	410b.
Do...	555	.....	69	494	10 App.....	166, 166a.
Aug. 9	628	15.....	69	551	41.....	152 (c).
Do...	654	.....	69	579	10 App..... 34 App..... Uncodified.	81-1, 166a, 166b, 166b-3, 166e-166g, 374-376, 1003, 1837. 43c-1.
Do...	662	.....	69	593	50.....	882, 883, 885, 886.
Do...	665	2 (a)-(h), (l) (1st 2 pars.), 3 (a) (last sentence).	69	598-600, 603	50..... 50 App.....	925, 928, 961, 1011-1014. 454.
Do...	668	.....	69	606	34 App.....	17, 17a, 17b, 17c.
Do...	669	.....	69	607	34 App.....	1076c.
Do...	678	.....	69	614	34 App..... Uncodified.	410b, 410c.
Aug. 11	802	.....	69	686	32 App.....	194.
Do...	809	.....	69	693	34 App..... Uncodified.	1073f.
1956						
Mar. 29	103	.....	70	60	31..... Uncodified.	223b.
Apr. 23	209	.....	70	115	50..... Uncodified.	1015.
Apr. 30	223	(less §§ 2, 3, and 5).....	70	119, 121, 122	10 App..... 34 App.....	91a, 91b, 121a, 121b. 21c, 21d, 51b, 51c, 305g, 306f.
May 31	348	.....	70	222	Uncodified. 10 App..... 34 App..... Uncodified.	1002, 1004. 3501 (b) (2).
June 7	374	.....	70	250	37.....	401-405, 411-414, 421-423.
Do...	376	1.....	70	255	Uncodified. 31.....	222c (a).
June 15	388	.....	70	282	10 App.....	499.
Do...	389	.....	70	283	34 App..... Uncodified.	306f (d) (3).
Do...	392	.....	70	284	34 App..... Uncodified.	274.
Do...	393	.....	70	285	34 App.....	105b, 307, 410r, 625h.
June 20	412	.....	70	297	10 App.....	1036 a (a).

SCHEDULE OF LAWS REPEALED—Continued

A. STATUTES AT LARGE—Continued

Statutes at Large					U. S. Code	
Date	Chapter	Section	Volume	Page	Title	Section
1956						
June 22	428	-----	70	330	10 App.....	371a.
					32 App.....	76.
June 25	439	-----	70	333	50.....	1411-1414.
July 20	646	-----	70	582	5.....	171y-1.
					10 App.....	20j, 20s, 506a, 506c-2- 506c-10, 1850a-k.
Do....	647	1.....	70	588	Uncodified.	
July 24	675	-----	70	608	10 App.....	91a.
					34 App.....	21c.
Do....	677	(less § 2 (d) and (e)).....	70	623	10 App.....	20b, 20c, 1001, 1036.
					34 App.....	609, 610.
					Uncodified.	
Do....	686	-----	70	628	34 App.....	701, 701-1-701-5.
					Uncodified.	
Do....	688	-----	70	629	34 App.....	271, 665.
					Uncodified.	
Do....	689	-----	70	630	50.....	751-755.
Do....	692	(less §§ 2 (4) and 3).....	70	631	10 App.....	629a.
					34 App.....	183b.
					Uncodified.	
July 28	769	1.....	70	703	31.....	224d, 224i, 224i-1.
July 30	789	-----	70	729	32 App.....	1, 4.
					50.....	941, 1125.
					Uncodified.	
July 31	804	103 (b), 106 (a) ((19)-(21), (42)-(44), 106 (b) (9) (as applicable to military de- partments), 117 (a) (as applicable to Department of Defense), 501 (a) (1st par.). (less §§ 4 and 5).....	70	736, 738, 739, 741, 761	5.....	171p, 2202 (b), 2205 (a) ((19)-(21), (42-44)), 2205 (b) (9) (as applicable to mili- tary departments).
Aug. 1	830	-----	70	804-806	10 App.....	385, 389, 455c.
					34 App.....	821.
					Uncodified.	
Do....	837	102 (2) (as applicable to death gratuity), 102 (4)-(7) (as applicable to death gratuity), 102 (10) (B) (as applicable to death gratuity), 102 (11) (E) (as ap- plicable to death gratuity), 102 (12) (as applicable to death gratuity), 301-304. 501 (f) (1st par.), 501 (l), 502 (1)-(4). -----	70	858-861, 868, 869, 883, 886.	34 App.....	855c (a).
					38.....	1101 (2), 1101 (4)-(7), 1101 (10) (B), 1101 (11) (E), 1101 (12), 1115, 1131-1134.
					Uncodified.	
Aug. 2	876	-----	70	933	5.....	47a.
Aug. 3	930	406-408, 414, 416, 417.....	70	1015, 1116, 1118.	5.....	171z-3, 171z-4, 171z-5.
					50.....	961, 171b, 882.
Aug. 6	974	1 (b) (1) (as applicable to § 6), 6.-----	70	1049, 1050.	36.....	721 (b) (1), 726.

Date	Public law	Section	Volume	Page	Title	Section
1957						
Aug. 29	85-215	2.....	71	490	50.....	882.

B. SECTIONS OF TITLE 10, UNITED STATES CODE

- (1) Section 513.
- (2) Section 596.
- (3) Section 651 (c).
- (4) Section 742.
- (5) Sections 1071-1086, as enacted by the Act of August 10, 1956, ch. 1041 (70A Stat. 81-88).
- (6) Section 3443.
- (7) Section 3546.
- (8) Section 3638.
- (9) Section 3681.
- (10) Section 3688.
- (11) Section 4021.

- (12) Section 5035 (c).
- (13) Section 5536.
- (14) Section 5863.
- (15) Section 5866.
- (16) Section 6016.
- (17) Section 6115.
- (18) Section 6148 (f).
- (19) Section 6201 (c).
- (20) Section 6326 (d).
- (21) Section 6521.
- (22) Section 7206.
- (23) Section 7471.
- (24) Section 7578.
- (25) Section 8443.
- (26) Section 8546.
- (27) Section 8638.
- (28) Section 8681.
- (29) Section 8688.
- (30) Section 9021.

C. SECTIONS OF TITLE 14, UNITED STATES CODE

- (1) Section 640.

Approved September 2, 1958.

Public Law 85-862

AN ACT

To facilitate administration and management by the Secretary of Agriculture of certain lands of the United States within national forests.

September 2, 1958
[S. 3741]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to facilitate the administration, management, and consolidation of the national forests, all lands of the United States within the exterior boundaries of national forests which were or hereafter are acquired for or in connection with the national forests or transferred to the Forest Service, Department of Agriculture, for administration and protection substantially in accordance with national forest regulations, policies, and procedures, excepting (a) lands reserved from the public domain or acquired pursuant to laws authorizing the exchange of land or timber reserved from or part of the public domain, and (b) lands within the official limits of towns or cities, notwithstanding the provisions of any other Act, are hereby made subject to the Weeks Act of March 1, 1911 (36 Stat. 961), as amended, and to all laws, rules, and regulations applicable to national forest lands acquired thereunder: *Provided,* That nothing in this Act shall be construed as (1) affecting the status of lands administered by the Secretary of Agriculture under the Act of June 24, 1954 (68 Stat. 270), and which are revested Oregon and California Railroad grant lands, administered as national forest lands, or (2) changing the disposition of revenues from or authorizing the exchange of the lands, or the timber thereon, described in the Act of February 11, 1920 (ch. 69, 41 Stat. 405), the Act of September 22, 1922 (ch. 407, 42 Stat. 1019), and the Act of June 4, 1936 (ch. 494, 49 Stat. 1460).

National forests
lands.
Administration
and management.

16 USC 552.

43 USC 1181g.

16 USC 487,
487a.

Approved September 2, 1958.

Public Law 85-863

AN ACT

September 2, 1958
[H. R. 12858]

Making appropriations for civil functions administered by the Department of the Army, certain agencies of the Department of the Interior, and the Tennessee Valley Authority, for the fiscal year ending June 30, 1959, and for other purposes.

Public Works
Appropriation Act,
1959.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1959, for civil functions administered by the Department of the Army, certain agencies of the Department of the Interior, and the Tennessee Valley Authority, and for other purposes, namely:

TITLE I—CIVIL FUNCTIONS, DEPARTMENT OF THE ARMY

CEMETERIAL EXPENSES

SALARIES AND EXPENSES

For necessary cemeterial expenses as authorized by law, including maintenance, operation, and improvement of national cemeteries, and purchase of headstones and markers for unmarked graves; purchase of two passenger motor vehicles; maintenance of that portion of Congressional Cemetery to which the United States has title, Confederate burial places under the jurisdiction of the Department of the Army, and graves used by the Army in commercial cemeteries; \$6,915,000: *Provided*, That this appropriation shall not be used to repair more than a single approach road to any national cemetery: *Provided further*, That this appropriation shall not be obligated for construction of a superintendent's lodge or family quarters at a cost per unit in excess of \$17,000, but such limitation may be increased by such additional amounts as may be required to provide office space, public comfort rooms, or space for the storage of Government property within the same structure: *Provided further*, That reimbursement shall be made to the applicable military appropriation for the pay and allowances of any military personnel performing services exclusively for the purposes of this appropriation.

RIVERS AND HARBORS AND FLOOD CONTROL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, beach erosion, and related purposes:

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related projects, and when authorized by law, preliminary examinations, surveys and studies (including cooperative beach erosion studies as authorized in Public Law Numbered 520, Seventy-first Congress, approved July 3, 1930, as amended and supplemented), of projects prior to authorization for construction, to remain available

46 Stat. 918.
33 USC 426, 465,
569a, 607a.

until expended, \$10,188,500: *Provided*, That, no part of the funds herein appropriated shall be used for the survey of Carter Lake, Iowa, until it is authorized.

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by law; detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction); and not to exceed \$1,600,000 for transfer to the Secretary of the Interior for conservation of fish and wildlife as authorized by law; to remain available until expended, \$603,246,500, of which \$273,000 shall be available for the acquisition of telephone facilities, and for the readjustment of service in the vicinity of Tuttle Creek Reservoir in Kansas: *Provided*, That funds appropriated herein may at the discretion and under the direction of the Chief of Engineers be used in payment to the accounts of the Confederated Tribes of the Yakima Reservation, the Confederated Tribes of the Warm Springs Reservation, the Confederated Tribes of the Umatilla Reservation, or other recognized Indian tribes, and those individual Indians not enrolled in any recognized tribe, but who through domicile at or in the immediate vicinity of the reservoir and through custom and usage are found to have an equitable interest in the fishery, all of whose fishing rights and interests will be impaired by the Government incident to the construction, operation, or maintenance of the Dalles Dam, Columbia River, Washington and Oregon, and must be subordinated thereto by agreement or litigation: *Provided further*, That no part of this appropriation shall be used for projects not authorized by law or which are authorized by a law limiting the amount to be appropriated therefor, except as may be within the limits of the amount now or hereafter authorized to be appropriated: *Provided further*, That there shall be credited against the local contribution requirement on the Canton, Missouri, project a sum equal to the total cost of the improvements contributing to the project which have already been constructed by the city of Canton: *Provided further*, That none of the funds appropriated for "Construction, General", in this Act shall be used on the project "Missouri River, Kansas City to mouth", for any purpose other than bank stabilization work.

Payment to Indians.

Restrictions.

OPERATION AND MAINTENANCE, GENERAL

For expenses necessary for the preservation, operation, maintenance, and care of existing river and harbor, flood control, and related works, including such sums as may be necessary for the maintenance of harbor channels provided by a State, municipality, or other public agency, outside of harbor lines, and serving essential needs of general commerce and navigation; financing the United States share of the cost of operation and maintenance of remedial works in the Niagara River; surveys and charting of northern and northwestern lakes and connecting waters; clearing and straightening channels; removal of obstructions to navigation; rescue work, and repair, restoration, or maintenance of flood control projects threatened or destroyed by flood; and not to exceed \$1,415,000 for transfer to the Secretary of the Interior for conservation of fish and wildlife as authorized by law; to remain available until expended, \$113,370,000.

GENERAL EXPENSES

For expenses necessary for general administration and related functions in the Office of the Chief of Engineers and offices of the Division Engineers; activities of the Board of Engineers for Rivers and Harbors, the Beach Erosion Board, and the California Debris Commission; administration of laws pertaining to preservation of navigable waters; commercial statistics; and miscellaneous investigations; \$11,720,000.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES

45 Stat. 534; 49
Stat. 1511.

For expenses necessary for prosecuting work of flood control, and rescue work, repair, restoration, or maintenance of flood control projects threatened or destroyed by flood, as authorized by law (33 U. S. C. 702a, 702g-1), to remain available until expended, \$68,347,500.

UNITED STATES SECTION, SAINT LAWRENCE RIVER JOINT BOARD OF ENGINEERS

3 C F R, 1953
Supp., p. 114.
60 Stat. 810.

For necessary expenses of the United States section of the Saint Lawrence River Joint Board of Engineers, established by Executive Order 10500, dated November 4, 1953, including services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), at rates not to exceed \$100 per day for individuals; \$100,000: *Provided*, That no part of these funds shall be obligated until agreement has been entered into, by the United States Government and the United States entity authorized to construct the power works in the International Rapids section of the Saint Lawrence River, providing for the reimbursement of the expenditures of the United States section of this Board by the construction entity.

ADMINISTRATIVE PROVISIONS

68 Stat. 1114.

Appropriations in this title shall be available for expenses of attendance at meetings of organizations concerned with the work for which the appropriation is made, for uniforms, or allowances therefor, as authorized by the Act of September 1, 1954, as amended (5 U. S. C. 2131), and for printing, either during a recess or session of Congress, of survey reports authorized by law, and such survey reports as may be printed during a recess of Congress shall be printed, with illustrations, as documents of the next succeeding session of Congress; and during the current fiscal year the revolving fund, Corps of Engineers, shall be available for purchase (not to exceed two hundred and thirty-six for replacement only) and hire of passenger motor vehicles.

TITLE II—DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

43 USC 485a.

For carrying out the functions of the Bureau of Reclamation as provided in the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) and other Acts applicable to that Bureau, as follows:

GENERAL INVESTIGATIONS

For engineering and economic investigations of proposed Federal reclamation projects and studies of water conservation and development plans; formulating plans and preparing designs and specifications for authorized Federal reclamation projects or parts thereof prior to initial allocation of appropriations for construction of such projects or parts; and activities preliminary to the reconstruction, rehabilitation and betterment, financial adjustment, or extension of existing projects; to remain available until expended, \$4,556,000, of which \$3,831,000 shall be derived from the reclamation fund and \$500,000 shall be derived from the Colorado River development fund: *Provided*, That none of this appropriation shall be used for more than one-half of the cost of an investigation requested by a State, municipality, or other interest.

CONSTRUCTION AND REHABILITATION

For construction and rehabilitation of authorized reclamation projects or parts thereof (including power transmission facilities) and for other related activities, as authorized by law, to remain available until expended, \$146,015,000, of which \$85,000,000 shall be derived from the reclamation fund: *Provided*, That no part of this appropriation shall be available for other than the completion of field engineering, survey work, and preliminary designs of the Southwest Contra Costa County Water District System and no repayment contract shall be executed or construction begun until plans have been submitted to and approved by the Congress through its legislative and appropriation procedures, after submission of a report to the Congress by the Secretary of the Interior (1) on the cost and feasibility of said project, including the necessary distribution system and (2) on the rates required to be charged to the ultimate consumers: *Provided further*, That any portion of this or prior appropriations available for the construction of extensions of the distribution system of the Southern San Joaquin Municipal Utility District may be expended without regard to the land certification requirement under this heading in the Interior Department Appropriation Act, 1953 (60 Stat. 445), after the execution and approval of a contract which obligates the entire district to repay the cost of such facilities: *Provided further*, That no part of this appropriation shall be used to initiate the construction of transmission facilities within those areas covered by power wheeling service contracts which include provision for service to Federal establishments and preferred customers, except those transmission facilities for which construction funds have been heretofore appropriated, those facilities which are necessary to carry out the terms of such contracts or those facilities for which the Secretary of the Interior finds the wheeling agency is unable or unwilling to provide for the integration of Federal projects or for service to a Federal establishment or preferred customer: *Provided further*, That no part of the funds herein appropriated shall be used for the Palisades Reregulating Dam and Powerplant (Burns Creek, Idaho) project until it is authorized: *Provided further*, That no part of the funds herein appropriated shall be used for the construction of the Prosser Creek Dam and Reservoir (Washoe project, California-Nevada) until the enactment into law of S. 4009, or similar legislation: *Provided further*, That no part of the funds herein appropriated shall be used for the construction of the Gray Reef Dam and Reservoir (Glendo unit, Missouri River Basin project) until said dam and reservoir are specifically authorized.

Restrictions.

66 Stat. 445.

Palisades Reregulating Dam and Powerplant project.
Prosser Creek Dam and Reservoir.

Ante, p. 705.
Gray Reef Dam and Reservoir.

OPERATION AND MAINTENANCE

For operation and maintenance of reclamation projects or parts thereof and of other facilities, as authorized by law; and for a soil and moisture conservation program on lands under the jurisdiction of the Bureau of Reclamation, pursuant to law, \$27,500,000, of which \$22,365,100 shall be derived from the reclamation fund and \$2,015,000 shall be derived from the Colorado River dam fund: *Provided*, That funds advanced for operation and maintenance of reclamation projects or parts thereof shall be deposited to the credit of this appropriation and may be expended for the same objects and in the same manner as sums appropriated herein may be expended, and the unexpended balances of such advances shall be credited to the appropriation for the next succeeding fiscal year.

LOAN PROGRAM

For loans to irrigation districts and other public agencies for construction of distribution systems on authorized Federal reclamation projects, and for loans and grants to non-Federal agencies for construction of projects, as authorized by the Acts of July 4, 1955, as amended (43 U. S. C. 421a-421d), and August 6, 1956 (43 U. S. C. 422a-422k), as amended (71 Stat. 48), including expenses necessary for carrying out the program, \$5,434,000, to remain available until expended: *Provided*, That the unexpended balance on June 30, 1958, of sums heretofore appropriated for the foregoing purposes under the head "Construction and rehabilitation" shall be merged with this appropriation.

GENERAL ADMINISTRATIVE EXPENSES

For necessary expenses of general administration and related functions in the offices of the Commissioner of Reclamation and in the regional offices of the Bureau of Reclamation, \$4,039,000, to be derived from the reclamation fund and to be nonreimbursable pursuant to the Act of April 19, 1945 (43 U. S. C. 377): *Provided*, That no part of any other appropriation in this Act shall be available for activities or functions budgeted for the current fiscal year as general administrative expenses.

59 Stat. 54.

UPPER COLORADO RIVER BASIN FUND

For payment to the "Upper Colorado River Basin fund", authorized by section 5 of the Act of April 11, 1956 (Public Law 485), \$68,033,335; to remain available until expended.

SPECIAL FUNDS

Sums herein referred to as being derived from the reclamation fund, the Colorado River dam fund, or the Colorado River development fund, are appropriated from the special funds in the Treasury created by the Act of June 17, 1902 (43 U. S. C. 391), the Act of December 21, 1928 (43 U. S. C. 617a), and the Act of July 19, 1940 (43 U. S. C. 618a), respectively. Such sums shall be transferred, upon request of the Secretary, to be merged with and expended under the heads herein specified; and the unexpended balances of sums transferred for expenditure under the heads "Operation and Maintenance" and "General Administrative Expenses" shall revert and be credited to the special fund from which derived.

32 Stat. 388.

45 Stat. 1057.

54 Stat. 774.

ADMINISTRATIVE PROVISIONS

Appropriations to the Bureau of Reclamation shall be available for purchase of not to exceed one hundred and ten passenger motor vehicles, of which one hundred and nine are for replacement only; payment of claims for damage to or loss of property, personal injury, or death arising out of activities of the Bureau of Reclamation; payment, except as otherwise provided for, of compensation and expense of persons on the rolls of the Bureau of Reclamation appointed as authorized by law to represent the United States in the negotiation and administration of interstate compacts without reimbursement or return under the reclamation laws; rewards for information or evidence concerning violations of law involving property under the jurisdiction of the Bureau of Reclamation; performance of the functions specified under the head "Operation and Maintenance Administration", Bureau of Reclamation, in the Interior Department Appropriation Act, 1945; preparation and dissemination of useful information including recordings, photographs, and photographic prints; and studies of recreational uses of reservoir areas, and investigation and recovery of archeological and paleontological remains in such areas in the same manner as provided for in the Act of August 21, 1935 (16 U. S. C. 461-467): *Provided*, That no part of any appropriation made herein shall be available pursuant to the Act of April 19, 1945 (43 U. S. C. 377), for expenses other than those incurred on behalf of specific reclamation projects except "General Administrative Expenses" and amounts provided for reconnaissance, basin surveys, and general engineering and research under the head "General Investigations".

58 Stat. 487.

49 Stat. 666.

59 Stat. 54.

Allotments to the Missouri River Basin project from the appropriation under the head "Construction and Rehabilitation" shall be available additionally for said project for those functions of the Bureau of Reclamation provided for under the head "General Investigations" (but this authorization shall not preclude use of the appropriation under said head within that area), and for the continuation of investigations by agencies of the Department on a general plan for the development of the Missouri River Basin. Such allotments may be expended through or in cooperation with State and other Federal agencies, and advances to such agencies are hereby authorized.

Missouri River
Basin project.

Sums appropriated herein which are expended in the performance of reimbursable functions of the Bureau of Reclamation shall be returnable to the extent and in the manner provided by law.

No part of any appropriation for the Bureau of Reclamation, contained in this Act or in any prior Act, which represents amounts earned under the terms of a contract but remaining unpaid, shall be obligated for any other purpose, regardless of when such amounts are to be paid: *Provided*, That the incurring of any obligation prohibited by this paragraph shall be deemed a violation of section 3679 of the Revised Statutes, as amended (31 U. S. C. 665).

64 Stat. 765.

No funds appropriated to the Bureau of Reclamation for operation and maintenance, except those derived from advances by water users, shall be used for the particular benefit of lands (a) within the boundaries of an irrigation district, (b) of any member of a water users' organization, or (c) of any individual, when such district, organization, or individual is in arrears for more than twelve months in the payment of charges due under a contract entered into with the United States pursuant to laws administered by the Bureau of Reclamation.

Not to exceed \$225,000 may be expended from the appropriation "Construction and Rehabilitation" for work by force account on any

one project or Missouri Basin unit and then only when such work is unsuitable for contract or no acceptable bid has been received and, other than otherwise provided in this paragraph or as may be necessary to meet local emergencies, not to exceed 12 per centum of the construction allotment for any project from the appropriation "Construction and Rehabilitation" contained in this Act shall be available for construction work by force account.

Solano project,
Calif.

Not to exceed \$125,000 of the funds made available for the Solano project, California, shall be available for the construction of safety and public-use facilities which shall be nonreimbursable and non-returnable.

Washita Basin
project, Okla.
Foss Dam and
Reservoir.

Not to exceed \$600,000 of the amount appropriated herein for the Washita Basin project, Oklahoma, shall be nonreimbursable, representing that portion of the cost of the Foss Dam and Reservoir allocated to furnish a water supply for the Clinton-Sherman Air Force Base.

BONNEVILLE POWER ADMINISTRATION

CONSTRUCTION

For construction and acquisition of transmission lines, substations, and appurtenant facilities, as authorized by law, \$20,934,000, to remain available until expended.

OPERATION AND MAINTENANCE

For necessary expenses of operation and maintenance of the Bonneville transmission system and of marketing electric power and energy, \$9,170,000.

ADMINISTRATIVE PROVISIONS

Appropriations of the Bonneville Power Administration shall be available to carry out all the duties imposed upon the Administrator pursuant to law, including purchase of one aircraft for replacement only. Appropriations made herein to the Bonneville Power Administration shall be available in one fund, except that the appropriation herein made for operation and maintenance shall be available only for the service of the current fiscal year.

Other than as may be necessary to meet local emergencies, not to exceed 12 per centum of the appropriation for construction herein made for the Bonneville Power Administration shall be available for construction work by force account or on a hired-labor basis.

SOUTHEASTERN POWER ADMINISTRATION

OPERATION AND MAINTENANCE

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U. S. C. 825s), as applied to the southeastern power area, \$735,000.

58 Stat. 890.

SOUTHWESTERN POWER ADMINISTRATION

OPERATION AND MAINTENANCE

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U. S. C. 825s), as applied to the southwestern power area, including purchase of not to exceed four passenger motor vehicles

58 Stat. 89.

for replacement only, \$975,000.

CONTINUING FUND

Not to exceed \$4,405,000 shall be available during the current fiscal year from the continuing fund for all costs in connection with the purchase of electric power and energy, and rentals for the use of transmission facilities.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 201. Appropriations in this title available for travel expenses shall be available for expenses of attendance of officers and employees at meetings or conventions of members of societies or associations concerned with the work of the bureau or office for which the appropriation concerned is made.

Attendance at meetings.

SEC. 202. Appropriations in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement or repair of buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted.

Emergency construction.

SEC. 203. The Secretary may authorize the expenditure or transfer (within each bureau or office) of any appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under jurisdiction of the Department of the Interior.

Fire prevention.

SEC. 204. Appropriations in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by the Act of June 30, 1932 (31 U. S. C. 686): *Provided*, That reimbursements for cost of supplies, materials and equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

47 Stat. 417.

SEC. 205. No part of any funds made available by this Act to the Southwestern Power Administration may be made available to any other agency, bureau, or office for any purposes other than for services rendered pursuant to law to the Southwestern Power Administration.

TITLE III—TENNESSEE VALLEY AUTHORITY

PAYMENT TO TENNESSEE VALLEY AUTHORITY FUND

For the purpose of carrying out the provisions of the Tennessee Valley Authority Act of 1933, as amended (16 U. S. C., ch. 12A), including purchase (one) and hire, maintenance, and operation of aircraft, and purchase (not to exceed one hundred and fifty for replacement only) and hire of passenger motor vehicles, \$16,850,000 to remain available until expended.

16 USC 831.

This Act may be cited as the "Public Works Appropriation Act, 1959".

Short title.

Approved September 2, 1958.

Public Law 85-864

AN ACT

September 2, 1958
[H. R. 13247]

To strengthen the national defense and to encourage and assist in the expansion and improvement of educational programs to meet critical national needs; and for other purposes.

National Defense Education Act of 1958.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act, divided into titles and sections according to the following table of contents, may be cited as the "National Defense Education Act of 1958".

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TITLE I—GENERAL PROVISIONS

FINDINGS AND DECLARATION OF POLICY

SEC. 101. The Congress hereby finds and declares that the security of the Nation requires the fullest development of the mental resources and technical skills of its young men and women. The present emergency demands that additional and more adequate educational opportunities be made available. The defense of this Nation depends upon the mastery of modern techniques developed from complex scientific principles. It depends as well upon the discovery and development of new principles, new techniques, and new knowledge.

We must increase our efforts to identify and educate more of the talent of our Nation. This requires programs that will give assurance that no student of ability will be denied an opportunity for higher education because of financial need; will correct as rapidly as possible the existing imbalances in our educational programs which have led to an insufficient proportion of our population educated in science, mathematics, and modern foreign languages and trained in technology.

The Congress reaffirms the principle and declares that the States and local communities have and must retain control over and primary responsibility for public education. The national interest requires, however, that the Federal Government give assistance to education for programs which are important to our defense.

To meet the present educational emergency requires additional effort at all levels of government. It is therefore the purpose of this

Act to provide substantial assistance in various forms to individuals, and to States and their subdivisions, in order to insure trained manpower of sufficient quality and quantity to meet the national defense needs of the United States.

FEDERAL CONTROL OF EDUCATION PROHIBITED

SEC. 102. Nothing contained in this Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution or school system.

DEFINITIONS

SEC. 103. As used in this Act—

(a) The term "State" means a State, Alaska, Hawaii, Puerto Rico, the District of Columbia, the Canal Zone, Guam, or the Virgin Islands, except that as used in sections 302 and 502, such term does not include Alaska, Hawaii, Puerto Rico, the Canal Zone, Guam, or the Virgin Islands.

(b) The term "institution of higher education" means an educational institution in any State which (1) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, (2) is legally authorized within such State to provide a program of education beyond secondary education, (3) provides an educational program for which it awards a bachelor's degree or provides not less than a two-year program which is acceptable for full credit toward such a degree, (4) is a public or other nonprofit institution, and (5) is accredited by a nationally recognized accrediting agency or association or, if not so accredited, is an institution whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited. For purposes of title II, such term includes any private business school or technical institution which meets the provisions of clauses (1), (2), (3), (4), and (5). For purposes of this subsection, the Commissioner shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of training offered.

(c) The term "Commissioner" means the Commissioner of Education.

(d) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(e) The term "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the governor or by State law.

(f) The term "school-age population" means that part of the population which is between the ages of five and seventeen, both inclusive, and such school-age population for the several States shall be determined by the Commissioner on the basis of the population between such ages for the most recent year for which satisfactory data are available from the Department of Commerce.

(g) The term "elementary school" means a school which provides elementary education, as determined under State law.

(h) The term "secondary school" means a school which provides secondary education, as determined under State law, except that it

does not include any education provided beyond grade 12. For the purposes of sections 301 through 304, the term "secondary school" may include a public junior college, as determined under State law.

(i) The term "public" as applied to any school or institution does not include a school or institution of any agency of the United States.

(j) The term "nonprofit", as applied to a school or institution, means a school or institution owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual, and, for purposes of part A of title V, includes a school of any agency of the United States.

(k) The term "local educational agency" means a board of education or other legally constituted local school authority having administrative control and direction of public elementary or secondary schools in a city, county, township, school district, or political subdivision in a State.

TITLE II—LOANS TO STUDENTS IN INSTITUTIONS OF HIGHER EDUCATION

APPROPRIATIONS AUTHORIZED

SEC. 201. For the purpose of enabling the Commissioner to stimulate and assist in the establishment at institutions of higher education of funds for the making of low-interest loans to students in need thereof to pursue their courses of study in such institutions, there are hereby authorized to be appropriated \$47,500,000 for the fiscal year ending June 30, 1959, \$75,000,000 for the fiscal year ending June 30, 1960, \$82,500,000 for the fiscal year ending June 30, 1961, \$90,000,000 for the fiscal year ending June 30, 1962, and such sums for the fiscal year ending June 30, 1963, and each of the three succeeding fiscal years as may be necessary to enable students who have received a loan for any school year ending prior to July 1, 1962, to continue or complete their education. Sums appropriated under this section for any fiscal year shall be available, in accordance with agreements between the Commissioner and institutions of higher education, for payment of Federal capital contributions which, together with contributions from the institutions, shall be used for establishment and maintenance of student loan funds.

ALLOTMENTS TO STATES

SEC. 202. (a) From the sums appropriated pursuant to section 201 for any fiscal year ending prior to July 1, 1962, the Commissioner shall allot to each State an amount which bears the same ratio to the amount so appropriated as the number of persons enrolled on a full-time basis in institutions of higher education in such State bears to the total number of persons enrolled on a full-time basis in institutions of higher education in all of the States. The number of persons enrolled on a full-time basis in institutions of higher education for purposes of this section shall be determined by the Commissioner for the most recent year for which satisfactory data are available to him.

(b) Sums appropriated pursuant to section 201 for any fiscal year ending after June 30, 1962, shall be allotted among the States in such manner as the Commissioner determines to be necessary to carry out the purpose for which such amounts are appropriated.

PAYMENT OF FEDERAL CAPITAL CONTRIBUTIONS

SEC. 203. (a) The Commissioner shall from time to time set dates by which institutions of higher education in a State must file applications for Federal capital contributions from the allotment of such State. In the event the total requested in such applications, which are made by institutions with which he has agreements under this title and which meet the requirements established in regulations of the Commissioner, exceeds the amount of the allotment of such State available for such purpose, the Federal capital contribution from such allotment to each such institution shall bear the same ratio to the amount requested in its application as the amount of such allotment available for such purpose bears to the total requested in all such applications. In the event the total requested in such applications which are made by institutions in a State is less than the amount of the allotment of such State available for such purpose, the Commissioner may reallocate the remaining amount from time to time, on such date or dates as the Commissioner may fix, to other States in proportion to the original allotments to such States under section 202 for such year. The Federal capital contribution to an institution shall be paid to it from time to time in such installments as the Commissioner determines will not result in unnecessary accumulations in the student loan fund established under its agreement under this title.

(b) In no case may the total of such Federal capital contributions to any institution of higher education for any fiscal year exceed \$250,000.

CONDITIONS OF AGREEMENTS

SEC. 204. An agreement with any institution of higher education for Federal capital contributions by the Commissioner under this title shall—

(1) provide for establishment of a student loan fund by such institution;

(2) provide for deposit in such fund of (A) the Federal capital contributions, (B) an amount, equal to not less than one-ninth of such Federal contributions, contributed by such institution, (C) collections of principal and interest on student loans made from such fund, and (D) any other earnings of the fund;

(3) provide that such student loan fund shall be used only for loans to students in accordance with such agreement, for capital distributions as provided in this title, and for costs of litigation arising in connection with the collection of any loan from the fund or interest on such loan;

(4) provide that in the selection of students to receive loans from such student loan fund special consideration shall be given to (A) students with a superior academic background who express a desire to teach in elementary or secondary schools, and (B) students whose academic background indicates a superior capacity or preparation in science, mathematics, engineering, or a modern foreign language; and

(5) include such other provisions as may be necessary to protect the financial interest of the United States and promote the purposes of this title and as are agreed to by the Commissioner and the institution.

TERMS OF LOANS

SEC. 205. (a) The total of the loans for any fiscal year to any student made by institutions of higher education from loan funds established pursuant to agreements under this title may not exceed \$1,000, and

the total for all years to any student from such funds may not exceed \$5,000.

(b) Loans from any such loan fund to any student by any institution of higher education shall be made on such terms and conditions as the institution may determine; subject, however, to such conditions, limitations, and requirements as the Commissioner may prescribe (by regulation or in the agreement with the institution) with a view to preventing impairment of the capital of the student loan fund to the maximum extent practicable in the light of the objective of enabling the student to complete his course of study; and except that—

(1) such a loan shall be made only to a student who (A) is in need of the amount of the loan to pursue a course of study at such institution, and (B) is capable, in the opinion of the institution, of maintaining good standing in such course of study, and (C) has been accepted for enrollment as a full-time student at such institution or, in the case of a student already attending such institution, is in good standing and in full-time attendance there either as an undergraduate or graduate student;

(2) such a loan shall be evidenced by a note or other written agreement which provides for repayment of the principal amount, together with interest thereon, in equal annual installments, or, if the borrower so requests, in graduated periodic installments (determined in accordance with such schedules as may be approved by the Commissioner), over a period beginning one year after the date on which the borrower ceases to pursue a full-time course of study at an institution of higher education and ending eleven years after such date, except that (A) interest shall not accrue on any such loan, and periodic installments need not be paid, during any period (i) during which the borrower is pursuing a full-time course of study at an institution of higher education, or (ii) not in excess of three years, during which the borrower is a member of the Armed Forces of the United States, (B) any such period shall not be included in determining the ten-year period during which the repayment must be completed, (C) such ten-year period may also be extended for good cause determined in accordance with regulations of the Commissioner, and (D) the borrower may at his option accelerate repayment of the whole or any part of such loan;

(3) not to exceed 50 per centum of any such loan (plus interest) shall be canceled for service as a full-time teacher in a public elementary or secondary school in a State, at the rate of 10 per centum of the amount of such loan plus interest thereon, which was unpaid on the first day of such service, for each complete academic year of such service;

(4) such a loan shall bear interest, on the unpaid balance of the loan, at the rate of 3 per centum per annum except that no interest shall accrue before the date on which repayment of the loan is to begin;

(5) such a loan shall be made without security and without endorsement, except that, if the borrower is a minor and the note or other evidence of obligation executed by him would not, under the applicable law, create a binding obligation, either security or endorsement may be required;

(6) the liability to repay any such loan shall be canceled upon the death of the borrower, or if he becomes permanently and totally disabled as determined in accordance with regulations of the Commissioner;

(7) such a loan by an institution for any year shall be made in such installments as may be provided in regulations of the

Commissioner or the agreement with the institution under this title and, upon notice to the Commissioner by the institution that any recipient of a loan is failing to maintain satisfactory standing, any or all further installments of his loan shall be withheld, as may be appropriate; and

(8) no note or other evidence of such a loan may be transferred or assigned by the institution of higher education making the loan except, upon the transfer of the borrower to another institution of higher education participating in the program under this title (or, if not participating, is eligible to do so and is approved by the Commissioner for such purpose), to such institution.

(c) An agreement under this title for payment of Federal capital contributions shall include provisions designed to make loans from the student loan fund established pursuant to such agreement reasonably available (to the extent of the available funds in such fund) to all eligible students in such institution in need thereof.

DISTRIBUTIONS OF ASSETS FROM STUDENT LOAN FUNDS

SEC. 206. (a) After June 30, 1966, and not later than September 30, 1966, there shall be a capital distribution of the balance of the student loan fund established under this title by each institution of higher education as follows:

(1) The Commissioner shall first be paid an amount which bears the same ratio to the balance in such fund at the close of June 30, 1966, as the total amount of the Federal capital contributions to such fund by the Commissioner under this title bears to the sum of such Federal capital contributions and the institution's capital contributions to such fund.

(2) The remainder of such balance shall be paid to the institution.

(b) After September 30, 1966, each institution with which the Commissioner has made an agreement under this title shall pay to the Commissioner, not less often than quarterly, the same proportionate share of amounts received by the institution after June 30, 1966, in payment of principal or interest on student loans made from the student loan fund established pursuant to such agreement (which amount shall be determined after deduction of any costs of litigation incurred in collection of the principal or interest on loans from the fund and not already reimbursed from the student loan fund or such payments of principal or interest) as was determined for the Commissioner under subsection (a).

(c) Upon a finding by the institution or the Commissioner prior to July 1, 1966, that the liquid assets of a student loan fund established pursuant to an agreement under this title exceed the amount required for loans or otherwise in the foreseeable future, and upon notice to such institution or to the Commissioner, as the case may be, there shall be, subject to such limitations as may be included in regulations of the Commissioner or in such agreement, a capital distribution from such fund. Such capital distribution shall be made as follows:

(1) The Commissioner shall first be paid an amount which bears the same ratio to the total to be distributed as the Federal capital contributions by the Commissioner to the student loan fund prior to such distribution bear to the sum of such Federal capital contributions and the capital contributions to the fund made by the institution.

(2) The remainder of the capital distribution shall be paid to the institution.

LOANS TO INSTITUTIONS

SEC. 207. (a) Upon application by any institution of higher education with which he has made an agreement under this title, the Commissioner may make a loan to such institution for the purpose of helping to finance the institution's capital contributions to a student loan fund established pursuant to such agreement. Any such loan may be made only if such institution shows it is unable to secure such funds from non-Federal sources upon terms and conditions which the Commissioner determines to be reasonable and consistent with the purposes of this title. Loans made to institutions under this section shall bear interest at a rate which the Commissioner determines to be adequate to cover (1) the cost of the funds to the Treasury as determined by the Secretary of the Treasury, taking into consideration the current average yields of outstanding marketable obligations of the United States having maturities comparable to the maturities of loans made by the Commissioner under this section, (2) the cost of administering this section, and (3) probable losses.

(b) There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this section, but not to exceed a total of \$25,000,000.

(c) Loans made by the Commissioner under this section shall mature within such period as may be determined by the Commissioner to be appropriate in each case, but not exceeding fifteen years.

PAYMENTS TO COVER REDUCTIONS IN AMOUNTS OF LOANS

SEC. 208. In addition to the payments otherwise authorized to be made pursuant to this title, the Commissioner shall pay to the appropriate institution, at such time or times as he determines, an amount which bears the same ratio to the interest which has been prevented from accruing and the portion of the principal which has been canceled on student loans pursuant to paragraph (3) of section 205 (b) (and not previously paid pursuant to this subsection) as the total amount of the institution's capital contributions to such fund under this title bears to the sum of such institution's capital contributions and the Federal capital contributions to such fund.

ADMINISTRATIVE PROVISIONS

SEC. 209. (a) The Commissioner, in addition to the other powers conferred upon him by this title, shall have power to agree to modifications of agreements or loans made under this title and to compromise, waive, or release any right, title, claim, or demand, however arising or acquired under this title.

(b) Financial transactions of the Commissioner pursuant to this title, and vouchers approved by him in connection with such financial transactions, shall be final and conclusive upon all officers of the Government; except that all such transactions shall be subject to audit by the General Accounting Office at such times and in such manner as the Comptroller General may by regulation prescribe.

TITLE III—FINANCIAL ASSISTANCE FOR STRENGTHENING SCIENCE, MATHEMATICS, AND MODERN FOREIGN LANGUAGE INSTRUCTION

APPROPRIATIONS AUTHORIZED

SEC. 301. There are hereby authorized to be appropriated \$70,000,000 for the fiscal year ending June 30, 1959, and for each of the three succeeding fiscal years, for (1) making payments to State educational agencies under this title for the acquisition of equipment (suitable for use in providing education in science, mathematics, or modern foreign language) and for minor remodeling described in paragraph (1) of section 303 (a), and (2) making loans authorized in section 305. There are also authorized to be appropriated \$5,000,000 for the fiscal year ending June 30, 1959, and for each of the three succeeding fiscal years, for making payments to State educational agencies under this title to carry out the programs described in paragraph (5) of section 303 (a).

ALLOTMENTS TO STATES

SEC. 302. (a) (1) From the sums appropriated pursuant to the first sentence of section 301 for any fiscal year the Commissioner shall reserve such amount, but not in excess of 2 per centum thereof, as he may determine for allotment as provided in section 1008, and shall reserve 12 per centum for loans authorized in section 305. From the remainder of such sums the Commissioner shall allot to each State an amount which bears the same ratio to the amount of such remainder as the product of—

(A) the school-age population of the State, and

(B) the State's allotment ratio (as determined under paragraph (2)),

bears to the sum of the corresponding products for all the States.

(2) The "allotment ratio" for any State shall be 100 per centum less the product of (A) 50 per centum and (B) the quotient obtained by dividing the income per child of school age for the State by the income per child of school age for the continental United States, except that the allotment ratio shall in no case be less than $33\frac{1}{3}$ per centum or more than $66\frac{2}{3}$ per centum. The allotment ratios shall be promulgated by the Commissioner as soon as possible after enactment of this Act, and again between July 1 and August 31 of the year 1959, on the basis of the average of the incomes per child of school age for the States and for the continental United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce. The first such promulgation shall be conclusive for each of the two fiscal years in the period beginning July 1, 1958, and ending June 30, 1960, and the second shall be conclusive for each of the two fiscal years in the period beginning July 1, 1960, and ending June 30, 1962.

(3) For the purposes of this title—

(A) The term "child of school age" means a member of the population between the ages of five and seventeen, both inclusive.

(B) The term "continental United States" does not include Alaska.

(C) The term "income per child of school age" for any State or for the continental United States means the total personal income for the State and the continental United States, respectively, divided by the number of children of school age in such State and in the continental United States, respectively.

(4) A State's allotment under this subsection shall remain available for payment pursuant to section 304 (a) for projects in such State until the end of the fiscal year following the year for which the allotment is made.

(b) From the sums appropriated pursuant to the second sentence of section 301 for any fiscal year the Commissioner shall reserve such amount, but not in excess of 2 per centum thereof, as he may determine for allotment as provided in section 1008. From the remainder of such sums the Commissioner shall allot to each State an amount which bears the same ratio to the amount of such remainder as the school-age population of such State bears to the total of the school-age populations of all of the States. The amount allotted to any State under the preceding sentence for any fiscal year which is less than \$20,000 shall be increased to \$20,000, the total thereby required being derived by proportionately reducing the amount allotted to each of the remaining States under the preceding sentence, but with such adjustments as may be necessary to prevent the allotment of any of such remaining States from being thereby reduced to less than \$20,000.

STATE PLANS

SEC. 303. (a) Any State which desires to receive payments under this title shall submit to the Commissioner, through its State educational agency, a State plan which meets the requirements of section 1004 (a) and—

(1) sets forth a program under which funds paid to the State from its allotment under section 302 (a) will be expended solely for projects approved by the State educational agency for (A) acquisition of laboratory and other special equipment, including audio-visual materials and equipment and printed materials (other than textbooks), suitable for use in providing education in science, mathematics, or modern foreign language, in public elementary or secondary schools, or both, and (B) minor remodeling of laboratory or other space used for such materials or equipment;

(2) sets forth principles for determining the priority of such projects in the State for assistance under this title and provides for undertaking such projects, insofar as financial resources available therefor make possible, in the order determined by the application of such principles;

(3) provides an opportunity for a hearing before the State educational agency to any applicant for a project under this title;

(4) provides for the establishment of standards on a State level for laboratory and other special equipment acquired with assistance furnished under this title;

(5) sets forth a program under which funds paid to the State from its allotment under section 302 (b) will be expended solely for (A) expansion or improvement of supervisory or related services in public elementary and secondary schools in the fields of science, mathematics, and modern foreign languages, and (B) administration of the State plan.

(b) The Commissioner shall approve any State plan and any modification thereof which complies with the provisions of subsection (a).

PAYMENTS TO STATES

SEC. 304. (a) From a State's allotment for a fiscal year under section 302 (a), the Commissioner shall, from time to time during the period such allotment is available for payment as provided in paragraph (4) of section 302 (a), pay to such State an amount equal

to one-half of the expenditures for projects for acquisition of equipment and minor remodeling referred to in paragraph (1) of section 303 (a) which are carried out under its State plan approved under section 303 (b); except that no State shall receive payments under this subsection for any period in excess of its allotments for such period under section 302 (a).

(b) From a State's allotment under section 302 (b) for the fiscal year ending June 30, 1959, the Commissioner shall from time to time pay to such State an amount equal to the amount expended by such State for such year to carry out the program referred to in paragraph (5) of section 303 (a) under its State plan approved under section 303 (b). From a State's allotment under section 302 (b) for the fiscal year ending June 30, 1960, and for each of the two succeeding fiscal years, such payments shall equal one-half of the amount so expended under its State plan approved under section 303 (b); except that no State shall receive payments under this subsection for any fiscal year in excess of its allotment under section 302 (b) for that fiscal year.

LOANS TO NONPROFIT PRIVATE SCHOOLS

SEC. 305. (a) The Commissioner shall allot, out of funds reserved for each fiscal year for the purposes of this section under the provisions of section 302 (a), to each State for loans under the provisions of this section an amount which bears the same ratio to such funds as the number of persons in such State enrolled in private nonprofit elementary and secondary schools bears to the total of such numbers for all States.

(b) From the sums allotted to each State under the provisions of this section the Commissioner is authorized to make loans to private nonprofit elementary and secondary schools in such State for the purposes for which payments to State educational agencies are authorized under the first sentence of section 301. Any such loan—

(1) shall be made upon application containing such information as may be deemed necessary by the Commissioner;

(2) shall be subject to such conditions as may be necessary to protect the financial interest of the United States;

(3) shall bear interest at the rate arrived at by adding one-quarter of 1 per centum per annum to the rate which the Secretary of the Treasury determines to be equal to the current average yield on all outstanding marketable obligations of the United States as of the last day of the month preceding the date the application for the loan is approved and by adjusting the result so obtained to the nearest one-eighth of 1 per centum; and

(4) shall mature and be repayable on such date as may be agreed to by the Commissioner and the borrower, but such date shall not be more than ten years after the date on which such loan was made.

TITLE IV—NATIONAL DEFENSE FELLOWSHIPS

APPROPRIATIONS AUTHORIZED

SEC. 401. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

NUMBER OF FELLOWSHIPS

SEC. 402. During the fiscal year ending June 30, 1959, the Commissioner is authorized to award one thousand fellowships under the provisions of this title, and during each of the three succeeding fiscal years he is authorized to award one thousand five hundred such fellowships. Such fellowships shall be for periods of study not in excess of three academic years.

AWARD OF FELLOWSHIPS AND APPROVAL OF INSTITUTIONS

SEC. 403. (a) The Commissioner shall award fellowships under this title to individuals accepted for study in graduate programs approved by him under this section. The Commissioner shall approve a graduate program of an institution of higher education only upon application by the institution and only upon his finding:

(1) that such program is a new program or an existing program which has been expanded,

(2) that such new program or expansion of an existing program will substantially further the objective of increasing the facilities available in the Nation for the graduate training of college or university level teachers and of promoting a wider geographical distribution of such facilities throughout the Nation, and

(3) that in the acceptance of persons for study in such programs preference will be given to persons interested in teaching in institutions of higher education.

(b) The total of the fellowships awarded under this title for pursuing a course of study in a graduate program at any institution of higher education may not exceed a limit established by the Commissioner in the light of the objective referred to in subsection (a) (2).

FELLOWSHIP STIPENDS

SEC. 404. (a) Each person awarded a fellowship under the provisions of this title shall receive a stipend of \$2,000 for the first academic year of study after the baccalaureate degree, \$2,200 for the second such year, and \$2,400 for the third such year, plus an additional amount of \$400 for each such year on account of each of his dependents.

(b) In addition to the amounts paid to persons pursuant to subsection (a) there shall be paid to the institution of higher education at which each such person is pursuing his course of study such amount, not more than \$2,500 per academic year, as is determined by the Commissioner to constitute that portion of the cost of the new graduate program or of the expansion in an existing graduate program in which such person is pursuing his course of study, which is reasonably attributable to him.

FELLOWSHIP CONDITIONS

SEC. 405. A person awarded a fellowship under the provisions of this title shall continue to receive the payments provided in section 404 only during such periods as the Commissioner finds that he is maintaining satisfactory proficiency in, and devoting essentially full time to, study or research in the field in which such fellowship was awarded, in an institution of higher education, and is not engaging in gainful employment other than part-time employment by such institution in teaching, research, or similar activities, approved by the Commissioner.

TITLE V—GUIDANCE, COUNSELING, AND TESTING;
IDENTIFICATION AND ENCOURAGEMENT OF ABLE
STUDENTS

PART A—STATE PROGRAMS

APPROPRIATIONS AUTHORIZED

SEC. 501. There are hereby authorized to be appropriated \$15,000,000 for the fiscal year ending June 30, 1959, and for each of the three succeeding fiscal years, for making grants to State educational agencies under this part to assist them to establish and maintain programs of testing and guidance and counseling.

ALLOTMENTS TO STATES

SEC. 502. From the sums appropriated pursuant to section 501 for any fiscal year the Commissioner shall reserve such amount, but not in excess of 2 per centum thereof, as he may determine for allotment as provided in section 1008. From the remainder of such sums the Commissioner shall allot to each State an amount which bears the same ratio to the amount of such remainder as the school-age population of such State bears to the total of the school-age populations of all of the States. The amount allotted to any State under the preceding sentence for any fiscal year which is less than \$20,000 shall be increased to \$20,000, the total of increases thereby required being derived by proportionately reducing the amount allotted to each of the remaining States under the preceding sentence, but with such adjustments as may be necessary to prevent the allotment of any such remaining States from being thereby reduced to less than \$20,000.

STATE PLANS

SEC. 503. (a) Any State which desires to receive payments under this part shall submit to the Commissioner, through its State educational agency, a State plan which meets the requirements of section 1004 (a) and sets forth—

(1) a program for testing students in the public secondary schools, and if authorized by law in other secondary schools, of such State to identify students with outstanding aptitudes and ability, and the means of testing which will be utilized in carrying out such program; and

(2) a program of guidance and counseling in the public secondary schools of such State (A) to advise students of courses of study best suited to their ability, aptitudes, and skills, and (B) to encourage students with outstanding aptitudes and ability to complete their secondary school education, take the necessary courses for admission to institutions of higher education, and enter such institutions.

(b) The Commissioner shall approve any State plan and any modification thereof which complies with the provisions of subsection (a).

PAYMENTS TO STATES

SEC. 504. (a) Payment under this part shall be made to those State educational agencies which administer plans approved under section 503. For the fiscal year ending June 30, 1959, such payments shall equal the amount expended by the State in carrying out its State plan, and for the fiscal year ending June 30, 1960, and for each of the two succeeding fiscal years, such payments shall equal one-

half of the amount so expended; except that no State educational agency shall receive payment under this part for any fiscal year in excess of that State's allotment for that fiscal year as determined under section 502.

(b) In any State which has a State plan approved under section 503 and in which the State educational agency is not authorized by law to make payments to cover the cost of testing students in any one or more secondary schools in such State to determine student abilities and aptitudes, the Commissioner shall arrange for the testing of such students and shall pay the cost thereof for the fiscal year ending June 30, 1959, and one-half of the cost thereof for any of the three succeeding fiscal years out of such State's allotment. Testing of students pursuant to this subsection shall, so far as practicable, be comparable to, and be done at the same grade levels and under the same conditions as in the case of, testing of students in public schools under the State plan.

PART B—COUNSELING AND GUIDANCE TRAINING INSTITUTES

AUTHORIZATION

SEC. 511. There are hereby authorized to be appropriated \$6,250,000 for the fiscal year ending June 30, 1959, and \$7,250,000 for each of the three succeeding fiscal years, to enable the Commissioner to arrange, by contracts with institutions of higher education, for the operation by them of short-term or regular session institutes for the provision of training to improve the qualifications of personnel engaged in counseling and guidance of students in secondary schools, or teachers in such schools preparing to engage in such counseling and guidance. Each individual, engaged, or preparing to engage, in counseling and guidance in a public secondary school, who attends an institute operated under the provisions of this part shall be eligible (after application therefor) to receive a stipend at the rate of \$75 per week for the period of his attendance at such institute, and each such individual with one or more dependents shall receive an additional stipend at the rate of \$15 per week for each such dependent for the period of such attendance.

TITLE VI—LANGUAGE DEVELOPMENT

PART A—CENTERS AND RESEARCH AND STUDIES

LANGUAGE AND AREA CENTERS

SEC. 601. (a) The Commissioner is authorized to arrange through contracts with institutions of higher education for the establishment and operation by them, during the period beginning July 1, 1958, and ending with the close of June 30, 1962, of centers for the teaching of any modern foreign language with respect to which the Commissioner determines (1) that individuals trained in such language are needed by the Federal Government or by business, industry, or education in the United States, and (2) that adequate instruction in such language is not readily available in the United States. Any such contract may provide for instruction not only in such modern foreign language but also in other fields needed to provide a full understanding of the areas, regions, or countries in which such language is commonly used, to the extent adequate instruction in such fields is not readily available, including fields such as history, political science, linguistics, economics, sociology, geography, and anthropology. Any such contract may cover not more than 50 per centum of

the cost of the establishment and operation of the center with respect to which it is made, including the cost of grants to the staff for travel in the foreign areas, regions, or countries with which the subject matter of the field or fields in which they are or will be working is concerned and the cost of travel of foreign scholars to such centers to teach or assist in teaching therein and the cost of their return, and shall be made on such conditions as the Commissioner finds necessary to carry out the purposes of this section.

(b) The Commissioner is also authorized, during the period beginning July 1, 1958, and ending with the close of June 30, 1962, to pay stipends to individuals undergoing advanced training in any modern foreign language (with respect to which he makes the determination under clause (1) of subsection (a)), and other fields needed for a full understanding of the area, region, or country in which such language is commonly used, at any short-term or regular session of any institution of higher education, including allowances for dependents and for travel to and from their places of residence, but only upon reasonable assurance that the recipients of such stipends will, on completion of their training, be available for teaching a modern foreign language in an institution of higher education or for such other service of a public nature as may be permitted in regulations of the Commissioner.

RESEARCH AND STUDIES

SEC. 602. The Commissioner is authorized, directly or by contract, to make studies and surveys to determine the need for increased or improved instruction in modern foreign languages and other fields needed to provide a full understanding of the areas, regions, or countries in which such languages are commonly used, to conduct research on more effective methods of teaching such languages and in such other fields, and to develop specialized materials for use in such training, or in training teachers of such languages or in such fields.

APPROPRIATIONS AUTHORIZED

SEC. 603. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this part, not to exceed \$8,000,000 in any one fiscal year.

PART B—LANGUAGE INSTITUTES

AUTHORIZATION

SEC. 611. There are hereby authorized to be appropriated \$7,250,000 for the fiscal year ending June 30, 1959, and each of the three succeeding fiscal years, to enable the Commissioner to arrange, through contracts with institutions of higher education, for the operation by them of short-term or regular session institutes for advance training, particularly in the use of new teaching methods and instructional materials, for individuals who are engaged in or preparing to engage in the teaching, or supervising or training teachers, of any modern foreign language in elementary or secondary schools. Each individual (engaged, or preparing to engage, in the teaching, or supervising or training teachers, of any modern foreign language in a public elementary or secondary school) who attends an institute operated under the provisions of this part shall be eligible (after application therefor) to receive a stipend at the rate of \$75 per week for the period of his

attendance at such institute, and each such individual with one or more dependents shall receive an additional stipend at the rate of \$15 per week for each such dependent for the period of such attendance.

TITLE VII—RESEARCH AND EXPERIMENTATION IN MORE EFFECTIVE UTILIZATION OF TELEVISION, RADIO, MOTION PICTURES, AND RELATED MEDIA FOR EDUCATIONAL PURPOSES

PART A—RESEARCH AND EXPERIMENTATION

FUNCTIONS OF THE COMMISSIONER

SEC. 701. In carrying out the provisions of this part the Commissioner, in cooperation with the Advisory Committee on New Educational Media (established by section 761), shall (through grants or contracts) conduct, assist, and foster research and experimentation in the development and evaluation of projects involving television, radio, motion pictures, and related media of communication which may prove of value to State or local educational agencies in the operation of their public elementary or secondary schools, and to institutions of higher education, including the development of new and more effective techniques and methods—

(1) for utilizing and adapting motion pictures, video tapes and other audio-visual aids, film strips, slides and other visual aids, recordings (including magnetic tapes) and other auditory aids, and radio or television program scripts for such purposes;

(2) for training teachers to utilize such media with maximum effectiveness; and

(3) for presenting academic subject matter through such media.

GRANTS-IN-AID; CONTRACTS

SEC. 702. In carrying out the provisions of section 701, the Commissioner—

(1) may make grants-in-aid, approved by the Advisory Committee on New Educational Media, to public or nonprofit private agencies, organizations, and individuals for projects of research or experimentation referred to in section 701;

(2) may enter into contracts, approved by the Advisory Committee on New Educational Media, with public or private agencies, organizations, groups, and individuals for projects of research or experimentation referred to in section 701; and

(3) shall promote the coordination of programs conducted or financed by him under this title with similar programs conducted by other agencies, institutions, foundations, organizations, or individuals.

PART B—DISSEMINATION OF INFORMATION ON NEW EDUCATIONAL MEDIA

FUNCTIONS OF THE COMMISSIONER

SEC. 731. In order to disseminate information concerning new educational media (including the results of research and experimentation conducted under part A of this title) to State or local educational agencies, for use in their public elementary or secondary schools, and to institutions of higher education, the Commissioner—

(1) shall make studies and surveys to determine the need for increased or improved utilization of television, radio, motion pic-

tures, and related media of communication by State or local educational agencies and institutions of higher education for educational purposes;

(2) shall prepare and publish catalogs, reviews, bibliographies, abstracts, analyses of research and experimentation, and such other materials as are generally useful in the encouragement and more effective use of television, radio, motion pictures, and related media of communication for educational purposes;

(3) may, upon request, provide advice, counsel, technical assistance, and demonstrations to State or local educational agencies and institutions of higher education undertaking to utilize such media of communication to increase the quality or depth or broaden the scope of their educational programs;

(4) shall prepare and publish an annual report setting forth (A) projects carried out under this title and the cost of each such project, and (B) developments in the utilization and adaptation of media of communication for educational purposes; and

(5) may enter into contracts with public or private agencies, organizations, groups, or individuals to carry out the provisions of this part.

PART C—GENERAL PROVISIONS

ESTABLISHMENT OF THE ADVISORY COMMITTEE

SEC. 761. (a) There is hereby established in the Office of Education an Advisory Committee on New Educational Media (hereafter in this title referred to as the "Advisory Committee"). The Advisory Committee shall consist of the Commissioner, who shall be chairman, a representative of the National Science Foundation and twelve persons appointed, without regard to the civil-service laws, by the Commissioner with the approval of the Secretary. Three of such appointed members shall be individuals identified with the sciences, liberal arts, or modern foreign languages in institutions of higher education; three shall be individuals actually engaged in teaching or in the supervision of teaching in elementary or secondary schools; three shall be individuals of demonstrated ability in the utilization or adaptation of television, radio, motion pictures, and related media of communication for educational purposes; and three shall be individuals representative of the lay public who have demonstrated an interest in the problems of communication media.

(b) The Advisory Committee shall—

(1) advise, consult with, and make recommendations to the Commissioner on matters relating to the utilization or adaptation of television, radio, motion pictures, or related media of communication for educational purposes, and on matters of basic policy arising in the administration of this title;

(2) review all applications for grants-in-aid under part A of this title for projects of research or experimentation and certify approval to the Commissioner of any such projects which it believes are appropriate for carrying out the provisions of this title; and

(3) review all proposals by the Commissioner to enter into contracts under this title and certify approval to the Commissioner of any such contracts which it believes are appropriate to carry out the provisions of this title.

(c) The Commissioner may utilize the services of any member or members of the Advisory Committee in connection with matters relating to the provisions of this title, for such periods, in addition to conference periods, as he may determine.

(d) Members of the Advisory Committee shall, while serving on business of the Advisory Committee or at the request of the Commissioner under subsection (c) of this section, receive compensation at rates fixed by the Secretary, not to exceed \$50 per day, and shall also be entitled to receive an allowance for actual and necessary travel and subsistence expenses while so serving away from their places of residence.

SPECIAL PERSONNEL

Sec. 762. The Commissioner may secure from time to time and for such periods as he deems advisable, without regard to the civil-service laws, the assistance and advice of persons in the United States and from abroad who are experts in the utilization and adaptation of television, radio, motion pictures, and other related media of communication for educational purposes.

APPROPRIATIONS AUTHORIZED

SEC. 763. There are hereby authorized to be appropriated the sum of \$3,000,000 for the fiscal year ending June 30, 1959, and the sum of \$5,000,000 for each of the three succeeding fiscal years for carrying out the provisions of this title.

TITLE VIII—AREA VOCATIONAL EDUCATION PROGRAMS

STATEMENT OF FINDINGS AND PURPOSE

SEC. 801. The Congress hereby finds that the excellent programs of vocational education, which States have established and are carrying on with the assistance provided by the Federal Government under the Smith-Hughes Vocational Education Act and the Vocational Education Act of 1946 (the George-Barden Act), need extension to provide vocational education to residents of areas inadequately served and also to meet national defense requirements for personnel equipped to render skilled assistance in fields particularly affected by scientific and technological developments. It is therefore the purpose of this title to provide assistance to the States so that they may improve their vocational education programs through area vocational education programs approved by State boards of vocational education as providing vocational and related technical training and retraining for youths, adults, and older persons, including related instruction for apprentices, designed to fit them for useful employment as technicians or skilled workers in scientific or technical fields.

39 Stat. 929.
20 USC 11-15,
16-28.
60 Stat. 775.
20 USC 15i note.

AMENDMENT TO VOCATIONAL EDUCATION ACT OF 1946

SEC. 802. The Vocational Education Act of 1946 (20 U. S. C. 15i-15m, 15o-15q, 15aa-15jj) is amended by adding after title II the following new title:

"TITLE III—AREA VOCATIONAL EDUCATION
PROGRAMS

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 301. There is authorized to be appropriated for the fiscal year ending June 30, 1959, and for each of the three succeeding fiscal years the sum of \$15,000,000 for area vocational education programs, to be apportioned for expenditure in the States as provided in section 302.

"ALLOTMENTS TO STATES

"SEC. 302. (a) From the sums appropriated for any fiscal year pursuant to section 301, each State shall be entitled to an allotment of an amount bearing the same ratio to such sums as the total of the amounts apportioned under title I of this Act, the Act of March 18, 1950 (20 U. S. C. 31-33), and section 9 of the Act of August 1, 1956 (20 U. S. C. 34), to such State for such year bears to the total of the amounts so apportioned to all the States for such year.

"(b) The amount of any allotment to a State under subsection (a) for any fiscal year which the State certifies to the Commissioner will not be required for carrying out area vocational education programs (under the part of the State plan meeting the requirements of section 305) shall be available for reallocation from time to time, on such dates as the Commissioner may fix, to other States in proportion to the original allotments to such States under subsection (a) for such year. Any amount so reallocated to a State shall be deemed part of its allotment under subsection (a).

"PAYMENTS TO STATES

"SEC. 303. (a) Any amount paid to a State from its allotment under section 302 for any fiscal year shall be paid on condition:

"(1) that there shall be spent for such year an equal amount in State or local funds, or both, for area vocational education programs operated under the provisions of this title;

"(2) that funds appropriated under this title will not be used to reduce the amount of State or local funds, or both, being spent for vocational education programs operated under provisions of the Smith-Hughes Vocational Education Act and titles I and II of this Act and reported to the Commissioner, but such State or local funds, or both, in excess of the amount necessary for dollar for dollar matching of funds allotted to a State under provisions of the Smith-Hughes Vocational Education Act and titles I and II of this Act may be used to match funds appropriated under this title;

"(3) that funds appropriated under section 301 of this title shall be used exclusively for the training of individuals designed to fit them for useful employment as highly skilled technicians in recognized occupations requiring scientific knowledge, as determined by the State board for such State, in fields necessary for the national defense.

"(b) The Commissioner shall, prior to the beginning of each calendar quarter or other period prescribed by him, estimate the amount to be paid to each State for area vocational education programs under this title for such period; and shall pay to the State, from the allotment available therefor, the amount so estimated by him for such period, reduced or increased, as the case may be, by any sum (not previously adjusted under this subsection) by which he finds that his estimate of the amount to be paid to the State for any prior period

for such purpose under this title was greater or less than the amount which should have been paid to the State for such prior period under this title for such purpose. Such payments shall be made in such installments as the Commissioner may determine.

“USE OF FUNDS

“SEC. 304. (a) Funds paid to a State under this title for area vocational education programs may be used, in carrying out such programs (under the part of the State plan meeting the requirements of section 305), for—

“(1) maintenance of adequate programs of administration, supervision, and teacher-training;

“(2) salaries and necessary travel expenses of State or local school personnel, including teachers, coordinators, supervisors, vocational guidance counselors, teacher-trainers, directors, administrators, and others;

“(3) travel expenses of members of advisory committees or State boards;

“(4) purchase, rental, or other acquisition, and maintenance and repair, of instructional equipment;

“(5) purchase of instructional supplies and teaching aids;

“(6) necessary costs of transportation of students;

“(7) securing necessary educational information and data as a basis for the proper development of area vocational education programs and programs of vocational guidance;

“(8) training and work-experience training programs for out-of-school youths;

“(9) related instruction for apprentices; and

“(10) determining the need for, and planning and developing, area vocational education programs.

“(b) Any equipment and teaching aids purchased with funds appropriated to carry out the provisions of this title shall become the property of the State.

“ADDITIONAL STATE PLAN REQUIREMENTS

“SEC. 305. (a) To be eligible to participate in this title the State plan must be amended to include a new part which—

“(1) designates the State board as the sole agency for administration of such part of the plan (or for the supervision of the administration thereof by State or local educational agencies);

“(2) provides minimum qualifications for teachers, teacher-trainers, supervisors, directors and others having responsibilities under the plan;

“(3) shows the plans, policies, and methods to be followed in carrying out such part of the State plan;

“(4) provides such accounting, budgeting, and other fiscal methods and procedures as are necessary for the proper and efficient administration of such part of the State plan; and

“(5) provides that the State board will make such reports to the Commissioner, in such form and containing such information, as are reasonably necessary to enable the Commissioner to perform his functions under this title.

“(b) The Commissioner shall approve a part of any plan for purposes of this title if he finds that it fulfills the conditions specified in subsection (a) of this section.

“(c) Whenever the Commissioner after reasonable notice and opportunity for hearing to the State board finds that—

“(1) the part of the State plan approved under subsection (b) has been so changed that it no longer complies with any provision required by subsection (a) of this section to be included in such part; or

“(2) in the administration of such part of the plan there is a failure to comply substantially with any such provision; the Commissioner shall notify such State board that no further payments will be made to the State from its allotments under section 302 (or, in his discretion, that further payments will not be made to the State for projects under or portions of such part of the State plan affected by such failure) until he is satisfied that there is no longer any such failure. Until he is so satisfied the Commissioner shall make no further payments to such State from its allotments under section 302 (or shall limit payments to projects under or portions of such part of the State plan in which there is no such failure).

“(d) (1) If any State is dissatisfied with the Commissioner's action under subsection (c) of this section, such State may appeal to the United States court of appeals for the circuit in which such State is located. The summons and notice of appeal may be served at any place in the United States. The Commissioner shall forthwith certify and file in the court the transcript of the proceedings and the record on which he based his action.

“(2) The findings of fact by the Commissioner, unless substantially contrary to the weight of the evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the transcript and record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive unless substantially contrary to the weight of the evidence.

“(3) The court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in title 28, United States Code, section 1254.

“APPROPRIATIONS FOR ADMINISTRATION

“Sec. 306. There are hereby authorized to be included for each fiscal year in the appropriations for the Department of Health, Education, and Welfare such sums as are necessary to administer the provisions of this title.

“DEFINITIONS

“Sec. 307. For purposes of this title—

“(a) The term ‘State’ includes Alaska, Hawaii, the Virgin Islands, Puerto Rico, the District of Columbia, and Guam.

“(b) The term ‘Commissioner’ means the Commissioner of Education.

“(c) The terms ‘State plan’ and ‘State board’ shall have the meaning which said terms have in the Act approved February 23, 1917 (39 Stat. 929, ch. 114).

“(d) The term ‘area vocational education program’ means a program consisting of one or more less-than-college-grade courses conducted under public supervision and control and on an organized, systematic class basis, which is designed to fit individuals for useful employment as technicians or skilled workers in recognized occupations requiring scientific or technical knowledge, and which is made

available to residents of the State or an area thereof designated and approved by the State board, who either have completed junior high school or, regardless of their school credits, are at least sixteen years of age and can reasonably be expected to profit by the instruction offered."

TITLE IX—SCIENCE INFORMATION SERVICE

FUNCTIONS OF THE SERVICE

SEC. 901. The National Science Foundation shall establish a Science Information Service. The Foundation, through such Service, shall (1) provide, or arrange for the provision of, indexing, abstracting, translating, and other services leading to a more effective dissemination of scientific information, and (2) undertake programs to develop new or improved methods, including mechanized systems, for making scientific information available.

SCIENCE INFORMATION COUNCIL

SEC. 902. (a) The National Science Foundation shall establish, in the Foundation, a Science Information Council (hereafter in this title referred to as the "Council") consisting of the Librarian of Congress, the director of the National Library of Medicine, the director of the Department of Agriculture library, and the head of the Science Information Service, each of whom shall be *ex officio* members, and fifteen members appointed by the Director of the National Science Foundation. The Council shall annually elect one of the appointed members to serve as chairman until the next election. Six of the appointed members shall be leaders in the fields of fundamental science, six shall be leaders in the fields of librarianship and scientific documentation, and three shall be outstanding representatives of the lay public who have demonstrated interest in the problems of communication. Each appointed member of such Council shall hold office for a term of four years, except that (1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term, and (2) that of the members first appointed, four shall hold office for a term of three years, four shall hold office for a term of two years, and three shall hold office for a term of one year, as designated by the Director of the National Science Foundation at the time of appointment. No appointed member of the Council shall be eligible for reappointment until a year has elapsed since the end of his preceding term.

(b) It shall be the duty of the Council to advise, to consult with, and to make recommendations to, the head of the Science Information Service. The Council shall meet at least twice each year, and at such other times as the majority thereof deems appropriate.

(c) Persons appointed to the Council shall, while serving on business of the Council, receive compensation at rates fixed by the National Science Foundation, but not to exceed \$50 per day, and shall also be entitled to receive an allowance for actual and necessary travel and subsistence expenses while so serving away from their places of residence.

AUTHORITY FOR CERTAIN GRANTS AND CONTRACTS

SEC. 903. In carrying out its functions under this title, the National Science Foundation shall have the same power and authority it has under the National Science Foundation Act of 1950 to carry out its functions under that Act.

APPROPRIATIONS AUTHORIZED

SEC. 904. There are hereby authorized to be appropriated for the fiscal year ending June 30, 1959, and for each succeeding fiscal year, such sums as may be necessary to carry out the provisions of this title.

TITLE X—MISCELLANEOUS PROVISIONS

ADMINISTRATION

SEC. 1001. (a) The Commissioner is authorized to delegate any of his functions under this Act, except the making of regulations, to any officer or employee of the Office of Education.

(b) In administering the titles of this Act for which he is responsible, the Commissioner is authorized to utilize the services and facilities of any agency of the Federal Government and, without regard to section 3709 of the Revised Statutes of the United States (41 U. S. C., sec. 5), of any other public or nonprofit agency or institution, in accordance with agreements between the Secretary and the head thereof.

Report to Congress.

(c) The Commissioner shall include in his annual report to the Congress a full report of the activities of the Office of Education under this Act, including recommendations for needed revisions in the provisions thereof.

(d) The Secretary shall advise and consult with the heads of departments and agencies of the Federal Government responsible for the administration of scholarship, fellowship, or other educational programs with a view to securing full information concerning all specialized scholarship, fellowship, or other educational programs administered by or under any such department or agency and to developing policies and procedures which will strengthen the educational programs and objectives of the institutions of higher education utilized for such purposes by any such department or agency.

(e) Any agency of the Federal Government shall exercise its functions under any other law in such manner as will assist in carrying out the objectives of this Act. Nothing in this Act shall be construed as superseding or limiting the authority of any such agency under any other law.

(f) No part of any funds appropriated or otherwise made available for expenditure under authority of this Act shall be used to make payments or loans to any individual unless such individual (1) has executed and filed with the Commissioner an affidavit that he does not believe in, and is not a member of and does not support any organization that believes in or teaches, the overthrow of the United States Government by force or violence or by any illegal or unconstitutional methods, and (2) has taken and subscribed to an oath or affirmation in the following form: "I do solemnly swear (or affirm) that I will bear true faith and allegiance to the United States of America and will support and defend the Constitution and laws of the United States against all its enemies, foreign and domestic." The provisions of section 1001 of title 18, United States Code, shall be applicable with respect to such affidavits.

ADVISORY COMMITTEES

SEC. 1002. (a) The Commissioner, with the approval of the Secretary, may appoint an advisory committee, or advisory committees, to advise and consult with him with respect to the administration of the provisions of this Act for which he is responsible. Any such committee shall have twelve members as follows:

(1) Four members who are recognized scholars in any of the following fields: engineering, mathematics, or science;

(2) Four members who are recognized scholars in any of the fields of the humanities; and

(3) Four members from such fields of endeavor as the Commissioner deems appropriate.

Members of an advisory committee appointed under this section, while attending conferences or meetings of the committee, shall be entitled to receive compensation at a rate to be fixed by the Secretary, but not exceeding \$50 per diem, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons in the Government service employed intermittently.

EXEMPTION FROM CONFLICT-OF-INTEREST LAWS OF MEMBERS OF ADVISORY COMMITTEES OR INFORMATION COUNCIL

SEC. 1003. (a) Any member of an advisory committee or information council appointed under this Act is hereby exempted, with respect to such appointment, from the operation of sections 281, 283, 284, and 1914 of title 18 of the United States Code, and section 190 of the Revised Statutes (5 U. S. C. 99), except as otherwise specified in subsection (b) of this section.

(b) The exemption granted by subsection (a) shall not extend—

(1) to the receipt or payment of salary in connection with the appointee's Government service from any source other than the private employer of the appointee at the time of his appointment, or

(2) during the period of such appointment, and the further period of two years after the termination thereof, to the prosecution or participation in the prosecution, by any person so appointed, of any claim against the Government involving any matter concerning which the appointee had any responsibility arising out of his appointment during the period of such appointment.

ADMINISTRATION OF STATE PLANS

SEC. 1004. (a) No State plan submitted under one of the titles of this Act shall be approved by the Commissioner which does not—

(1) provide, in the case of a plan submitted under title III or under title V, or section 1009 of this title, that the State educational agency will be the sole agency for administering the plan;

(2) provide that such commission or agency will make such reports to the Commissioner, in such form and containing such information, as may be reasonably necessary to enable the Commissioner to perform his duties under such title or section; and

(3) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the State under such title or section.

(b) The Commissioner shall not finally disapprove any State plan submitted under this Act, or any modification thereof without first affording the agency administering the plan reasonable notice and opportunity for a hearing.

(c) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the agency administering a State plan approved under one of the titles of this Act, finds that—

(1) the State plan has been so changed that it no longer complies with the provisions of this Act governing its original approval, or

(2) in the administration of the plan there is a failure to comply substantially with any such provision, the Commissioner shall notify such State agency, in the case of a plan submitted under title III or V or section 1009 of this title, that no further payments will be made to the State under such title or section (or, in his discretion, further payments to the State will be limited to programs under or portions of the State plan not affected by such failure), until he is satisfied that there will no longer be any failure to comply. Until he is so satisfied, the Commissioner shall make no further payments to such State under such title or section, as the case may be (or shall limit payments to programs under or portions of the State plan not affected by such failure).

JUDICIAL REVIEW

SEC. 1005. (a) If any State is dissatisfied with the Commissioner's final action with respect to the approval of its State plan submitted under this Act, or with respect to his final action under section 1004 (c), such State may, within sixty days after notice of such action, file in the United States district court for the district in which the capital of the State is located, a petition to review such action. The petition for review shall (1) contain a concise statement of the facts upon which the appeal is based and (2) designate that part of the Commissioner's decision sought to be reviewed.

(b) Notification of the filing of the petition for review shall be given by the clerk of the court by mailing a copy of the petition to the Commissioner.

(c) No costs or docket fees shall be charged or imposed with respect to any judicial review proceedings, or appeal therefrom, taken under this Act.

(d) Upon receipt of the petition for review the Commissioner shall, within twenty days thereafter, certify and file in the court the record on review, consisting of the complete transcript of the proceedings before the Commissioner. No party to such review shall be required, by rule of court or otherwise, to print the contents of such record filed in the court.

(e) The court after review may dismiss the petition or deny the relief prayed for, or may suspend, modify, or set aside, in whole or in part, the action of the Commissioner, or may compel action unlawfully withheld. The judgment of the court shall be subject to review as provided in section 1291 and 1254 of title 28 of the United States Code.

METHOD OF PAYMENT

SEC. 1006. Payments under this Act to any individual or to any State or Federal agency, institution of higher education, or any other organization, pursuant to a grant, loan, or contract, may be made in installments, and in advance or by way of reimbursement, and, in the case of grants or loans, with necessary adjustments on account of overpayments or underpayments.

ADMINISTRATIVE APPROPRIATIONS AUTHORIZED

Appropriations.

SEC. 1007. There are hereby authorized to be appropriated for the fiscal year ending June 30, 1959, and for each fiscal year thereafter, such sums as may be necessary for the cost of administering the provisions of this Act, including the administrative expenses of State commissions.

ALLOTMENTS TO TERRITORIES AND POSSESSIONS

SEC. 1008. The amounts reserved by the Commissioner under sections 302 and 502 shall be allotted by the Commissioner among Alaska, Hawaii, Puerto Rico, the Canal Zone, Guam, and the Virgin Islands, according to their respective needs for the type of assistance furnished under the part or title in which the section appears.

IMPROVEMENT OF STATISTICAL SERVICES OF STATE EDUCATIONAL AGENCIES

SEC. 1009. (a) For the purpose of assisting the States to improve and strengthen the adequacy and reliability of educational statistics provided by State and local reports and records and the methods and techniques for collecting and processing educational data and disseminating information about the condition and progress of education in the States, there are hereby authorized to be appropriated for the fiscal year ending June 30, 1959, and each of the three succeeding fiscal years, for grants to States under this section, such sums as the Congress may determine.

(b) Grants under this section by the Commissioner shall be equal to one-half of the cost of State educational agency programs to carry out the purposes of this section, including (1) improving the collection, analysis, and reporting of statistical data supplied by local educational units, (2) the development of accounting and reporting manuals to serve as guides for local educational units, (3) the conduct of conferences and training for personnel of local educational units and of periodic reviews and evaluation of the program for records and reports, (4) improving methods for obtaining, from other State agencies within the State, educational data not collected by the State educational agency, or (5) expediting the processing and reporting of statistical data through installation and operation of mechanical equipment. The total of the payments to any State under this section for any fiscal year may not exceed \$50,000.

Grants.

(c) Payments with respect to any program of a State educational agency under this section may be made (1) only to the extent it is a new program or an addition to or expansion of an existing program, and (2) only if the State plan approved under subsection (d) includes such program.

Restriction.

(d) The Commissioner shall approve any State plan for purposes of this section if such plan meets the requirements of section 1004 (a) and sets forth the programs proposed to be carried out under the plan and the general policies to be followed in doing so.

Approved September 2, 1958.

Public Law 85-865

AN ACT

To amend the Watershed Protection and Flood Prevention Act.

September 2, 1958
[H. R. 5497]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4 (2) (A) of the Watershed Protection and Flood Prevention Act (Public Law 1018, Eighty-fourth Congress) be amended by inserting immediately after "and disposal of water", the following: "or for fish and wildlife development."

70 Stat. 1088.
16 USC 1004.

SEC. 2. The Secretary of Agriculture shall not furnish or agree to furnish financial assistance to local organizations for the institution of works of improvement for fish and wildlife development pursuant to the authority of this Act prior to July 1, 1958.

Approved September 2, 1958.

Public Law 85-866

AN ACT

September 2, 1958
[H. R. 8381]

To amend the Internal Revenue Code of 1954 to correct unintended benefits and hardships and to make technical amendments, and for other purposes.

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

TITLE I—TECHNICAL AMENDMENTS ACT OF 1958

SECTION 1. SHORT TITLE, ETC.

Citation of title.

(a) **SHORT TITLE.**—This title may be cited as the “Technical Amendments Act of 1958”.

68A Stat. 26 USC.

(b) **AMENDMENT OF 1954 CODE.**—Except as otherwise expressly provided, wherever in this title an amendment or repeal is expressed in terms of an amendment to or a repeal of a section or other provision, the reference shall be considered to be made to a provision of the Internal Revenue Code of 1954.

26 USC 1-1552.

(c) **EFFECTIVE DATE.**—Except as otherwise expressly provided—

(1) amendments made by this title to subtitle A of the Internal Revenue Code of 1954 (relating to income taxes) shall apply to taxable years beginning after December 31, 1953, and ending after August 16, 1954; and

26 USC 6001-7852.

(2) amendments made by this title to subtitle F of such Code (relating to procedure and administration) shall take effect as of August 17, 1954, and such subtitle, as so amended, shall apply as provided in section 7851 of the Internal Revenue Code of 1954.

SEC. 2. DEALERS IN TAX-EXEMPT SECURITIES.

26 USC 75.

(a) **MUNICIPAL BONDS.**—Section 75 (relating to dealers in tax-exempt securities) is amended—

(1) by striking out paragraph (1) of subsection (b) and inserting in lieu thereof the following:

“(1) The term ‘municipal bond’ means any obligation issued by a government or political subdivision thereof if the interest on such obligation is excludable from gross income; but such term does not include such an obligation if—

“(A) (i) it is sold or otherwise disposed of by the taxpayer within 30 days after the date of its acquisition by him, or

“(ii) its earliest maturity or call date is a date more than 5 years from the date on which it was acquired by the taxpayer; and

“(B) when it is sold or otherwise disposed of by the taxpayer—

“(i) in the case of a sale, the amount realized, or

“(ii) in the case of any other disposition, its fair market value at the time of such disposition,

is higher than its adjusted basis (computed without regard to this section and section 1016 (a) (6)).

21 USC 1016.

Determinations under subparagraph (B) shall be exclusive of interest.”;

(2) by striking out “short-term” each place it appears in subsection (a); and

(3) by adding at the end of subsection (a) the following new sentence:

“Notwithstanding the provisions of paragraph (1), no reduction to the cost of securities sold during the taxable year shall be made in

respect of any obligation described in subsection (b) (1) (A) (ii) which is held by the taxpayer at the close of the taxable year; but in the taxable year in which any such obligation is sold or otherwise disposed of, if such obligation is a municipal bond (as defined in subsection (b) (1)), the cost of securities sold during such year shall be reduced by an amount equal to the adjustment described in paragraph (2), without regard to the fact that the taxpayer values his inventories on any basis other than cost."

(b) **CONFORMING AMENDMENT.**—Section 1016 (a) (6) (relating to adjustments to basis) is amended by striking out "short-term".

26 USC 1016.

(c) **EFFECTIVE DATE.**—The amendments made by subsections (a) and (b) shall apply with respect to taxable years ending after December 31, 1957, but only with respect to obligations acquired after such date.

SEC. 3. STATUTORY SUBSISTENCE ALLOWANCE RECEIVED BY POLICE.

(a) **REPEAL.**—Section 120 (relating to statutory subsistence allowance received by police) is hereby repealed.

26 USC 120.

(b) **CONFORMING AMENDMENT.**—The table of sections for part III of subchapter B of chapter 1 is amended by striking out

"Sec. 120. Statutory subsistence allowance received by police."

(c) **EFFECTIVE DATE.**—The amendments made by subsections (a) and (b) shall apply with respect to taxable years ending after September 30, 1958, but only with respect to amounts received as a statutory subsistence allowance for any day after September 30, 1958.

SEC. 4. DEFINITION OF DEPENDENT.

(a) **SPOUSE.**—Paragraph (9) of section 152 (a) (relating to definition of dependent) is amended to read as follows:

26 USC 152.

"(9) An individual (other than an individual who at any time during the taxable year was the spouse, determined without regard to section 153, of the taxpayer) who, for the taxable year of the taxpayer, has as his principal place of abode the home of the taxpayer and is a member of the taxpayer's household, or"

(b) **ADOPTED CHILD.**—The last sentence of section 152 (b) (3) (relating to definition of dependent) is amended to read as follows: "The preceding sentence shall not exclude from the definition of 'dependent' any child of the taxpayer—

"(A) born to him, or legally adopted by him, in the Philippine Islands before January 1, 1956, if the child is a resident of the Republic of the Philippines, and if the taxpayer was a member of the Armed Forces of the United States at the time the child was born to him or legally adopted by him, or

"(B) legally adopted by him, if, for the taxable year of the taxpayer, the child has as his principal place of abode the home of the taxpayer and is a member of the taxpayer's household, and if the taxpayer is a citizen of the United States."

(c) **MEMBER OF HOUSEHOLD.**—Section 152 (b) (relating to definition of dependent) is amended by adding at the end thereof the following new paragraph:

"(5) An individual is not a member of the taxpayer's household if at any time during the taxable year of the taxpayer the relationship between such individual and the taxpayer is in violation of local law."

(d) **EFFECTIVE DATE.**—The amendment made by subsection (b) shall apply with respect to taxable years beginning after December 31, 1957.

SEC. 5. IMPROPER PAYMENTS TO OFFICIALS OF FOREIGN COUNTRIES.

26 USC 162.

(a) DENIAL OF DEDUCTION.—Section 162 (relating to trade or business expenses) is amended by redesignating subsection (c) as subsection (d), and by inserting after subsection (b) the following new subsection:

“(c) IMPROPER PAYMENTS TO OFFICIALS OR EMPLOYEES OF FOREIGN COUNTRIES.—No deduction shall be allowed under subsection (a) for any expenses paid or incurred if the payment thereof is made, directly or indirectly, to an official or employee of a foreign country, and if the making of the payment would be unlawful under the laws of the United States if such laws were applicable to such payment and to such official or employee.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply only with respect to expenses paid or incurred after the date of the enactment of this Act. The determination as to whether any expense paid or incurred on or before the date of the enactment of this Act shall be allowed as a deduction shall be made as if this section had not been enacted and without inference drawn from the fact that this section is not made applicable with respect to expenses paid or incurred on or before the date of the enactment of this Act.

SEC. 6. PAYMENTS FOR MUNICIPAL SERVICES IN ATOMIC ENERGY COMMUNITIES.

26 USC 164.

(a) TREATMENT AS TAX PAYMENTS.—Section 164 (relating to deduction for taxes) is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

“(f) PAYMENTS FOR MUNICIPAL SERVICES IN ATOMIC ENERGY COMMUNITIES.—For purposes of this section, amounts paid or accrued, to compensate the Atomic Energy Commission for municipal-type services, by any owner of real property within any community (within the meaning of section 21 b of the Atomic Energy Community Act of 1955) shall be treated as real property taxes paid or accrued. For purposes of this subsection, the term ‘owner’ includes a person who holds the real property under a leasehold of 40 or more years and a person who has entered into a contract to purchase under section 61 of the Atomic Energy Community Act of 1955. Subsection (d) of this section shall not apply to a sale by the United States of property with respect to which this subsection applies.”

69 Stat. 473.
42 USC 2304.

42 USC 2361.

(b) The amendments made by subsection (a) shall apply with respect to taxable years beginning after December 31, 1957.

SEC. 7. WORTHLESS SECURITIES IN AFFILIATED CORPORATIONS.

26 USC 165.

Section 165 (g) (3) (B) (relating to worthless securities in affiliated corporations) is amended by striking out “rental from” and inserting in lieu thereof “rental of”.

SEC. 8. NONBUSINESS BAD DEBTS.

26 USC 166.

Section 166 (d) (2) (A) (relating to definition of nonbusiness debt) is amended by striking out “a taxpayer’s trade or business” and inserting in lieu thereof “a trade or business of the taxpayer”.

SEC. 9. FACILITIES FOR PRIMARY PROCESSING OF URANIUM ORE OR URANIUM CONCENTRATE.

26 USC 168.

(a) NEW FACILITIES.—Section 168 (e) (2) (relating to certifications of emergency facilities after August 22, 1957) is amended by striking out “or” at the end of subparagraph (A), by inserting “or” at the end of subparagraph (B), and by inserting after subparagraph (B) the following new subparagraph:

“(C) to provide primary processing for uranium ore or uranium concentrate under a program of the Atomic Energy Commission for the development of new sources of uranium ore or uranium concentrate.”

(b) **LIMITATION.**—Section 168 (e) (relating to determination of adjusted basis of emergency facilities) is amended by adding at the end thereof the following new paragraph:

26 USC 168.

“(5) **LIMITATION WITH RESPECT TO URANIUM ORE OR URANIUM CONCENTRATE PROCESSING FACILITIES.**—No certificate shall be made under paragraph (2) (C) with respect to any facility unless existing facilities for processing the uranium ore or uranium concentrate which will be processed by such facility are unsuitable because of their location.”

(c) **APPLICATIONS HERETOFORE FILED.**—In the case of any certificate which is made under section 168 (e) of the Internal Revenue Code of 1954 for any facility to which the amendment made by subsection (a) applies, if application for such certificate was filed before the date of the enactment of this Act and within the time prescribed by the next to the last sentence of section 168 (e) (2) of such Code, the second sentence of section 168 (d) (1) of such Code shall not apply with respect to any taxable year of the taxpayer which ends prior to the date on which such certificate is made. In the case of any certificate which is made under such section for any facility to which the amendment made by subsection (a) applies, if application for such certificate is filed at any time within 3 months after the date of the enactment of this Act, the next to the last sentence of section 168 (e) (2) shall not apply and the second sentence of section 168 (d) (1) shall not apply with respect to any taxable year of the taxpayer which ends prior to the date on which such certificate is made.

SEC. 10. UNLIMITED DEDUCTION FOR CHARITABLE CONTRIBUTIONS BY INDIVIDUALS.

(a) **UNLIMITED DEDUCTION FOR CERTAIN INDIVIDUALS.**—Section 170 (b) (1) (C) (relating to unlimited charitable deduction for certain individuals) is amended by adding at the end thereof the following new sentence:

26 USC 170.

“In lieu of the amount of income tax paid during any such year, there may be substituted for that year the amount of income tax paid in respect of such year, provided that any amount so included in the year in respect of which payment was made shall not be included in any other year.”

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply with respect to taxable years beginning after December 31, 1957.

SEC. 11. CHARITABLE CONTRIBUTION CARRYOVER FOR CORPORATIONS.

Section 170 (b) (relating to limitations on charitable contribution deduction) is amended by adding at the end thereof the following new paragraph:

“(3) **SPECIAL RULE FOR CORPORATIONS HAVING NET OPERATING LOSS CARRYOVERS.**—In applying the second sentence of paragraph (2) of this subsection, the excess of—

“(A) the contributions made by a corporation in a taxable year to which this section applies, over

“(B) the amount deductible in such year under the limitation in the first sentence of such paragraph (2),

shall be reduced to the extent that such excess reduces taxable income (as computed for purposes of the second sentence of section 172 (b) (2)) and increases a net operating loss carryover under section 172 to a succeeding taxable year.”

26 USC 172.

SEC. 12. LIMITATIONS ON CHARITABLE CONTRIBUTION DEDUCTION.

26 USC 170.

(a) **REDUCTION FOR CERTAIN INTEREST.**—Section 170 (b) (relating to limitations on deduction for charitable, etc., contributions and gifts) is amended by adding after paragraph (3) (added by section 11 of this Act) the following new paragraph:

“(4) **REDUCTION FOR CERTAIN INTEREST.**—If, in connection with any charitable contribution, a liability is assumed by the recipient or by any other person, or if a charitable contribution is of property which is subject to a liability, then, to the extent necessary to avoid the duplication of amounts, the amount taken into account for purposes of this section as the amount of the charitable contribution—

“(A) shall be reduced for interest (i) which has been paid (or is to be paid) by the taxpayer, (ii) which is attributable to the liability, and (iii) which is attributable to any period after the making of the contribution, and

“(B) in the case of a bond, shall be further reduced for interest (i) which has been paid (or is to be paid) by the taxpayer on indebtedness incurred or continued to purchase or carry such bond, and (ii) which is attributable to any period before the making of the contribution.

The reduction pursuant to subparagraph (B) shall not exceed the interest (including interest equivalent) on the bond which is attributable to any period before the making of the contribution and which is not (under the taxpayer's method of accounting) includible in the gross income of the taxpayer for any taxable year. For purposes of this paragraph, the term ‘bond’ means any bond, debenture, note, or certificate or other evidence of indebtedness.”

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to taxable years ending after December 31, 1957, but only with respect to charitable contributions made after such date.

SEC. 13. AMORTIZABLE BOND PREMIUM.

26 USC 171.

(a) **AMORTIZATION OF PREMIUMS WITH CALL DATES.**—Section 171 (b) (relating to amortizable bond premium) is amended—

(1) by striking out subparagraph (B) of paragraph (1) and inserting in lieu thereof the following:

“(B) (i) with reference to the amount payable on maturity or on earlier call date, in the case of any bond other than a bond to which clause (ii) or (iii) applies,

“(ii) with reference to the amount payable on maturity (or if it results in a smaller amortizable bond premium attributable to the period to earlier call date, with reference to the amount payable on earlier call date), in the case of any bond described in subsection (c) (1) (B) which is acquired after December 31, 1957, or

“(iii) with reference to the amount payable on maturity, in the case of any bond described in subsection (c) (1) (B) which was acquired after January 22, 1954, and before January 1, 1958, but only if such bond was issued after January 22, 1951, and has a call date not more than 3 years after the date of such issue, and”; and

(2) by striking out, in the second sentence of paragraph (2), the phrase “In the case of a bond described in subsection (c) (1) (B) issued after January 22, 1951, and acquired after January 22, 1954, which has a call date not more than 3 years after the date of such issue,” and inserting in lieu thereof the following: “In the case of a bond to which paragraph (1) (B) (ii) or (iii) applies and which has a call date,”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall apply with respect to taxable years ending after December 31, 1957.

SEC. 14. NET OPERATING LOSS DEDUCTION.

(a) **TAXABLE YEARS BEGINNING IN 1953 AND ENDING IN 1954.**—Section 172 (f) (relating to net operating loss provisions for taxable years beginning in 1953 and ending in 1954) is amended by adding at the end thereof the following new paragraphs:

26 USC 172.

“(3) The net operating loss deduction for such year shall be, in lieu of the amount specified in section 122 (c) of the Internal Revenue Code of 1939, the sum of—

26 USC 172.

“(A) that portion of the net operating loss deduction for such year, computed as if subsection (a) of this section were applicable to the taxable year, which the number of days in such year after December 31, 1953, bears to the total number of days in such year, and

“(B) that portion of the net operating loss deduction for such year, computed under section 122 (c) of the Internal Revenue Code of 1939 as if this paragraph had not been enacted, which the number of days in such year before January 1, 1954, bears to the total number of days in such year.

“(4) For purposes of the second sentence of subsection (b) (2), the taxable income for such year shall be the sum of—

“(A) that portion of the net income for such year, computed without regard to this paragraph, which the number of days in such year before January 1, 1954, bears to the total number of days in such year, and

“(B) that portion of the net income for such year, computed—

“(i) without regard to paragraphs (1) and (2) of section 122 (d) of the Internal Revenue Code of 1939, and

“(ii) by allowing as a deduction an amount equal to the sum of the credits provided in subsections (b) and (h) of section 26 of such Code,

which the number of days in such year after December 31, 1953, bears to the total number of days in such year.”

(b) **SHORT TAXABLE YEARS BEGINNING IN 1954.**—Section 172 (g) (relating to special transitional rules for net operating loss provisions) is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

26 USC 172.

“(3) **TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953, AND ENDING BEFORE AUGUST 17, 1954.**—In the case of a taxable year which begins after December 31, 1953, and ends before August 17, 1954—

“(A) the net operating loss deduction for such year shall be computed as if subsection (a) of this section applied to such taxable year, and

“(B) for purposes of the second sentence of subsection (b) (2), the taxable income for such taxable year shall be the net income for such taxable year, computed—

“(i) without regard to paragraphs (1) and (2) of section 122 (d) of the Internal Revenue Code of 1939, and

“(ii) by allowing as a deduction an amount equal to the sum of the credits provided in subsections (b) and (h) of section 26 of such Code.”

(c) **STATUTE OF LIMITATIONS, ETC.; INTEREST.**—If refund or credit of any overpayment resulting from the application of the amendment

made by subsection (a) or (b) is prevented on the date of the enactment of this Act, or within 6 months after such date, by the operation of any law or rule of law (other than section 3760 of the Internal Revenue Code of 1939 or section 7121 of the Internal Revenue Code of 1954, relating to closing agreements, and other than section 3761 of the Internal Revenue Code of 1939 or section 7122 of the Internal Revenue Code of 1954, relating to compromises), refund or credit of such overpayment may, nevertheless, be made or allowed if claim therefor is filed within 6 months after such date. No interest shall be paid or allowed on any overpayment resulting from the application of the amendment made by subsection (a) or (b).

SEC. 15. IMPROVEMENTS ON LEASED PROPERTY.

(a) **DEDUCTION BY LESSEE FOR DEPRECIATION, ETC.**—Part VI of subchapter B of chapter 1 (itemized deductions for individuals and corporations) is amended by adding at the end thereof the following new section:

“SEC. 178. DEPRECIATION OR AMORTIZATION OF IMPROVEMENTS MADE BY LESSEE ON LESSOR'S PROPERTY.

“(a) **GENERAL RULE.**—Except as provided in subsection (b), in determining the amount allowable to a lessee as a deduction for any taxable year for exhaustion, wear and tear, obsolescence, or amortization—

“(1) in respect of any building erected (or other improvement made) on the leased property, if the portion of the term of the lease (excluding any period for which the lease may subsequently be renewed, extended, or continued pursuant to an option exercisable by the lessee) remaining upon the completion of such building or other improvement is less than 60 percent of the useful life of such building or other improvement, or

“(2) in respect of any cost of acquiring the lease, if less than 75 percent of such cost is attributable to the portion of the term of the lease (excluding any period for which the lease may subsequently be renewed, extended, or continued pursuant to an option exercisable by the lessee) remaining on the date of its acquisition,

the term of the lease shall be treated as including any period for which the lease may be renewed, extended, or continued pursuant to an option exercisable by the lessee, unless the lessee establishes that (as of the close of the taxable year) it is more probable that the lease will not be renewed, extended, or continued for such period than that the lease will be so renewed, extended, or continued.

“(b) **RELATED LESSEE AND LESSOR.**—

“(1) **GENERAL RULE.**—If a lessee and lessor are related persons (as determined under paragraph (2)) at any time during the taxable year then, in determining the amount allowable to the lessee as a deduction for such taxable year for exhaustion, wear and tear, obsolescence, or amortization in respect of any building erected (or other improvement made) on the leased property, the lease shall be treated as including a period of not less duration than the remaining useful life of such improvement.

“(2) **RELATED PERSONS DEFINED.**—For purposes of paragraph (1), a lessor and lessee shall be considered to be related persons if—

“(A) the lessor and the lessee are members of an affiliated group (as defined in section 1504), or

“(B) the relationship between the lessor and lessee is one described in subsection (b) of section 267, except that, for purposes of this subparagraph, the phrase ‘80 percent or more’ shall be substituted for the phrase ‘more than 50 percent’ each place it appears in such subsection.

26 USC 7121.

26 USC 7122.

26 USC 161-177.

26 USC 1504.

26 USC 267.

For purposes of determining the ownership of stock in applying subparagraph (B), the rules of subsection (c) of section 267 shall apply, except that the family of an individual shall include only his spouse, ancestors, and lineal descendants.

“(c) REASONABLE CERTAINTY TEST.—In any case in which neither subsection (a) nor subsection (b) applies, the determination as to the amount allowable to a lessee as a deduction for any taxable year for exhaustion, wear and tear, obsolescence, or amortization—

“(1) in respect of any building erected (or other improvement made) on the leased property, or

“(2) in respect of any cost of acquiring the lease, shall be made with reference to the term of the lease (excluding any period for which the lease may subsequently be renewed, extended, or continued pursuant to an option exercisable by the lessee), unless the lease has been renewed, extended, or continued or the facts show with reasonable certainty that the lease will be renewed, extended, or continued.”

(b) TECHNICAL AMENDMENT.—The table of sections for such part VI is amended by adding at the end thereof the following:

“Sec. 178. Depreciation or amortization of improvements made by lessee on lessor's property.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to costs of acquiring a lease incurred, and improvements begun, after July 28, 1958 (other than improvements which, on July 28, 1958, and at all times thereafter, the lessee was under a binding legal obligation to make).

SEC. 16. MEDICAL, DENTAL, ETC., EXPENSES IN CASE OF DECEDENTS.

Section 213 (d) (2) (A) (relating to medical, dental, etc., expenses in the case of decedents) is amended by striking out “claimed or”.

26 USC 213.

SEC. 17. INCREASE IN LIMITATION ON MEDICAL DEDUCTION FOR A TAXPAYER OR HIS SPOUSE WHO HAS ATTAINED AGE 65 AND IS DISABLED.

(a) INCREASE OF LIMITATION TO \$15,000.—Section 213 (relating to deduction for medical, dental, etc., expenses) is amended by adding at the end thereof the following new subsection:

“(g) MAXIMUM LIMITATION IF TAXPAYER OR SPOUSE HAS ATTAINED AGE 65 AND IS DISABLED.—

“(1) SPECIAL RULE.—Subject to the provisions of paragraph (2), the deduction under this section shall not exceed—

“(A) \$15,000, if the taxpayer has attained the age of 65 before the close of the taxable year and is disabled, or if his spouse has attained the age of 65 before the close of the taxable year and is disabled and if his spouse does not make a separate return for the taxable year, or

“(B) \$30,000, if both the taxpayer and his spouse have attained the age of 65 before the close of the taxable year and are disabled and if the taxpayer files a joint return with his spouse under section 6013.

26 USC 6013.

“(2) AMOUNTS TAKEN INTO ACCOUNT.—For purposes of paragraph (1)—

“(A) amounts paid by the taxpayer during the taxable year for medical care, other than amounts paid for—

“(i) his medical care, if he has attained the age of 65 before the close of the taxable year and is disabled, or

“(ii) the medical care of his spouse, if his spouse has attained the age of 65 before the close of the taxable year and is disabled,

shall be taken into account only to the extent that such amounts do not exceed the maximum limitation provided in subsection (c) which would (but for the provisions of this subsection) apply to the taxpayer for the taxable year;

“(B) if the taxpayer has attained the age of 65 before the close of the taxable year and is disabled, amounts paid by him during the taxable year for his medical care shall be taken into account only to the extent that such amounts do not exceed \$15,000; and

“(C) if the spouse of the taxpayer has attained the age of 65 before the close of the taxable year and is disabled, amounts paid by the taxpayer during the taxable year for the medical care of his spouse shall be taken into account only to the extent that such amounts do not exceed \$15,000.

“(3) MEANING OF DISABLED.—For purposes of paragraph (1), an individual shall be considered to be disabled if he is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or to be of long-continued and indefinite duration. An individual shall not be considered to be disabled unless he furnishes proof of the existence thereof in such form and manner as the Secretary or his delegate may require.

“(4) DETERMINATION OF STATUS.—For purposes of paragraph (1), the determination as to whether the taxpayer or his spouse is disabled shall be made as of the close of the taxable year of the taxpayer, except that if his spouse dies during such taxable year such determination shall be made with respect to his spouse as of the time of such death.”

26 USC 213.

(b) TECHNICAL AMENDMENT.—Section 213 (c) (relating to maximum limitations on medical deduction) is amended by striking out “The” and inserting in lieu thereof “Except as provided in subsection (g), the”.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply only with respect to taxable years beginning after December 31, 1957.

26 USC 246.

SEC. 18. DEDUCTIONS BY CORPORATIONS FOR DIVIDENDS RECEIVED.
(a) EXCLUSION OF CERTAIN DIVIDENDS.—Section 246 (relating to rules applying to deductions by corporations for dividends received) is amended by adding at the end thereof the following new subsection:

“(c) EXCLUSION OF CERTAIN DIVIDENDS.—

26 USC 243-245.

“(1) IN GENERAL.—No deduction shall be allowed under section 243, 244, or 245, in respect of any dividend on any share of stock—

“(A) which is sold or otherwise disposed of in any case in which the taxpayer has held such share for 15 days or less, or

“(B) to the extent that the taxpayer is under an obligation (whether pursuant to a short sale or otherwise) to make corresponding payments with respect to substantially identical stock or securities.

“(2) 90-DAY RULE IN THE CASE OF CERTAIN PREFERENCE DIVIDENDS.—In the case of any stock having preference in dividends, the holding period specified in paragraph (1) (A) shall be 90 days in lieu of 15 days if the taxpayer receives dividends with respect to such stock which are attributable to a period or periods aggregating in excess of 366 days.

“(3) DETERMINATION OF HOLDING PERIODS.—For purposes of this subsection, in determining the period for which the taxpayer has held any share of stock—

“(A) the day of disposition, but not the day of acquisition, shall be taken into account,

“(B) there shall not be taken into account any day which is more than 15 days (or 90 days in the case of stock to which paragraph (2) applies) after the date on which such share becomes ex-dividend, and

“(C) paragraph (4) of section 1223 shall not apply.

26 USC 1223.

The holding periods determined under the preceding provisions of this paragraph shall be appropriately reduced (in the manner provided in regulations prescribed by the Secretary or his delegate) for any period (during such holding periods) in which the taxpayer has an option to sell, is under a contractual obligation to sell, or has made (and not closed) a short sale of, substantially identical stock or securities.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to taxable years ending after December 31, 1957, but only with respect to shares of stock acquired or short sales made after December 31, 1957.

SEC. 19. GAIN OR LOSS ON SALES OR EXCHANGES IN CONNECTION WITH CERTAIN LIQUIDATIONS.

Section 337 (relating to gain or loss on sales or exchanges in connection with certain liquidations) is amended by adding at the end thereof the following new subsection:

26 USC 337.

“(d) SPECIAL RULE FOR CERTAIN MINORITY SHAREHOLDERS.—If a corporation adopts a plan of complete liquidation on or after January 1, 1958, and if subsection (a) does not apply to sales or exchanges of property by such corporation, solely by reason of the application of subsection (c) (2) (A), then for the first taxable year of any shareholder (other than a corporation which meets the 80 percent stock ownership requirement specified in section 332 (b) (1)) in which he receives a distribution in complete liquidation—

26 USC 332.

“(1) the amount realized by such shareholder on the distribution shall be increased by his proportionate share of the amount by which the tax imposed by this subtitle on such corporation would have been reduced if subsection (c) (2) (A) had not been applicable, and

“(2) for purposes of this title, such shareholder shall be deemed to have paid, on the last day prescribed by law for the payment of the tax imposed by this subtitle on such shareholder for such taxable year, an amount of tax equal to the amount of the increase described in paragraph (1).”

SEC. 20. COLLAPSIBLE CORPORATIONS.

(a) EXCEPTIONS TO TREATMENT OF CORPORATIONS AS COLLAPSIBLE CORPORATIONS.—Section 341 (relating to collapsible corporations) is amended by adding at the end thereof the following new subsection:

26 USC 341.

“(e) EXCEPTIONS TO APPLICATION OF SECTION.—

“(1) SALES OR EXCHANGES OF STOCK.—For purposes of subsection

(a) (1), a corporation shall not be considered to be a collapsible corporation with respect to any sale or exchange of stock of the corporation by a shareholder, if, at the time of such sale or exchange, the sum of—

“(A) the net unrealized appreciation in subsection (e) assets of the corporation (as defined in paragraph (5) (A)), plus

“(B) if the shareholder owns more than 5 percent in value of the outstanding stock of the corporation, the net unrealized appreciation in assets of the corporation (other than assets described in subparagraph (A)) which would be subsection (e) assets under clauses (i) and (iii) of paragraph (5) (A) if the shareholder owned more than 20 percent in value of such stock, plus

“(C) if the shareholder owns more than 20 percent in value of the outstanding stock of the corporation and owns, or at any time during the preceding 3-year period owned, more than 20 percent in value of the outstanding stock of any other corporation more than 70 percent in value of the assets of which are, or were at any time during which such shareholder owned during such 3-year period more than 20 percent in value of the outstanding stock, assets similar or related in service or use to assets comprising more than 70 percent in value of the assets of the corporation, the net unrealized appreciation in assets of the corporation (other than assets described in subparagraph (A)) which would be subsection (e) assets under clauses (i) and (iii) of paragraph (5) (A) if the determination whether the property, in the hands of such shareholder, would be property gain from the sale or exchange of which would under any provision of this chapter be considered in whole or in part as gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231 (b), were made—

26 USC 1231.

“(i) by treating any sale or exchange by such shareholder of stock in such other corporation within the preceding 3-year period (but only if at the time of such sale or exchange the shareholder owned more than 20 percent in value of the outstanding stock in such other corporation) as a sale or exchange by such shareholder of his proportionate share of the assets of such other corporation, and

“(ii) by treating any sale or exchange of property by such other corporation within such 3-year period (but only if at the time of such sale or exchange the shareholder owned more than 20 percent in value of the outstanding stock in such other corporation), gain or loss on which was not recognized to such other corporation under section 337 (a), as a sale or exchange by such shareholder of his proportionate share of the property sold or exchanged,

26 USC 337.

does not exceed an amount equal to 15 percent of the net worth of the corporation. This paragraph shall not apply to any sale or exchange of stock to the issuing corporation or, in the case of a shareholder who owns more than 20 percent in value of the outstanding stock of the corporation, to any sale or exchange of stock by such shareholder to any person related to him (within the meaning of paragraph (8)).

“(2) DISTRIBUTIONS IN LIQUIDATION.—For purposes of subsection (a) (2), a corporation shall not be considered to be a collapsible corporation with respect to any distribution to a shareholder pursuant to a plan of complete liquidation if, by reason of the application of paragraph (4) of this subsection, section 337 (a) applies to sales or exchanges of property by the corporation within the 12-month period beginning on the date of the adoption of such plan, and if, at all times after the adoption of the plan of liquidation, the sum of—

“(A) the net unrealized appreciation in subsection (e) assets of the corporation (as defined in paragraph (5) (A)), plus

“(B) if the shareholder owns more than 5 percent in value of the outstanding stock of the corporation, the net unrealized appreciation in assets of the corporation described in para-

graph (1) (B) (other than assets described in subparagraph (A) of this paragraph), plus

“(C) if the shareholder owns more than 20 percent in value of the outstanding stock of the corporation and owns, or at any time during the preceding 3-year period owned, more than 20 percent in value of the outstanding stock of any other corporation more than 70 percent in value of the assets of which are, or were at any time during which such shareholder owned during such 3-year period more than 20 percent in value of the outstanding stock, assets similar or related in service or use to assets comprising more than 70 percent in value of the assets of the corporation, the net unrealized appreciation in assets of the corporation described in paragraph (1) (C) (other than assets described in subparagraph (A) of this paragraph),

does not exceed an amount equal to 15 percent of the net worth of the corporation.

“(3) RECOGNITION OF GAIN IN CERTAIN LIQUIDATIONS.—For purposes of section 333, a corporation shall not be considered to be a collapsible corporation if at all times after the adoption of the plan of liquidation, the net unrealized appreciation in subsection (e) assets of the corporation (as defined in paragraph (5) (B)) does not exceed an amount equal to 15 percent of the net worth of the corporation.

26 USC 333.

“(4) GAIN OR LOSS ON SALES OR EXCHANGES IN CONNECTION WITH CERTAIN LIQUIDATIONS.—For purposes of section 337, a corporation shall not be considered to be a collapsible corporation with respect to any sale or exchange by it of property within the 12-month period beginning on the date of the adoption of a plan of complete liquidation, if—

26 USC 337.

“(A) at all times after the adoption of such plan, the net unrealized appreciation in subsection (e) assets of the corporation (as defined in paragraph (5) (A)) does not exceed an amount equal to 15 percent of the net worth of the corporation,

“(B) within the 12-month period beginning on the date of the adoption of such plan, the corporation sells substantially all of the properties held by it on such date, and

“(C) following the adoption of such plan, no distribution is made of any property which in the hands of the corporation or in the hands of the distributee is property in respect of which a deduction for exhaustion, wear and tear, obsolescence, amortization, or depletion is allowable.

This paragraph shall not apply with respect to any sale or exchange of property by the corporation to any shareholder who owns more than 20 percent in value of the outstanding stock of the corporation or to any person related to such shareholder (within the meaning of paragraph (8)), if such property in the hands of the corporation or in the hands of such shareholder or related person is property in respect of which a deduction for exhaustion, wear and tear, obsolescence, amortization, or depletion is allowable.

“(5) SUBSECTION (e) ASSET DEFINED.—

“(A) For purposes of paragraphs (1), (2), and (4), the term ‘subsection (e) asset’ means, with respect to property held by any corporation—

“(i) property (except property used in the trade or business, as defined in paragraph (9)) which in the hands of the corporation is, or, in the hands of a share-

26 USC 1231.

holder who owns more than 20 percent in value of the outstanding stock of the corporation, would be, property gain from the sale or exchange of which would under any provision of this chapter be considered in whole or in part as gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231 (b) ;

“(ii) property used in the trade or business (as defined in paragraph (9)), but only if the unrealized depreciation on all such property on which there is unrealized depreciation exceeds the unrealized appreciation on all such property on which there is unrealized appreciation ;

“(iii) if there is net unrealized appreciation on all property used in the trade or business (as defined in paragraph (9)), property used in the trade or business (as defined in paragraph (9)) which, in the hands of a shareholder who owns more than 20 percent in value of the outstanding stock of the corporation, would be property gain from the sale or exchange of which would under any provision of this chapter be considered in whole or in part as gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231 (b) ; and

“(iv) property (unless included under clause (i), (ii), or (iii)) which consists of a copyright, a literary, musical, or artistic composition, or similar property, or any interest in any such property, if the property was created in whole or in part by the personal efforts of any individual who owns more than 5 percent in value of the stock of the corporation.

The determination as to whether property of the corporation in the hands of the corporation is, or in the hands of a shareholder would be, property gain from the sale or exchange of which would under any provision of this chapter be considered in whole or in part as gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231 (b) shall be made as if all property of the corporation had been sold or exchanged to one person in one transaction.

“(B) For purposes of paragraph (3), the term ‘subsection (e) asset’ means, with respect to property held by any corporation, property described in clauses (i), (ii), (iii), and (iv) of subparagraph (A), except that clauses (i) and (iii) shall apply in respect of any shareholder who owns more than 5 percent in value of the outstanding stock of the corporation (in lieu of any shareholder who owns more than 20 percent in value of such stock).

“(6) NET UNREALIZED APPRECIATION DEFINED.—

“(A) For purposes of this subsection, the term ‘net unrealized appreciation’ means, with respect to the assets of a corporation, the amount by which—

“(i) the unrealized appreciation in such assets on which there is unrealized appreciation, exceeds

“(ii) the unrealized depreciation in such assets on which there is unrealized depreciation.

“(B) For purposes of subparagraph (A) and paragraph (5) (A), the term ‘unrealized appreciation’ means, with respect to any asset, the amount by which—

“(i) the fair market value of such asset, exceeds

“(ii) the adjusted basis for determining gain from the sale or other disposition of such asset.

“(C) For purposes of subparagraph (A) and paragraph (5) (A), the term ‘unrealized depreciation’ means, with respect to any asset, the amount by which—

“(i) the adjusted basis for determining gain from the sale or other disposition of such asset, exceeds

“(ii) the fair market value of such asset.

“(D) For purposes of this paragraph (but not paragraph (5) (A)), in the case of any asset on the sale or exchange of which only a portion of the gain would under any provision of this chapter be considered as gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231 (b), there shall be taken into account only an amount of the unrealized appreciation in such asset which is equal to such portion of the gain.

26 USC 1231.

“(7) NET WORTH DEFINED.—For purposes of this subsection, the net worth of a corporation, as of any day, is the amount by which—

“(A) (i) the fair market value of all its assets at the close of such day, plus

“(ii) the amount of any distribution in complete liquidation made by it on or before such day, exceeds

“(B) all its liabilities at the close of such day.

For purposes of this paragraph, the net worth of a corporation as of any day shall not take into account any increase in net worth during the one-year period ending on such day to the extent attributable to any amount received by it for stock, or as a contribution to capital or as paid-in surplus, if it appears that there was not a bona fide business purpose for the transaction in respect of which such amount was received.

“(8) RELATED PERSON DEFINED.—For purposes of paragraphs (1) and (4), the following persons shall be considered to be related to a shareholder:

“(A) If the shareholder is an individual—

“(i) his spouse, ancestors, and lineal descendants, and

“(ii) a corporation which is controlled by such shareholder.

“(B) If the shareholder is a corporation—

“(i) a corporation which controls, or is controlled by, the shareholder, and

“(ii) if more than 50 percent in value of the outstanding stock of the shareholder is owned by any person, a corporation more than 50 percent in value of the outstanding stock of which is owned by the same person.

For purposes of determining the ownership of stock in applying subparagraphs (A) and (B), the rules of section 267 (c) shall apply, except that the family of an individual shall include only his spouse, ancestors, and lineal descendants. For purposes of this paragraph, control means the ownership of stock possessing at least 50 percent of the total combined voting power of all classes of stock entitled to vote or at least 50 percent of the total value of shares of all classes of stock of the corporation.

“(9) PROPERTY USED IN THE TRADE OR BUSINESS.—For purposes of this subsection, the term ‘property used in the trade or business’ means property described in section 1231 (b), without regard to any holding period therein provided.

“(10) OWNERSHIP OF STOCK.—For purposes of this subsection (other than paragraph (8)), the ownership of stock shall be determined in the manner prescribed in subsection (d).

“(11) CORPORATIONS AND SHAREHOLDERS NOT MEETING REQUIREMENTS.—In determining whether or not any corporation is a collapsible corporation within the meaning of subsection (b), the fact that such corporation, or such corporation with respect to any of its shareholders, does not meet the requirements of paragraph (1), (2), (3), or (4) of this subsection shall not be taken into account, and such determination, in the case of a corporation which does not meet such requirements, shall be made as if this subsection had not been enacted.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to taxable years beginning after December 31, 1957, but only with respect to sales, exchanges, and distributions after the date of the enactment of this Act.

SEC. 21. PROPERTY RECEIVED IN CERTAIN CORPORATE ORGANIZATIONS AND REORGANIZATIONS.

26 USC 358.

(a) BASIS.—Section 358 (a) (1) (A) (relating to decrease in basis to distributees of property received in certain corporate organizations and reorganizations) is amended by striking out “and” at the end of the clause (i), and by adding after clause (ii) the following new clause:

“(iii) the amount of loss to the taxpayer which was recognized on such exchange, and”.

26 USC 393.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply as provided in section 393 of the Internal Revenue Code of 1954 as if the clause (iii) added by such amendment had been included in such Code at the time of its enactment.

SEC. 22. CERTAIN ACQUISITIONS OF STOCK.

26 USC 391.

(a) TRANSITIONAL RULES.—Section 391 (relating to effective date of certain provisions of the Internal Revenue Code of 1954 relating to distributions by corporations) is amended by adding at the end thereof the following new sentence:

“In the case of—

“(1) any acquisition of stock described in section 304 which occurred before June 22, 1954, and

“(2) any acquisition of stock described in such section which occurred on or after June 22, 1954, and on or before December 31, 1958, pursuant to a contract entered into before June 22, 1954, the extent to which the property received in return for such acquisition shall be treated as a dividend shall be determined as if the Internal Revenue Code of 1939 continued to apply in respect of such acquisition and as if this Code had not been enacted.”

(b) EFFECTIVE DATE.—The third sentence of section 391 of the Internal Revenue Code of 1954, as added by subsection (a) of this section, shall apply as if included in such section on the date of the enactment of such Code.

SEC. 23. TAXATION OF EMPLOYEE ANNUITIES.

26 USC 403.

(a) ANNUITY CONTRACTS PURCHASED BY CERTAIN TAX-EXEMPT ORGANIZATIONS.—Section 403 (relating to taxation of employee annuities) is amended by redesignating subsection (b) as subsection (c), and by inserting after subsection (a) the following new subsection:

“(b) TAXABILITY OF BENEFICIARY UNDER ANNUITY PURCHASED BY SECTION 501 (c) (3) ORGANIZATION.—

“(1) GENERAL RULE.—If—

26 USC 501.

“(A) an annuity contract is purchased for an employee by an employer described in section 501 (c) (3) which is exempt from tax under section 501 (a),

“(B) such annuity contract is not subject to subsection (a), and

“(C) the employee's rights under the contract are nonforfeitable, except for failure to pay future premiums, then amounts contributed by such employer for such annuity contract on or after such rights become nonforfeitable shall be excluded from the gross income of the employee for the taxable year to the extent that the aggregate of such amounts does not exceed the exclusion allowance for such taxable year. The employee shall include in his gross income the amounts received under such contract for the year received as provided in section 72 (relating to annuities) except that section 72 (e) (3) shall not apply.

26 USC 72.

“(2) EXCLUSION ALLOWANCE.—For purposes of this subsection, the exclusion allowance for any employee for the taxable year is an amount equal to the excess, if any, of—

“(A) the amount determined by multiplying (i) 20 percent of his includible compensation, by (ii) the number of years of service, over

“(B) the aggregate of the amounts contributed by the employer for annuity contracts and excludable from the gross income of the employee for any prior taxable year.

“(3) INCLUDIBLE COMPENSATION.—For purposes of this subsection, the term ‘includible compensation’ means, in the case of any employee, the amount of compensation which is received from the employer described in section 501 (c) (3) and exempt from tax under section 501 (a), and which is includible in gross income (computed without regard to sections 105 (d) and 911) for the most recent period (ending not later than the close of the taxable year) which under paragraph (4) may be counted as one year of service. Such term does not include any amount contributed by the employer for any annuity contract to which this subsection applies.

26 USC 501.

26 USC 105,911.

“(4) YEARS OF SERVICE.—In determining the number of years of service for purposes of this subsection, there shall be included—

“(A) one year for each full year during which the individual was a full-time employee of the organization purchasing the annuity for him, and

“(B) a fraction of a year (determined in accordance with regulations prescribed by the Secretary or his delegate) for each full year during which such individual was a part-time employee of such organization and for each part of a year during which such individual was a full-time or part-time employee of such organization.

In no case shall the number of years of service be less than one.

“(5) APPLICATION TO MORE THAN ONE ANNUITY CONTRACT.—If for any taxable year of the employee this subsection applies to 2 or more annuity contracts purchased by the employer, such contracts shall be treated as one contract.

“(6) FORFEITABLE RIGHTS WHICH BECOME NONFORFEITABLE.—For purposes of this subsection and section 72 (f) (relating to special rules for computing employees' contributions to annuity contracts), if rights of the employee under an annuity contract described in subparagraphs (A) and (B) of paragraph (1) change from forfeitable to nonforfeitable rights, then the amount (determined without regard to this subsection) includible in gross income by reason of such change shall be treated as an amount contributed by the employer for such annuity contract as of the time such rights become nonforfeitable.”

26 USC 403.

(b) QUALIFIED PLANS.—Section 403 (a) (1) (relating to taxability of beneficiary under a qualified annuity plan) is amended to read as follows:

“(1) GENERAL RULE.—Except as provided in paragraph (2), if an annuity contract is purchased by an employer for an employee under a plan which meets the requirements of section 404 (a) (2) (whether or not the employer deducts the amounts paid for the contract under such section), the employee shall include in his gross income the amounts received under such contract for the year received as provided in section 72 (relating to annuities) except that section 72 (e) (3) shall not apply.”

26 USC 72.

(c) CERTAIN FORFEITABLE CONTRACTS PURCHASED BY EXEMPT ORGANIZATIONS.—Section 403 is amended by adding after subsection (c) (as redesignated by subsection (a) of this section) the following new subsection:

“(d) TAXABILITY OF BENEFICIARY UNDER CERTAIN FORFEITABLE CONTRACTS PURCHASED BY EXEMPT ORGANIZATIONS.—Notwithstanding the first sentence of subsection (c), if rights of an employee under an annuity contract purchased by an employer which is exempt from tax under section 501 (a) or 521 (a) change from forfeitable to nonforfeitable rights, the value of such contract on the date of such change (to the extent attributable to amounts contributed by the employer after December 31, 1957) shall, except as provided in subsection (b), be included in the gross income of the employee in the year of such change.”

26 USC 501, 521.

26 USC 101.

(d) AMOUNTS RECEIVED AS DEATH BENEFITS.—Section 101 (b) (2) (B) (relating to nonforfeitable rights) is amended to read as follows:

“(B) NONFORFEITABLE RIGHTS.—Paragraph (1) shall not apply to amounts with respect to which the employee possessed, immediately before his death, a nonforfeitable right to receive the amounts while living. This subparagraph shall not apply to total distributions payable (as defined in section 402 (a) (3)) which are paid to a distributee within one taxable year of the distributee by reason of the employee's death—

26 USC 402.

“(i) by a stock bonus, pension, or profit-sharing trust described in section 401 (a) which is exempt from tax under section 501 (a),

26 USC 401, 501.

“(ii) under an annuity contract under a plan which meets the requirements of paragraphs (3), (4), (5), and (6) of section 401 (a), or

26 USC 503.

“(iii) under an annuity contract purchased by an employer which is an organization referred to in section 503 (b) (1), (2), or (3) and which is exempt from tax under section 501 (a), but only with respect to that portion of such total distributions payable which bears the same ratio to the amount of such total distributions payable which is (without regard to this subsection) includible in gross income, as the amounts contributed by the employer for such annuity contract which are excludable from gross income under section 403 (b) bear to the total amounts contributed by the employer for such annuity contract.”

26 USC 403.

26 USC 2039.

(e) EXCLUSION FROM GROSS ESTATE.—Section 2039 (c) (relating to exemption of annuities under certain trusts and plans) is amended—

(1) by striking out “or” at the end of paragraph (1), and by striking out the period at the end of paragraph (2) and inserting in lieu thereof “; or”;

(2) by inserting after paragraph (2) the following new paragraph:

“(3) a retirement annuity contract purchased for an employee by an employer which is an organization referred to in section 503 (b) (1), (2), or (3), and which is exempt from tax under section 501 (a).”;

26 USC 503, 501.

(3) by inserting after “under a plan described in paragraph (1) or (2)” in the second sentence the following: “or under a contract described in paragraph (3)”;

(4) by striking out the third sentence and inserting in lieu thereof the following: “For purposes of this subsection, contributions or payments made by the decedent’s employer or former employer under a trust or plan described in paragraph (1) or (2) shall not be considered to be contributed by the decedent, and contributions or payments made by the decedent’s employer or former employer toward the purchase of an annuity contract described in paragraph (3) shall, to the extent excludable from gross income under section 403 (b), not be considered to be contributed by the decedent.”

26 USC 403.

(f) **ELECTION OF SURVIVOR BENEFITS.**—Section 2517 (relating to certain annuities under qualified plans), as added by section 68 of this Act, is amended—

(1) by striking out “or” at the end of subsection (a) (1), and by striking out the period at the end of subsection (a) (2) and inserting in lieu thereof “; or”;

(2) by inserting after subsection (a) (2) the following new paragraph:

“(3) a retirement annuity contract purchased for an employee by an employer which is an organization referred to in section 503 (b) (1), (2), or (3), and which is exempt from tax under section 501 (a).”;

26 USC 503.

(3) by adding at the end of subsection (b) the following new sentence: “For purposes of the preceding sentence, payments or contributions made by the employee’s employer or former employer toward the purchase of an annuity contract described in subsection (a) (3) shall, to the extent not excludable from gross income under section 403 (b), be considered to have been made by the employee.”

26 USC 403.

(g) **EFFECTIVE DATES.**—The amendments made by subsections (a), (b), (c), and (d) shall apply with respect to taxable years beginning after December 31, 1957. The amendments made by subsection (e) shall apply with respect to estates of decedents dying after December 31, 1957. The amendments made by subsection (f) shall apply with respect to calendar years after 1957.

SEC. 24. CONTRIBUTIONS OF EMPLOYER TO EMPLOYEES’ TRUST OR ANNUITY PLAN.

26 USC 404.

So much of section 404 (a) (relating to deduction for contributions of an employer to an employees’ trust or annuity plan, etc.) as precedes paragraph (1) thereof is amended by striking out “income) but if” and inserting in lieu thereof “income); but, if”.

SEC. 25. EMPLOYEE STOCK OPTIONS GRANTED BY PARENT OR SUBSIDIARY CORPORATION.

26 USC 421.

Section 421 (a) (relating to employee stock options) is amended by adding at the end thereof the following new sentence: “In applying paragraphs (2) and (3) of subsection (d) for purposes of the preceding sentence, there shall be substituted for the term ‘employer corporation’ wherever it appears in such paragraphs the term ‘grantor corporation’, or the term ‘corporation issuing or assuming a stock option in a transaction to which subsection (g) is applicable’, as the case may be.”

SEC. 26. VARIABLE PRICE RESTRICTED STOCK OPTIONS.

26 USC 421.

(a) DEFINITION OF RESTRICTED STOCK OPTIONS.—Section 421 (d) (relating to definitions for purposes of employee stock options) is amended—

(1) by striking out clause (ii) of paragraph (1) (A) and inserting in lieu thereof the following:

“(ii) in the case of a variable price option, the option price (computed as if the option had been exercised when granted) is at least 85 percent of the fair market value of the stock at the time such option is granted; and”;

(2) by adding at the end thereof the following new paragraph:

“(7) VARIABLE PRICE OPTION.—The term ‘variable price option’ means an option under which the purchase price of the stock is fixed or determinable under a formula in which the only variable is the fair market value of the stock at any time during a period of 6 months which includes the time the option is exercised; except that in the case of options granted after September 30, 1958, such term does not include any such option in which such formula provides for determining such price by reference to the fair market value of the stock at any time before the option is exercised if such value may be greater than the average fair market value of the stock during the calendar month in which the option is exercised.”

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to taxable years ending after September 30, 1958.

SEC. 27. TRANSFERS OF INSTALLMENT OBLIGATIONS TO CONTROLLED INSURANCE COMPANIES.

26 USC 453.

(a) EFFECT OF TRANSFER.—Section 453 (d) (relating to gain or loss on disposition of installment obligations) is amended by adding at the end thereof the following new paragraph:

“(5) LIFE INSURANCE COMPANIES.—In the case of a disposition of an installment obligation by any person other than a life insurance company (as defined in section 801 (a)) to such an insurance company or to a partnership of which such an insurance company is a partner, no provision of this subtitle providing for the nonrecognition of gain shall apply with respect to any gain resulting under paragraph (1). If a corporation which is a life insurance company for the taxable year was (for the preceding taxable year) a corporation which was not a life insurance company, such corporation shall, for purposes of this paragraph and paragraph (1), be treated as having transferred to a life insurance company, on the last day of the preceding taxable year, all installment obligations which it held on such last day. A partnership of which a life insurance company becomes a partner shall, for purposes of this paragraph and paragraph (1), be treated as having transferred to a life insurance company, on the last day of the preceding taxable year of such partnership, all installment obligations which it holds at the time such insurance company becomes a partner.”

26 USC 801.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years ending after December 31, 1957, but only as to transfers or other dispositions of installment obligations occurring after such date.

SEC. 28. PREPAID INCOME FROM NEWSPAPER AND PERIODICAL SUBSCRIPTIONS.

(a) **TAXABLE YEAR IN WHICH INCLUDED IN GROSS INCOME.**—Subpart B of part II of subchapter E of chapter 1 (relating to taxable year for which items of gross income are included) is amended by adding at the end thereof the following new section:

26 USC 451-454.

“SEC. 455. PREPAID SUBSCRIPTION INCOME.

“(a) **YEAR IN WHICH INCLUDED.**—Prepaid subscription income to which this section applies shall be included in gross income for the taxable years during which the liability described in subsection (d) (2) exists.

“(b) **WHERE TAXPAYER'S LIABILITY CEASES.**—In the case of any prepaid subscription income to which this section applies—

“(1) If the liability described in subsection (d) (2) ends, then so much of such income as was not includible in gross income under subsection (a) for preceding taxable years shall be included in gross income for the taxable year in which the liability ends.

“(2) If the taxpayer dies or ceases to exist, then so much of such income as was not includible in gross income under subsection (a) for preceding taxable years shall be included in gross income for the taxable year in which such death, or such cessation of existence, occurs.

“(c) **PREPAID SUBSCRIPTION INCOME TO WHICH THIS SECTION APPLIES.**—

“(1) **ELECTION OF BENEFITS.**—This section shall apply to prepaid subscription income if and only if the taxpayer makes an election under this section with respect to the trade or business in connection with which such income is received. The election shall be made in such manner as the Secretary or his delegate may by regulations prescribe. No election may be made with respect to a trade or business if in computing taxable income the cash receipts and disbursements method of accounting is used with respect to such trade or business.

“(2) **SCOPE OF ELECTION.**—An election made under this section shall apply to all prepaid subscription income received in connection with the trade or business with respect to which the taxpayer has made the election; except that the taxpayer may, to the extent permitted under regulations prescribed by the Secretary or his delegate, include in gross income for the taxable year of receipt the entire amount of any prepaid subscription income if the liability from which it arose is to end within 12 months after the date of receipt. An election made under this section shall not apply to any prepaid subscription income received before the first taxable year for which the election is made.

“(3) **WHEN ELECTION MAY BE MADE.**—

“(A) **WITH CONSENT.**—A taxpayer may, with the consent of the Secretary or his delegate, make an election under this section at any time.

“(B) **WITHOUT CONSENT.**—A taxpayer may, without the consent of the Secretary or his delegate, make an election under this section for his first taxable year (i) which begins after December 31, 1957, and (ii) in which he receives prepaid subscription income in the trade or business. Such election shall be made not later than the time prescribed by law for filing the return for the taxable year (including extensions thereof) with respect to which such election is made.

“(4) **PERIOD TO WHICH ELECTION APPLIES.**—An election under this section shall be effective for the taxable year with respect to

which it is first made and for all subsequent taxable years, unless the taxpayer secures the consent of the Secretary or his delegate to the revocation of such election. For purposes of this title, the computation of taxable income under an election made under this section shall be treated as a method of accounting.

“(d) DEFINITIONS.—For purposes of this section—

“(1) PREPAID SUBSCRIPTION INCOME.—The term ‘prepaid subscription income’ means any amount (includible in gross income) which is received in connection with, and is directly attributable to, a liability which extends beyond the close of the taxable year in which such amount is received, and which is income from a subscription to a newspaper, magazine, or other periodical.

“(2) LIABILITY.—The term ‘liability’ means a liability to furnish or deliver a newspaper, magazine, or other periodical.

“(3) RECEIPT OF PREPAID SUBSCRIPTION INCOME.—Prepaid subscription income shall be treated as received during the taxable year for which it is includible in gross income under section 451 (without regard to this section).

“(e) DEFERRAL OF INCOME UNDER ESTABLISHED ACCOUNTING PROCEDURES.—Notwithstanding the provisions of this section, any taxpayer who has, for taxable years prior to the first taxable year to which this section applies, reported his income under an established and consistent method or practice of accounting for prepaid subscription income (to which this section would apply if an election were made) may continue to report his income for taxable years to which this title applies in accordance with such method or practice.”

(b) TECHNICAL AMENDMENT.—The table of sections for such subpart is amended by adding at the end thereof the following:

“Sec. 455. Prepaid subscription income.”

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply with respect to taxable years beginning after December 31, 1957.

SEC. 29. ADJUSTMENTS REQUIRED BY CHANGES IN METHOD OF ACCOUNTING.

(a) ADJUSTMENTS FOR 1939 CODE YEARS.—

(1) ADJUSTMENTS TAKEN INTO ACCOUNT.—Paragraph (2) of section 481 (a) (relating to adjustments required by changes in method of accounting) is amended to read as follows:

“(2) there shall be taken into account those adjustments which are determined to be necessary solely by reason of the change in order to prevent amounts from being duplicated or omitted, except there shall not be taken into account any adjustment in respect of any taxable year to which this section does not apply unless the adjustment is attributable to a change in the method of accounting initiated by the taxpayer.”

(2) SPECIAL RULE WHERE ADJUSTMENTS ARE SUBSTANTIAL.—Section 481 (b) (relating to limitation on tax where adjustments are substantial) is amended by adding at the end thereof the following new paragraphs:

“(4) SPECIAL RULE FOR PRE-1954 ADJUSTMENTS GENERALLY.—Except as provided in paragraphs (5) and (6)—

“(A) AMOUNT OF ADJUSTMENTS TO WHICH PARAGRAPH APPLIES.—The net amount of the adjustments required by subsection (a), to the extent that such amount does not exceed the net amount of adjustments which would have been required if the change in method of accounting had been made in the first taxable year beginning after December 31, 1953, and ending after August 16, 1954, shall be taken into ac-

26 USC 451.

26 USC 481.

count by the taxpayer in computing taxable income in the manner provided in subparagraph (B), but only if such net amount of such adjustment would increase the taxable income of such taxpayer by more than \$3,000.

“(B) YEARS IN WHICH AMOUNTS ARE TO BE TAKEN INTO ACCOUNT.—One-tenth of the net amount of the adjustments described in subparagraph (A) shall (except as provided in subparagraph (C)) be taken into account in each of the 10 taxable years beginning with the year of the change. The amount to be taken into account for each taxable year in the 10-year period shall be taken into account whether or not for such year the assessment of tax is prevented by operation of any law or rule of law. If the year of the change was a taxable year ending before January 1, 1958, and if the taxpayer so elects (at such time and in such manner as the Secretary or his delegate shall by regulations prescribe), the 10-year period shall begin with the first taxable year which begins after December 31, 1957. If the taxpayer elects under the preceding sentence to begin the 10-year period with the first taxable year which begins after December 31, 1957, the 10-year period shall be reduced by the number of years, beginning with the year of the change, in respect of which assessment of tax is prevented by operation of any law or rule of law on the date of the enactment of the Technical Amendments Act of 1958.

“(C) LIMITATION ON YEARS IN WHICH ADJUSTMENTS CAN BE TAKEN INTO ACCOUNT.—The net amount of any adjustments described in subparagraph (A), to the extent not taken into account in prior taxable years under subparagraph (B)—

“(i) in the case of a taxpayer who is an individual, shall be taken into account in the taxable year in which he dies or ceases to engage in a trade or business,

“(ii) in the case of a taxpayer who is a partner, his distributive share of such net amount shall be taken into account in the taxable year in which the partnership terminates, or in which the entire interest of such partner is transferred or liquidated, or

“(iii) in the case of a taxpayer who is a corporation, shall be taken into account in the taxable year in which such corporation ceases to engage in a trade or business unless such net amount of such adjustment is required to be taken into account by the acquiring corporation under section 381 (c) (21).

“(D) TERMINATION OF APPLICATION OF PARAGRAPH.—The provisions of this paragraph shall not apply with respect to changes in methods of accounting made in taxable years beginning after December 31, 1963.

“(5) SPECIAL RULE FOR PRE-1954 ADJUSTMENTS IN CASE OF CERTAIN DECEDENTS.—A change from the cash receipts and disbursements method to the accrual method in any case involving the use of inventories, made on or after August 16, 1954, and before January 1, 1958, for a taxable year to which this section applies, by the executor or administrator of a decedent's estate in the first return filed by such executor or administrator on behalf of the decedent, shall be given effect in determining taxable income (other than for the purpose of computing a net operating loss carryback to any prior taxable year of the decedent), and, if the net amount of any adjustments required by subsection (a) in

respect of taxable years to which this section does not apply would increase the taxable income of the decedent by more than \$3,000, then the tax attributable to such net adjustments shall not exceed an amount equal to the tax that would have been payable on the cash receipts and disbursements method for the years for which the executor or administrator filed returns on behalf of the decedent, computed for each such year as though a ratable portion of the taxable income for such year had been received in each of 10 taxable years beginning and ending on the same dates as the taxable year for which the tax is being computed.

“(6) APPLICATION OF PARAGRAPH (4).—Paragraph (4) shall not apply with respect to any taxpayer, if the taxpayer elects to take the net amount of the adjustments described in paragraph (4) (A) into account in the manner provided by paragraph (1) or (2). An election to take the net amount of such adjustments into account in the manner provided by paragraph (1) or (2) may be made only if the taxpayer consents in writing to the assessment, within such period as may be agreed on with the Secretary or his delegate, of any deficiency for the year of the change, to the extent attributable to taking the net amount of the adjustments described in paragraph (4) (A) into account in the manner provided by paragraph (1) or (2), even though at the time of filing such consent the assessment of such deficiency would otherwise be prevented by the operation of any law or rule of law. An election under this paragraph shall be made at such time and in such manner as the Secretary or his delegate shall by regulations prescribe.”

26 USC 481.

(b) TECHNICAL AMENDMENTS.—Section 481 (b) (relating to limitation on tax where adjustments are substantial) is amended—

(1) By inserting after “subsection (a) (2)” each place it appears in paragraph (1) or (2) the following: “, other than the amount of such adjustments to which paragraph (4) or (5) applies.”

(2) By striking out “the aggregate of the taxes” in paragraph (1) and inserting in lieu thereof “the aggregate increase in the taxes”.

(3) By striking out “which would result if one-third of such increase” in paragraph (1) and inserting in lieu thereof “which would result if one-third of such increase in taxable income”.

(4) By inserting after “the net increase in the taxes under this chapter” in paragraph (2) the following: “(or under the corresponding provisions of prior revenue laws)”.

(5) By striking out “paragraph (2)” each place it appears in paragraph (3) (A) and inserting in lieu thereof “paragraph (1) or (2)”.

26 USC 381.

(c) AMENDMENT OF SECTION 381 (c).—Section 381 (c) (relating to items of distributor or transferor corporation in certain corporate acquisitions) is amended by adding at the end thereof the following new paragraph:

“(21) PRE-1954 ADJUSTMENTS RESULTING FROM CHANGE IN METHOD OF ACCOUNTING.—The acquiring corporation shall take into account any net amount of any adjustment described in section 481 (b) (4) of the distributor or transferor corporation—

“(A) to the extent such net amount of such adjustment has not been taken into account by the distributor or transferor corporation, and

“(B) in the same manner and at the same time as such net amount would have been taken into account by the distributor or transferor corporation.”

(d) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—The amendments made by this section shall apply with respect to any change in a method of accounting where the year of the change (within the meaning of section 481 of the Internal Revenue Code of 1954) is a taxable year beginning after December 31, 1953, and ending after August 16, 1954.

26 USC 481.

(2) **EXCEPTION FOR CERTAIN AGREEMENTS.**—The amendments made by subsections (a), (b) (1), and (c) shall not apply if before the date of the enactment of this Act—

(A) the taxpayer applied for a change in the method of accounting in the manner provided by regulations prescribed by the Secretary of the Treasury or his delegate, and

(B) the taxpayer and the Secretary of the Treasury or his delegate agreed to the terms and conditions for making the change.

(e) **ELECTION TO RETURN TO FORMER METHOD OF ACCOUNTING.**—

(1) **ELECTION.**—Any taxpayer who for any taxable year beginning after December 31, 1953, and ending after August 16, 1954, and before the date of enactment of this Act, computed his taxable income under a method of accounting different from the method under which his taxable income for the preceding taxable year was computed, may elect to recompute his taxable income, beginning with the taxable year for which taxable income was computed under such different method of accounting, under the method of accounting under which taxable income was computed for such preceding taxable year. An election under this paragraph shall be made within 6 months after the date of the enactment of this Act, and shall be made in such manner as the Secretary of the Treasury or his delegate may provide. This paragraph shall not apply to any taxpayer—

(A) to whom subsection (d) (2) applies, or

(B) who was required, before the date of the enactment of this Act, by the Secretary of the Treasury or his delegate to change his method of accounting.

(2) **STATUTE OF LIMITATIONS.**—If assessment of any deficiency for any taxable year resulting from an election under paragraph (1) is prevented on the date on which such election is made, or at any time within one year after such date, by the operation of any law or rule of law, such assessment may, nevertheless, be made if made within one year after such date. An election by a taxpayer under paragraph (1) shall be considered as a consent to the assessment pursuant to this paragraph of any such deficiency. If refund or credit of any overpayment of income tax resulting from an election under paragraph (1) is prevented on the date on which such election is made, or at any time within one year after such date, by the operation of any law or rule of law, refund or credit of such overpayment may, nevertheless, be made or allowed if claim therefor is filed within one year after such date.

SEC. 30. DENIAL OF EXEMPTION TO ORGANIZATIONS ENGAGED IN PROHIBITED TRANSACTIONS.

(a) **LENDING TO CERTAIN PERSONS.**—Section 503 (relating to requirements for exemption in the case of exempt organizations) is amended by adding at the end thereof the following new subsection:

26 USC 503.

“(h) **SPECIAL RULES RELATING TO LENDING BY SECTION 401 (a) TRUSTS TO CERTAIN PERSONS.**—For purposes of subsection (c) (1), a bond, debenture, note, or certificate or other evidence of indebtedness (hereinafter in this subsection referred to as ‘obligation’) acquired

401. by a trust described in section 401 (a) shall not be treated as a loan made without the receipt of adequate security if—

“(1) such obligation is acquired—

“(A) on the market, either (i) at the price of the obligation prevailing on a national securities exchange which is registered with the Securities and Exchange Commission, or (ii) if the obligation is not traded on such a national securities exchange, at a price not less favorable to the trust than the offering price for the obligation as established by current bid and asked prices quoted by persons independent of the issuer;

“(B) from an underwriter, at a price (i) not in excess of the public offering price for the obligation as set forth in a prospectus or offering circular filed with the Securities and Exchange Commission, and (ii) at which a substantial portion of the same issue is acquired by persons independent of the issuer; or

“(C) directly from the issuer, at a price not less favorable to the trust than the price paid currently for a substantial portion of the same issue by persons independent of the issuer;

“(2) immediately following acquisition of such obligation—

“(A) not more than 25 percent of the aggregate amount of obligations issued in such issue and outstanding at the time of acquisition is held by the trust, and

“(B) at least 50 percent of the aggregate amount referred to in subparagraph (A) is held by persons independent of the issuer; and

“(3) immediately following acquisition of the obligation, not more than 25 percent of the assets of the trust is invested in obligations of persons described in subsection (c).”

503. (b) LOANS TO EMPLOYERS WHO ARE PROHIBITED FROM PLEDGING ASSETS.—Section 503 is further amended by adding after subsection (h) (as added by subsection (a) of this section) the following new subsection:

401. “(i) LOANS WITH RESPECT TO WHICH EMPLOYERS ARE PROHIBITED FROM PLEDGING CERTAIN ASSETS.—Subsection (c) (1) shall not apply to a loan made by a trust described in section 401 (a) to the employer (or to a renewal of such a loan or, if the loan is repayable upon demand, to a continuation of such a loan) if the loan bears a reasonable rate of interest, and if (in the case of a making or renewal)—

“(1) the employer is prohibited (at the time of such making or renewal) by any law of the United States or regulation thereunder from directly or indirectly pledging, as security for such a loan, a particular class or classes of his assets the value of which (at such time) represents more than one-half of the value of all his assets;

“(2) the making or renewal, as the case may be, is approved in writing as an investment which is consistent with the exempt purposes of the trust by a trustee who is independent of the employer, and no other such trustee had previously refused to give such written approval; and

“(3) immediately following the making or renewal, as the case may be, the aggregate amount loaned by the trust to the employer, without the receipt of adequate security, does not exceed 25 percent of the value of all the assets of the trust.

For purposes of paragraph (2), the term ‘trustee’ means, with respect to any trust for which there is more than one trustee who is independent of the employer, a majority of such independent trustees.

For purposes of paragraph (3), the determination as to whether any amount loaned by the trust to the employer is loaned without the receipt of adequate security shall be made without regard to subsection (h).”

(c) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the amendment made by subsection (a) shall apply with respect to taxable years ending after March 15, 1956. The amendment made by subsection (b) shall apply with respect to taxable years ending after the date of the enactment of this Act, but only with respect to periods after such date.

(2) **EXCEPTIONS.**—Nothing in subsection (a) shall be construed to make any transaction a prohibited transaction which, under announcements of the Internal Revenue Service made with respect to section 503 (c) (1) of the Internal Revenue Code of 1954 before the date of the enactment of this Act, would not constitute a prohibited transaction. In the case of any bond, debenture, note, or certificate or other evidence of indebtedness acquired before the date of the enactment of this Act by a trust described in section 401 (a) of such Code which is held on such date, paragraphs (2) and (3) of section 503 (h) of such Code shall be treated as satisfied if such requirements would have been satisfied if such obligation had been acquired on such date of enactment.

26 USC 503.

26 USC 401.

(d) **CORRECTION OF CROSS REFERENCES.**—Sections 2055 (e), 2106 (a) (2) (E), and 2522 (c) are each amended by striking out “sections 504” and inserting in lieu thereof “sections 503”.

26 USC 2055,
2106, 2522.

SEC. 31. CORPORATIONS IMPROPERLY ACCUMULATING SURPLUS.

(a) **ADJUSTMENTS TO TAXABLE INCOME FOR CHARITABLE CONTRIBUTIONS.**—Section 535 (b) (2) (relating to adjustments to taxable income to determine accumulated taxable income for purposes of the tax on corporations improperly accumulating surplus) is amended by striking out “the limitation in”.

26 USC 535.

(b) **ADJUSTMENTS TO TAXABLE INCOME FOR LONG-TERM CAPITAL GAINS.**—Section 535 (b) (6) (B) (relating to determination of accumulated taxable income) is amended to read as follows:

“(B) such taxes computed for such year without including in taxable income the excess of the net long-term capital gain for the taxable year over the net short-term capital loss for such year (determined with regard to the capital loss carry-over provided in section 1212).”

SEC. 32. UNDISTRIBUTED PERSONAL HOLDING COMPANY INCOME.

(a) **CHARITABLE CONTRIBUTIONS.**—Section 545 (b) (2) (relating to adjustments to taxable income to determine undistributed personal holding company income) is amended to read as follows:

26 USC 545.

“(2) **CHARITABLE CONTRIBUTIONS.**—The deduction for charitable contributions provided under section 170 shall be allowed, but in computing such deduction the limitations in section 170 (b) (1) (A) and (B) shall apply, and section 170 (b) (2) shall not apply. For purposes of this paragraph, the term ‘adjusted gross income’ when used in section 170 (b) (1) means the taxable income computed with the adjustments (other than the 5-percent limitation) provided in the first sentence of section 170 (b) (2) and without deduction of the amount disallowed under paragraph (8) of this subsection.”

26 USC 170.

(b) **NET OPERATING LOSS.**—Section 545 (b) (4) (relating to adjustments to taxable income to determine undistributed personal holding company income) is amended by inserting before the period at the end thereof “computed without the deductions provided in part VIII (except section 248) of subchapter B”.

(c) **EFFECTIVE DATE FOR SUBSECTION (b).**—The amendment made by subsection (b) of this section shall apply with respect to adjustments under section 545 (b) (4) of the Internal Revenue Code of 1954 for taxable years beginning after December 31, 1957.

26 USC 545.

SEC. 33. FOREIGN PERSONAL HOLDING COMPANIES.

(a) **ADJUSTMENTS TO TAXABLE INCOME FOR CHARITABLE CONTRIBUTIONS.**—

26 USC 556.

(1) The first sentence of section 556 (b) (2) relating to adjustments to taxable income to determine undistributed foreign personal holding company income) is amended to read as follows: "The deduction for charitable contributions provided under section 170 shall be allowed, but in computing such deduction the limitations in section 170 (b) (1) (A) and (B) shall apply, and section 170 (b) (2) shall not apply."

26 USC 170.

(2) The second sentence of section 556 (b) (2) is amended by striking out "the taxable income computed with the adjustments provided in section 170 (b) (2)" and inserting in lieu thereof "the taxable income computed with the adjustments (other than the 5-percent limitation) provided in the first sentence of section 170 (b) (2)".

(b) **SPECIAL DEDUCTIONS DISALLOWED.**—

(1) Section 556 (b) (3) (relating to adjustments to taxable income to determine undistributed foreign personal holding company income) is amended by striking out "sections 242 and 248" and inserting in lieu thereof "section 248".

(2) The amendment made by paragraph (1) shall apply only with respect to taxable years ending after December 31, 1957.

(c) **NET OPERATING LOSS.**—

(1) Section 556 (b) (4) (relating to adjustments to taxable income to determine undistributed foreign personal holding company income) is amended by inserting before the period at the end thereof "computed without the deductions provided in part VIII (except section 248) of subchapter B".

(2) The amendment made by paragraph (1) shall apply with respect to adjustments under section 556 (b) (4) of the Internal Revenue Code of 1954 for taxable years ending after December 31, 1957.

(d) **CROSS REFERENCE.**—

(1) Part III of subchapter G of chapter 1 (relating to foreign personal holding companies) is amended by adding at the end thereof the following new section:

"SEC. 558. RETURNS OF OFFICERS, DIRECTORS, AND SHAREHOLDERS OF FOREIGN PERSONAL HOLDING COMPANIES.

"For provisions relating to returns of officers, directors, and shareholders of foreign personal holding companies, see section 6035."

(2) The table of sections for such part III is amended by adding at the end thereof the following:

"Sec. 558. Returns of officers, directors, and shareholders of foreign personal holding companies."

SEC. 34. BOND, ETC., LOSSES OF BANKS.

26 USC 582.

Section 582 (c) (relating to losses of banks from sales or exchanges of evidences of indebtedness) is amended by striking out "with interest coupons or in registered form,".

SEC. 35. DEPLETION ALLOWANCE IN CASE OF ESTATES.

26 USC 611.

Section 611 (b) (4) (relating to allowance of deduction for depletion in the case of estates) is amended by striking out "devises" and inserting in lieu thereof "devises".

SEC. 36. PERCENTAGE DEPLETION RATES FOR CERTAIN TAXABLE YEARS ENDING IN 1954.

(a) **APPLICABLE RATES.**—Section 613 (relating to percentage depletion) is amended by adding at the end thereof the following new subsection:

26 USC 613.

“(d) **APPLICATION OF PERCENTAGE DEPLETION RATES TO CERTAIN TAXABLE YEARS ENDING IN 1954.**—

“(1) **GENERAL RULE.**—At the election of the taxpayer in respect of any property (within the meaning of the Internal Revenue Code of 1939), the percentage specified in subsection (b) in the case of any mine, well, or other natural deposit listed in such subsection shall apply to a taxable year ending after December 31, 1953, to which the Internal Revenue Code of 1939 applies.

“(2) **METHOD OF COMPUTATION.**—The allowance for depletion, in respect of any property for which an election is made under paragraph (1) for any taxable year, shall be an amount equal to the sum of—

“(A) that portion of a tentative allowance, computed under the Internal Revenue Code of 1939 without regard to paragraph (1) of this subsection, which the number of days in such taxable year before January 1, 1954, bears to the total number of days in such taxable year; plus

“(B) that portion of a tentative allowance, computed under the Internal Revenue Code of 1939 (as modified solely by the application of paragraph (1) of this subsection), which the number of days in such taxable year after December 31, 1953, bears to the total number of days in such taxable year.”

(b) **STATUTE OF LIMITATIONS, ETC.; INTEREST.**—If refund or credit of any overpayment resulting from the application of the amendment made by subsection (a) of this section is prevented on the date of the enactment of this Act, or within 6 months from such date, by the operation of any law or rule of law (other than section 3760 of the Internal Revenue Code of 1939 or section 7121 of the Internal Revenue Code of 1954, relating to closing agreements, and other than section 3761 of the Internal Revenue Code of 1939 or section 7122 of the Internal Revenue Code of 1954, relating to compromises), refund or credit of such overpayment may, nevertheless, be made or allowed if claim therefor is filed within 6 months from such date. No interest shall be paid on any overpayment resulting from the application of the amendment made by subsection (a) of this section.

26 USC 7121.

26 USC 7122.

SEC. 37. DEFINITION OF PROPERTY FOR PURPOSES OF THE DEPLETION ALLOWANCE.

(a) **1954 RULE FOR AGGREGATION OF SEPARATE MINERAL INTERESTS.**—Section 614 (b) (relating to special rule as to operating mineral interests) is amended by adding at the end thereof the following new paragraph:

26 USC 614.

“(4) **TERMINATION WITH RESPECT TO MINES.**—Except in the case of oil and gas wells—

“(A) an election made under the provisions of this subsection shall not apply with respect to any taxable year beginning after December 31, 1957, and

“(B) if a taxpayer makes an election under the provisions of subsection (c) (3) (B) for any operating mineral interest which constitutes part or all of an operating unit, an election made under the provisions of this subsection shall not apply with respect to any operating mineral interest which constitutes part or all of such operating unit for any taxable year for which the election under subsection (c) (3) (B) is effective.”

26 USC 614.

(b) 1958 RULES FOR MINERAL INTERESTS IN MINES.—Section 614 (relating to definition of property for purposes of computing depletion allowance) is amended by redesignating subsection (c) as (e), and by inserting after subsection (b) the following new subsection:
 “(c) 1958 SPECIAL RULES AS TO OPERATING MINERAL INTERESTS IN MINES.—

“(1) ELECTION TO AGGREGATE SEPARATE INTERESTS.—Except in the case of oil and gas wells, if a taxpayer owns two or more separate operating mineral interests which constitute part or all of an operating unit, he may elect (for all purposes of this subtitle)—

“(A) to form an aggregation of, and to treat as one property, all such interests owned by him which comprise any one mine or any two or more mines; and

“(B) to treat as a separate property each such interest which is not included within an aggregation referred to in subparagraph (A).

For purposes of this paragraph, separate operating mineral interests which constitute part or all of an operating unit may be aggregated whether or not they are included in a single tract or parcel of land and whether or not they are included in contiguous tracts or parcels. For purposes of this paragraph, a taxpayer may elect to form more than one aggregation of operating mineral interests within any one operating unit; but no aggregation may include any operating mineral interest which is a part of a mine without including all of the operating mineral interests which are a part of such mine in the first taxable year for which the election to aggregate is effective, and any operating mineral interest which thereafter becomes a part of such mine shall be included in such aggregation.

“(2) ELECTION TO TREAT A SINGLE INTEREST AS MORE THAN ONE PROPERTY.—Except in the case of oil and gas wells, if a single tract or parcel of land contains a mineral deposit which is being extracted, or will be extracted, by means of two or more mines for which expenditures for development or operation have been made by the taxpayer, then the taxpayer may elect to allocate to such mines, under regulations prescribed by the Secretary or his delegate, all of the tract or parcel of land and of the mineral deposit contained therein, and to treat as a separate property that portion of the tract or parcel of land and of the mineral deposit so allocated to each mine. A separate property formed pursuant to an election under this paragraph shall be treated as a separate property for all purposes of this subtitle (including this paragraph). A separate property so formed may, under regulations prescribed by the Secretary or his delegate, be included as a part of an aggregation in accordance with paragraphs (1) and (3), but the provisions of paragraph (4) shall not apply with respect to such separate property. The election provided by this paragraph may not be made with respect to any property which is a part of an aggregation formed by the taxpayer under paragraph (1) except with the consent of the Secretary or his delegate.

“(3) MANNER AND SCOPE OF ELECTION.—

“(A) IN GENERAL.—Except as provided in subparagraph (D), the election provided by paragraph (1) shall be made for each operating mineral interest, in accordance with regulations prescribed by the Secretary or his delegate, not later than the time prescribed by law for filing the return (including extensions thereof) for whichever of the following tax-

able years is the later: The first taxable year beginning after December 31, 1957, or the first taxable year in which any expenditure for development or operation in respect of the separate operating mineral interest is made by the taxpayer after the acquisition of such interest. Except as provided in subparagraph (D), the election provided by paragraph (2) shall be made for any property, in accordance with regulations prescribed by the Secretary or his delegate, not later than the time prescribed by law for filing the return (including extensions thereof) for whichever of the following taxable years is the later: The first taxable year beginning after December 31, 1957, or the first taxable year in which expenditures for development or operation of more than one mine in respect of the property are made by the taxpayer after the acquisition of the property. No election may be made pursuant to this subparagraph for any operating mineral interest which constitutes part or all of an operating unit if the taxpayer makes an election pursuant to subparagraph (B) with respect to any operating mineral interest which constitutes part or all of such operating unit.

“(B) TAXABLE YEARS BEGINNING BEFORE JANUARY 1, 1958.—The election provided by paragraph (1) may, at the election of the taxpayer, be made for each operating mineral interest, in accordance with regulations prescribed by the Secretary or his delegate, within the time provided in subparagraph (D), for whichever of the following taxable years is the later (not including any taxable year in respect of which an assessment of deficiency is prevented on the date of the enactment of the Technical Amendments Act of 1958 by the operation of any law or rule of law): The first taxable year of the taxpayer which begins after December 31, 1953, and ends after August 16, 1954, or the first taxable year in which any expenditure for development or operation in respect of the separate operating mineral interest is made by the taxpayer after the acquisition of such interest. The election provided by paragraph (2) may, at the election of the taxpayer, be made for any property, in accordance with regulations prescribed by the Secretary or his delegate, within the time prescribed in subparagraph (D), for whichever of the following taxable years is the later (not including any taxable year in respect of which an assessment of deficiency is prevented on the date of the enactment of the Technical Amendments Act of 1958 by the operation of any law or rule of law): The first taxable year beginning after December 31, 1953, and ending after August 16, 1954, or the first taxable year in which expenditures for development or operation of more than one mine in respect of the property are made by the taxpayer after the acquisition of the property.

“(C) EFFECT.—An election made under paragraph (1) or (2) shall be binding upon the taxpayer for all subsequent taxable years, except that the Secretary or his delegate may consent to a different treatment of any interest with respect to which an election has been made.

“(D) ELECTION AFTER FINAL REGULATIONS.—Notwithstanding any other provision of this paragraph the time for making an election under paragraph (1) or (2) shall not expire prior to the first day of the first month which begins more than 90 days after the date of publication in the Federal Register of final regulations issued under the authority of this subsection.

“(E) STATUTE OF LIMITATIONS.—If the taxpayer makes an election pursuant to subparagraph (B) and if assessment of any deficiency for any taxable year resulting from such election is prevented on the first day of the first month which begins more than 90 days after the date of publication in the Federal Register of final regulations issued under authority of this subsection, or at any time within one year after such day, by the operation of any law or rule of law, such assessment may, nevertheless, be made if made within one year after such day. An election by a taxpayer pursuant to subparagraph (B) shall be considered as a consent to the assessment pursuant to this subparagraph of any such deficiency. If refund or credit of any overpayment of income tax resulting from an election made pursuant to subparagraph (B) is prevented on such day, or at any time within one year after such day, by the operation of any law or rule of law, refund or credit of such overpayment may, nevertheless, be made or allowed if claim therefor is filed within one year after such day. This subparagraph shall not apply to any taxable year in respect of which an assessment of a deficiency, or a refund or credit of an overpayment, as the case may be, is prevented by the operation of any law or rule of law on the date of the enactment of the Technical Amendments Act of 1958.

“(4) SPECIAL RULE AS TO DEDUCTIONS UNDER SECTION 615 (A) PRIOR TO AGGREGATION.—

“(A) IN GENERAL.—If an aggregation of operating mineral interests formed under paragraph (1) includes any interest or interests in respect of which exploration expenditures, paid or incurred after the acquisition of such interest or interests, were deducted by the taxpayer under section 615 (a) for any taxable year all or any portion of which precedes the date on which such aggregation becomes effective, or the date on which such interest or interests become a part of such aggregation (as the case may be), then the tax imposed by this chapter for such taxable year shall be recomputed as provided in subparagraph (B). In the case of any taxable year beginning before January 1, 1958, this subparagraph shall apply to exploration expenditures deducted in respect of any interest or interests for such taxable year, only if such interest or interests constitute part or all of any operating unit with respect to which the taxpayer makes an election pursuant to paragraph (3) (B) which is applicable with respect to such taxable year.

“(B) RECOMPUTATION OF TAX.—A recomputation of the tax imposed by this chapter shall be made for each taxable year described in subparagraph (A) for which exploration expenditures were deducted as though, for each such year, an election had been made to aggregate the separate operating mineral interest or interests with respect to which such exploration expenditures were deducted with those operating mineral interests included in the aggregation formed under paragraph (1) in respect of which any expenditure for exploration, development, or operation had been made by the taxpayer before or during the taxable year to which such election would apply. A recomputation of the tax imposed by this chapter (or by the corresponding provisions of the Internal Revenue Code of 1939) shall also be made for taxable years affected by the recomputation described in the preceding

sentence. If the tax so recomputed for any taxable year or years, by reason of the application of this paragraph, exceeds the tax liability previously determined for such year or years, such excess shall be taken into account in the first taxable year to which the election to aggregate under paragraph (1) applies and succeeding taxable years as provided in subparagraph (C).

“(C) INCREASE IN TAX.—The tax imposed by this chapter for the first taxable year to which the election to aggregate under paragraph (1) applies, and for each succeeding taxable year until the full amount of the excess described in subparagraph (B) has been taken into account, shall be increased by an amount equal to the quotient obtained by dividing such excess by the total number of taxable years described in subparagraph (A) in respect of which—

“(i) exploration expenditures were deducted by the taxpayer under section 615 (a), and

“(ii) the recomputation of tax described in the first sentence of subparagraph (B) results in an increase in tax or a reduction of a net operating loss.

If the taxpayer dies or ceases to exist, then so much of the excess described in subparagraph (B) as was not taken into account under the preceding sentence for taxable years preceding such death, or such cessation of existence, shall be taken into account for the taxable year in which such death, or such cessation of existence, occurs.

“(D) BASIS ADJUSTMENT.—If the tax liability of a taxpayer is increased by reason of the application of this paragraph, proper adjustments shall be made with respect to the basis of the aggregated property owned by such taxpayer, in accordance with regulations prescribed by the Secretary or his delegate, as though the tax liability of the taxpayer for the prior taxable year or years had been determined in accordance with the recomputation of tax described in subparagraph (B).

“(5) OPERATING MINERAL INTERESTS DEFINED.—For purposes of this subsection, the term ‘operating mineral interest’ has the meaning as assigned to it by subsection (b) (3)”.

(c) RETENTION OF 1939 CODE RIGHTS WITH RESPECT TO TREATMENT OF MINERAL INTERESTS IN WELLS.—Section 614 is further amended by adding after subsection (c) (as added by subsection (b) of this section) the following new subsection:

“(d) 1939 CODE TREATMENT WITH RESPECT TO OPERATING MINERAL INTERESTS IN CASE OF OIL AND GAS WELLS.—In the case of oil and gas wells, any taxpayer may treat any property (determined as if the Internal Revenue Code of 1939 continued to apply) as if subsections (a) and (b) had not been enacted. If any such treatment would constitute an aggregation under subsection (b), such treatment shall be taken into account in applying subsection (b) to other property of the taxpayer.”

(d) NONOPERATING MINERAL INTERESTS.—The first sentence of section 614 (e) (1) (as redesignated by subsection (b) of this section) is amended to read as follows: “If a taxpayer owns two or more separate nonoperating mineral interests in a single tract or parcel of land or in two or more adjacent tracts or parcels of land, the Secretary or his delegate shall, on showing by the taxpayer that a principal purpose is not the avoidance of tax, permit the taxpayer to treat (for all purposes of this subtitle) all such mineral interests in each separate kind of mineral deposit as one property.”

26 USC 615.

26 USC 614.

(e) **EFFECTIVE DATES.**—The amendments made by subsections (a) and (c) shall apply with respect to taxable years beginning after December 31, 1953, and ending after August 16, 1954. The amendments made by subsection (b) shall apply with respect to taxable years beginning after December 31, 1957, except that such amendments shall, at the election of the taxpayer made in conformity with such amendments, apply with respect to taxable years beginning after December 31, 1953, and ending after August 16, 1954. The amendment made by subsection (d) shall apply with respect to taxable years beginning after December 31, 1957, except that with respect to any taxpayer such amendment shall, at the election of the taxpayer, apply with respect to taxable years beginning after December 31, 1953, and ending after August 16, 1954.

SEC. 38. INVESTMENT COMPANIES FURNISHING CAPITAL TO DEVELOPMENT CORPORATIONS.

26 USC 851.

(a) **TIME FOR CERTIFICATION.**—The first sentence of section 851 (e) (1) (relating to regulated investment companies furnishing capital to development corporations) is amended by striking out “not less than 60 days” and inserting in lieu thereof “not earlier than 60 days”.

(b) **CLERICAL AMENDMENT.**—Section 851 (e) (2) (relating to limitation with respect to regulated investment companies furnishing capital to development corporations) is amended by striking out “issues” and inserting in lieu thereof “issuer”.

SEC. 39. TRANSACTIONS IN REGULATED INVESTMENT COMPANY SHARES AROUND TIME OF DISTRIBUTING CAPITAL GAIN DIVIDENDS.

26 USC 852.

(a) **LOSS ON STOCK HELD LESS THAN 31 DAYS.**—Section 852 (b) (relating to taxation of regulated investment companies and their shareholders) is amended by adding at the end thereof the following new paragraph:

“(4) **LOSS ON SALE OR EXCHANGE OF STOCK HELD LESS THAN 31 DAYS.**—If—

“(A) under subparagraph (B) or (D) of paragraph (3) a shareholder of a regulated investment company is required, with respect to any share, to treat any amount as a long-term capital gain, and

“(B) such share is held by the taxpayer for less than 31 days,

then any loss on the sale or exchange of such share shall, to the extent of the amount described in subparagraph (A) of this paragraph, be treated as loss from the sale or exchange of a capital asset held for more than 6 months. For purposes of this paragraph, the rules of section 246 (c) (3) shall apply in determining whether any share of stock has been held for less than 31 days; except that ‘30 days’ shall be substituted for the number of days specified in subparagraph (B) of section 246 (c) (3).”

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply with respect to taxable years ending after December 31, 1957, but only with respect to shares of stock acquired after December 31, 1957.

SEC. 40. TAX ON NONRESIDENT ALIENS.

26 USC 871.

(a) **EMPLOYEE ANNUITIES.**—Section 871 (a) (1) (relating to 30 percent tax in case of nonresident aliens) is amended by inserting “section 403 (a) (2),” after “section 402 (a) (2),”.

26 USC 1441.

(b) **CONFORMING AMENDMENT.**—Subsections (b) and (c) (5) of section 1441 (relating to withholding of tax on nonresident aliens) are each amended by inserting “section 403 (a) (2),” after “section 402 (a) (2),”.

(c) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply only with respect to taxable years ending after the date of the enactment of this Act. The amendments made by subsection (b) shall take effect on the day following the date of the enactment of this Act.

SEC. 41. CREDITS FOR DIVIDENDS RECEIVED AND FOR PARTIALLY TAX-EXEMPT INTEREST IN CASE OF NONRESIDENT ALIENS.

(a) **MINIMUM TAX.**—Section 871 (b) (relating to tax on certain nonresident alien individuals) is amended—

26 USC 871.

(1) by striking out the semicolon at the end of paragraph (2) and inserting in lieu thereof a period;

(2) by striking out paragraph (3); and

(3) by adding at the end thereof the following new sentences:

“If (without regard to this sentence) the amount of the taxes imposed in the case of such an individual under section 1 or under section 1201 (b), minus the sum of the credits under sections 34 and 35, is an amount which is less than 30 percent of the sum of—

26 USC 1201,
34,35.

“(A) the aggregate amount received from the sources specified in subsection (a) (1), plus

“(B) the amount, determined under subsection (a) (2), by which gains from sales or exchanges of capital assets exceed losses from such sales or exchanges,

then this subsection shall not apply and subsection (a) shall apply. For purposes of this subsection, the term ‘aggregate amount received from the sources specified in subsection (a) (1)’ shall be applied without any exclusion under section 116.”

(b) **CREDIT FOR PARTIALLY TAX-EXEMPT INTEREST.**—Section 35 (relating to credit for partially tax-exempt interest received by individuals) is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

“(c) **CERTAIN NONRESIDENT ALIENS INELIGIBLE FOR CREDIT.**—No credit shall be allowed under subsection (a) to a nonresident alien individual with respect to whom a tax is imposed for the taxable year under section 871 (a).”

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply only with respect to taxable years beginning after December 31, 1957.

SEC. 42. CARRYBACK AND CARRYOVER OF FOREIGN TAX CREDIT.

(a) **ALLOWANCE.**—Section 904 (relating to limitation on foreign tax credit) is amended by adding at the end thereof the following new subsection:

26 USC 904.

“(c) **CARRYBACK AND CARRYOVER OF EXCESS TAX PAID.**—Any amount by which any such tax paid or accrued to any foreign country or possession of the United States for any taxable year beginning after December 31, 1957, for which the taxpayer chooses to have the benefits of this subpart exceeds the limitation under subsection (a) shall be deemed tax paid or accrued to such foreign country or possession of the United States in the second preceding taxable year, in the first preceding taxable year, and in the first, second, third, fourth, or fifth succeeding taxable years, in that order and to the extent not deemed tax paid or accrued in a prior taxable year, in the amount by which the limitation under subsection (a) for such preceding or succeeding taxable year exceeds the sum of the tax paid or accrued to such foreign country or possession for such preceding or succeeding taxable year and the amount of the tax for any taxable year earlier than the current taxable year which shall be deemed to have been paid or accrued in such preceding or subsequent taxable year (whether or not the taxpayer chooses to have the benefits of this subpart with respect to such

earlier taxable year). Such amount deemed paid or accrued in any year may be availed of only as a tax credit and not as a deduction and only if taxpayer for such year chooses to have the benefits of this subpart as to taxes paid or accrued for that year to foreign countries or possessions. For purposes of this subsection, the terms 'second preceding taxable year' and 'first preceding taxable year' do not include any taxable year beginning before January 1, 1958."

26 USC 6611.

(b) **INTEREST ON OVERPAYMENTS.**—Section 6611 (relating to interest on overpayments) is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

"(g) **REFUND OF INCOME TAX CAUSED BY CARRYBACK OF FOREIGN TAXES.**—For purposes of subsection (a), if any overpayment of tax results from a carryback of tax paid or accrued to foreign countries or possessions of the United States, such overpayment shall be deemed not to have been paid or accrued prior to the close of the taxable year under this subtitle in which such taxes were in fact paid or accrued."

(c) **EFFECTIVE DATE.**—The amendments made by subsections (a) and (b) shall apply only with respect to taxable years beginning after December 31, 1957.

SEC. 43. BASIS OF PROPERTY ACQUIRED BY GIFT.

26 USC 1015.

(a) **INCREASE FOR GIFT TAX PAID.**—Section 1015 (relating to basis of property acquired by gifts and transfers in trust) is amended by adding at the end thereof the following new subsection:

"(d) **INCREASED BASIS FOR GIFT TAX PAID.**—

"(1) **IN GENERAL.**—If—

"(A) the property is acquired by gift on or after the date of the enactment of the Technical Amendments Act of 1958, the basis shall be the basis determined under subsection (a), increased (but not above the fair market value of the property at the time of the gift) by the amount of gift tax paid with respect to such gift, or

"(B) the property was acquired by gift before the date of the enactment of the Technical Amendments Act of 1958 and has not been sold, exchanged, or otherwise disposed of before such date, the basis of the property shall be increased on such date by the amount of gift tax paid with respect to such gift, but such increase shall not exceed an amount equal to the amount by which the fair market value of the property at the time of the gift exceeded the basis of the property in the hands of the donor at the time of the gift.

"(2) **AMOUNT OF TAX PAID WITH RESPECT TO GIFT.**—For purposes of paragraph (1), the amount of gift tax paid with respect to any gift is an amount which bears the same ratio to the amount of gift tax paid under chapter 12 with respect to all gifts made by the donor for the calendar year in which such gift is made as the amount of such gift bears to the taxable gifts (as defined in section 2503 (a) but computed without the deduction allowed by section 2521) made by the donor during such calendar year. For purposes of the preceding sentence, the amount of any gift shall be the amount included with respect to such gift in determining (for the purposes of section 2503 (a)) the total amount of gifts made during the calendar year, reduced by the amount of any deduction allowed with respect to such gift under section 2522 (relating to charitable deduction) or under section 2523 (relating to marital deduction).

26 USC 2503,
2521.26 USC 2522,
2523.

"(3) **GIFTS TREATED AS MADE ONE-HALF BY EACH SPOUSE.**—For purposes of paragraph (1), where the donor and his spouse elected, under section 2513 to have the gift considered as made one-half by

26 USC 2513.

each, the amount of gift tax paid with respect to such gift under chapter 12 shall be the sum of the amounts of tax paid with respect to each half of such gift (computed in the manner provided in paragraph (2)).

“(4) TREATMENT AS ADJUSTMENT TO BASIS.—For purposes of section 1016 (b), an increase in basis under paragraph (1) shall be treated as an adjustment under section 1016 (a). 26 USC 1016.

“(5) APPLICATION TO GIFTS BEFORE 1955.—With respect to any property acquired by gift before 1955, references in this subsection to any provision of this title shall be deemed to refer to the corresponding provision of the Internal Revenue Code of 1939 or prior revenue laws which was effective for the year in which such gift was made.”

(b) CROSS REFERENCE.—Section 2501 (b) is amended to read as follows: 26 USC 2501.

“(b) CROSS REFERENCES.—

“(1) For increase in basis of property acquired by gift for gift tax paid, see section 1015 (d).

“(2) For exclusion of transfers of property outside the United States by a nonresident who is not a citizen of the United States, see section 2511 (a).”

SEC. 44. PROPERTY ACQUIRED IN TAX-FREE EXCHANGE.

(a) BASIS.—The first sentence of section 1031 (d) (relating to basis of property acquired in certain tax-free exchanges) is amended to read as follows: “If property was acquired on an exchange described in this section, section 1035 (a), or section 1036 (a), then the basis shall be the same as that of the property exchanged, decreased in the amount of any money received by the taxpayer and increased in the amount of gain or decreased in the amount of loss to the taxpayer that was recognized on such exchange.” 26 USC 1031.

(b) CLERICAL AMENDMENT.—The second sentence of section 1031 (d) is amended by striking out “paragraph” and inserting in lieu thereof “subsection”. 26 USC 1035, 1036.

SEC. 45. INVOLUNTARY CONVERSIONS.

Section 1033 (a) (2) (relating to involuntary conversions) is amended by adding at the end thereof the following new sentence: “For purposes of this paragraph and paragraph (3), the term ‘control’ means the ownership of stock possessing at least 80 percent of the total combined voting power of all classes of stock entitled to vote and at least 80 percent of the total number of shares of all other classes of stock of the corporation.” 26 USC 1033.

SEC. 46. CONDEMNATION OF REAL PROPERTY HELD FOR PRODUCTIVE USE IN TRADE OR BUSINESS OR FOR INVESTMENT.

(a) CONVERSION INTO OR PURCHASE OF LIKE PROPERTY.—Section 1033 (relating to involuntary conversions) is amended by redesignating subsection (g) as (h), and by inserting after subsection (f) the following new subsection: 26 USC 1033.

“(g) CONDEMNATION OF REAL PROPERTY HELD FOR PRODUCTIVE USE IN TRADE OR BUSINESS OR FOR INVESTMENT.—

“(1) SPECIAL RULE.—For purposes of subsection (a), if real property (not including stock in trade or other property held primarily for sale) held for productive use in trade or business or for investment is (as the result of its seizure, requisition, or condemnation, or threat or imminence thereof) compulsorily or involuntarily converted, property of a like kind to be held either for productive use in trade or business or for investment shall be treated as property similar or related in service or use to the property so converted.

“(2) LIMITATIONS.—

“(A) PURCHASE OF STOCK.—Paragraph (1) shall not apply to the purchase of stock in the acquisition of control of a corporation described in subsection (a) (3) (A).

“(B) CONVERSIONS BEFORE JANUARY 1, 1958.—Paragraph (1) shall apply with respect to the compulsory or involuntary conversion of any real property only if the disposition of the converted property (within the meaning of subsection (a) (2)) occurs after December 31, 1957.”

26 USC 1034.

(b) PERSONAL RESIDENCES.—Section 1034 (i) (relating to special rule for involuntary conversions of residences) is amended by renumbering paragraph (2) as (3), and by inserting after paragraph (1) the following new paragraph:

“(2) CONDEMNATIONS AFTER DECEMBER 31, 1957.—For purposes of this section, the seizure, requisition, or condemnation of property, or the sale or exchange of property under threat or imminence thereof, if occurring after December 31, 1957, shall, at the election of the taxpayer, be treated as the sale of such property. Such election shall be made at such time and in such manner as the Secretary or his delegate shall prescribe by regulations.”

SEC. 47. PROPERTY ACQUIRED BEFORE MARCH 1, 1913.

26 USC 1053.

The first sentence of section 1053 (relating to basis for determining gain in the case of property acquired before March 1, 1913) is amended by striking out “under this part” and inserting in lieu thereof “under this subtitle”.

SEC. 48. POSTPONEMENT OF GAIN FROM SALE OR EXCHANGE TO EFFECTUATE FEDERAL COMMUNICATIONS COMMISSION POLICIES.

26 USC 1071.

(a) REQUIREMENT OF CHANGE IN POLICY.—Section 1071 (a) (relating to gain from sale or exchange to effectuate policies of Federal Communications Commission) is amended by striking out “necessary or appropriate to effectuate the policies of the Commission” and inserting in lieu thereof “necessary or appropriate to effectuate a change in a policy of, or the adoption of a new policy by, the Commission”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to any sale or exchange after December 31, 1957.

SEC. 49. CASUALTY LOSSES SUSTAINED UPON CERTAIN UNINSURED PROPERTY.

26 USC 1231.

(a) TREATMENT AS ORDINARY LOSS.—Section 1231 (a) (relating to property used in the trade or business and involuntary conversions) is amended by adding at the end thereof the following new sentence: “In the case of any property used in the trade or business and of any capital asset held for more than 6 months and held for the production of income, this subsection shall not apply to any loss, in respect of which the taxpayer is not compensated for by insurance in any amount, arising from fire, storm, shipwreck, or other casualty, or from theft.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1957.

SEC. 50. BONDS ISSUED AT DISCOUNT.

26 USC 1232.

(a) TREATMENT OF GAIN.—The first sentence of section 1232 (a) (2) (A) (relating to treatment of gain on sale or exchange of certain bonds and other evidences of indebtedness) is amended by striking out “which does not exceed an amount which bears the same ratio to the original issue discount (as defined in subsection (b)) as the number of complete months that the bond or other evidences of indebtedness was held by the taxpayer bears to the number of complete months

from the date of original issue to the date of maturity," and inserting in lieu thereof "which does not exceed—

"(i) an amount equal to the original issue discount (as defined in subsection (b)), or

"(ii) if at the time of original issue there was no intention to call the bond or other evidence of indebtedness before maturity, an amount which bears the same ratio to the original issue discount (as defined in subsection (b)) as the number of complete months that the bond or other evidence of indebtedness was held by the taxpayer bears to the number of complete months from the date of original issue to the date of maturity."

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to taxable years ending after December 31, 1957, but only with respect to dispositions after such date.

SEC. 51. BONDS WITH COUPONS DETACHED.

Section 1232 (c) (relating to bonds with excess number of coupons detached) is amended to read as follows:

26 USC 1232.

"(c) **BOND WITH UNMATURED COUPONS DETACHED.**—If a bond or other evidence of indebtedness issued at any time with interest coupons—

"(1) is purchased after August 16, 1954, and before January 1, 1958, and the purchaser does not receive all the coupons which first become payable more than 12 months after the date of the purchase, or

"(2) is purchased after December 31, 1957, and the purchaser does not receive all the coupons which first become payable after the date of the purchase,

then the gain on the sale or other disposition of such evidence of indebtedness by such purchaser (or by a person whose basis is determined by reference to the basis in the hands of such purchaser) shall be considered as gain from the sale or exchange of property which is not a capital asset to the extent that the fair market value (determined as of the time of the purchase) of the evidence of indebtedness with coupons attached exceeds the purchase price. If this subsection and subsection (a) (2) (A) apply with respect to gain realized on the sale or exchange of any evidence of indebtedness, then subsection (a) (2) (A) shall apply with respect to that part of the gain to which this subsection does not apply."

SEC. 52. SHORT SALES.

(a) **SHORT SALES MADE BY DEALERS IN SECURITIES.**—Section 1233 (relating to gains and losses in case of short sales) is amended by adding at the end of subsection (e) thereof the following new paragraph:

26 USC 1233.

"(4) (A) In the case of a taxpayer who is a dealer in securities (within the meaning of section 1236)—

26 USC 1236.

"(i) if, on the date of a short sale of stock, substantially identical property which is a capital asset in the hands of the taxpayer has been held for not more than 6 months, and

"(ii) if such short sale is closed more than 20 days after the date on which it was made,

subsection (b) (2) shall apply in respect of the holding period of such substantially identical property.

"(B) For purposes of subparagraph (A)—

"(i) the last sentence of subsection (b) applies; and

"(ii) the term 'stock' means any share or certificate of stock in a corporation, any bond or other evidence of indebtedness which is convertible into any such share or certificate,

or any evidence of an interest in, or right to subscribe to or purchase, any of the foregoing.”

26 USC 1233.

(b) **HEDGING TRANSACTIONS.**—Section 1233 (a) (relating to gains and losses from short sales) is amended by striking out “, other than a hedging transaction in commodity futures.”. Section 1233 is amended by adding after subsection (f) the following new subsection:

“(g) **HEDGING TRANSACTIONS.**—This section shall not apply in the case of a hedging transaction in commodity futures.”

(c) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply with respect to short sales made after December 31, 1957.

SEC. 53. OPTIONS TO BUY OR SELL.

26 USC 1234.

Section 1234 (relating to options to buy or sell) is amended to read as follows:

“SEC. 1234. OPTIONS TO BUY OR SELL.

“(a) **TREATMENT OF GAIN OR LOSS.**—Gain or loss attributable to the sale or exchange of, or loss attributable to failure to exercise, a privilege or option to buy or sell property shall be considered gain or loss from the sale or exchange of property which has the same character as the property to which the option or privilege relates has in the hands of the taxpayer (or would have in the hands of the taxpayer if acquired by him).

“(b) **SPECIAL RULE FOR LOSS ATTRIBUTABLE TO FAILURE TO EXERCISE OPTION.**—For purposes of subsection (a), if loss is attributable to failure to exercise a privilege or option, the privilege or option shall be deemed to have been sold or exchanged on the day it expired.

“(c) **NON-APPLICATION OF SECTION.**—This section shall not apply to—

26 USC 1221.

“(1) a privilege or option which constitutes property described in paragraph (1) of section 1221;

“(2) in the case of gain attributable to the sale or exchange of a privilege or option, any income derived in connection with such privilege or option which, without regard to this section, is treated as other than gain from the sale or exchange of a capital asset;

26 USC 1233.

“(3) a loss attributable to failure to exercise an option described in section 1233 (c); or

“(4) gain attributable to the sale or exchange of a privilege or option acquired by the taxpayer before March 1, 1954, if in the hands of the taxpayer such privilege or option is a capital asset.”

SEC. 54. SALE OR EXCHANGE OF PATENTS.

26 USC 1235.

(a) **APPLICATION IN CASE OF RELATED PERSONS.**—Section 1235 (d) (relating to sale or exchange of patents between related persons) is amended to read as follows:

26 USC 267.

“(d) **RELATED PERSONS.**—Subsection (a) shall not apply to any transfer, directly or indirectly, between persons specified within any one of the paragraphs of section 267 (b); except that, in applying section 267 (b) and (c) for purposes of this section—

“(1) the phrase ‘25 percent or more’ shall be substituted for the phrase ‘more than 50 percent’ each place it appears in section 267 (b), and

“(2) paragraph (4) of section 267 (c) shall be treated as providing that the family of an individual shall include only his spouse, ancestors, and lineal descendants.”

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply with respect to taxable years ending after the date of the enactment of this Act, but only with respect to transfers after such date.

SEC. 55. REAL PROPERTY SUBDIVIDED FOR SALE.

Section 1237 (a) (1) (relating to real property subdivided for sale) is amended by striking out "or, in the same taxable year" and inserting in lieu thereof "and, in the same taxable year".

26 USC 1237.

SEC. 56. GAIN FROM SALE OF CERTAIN PROPERTY BETWEEN SPOUSES, ETC.

Section 1239 (relating to gain from sale of certain property between spouses or between an individual and a controlled corporation) is amended by adding at the end thereof the following new subsection:

26 USC 1239.

"(c) SECTION NOT APPLICABLE WITH RESPECT TO SALES OR EXCHANGES MADE ON OR BEFORE MAY 3, 1951.—This section shall apply only in the case of a sale or exchange made after May 3, 1951."

SEC. 57. SMALL BUSINESS INVESTMENT COMPANIES.

(a) LOSSES ON SMALL BUSINESS INVESTMENT COMPANY STOCK AND LOSSES OF SMALL BUSINESS INVESTMENT COMPANIES.—Part IV of subchapter P of chapter 1 (relating to special rules for determining capital gains and losses) is amended by adding at the end thereof the following new sections:

"SEC. 1242. LOSSES ON SMALL BUSINESS INVESTMENT COMPANY STOCK.

"If—

"(1) a loss is on stock in a small business investment company operating under the Small Business Investment Act of 1958, and

"(2) such loss would (but for this section) be a loss from the sale or exchange of a capital asset,

then such loss shall be treated as a loss from the sale or exchange of property which is not a capital asset. For purposes of section 172 (relating to the net operating loss deduction) any amount of loss treated by reason of this section as a loss from the sale or exchange of property which is not a capital asset shall be treated as attributable to a trade or business of the taxpayer.

26 USC 172.

"SEC. 1243. LOSS OF SMALL BUSINESS INVESTMENT COMPANY.

"In the case of a small business investment company operating under the Small Business Investment Act of 1958, if—

Ante, p. 689.

"(1) a loss is on convertible debentures (including stock received pursuant to the conversion privilege) acquired pursuant to section 304 of the Small Business Investment Act of 1958, and

"(2) such loss would (but for this section) be a loss from the sale or exchange of a capital asset,

then such loss shall be treated as a loss from the sale or exchange of property which is not a capital asset."

(b) DIVIDENDS RECEIVED BY SMALL BUSINESS INVESTMENT COMPANIES.—Section 243 (relating to dividends received by corporations) is amended—

26 USC 243.

(1) by striking out in subsection (a) "In the case of a corporation" and inserting in lieu thereof "In the case of a corporation (other than a small business investment company operating under the Small Business Investment Act of 1958)";

(2) by redesignating subsection (b) as (c), and by inserting after subsection (a) the following new subsection:

"(b) SMALL BUSINESS INVESTMENT COMPANIES.—In the case of a small business investment company operating under the Small Business Investment Act of 1958, there shall be allowed as a deduction an amount equal to 100 percent of the amount received as dividends (other than dividends described in paragraph (1) of section 244, relating to dividends on preferred stock of a public utility) from a domestic corporation which is subject to taxation under this chapter."; and

26 USC 244.

(3) by striking out in subsection (c) (as redesignated by paragraph (2)) "subsection (a)" and inserting in lieu thereof "subsections (a) and (b)".

(c) TECHNICAL AMENDMENTS.—

26 USC 165.

(1) Section 165 (h) (relating to deduction for losses) is amended by adding at the end thereof the following new paragraphs:

"(3) For special rule for losses on stock in a small business investment company, see section 1242.

"(4) For special rule for losses of a small business investment company, see section 1243."

26 USC 246.

(2) Section 246 (b) (1) (relating to limitation on aggregate amount of deductions for dividends received by corporations) is amended by striking out "243" each place it appears therein and inserting in lieu thereof "243 (a)".

(3) The table of sections for part IV of subchapter P of chapter 1 is amended by adding at the end thereof

"Sec. 1242. Losses on small business investment company stock.
"Sec. 1243. Loss of small business investment company."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to taxable years beginning after the date of the enactment of this Act.

SEC. 58. AMOUNTS RECEIVED AS DAMAGES FOR INJURIES UNDER THE ANTITRUST LAWS.

(a) LIMITATION ON TAX.—Part I of subchapter Q of chapter 1 (relating to income attributable to several taxable years) is amended by renumbering section 1306 as 1307, and by inserting after section 1305 the following new section:

"SEC. 1306. DAMAGES FOR INJURIES UNDER THE ANTITRUST LAWS.

"If an amount representing damages is received or accrued during a taxable year as a result of an award in, or settlement of, a civil action brought under section 4 of the Act entitled 'An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes', approved October 15, 1914 (commonly known as the Clayton Act), for injuries sustained by the taxpayer in his business or property by reason of anything forbidden in the antitrust laws, then the tax attributable to the inclusion of such amount in gross income for the taxable year shall not be greater than the aggregate of the increases in taxes which would have resulted if such amount had been included in gross income in equal installments for each month during the period in which such injuries were sustained by the taxpayer."

38 Stat. 730.
15 USC 12-27,
44.

(b) TABLE OF CONTENTS.—The table of sections for part I of subchapter Q of chapter 1 is amended by striking out

"Sec. 1306. Rules applicable to this part."

and inserting in lieu thereof

"Sec. 1306. Damages for injuries under the antitrust laws.

"Sec. 1307. Rules applicable to this part."

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to taxable years ending after the date of the enactment of this Act, but only with respect to amounts received or accrued after such date as a result of awards or settlements made after such date.

SEC. 59. MITIGATION OF EFFECT OF LIMITATIONS.

(a) **CIRCUMSTANCES OF ADJUSTMENT.**—Section 1312 (relating to circumstances of adjustment) is amended by renumbering paragraph (6) as (7), and by inserting after paragraph (5) the following new paragraph:

26 USC 1312.

“(6) **CORRELATIVE DEDUCTIONS AND CREDITS FOR CERTAIN RELATED CORPORATIONS.**—The determination allows or disallows a deduction (including a credit) in computing the taxable income (or, as the case may be, net income, normal tax net income, or surtax net income) of a corporation, and a correlative deduction or credit has been erroneously allowed, omitted, or disallowed, as the case may be, in respect of a related taxpayer described in section 1313 (c) (7).”

(b) **ADJUSTMENTS UNAFFECTED BY OTHER ITEMS.**—The second sentence of section 1314 (c) (relating to certain adjustments for closed taxable years) is amended by striking out “Other than in the case of an adjustment resulting from a determination under section 1313 (a) (4), the” and inserting in lieu thereof “The”.

(c) **EFFECTIVE DATE.**—The amendments made by subsections (a) and (b) shall apply to determinations (as defined in section 1313 (a)) made after November 14, 1954.

26 USC 1313.

SEC. 60. COMPUTATION OF TAX WHERE TAXPAYER RESTORES SUBSTANTIAL AMOUNT HELD UNDER CLAIM OF RIGHT.

(a) **DEFINITION OF CORRESPONDING PROVISIONS OF 1939 CODE.**—The last sentence of section 1341 (a) (relating to definition of corresponding provisions of the 1939 Code) is amended by inserting before the period at the end thereof “and subchapter E of chapter 2 of such code”.

26 USC 1341.

(b) **REFUNDS OR REPAYMENTS BY REGULATED PUBLIC UTILITIES.**—The last sentence of section 1341 (b) (2) (relating to special rules applicable to computation of tax where taxpayer restores substantial amount held under claim of right) is amended to read as follows: “This paragraph shall not apply if the deduction arises out of refunds or repayments with respect to rates made by a regulated public utility (as defined in section 1503 (c) without regard to paragraph (2) thereof) if such refunds or repayments are required to be made by the Government, political subdivision, agency, or instrumentality referred to in such section, or by an order of a court, or are made in settlement of litigation or under threat or imminence of litigation.”

(c) **PAYMENTS OR REPAYMENTS PURSUANT TO PRICE REDETERMINATION.**—Section 1341 (b) (2) is further amended by adding at the end thereof the following new sentence: “This paragraph shall not apply if the deduction arises out of payments or repayments made pursuant to a price redetermination provision in a subcontract entered into before January 1, 1958, between persons other than those bearing the relationship set forth in section 267 (b), if the subcontract containing the price redetermination provision is subject to statutory renegotiation and section 1481 (relating to mitigation of effect of renegotiation of Government contracts) does not apply to such payment or repayment solely because such payment or repayment is not paid or repaid to the United States or any agency thereof.”

(d) **TECHNICAL AMENDMENT.**—Section 1341 (b) is further amended by adding at the end thereof the following new paragraph:

“(3) If the tax imposed by this chapter for the taxable year is the amount determined under subsection (a) (5), then the deduction referred to in subsection (a) (2) shall not be taken into account for any purpose of this subtitle other than this section.”

(e) **EFFECTIVE DATE.**—The amendment made by subsection (b) shall apply with respect to taxable years beginning after December

31, 1957. No interest shall be allowed or paid on any overpayment resulting from the application of the amendment made by subsection (c).

SEC. 61. CLAIMS AGAINST UNITED STATES INVOLVING ACQUISITIONS OF PROPERTY.

26 USC 1347.

(a) **LIMIT ON SURTAX.**—Section 1347 (relating to claims against United States involving acquisitions of property) is amended—

(1) by striking out “the tax imposed by section 1” and inserting in lieu thereof “the surtax imposed by section 1”; and

(2) by adding at the end thereof the following new sentence: “This section shall apply only if claim was filed with the United States before January 1, 1958.”

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) (1) shall apply only with respect to taxable years beginning after December 31, 1957.

SEC. 62. MITIGATION OF EFFECT OF PRICE REDETERMINATIONS OF SUBCONTRACTS SUBJECT TO RENEGOTIATION.

(a) **READJUSTMENT OF TAX FOR PRIOR YEARS.**—Subchapter B of chapter 4 (relating to mitigation of effect of renegotiation of Government contracts) is amended by adding at the end thereof the following new section:

“SEC. 1482. READJUSTMENT FOR REPAYMENTS MADE PURSUANT TO PRICE REDETERMINATIONS.

“(a) **GENERAL RULE.**—If, pursuant to a price redetermination provision in a subcontract to which this section applies, a repayment with respect to an amount paid under the subcontract is made by one party to the subcontract (hereinafter referred to as the ‘payor’) to another party to the subcontract (hereinafter referred to as the ‘payee’), then—

“(1) the tax of the payor for prior taxable years shall be recomputed as if the amount received or accrued by him with respect to which the repayment is made did not include an amount equal to the amount of the repayment, and

“(2) the tax of the payee for prior taxable years shall be recomputed as if the amount paid or incurred by him with respect to which the repayment is made did not include an amount equal to the amount of the repayment.

(b) **SUBCONTRACTS TO WHICH SECTION APPLIES.**—Subsection (a) shall apply only to a subcontract which is subject to renegotiation under the applicable Federal renegotiation act.

(c) **LIMITATION.**—Subsection (a) shall not apply to any repayment to the extent that section 1481 applies to the amount repaid.

26 USC 1481.

(d) **TREATMENT IN YEAR OF REPAYMENT.**—The amount of any repayment to which subsection (a) applies shall not be taken into account by the payor or payee for the taxable year in which the repayment is made; but any overpayment or underpayment of tax resulting from the application of subsection (a) shall be treated as if it were an overpayment or underpayment for the taxable year in which the repayment is made.”

(b) **TABLE OF CONTENTS.**—The table of sections for such subchapter is amended by adding at the end thereof the following:

“Sec. 1482. Readjustment for repayments made pursuant to price redeterminations.”

(c) **EFFECTIVE DATE.**—The amendments made by subsections (a) and (b) shall apply only with respect to subcontracts entered into after December 31, 1957.

SEC. 63. REVOCATION OF ELECTION PERMITTING CERTAIN PROPRIETORSHIPS AND PARTNERSHIPS TO BE TAXED AS CORPORATIONS.**(a) REVOCATION OF ELECTION.—If—**

(1) a statement of an election to be taxed as a domestic corporation is heretofore or hereafter filed with respect to any unincorporated business enterprise under section 1361 of the Internal Revenue Code of 1954, and

26 USC 1361.

(2) such filing is in accordance with regulations prescribed by the Secretary of the Treasury or his delegate,

then such statement of election shall be treated as a valid election; but such election may be revoked (in accordance with regulations prescribed by the Secretary of the Treasury or his delegate) after the date of the enactment of this section and on or before the last day of the third month following the month in which regulations prescribed under such section 1361 are published in the Federal Register.

(b) TOLLING OF STATUTE OF LIMITATIONS.—In the case of any election referred to in subsection (a) with respect to any unincorporated business enterprise—

(1) The statutory period for the assessment of any deficiency against any taxpayer for any taxable year, to the extent such deficiency is attributable to such enterprise and to the period to which such election applies (or would apply but for a revocation under subsection (a)), shall not expire before the expiration date specified in subsection (c); and such deficiency may be assessed at any time on or before such expiration date, notwithstanding any law or rule of law which would otherwise prevent such assessment.

(2) If credit or refund of the amount of any overpayment is prevented, at any time on or before the expiration date specified in subsection (c), by the operation of any law or rule of law (other than chapter 74 of the Internal Revenue Code of 1954, relating to closing agreements and compromises), credit or refund of such overpayment may, nevertheless, be allowed or made, to the extent such overpayment is attributable to such enterprise and to the period referred to in paragraph (1), if claim therefor is filed on or before the expiration date specified in subsection (c).

26 USC 7121-7123.

(c) EXPIRATION DATE DEFINED.—For purposes of subsection (b), the term "expiration date" means that day which is one year after whichever of the following days is the earlier:

(1) The last day of the third month following the month in which regulations prescribed under section 1361 of the Internal Revenue Code of 1954 are published in the Federal Register; or

(2) if the election is revoked under subsection (a), the day on which such revocation is filed with the Secretary of the Treasury or his delegate.

Publication in FR.

(d) EXCEPTION.—This section shall not apply to any statement of election filed with respect to any unincorporated business enterprise under section 1361 of the Internal Revenue Code of 1954, if, before the date of the enactment of this Act, such statement of election has been withdrawn with the permission of the Secretary of the Treasury or his delegate.

SEC. 64. ELECTION OF CERTAIN SMALL BUSINESS CORPORATIONS.

(a) **ELECTION AS TO TAXABLE STATUS.**—Chapter 1 (relating to normal taxes and surtaxes) is amended by adding at the end thereof the following new subchapter:

“Subchapter S—Election of Certain Small Business Corporations as to Taxable Status

“Sec. 1371. Definitions.

“Sec. 1372. Election by small business corporation.

“Sec. 1373. Corporation undistributed taxable income taxed to shareholders.

“Sec. 1374. Corporation net operating loss allowed to shareholders.

“Sec. 1375. Special rules applicable to distributions of electing small business corporations.

“Sec. 1376. Adjustment to basis of stock of, and indebtedness owing, shareholders.

“Sec. 1377. Special rules applicable to earnings and profits of electing small business corporations.

“SEC. 1371. DEFINITIONS.

“(a) **SMALL BUSINESS CORPORATION.**—For purposes of this subchapter, the term ‘small business corporation’ means a domestic corporation which is not a member of an affiliated group (as defined in section 1504) and which does not—

“(1) have more than 10 shareholders;

“(2) have as a shareholder a person (other than an estate) who is not an individual;

“(3) have a nonresident alien as a shareholder; and

“(4) have more than one class of stock.

“(b) **ELECTING SMALL BUSINESS CORPORATION.**—For purposes of this subchapter, the term ‘electing small business corporation’ means, with respect to any taxable year, a small business corporation which has made an election under section 1372 (a) which, under section 1372, is in effect for such taxable year.

“SEC. 1372. ELECTION BY SMALL BUSINESS CORPORATION.

“(a) **ELIGIBILITY.**—Except as provided in subsection (f), any small business corporation may elect, in accordance with the provisions of this section, not to be subject to the taxes imposed by this chapter. Such election shall be valid only if all persons who are shareholders in such corporation—

“(1) on the first day of the first taxable year for which such election is effective, if such election is made on or before such first day, or

“(2) on the day on which the election is made, if the election is made after such first day,

consent to such election.

“(b) **EFFECT.**—If a small business corporation makes an election under subsection (a), then—

“(1) with respect to the taxable years of the corporation for which such election is in effect, such corporation shall not be subject to the taxes imposed by this chapter and, with respect to such taxable years and all succeeding taxable years, the provisions of section 1377 shall apply to such corporation, and

“(2) with respect to the taxable years of a shareholder of such corporation in which or with which the taxable years of the corporation for which such election is in effect end, the provisions of sections 1373, 1374, and 1375 shall apply to such shareholder, and with respect to such taxable years and all succeeding taxable years, the provisions of section 1376 shall apply to such shareholder.

“(c) WHERE AND HOW MADE.—

“(1) IN GENERAL.—An election under subsection (a) may be made by a small business corporation for any taxable year at any time during the first month of such taxable year, or at any time during the month preceding such first month. Such election shall be made in such manner as the Secretary or his delegate shall prescribe by regulations.

“(2) TAXABLE YEARS BEGINNING BEFORE DATE OF ENACTMENT.—An election may be made under subsection (a) by a small business corporation for its first taxable year which begins after December 31, 1957, and on or before the date of the enactment of this subchapter, and ends after such date at any time—

“(A) within the 90-day period beginning on the day after the date of the enactment of this subchapter, or

“(B) if its taxable year ends within such 90-day period, before the close of such taxable year.

An election may be made pursuant to this paragraph only if the small business corporation has been a small business corporation (as defined in section 1371 (a)) on each day after the date of the enactment of this subchapter and before the day of such election.

“(d) YEARS FOR WHICH EFFECTIVE.—An election under subsection (a) shall be effective for the taxable year of the corporation for which it is made and for all succeeding taxable years of the corporation, unless it is terminated, with respect to any such taxable year, under subsection (e).

“(e) TERMINATION.—

“(1) NEW SHAREHOLDERS.—An election under subsection (a) made by a small business corporation shall terminate if any person who was not a shareholder in such corporation—

“(A) on the first day of the first taxable year of the corporation for which the election is effective, if such election is made on or before such first day, or

“(B) on the day on which the election is made, if such election is made after such first day,

becomes a shareholder in such corporation and does not consent to such election within such time as the Secretary or his delegate shall prescribe by regulations. Such termination shall be effective for the taxable year of the corporation in which such person becomes a shareholder in the corporation and for all succeeding taxable years of the corporation.

“(2) REVOCATION.—An election under subsection (a) made by a small business corporation may be revoked by it for any taxable year of the corporation after the first taxable year for which the election is effective. An election may be revoked only if all persons who are shareholders in the corporation on the day on which the revocation is made consent to the revocation. A revocation under this paragraph shall be effective—

“(A) for the taxable year in which made, if made before the close of the first month of such taxable year,

“(B) for the taxable year following the taxable year in which made, if made after the close of such first month, and for all succeeding taxable years of the corporation. Such revocation shall be made in such manner as the Secretary or his delegate shall prescribe by regulations.

“(3) CEASES TO BE SMALL BUSINESS CORPORATION.—An election under subsection (a) made by a small business corporation shall terminate if at any time—

“(A) after the first day of the first taxable year of the corporation for which the election is effective, if such election is made on or before such first day, or

“(B) after the day on which the election is made, if such election is made after such first day,

the corporation ceases to be a small business corporation (as defined in section 1371 (a)). Such termination shall be effective for the taxable year of the corporation in which the corporation ceases to be a small business corporation and for all succeeding taxable years of the corporation.

“(4) FOREIGN INCOME.—An election under subsection (a) made by a small business corporation shall terminate if for any taxable year of the corporation for which the election is in effect, such corporation derives more than 80 percent of its gross receipts from sources outside the United States. Such termination shall be effective for the taxable year of the corporation in which it derives more than 80 percent of its gross receipts from sources outside the United States, and for all succeeding taxable years of the corporation.

“(5) PERSONAL HOLDING COMPANY INCOME.—An election under subsection (a) made by a small business corporation shall terminate if, for any taxable year of the corporation for which the election is in effect, such corporation has gross receipts more than 20 percent of which is derived from royalties, rents, dividends, interest, annuities, and sales or exchanges of stock or securities (gross receipts from such sales or exchanges being taken into account for purposes of this paragraph only to the extent of gains therefrom). Such termination shall be effective for the taxable year of the corporation in which it has gross receipts of such amount, and for all succeeding taxable years of the corporation.

“(f) ELECTION AFTER TERMINATION.—If a small business corporation has made an election under subsection (a) and if such election has been terminated or revoked under subsection (e), such corporation (and any successor corporation) shall not be eligible to make an election under subsection (a) for any taxable year prior to its fifth taxable year which begins after the first taxable year for which such termination or revocation is effective, unless the Secretary or his delegate consents to such election.

“SEC. 1373. CORPORATION UNDISTRIBUTED TAXABLE INCOME TAXED TO SHAREHOLDERS.

“(a) GENERAL RULE.—The undistributed taxable income of an electing small business corporation for any taxable year shall be included in the gross income of the shareholders of such corporation in the manner and to the extent set forth in this section.

“(b) AMOUNT INCLUDED IN GROSS INCOME.—Each person who is a shareholder of an electing small business corporation on the last day of a taxable year of such corporation shall include in his gross income, for his taxable year in which or with which the taxable year of the corporation ends, the amount he would have received as a dividend, if on such last day there had been distributed pro rata to its shareholders by such corporation an amount equal to the corporation's undistributed taxable income for the corporation's taxable year. For purposes of this chapter, the amount so included shall be treated as an amount distributed as a dividend on the last day of the taxable year of the corporation.

“(c) UNDISTRIBUTED TAXABLE INCOME DEFINED.—For purposes of this section, the term ‘undistributed taxable income’ means taxable income (computed as provided in subsection (d)) minus the amount of money distributed as dividends during the taxable year, to the

extent that any such amount is a distribution out of earnings and profits of the taxable year as specified in section 316 (a) (2).

26 USC 316.

“(d) TAXABLE INCOME.—For purposes of this subchapter, the taxable income of an electing small business corporation shall be determined without regard to—

“(1) the deduction allowed by section 172 (relating to net operating loss deduction), and

26 USC 172.

“(2) the deductions allowed by part VIII of subchapter B (other than the deduction allowed by section 248, relating to organization expenditures).

26 USC 248.

“SEC. 1374. CORPORATION NET OPERATING LOSS ALLOWED TO SHAREHOLDERS.

“(a) GENERAL RULE.—A net operating loss of an electing small business corporation for any taxable year shall be allowed as a deduction from gross income of the shareholders of such corporation in the manner and to the extent set forth in this section.

“(b) ALLOWANCE OF DEDUCTION.—Each person who is a shareholder of an electing small business corporation at any time during a taxable year of the corporation in which it has a net operating loss shall be allowed as a deduction from gross income, for his taxable year in which or with which the taxable year of the corporation ends, an amount equal to his portion of the corporation's net operating loss (as determined under subsection (c)).

“(c) DETERMINATION OF SHAREHOLDER'S PORTION.—

“(1) IN GENERAL.—For purposes of this section, a shareholder's portion of the net operating loss of an electing small business corporation is his pro rata share of the corporation's net operating loss (computed as provided in section 172 (c), except that the deductions provided in part VIII (except section 248) of subchapter B shall not be allowed) for his taxable year in which or with which the taxable year of the corporation ends. For purposes of this paragraph, a shareholder's pro rata share of the corporation's net operating loss is the sum of the portions of the corporation's daily net operating loss attributable on a pro rata basis to the shares held by him on each day of the taxable year. For purposes of the preceding sentence, the corporation's daily net operating loss is the corporation's net operating loss divided by the number of days in the taxable year.

26 USC 172.

26 USC 248.

“(2) LIMITATION.—A shareholder's portion of the net operating loss of an electing small business corporation for any taxable year shall not exceed the sum of—

“(A) the adjusted basis (determined without regard to any adjustment under section 1376 for the taxable year) of the shareholder's stock in the electing small business corporation, determined as of the close of the taxable year of the corporation (or, in respect of stock sold or otherwise disposed of during such taxable year, as of the day before the day of such sale or other disposition), and

“(B) the adjusted basis (determined without regard to any adjustment under section 1376 for the taxable year) of any indebtedness of the corporation to the shareholder, determined as of the close of the taxable year of the corporation (or, if the shareholder is not a shareholder as of the close of such taxable year, as of the close of the last day in such taxable year on which the shareholder was a shareholder in the corporation).

“(d) APPLICATION WITH OTHER PROVISIONS.—

“(1) IN GENERAL.—The deduction allowed by subsection (b) shall, for purposes of this chapter, be considered as a deduction attributable to a trade or business carried on by the shareholder.

26 USC 172.

“(2) ADJUSTMENT OF NET OPERATING LOSS CARRYBACKS AND CARRYOVERS OF SHAREHOLDERS.—For purposes of determining, under section 172, the net operating loss carrybacks to taxable years beginning before January 1, 1958, from a taxable year of the shareholder for which he is allowed a deduction under subsection (b), such deduction shall be disregarded in determining the net operating loss for such taxable year. In the case of a net operating loss for a taxable year in which a shareholder is allowed a deduction under subsection (b), the determination of the portion of such loss which may be carried to subsequent years shall be made without regard to the preceding sentence and in accordance with section 172 (b) (2), but the sum of the taxable incomes for taxable years beginning before January 1, 1958, shall be deemed not to exceed the amount of the net operating loss determined with the application of the preceding sentence.

“SEC. 1375. SPECIAL RULES APPLICABLE TO DISTRIBUTIONS OF ELECTING SMALL BUSINESS CORPORATIONS.

“(a) CAPITAL GAINS.—

26 USC 316.

“(1) TREATMENT IN HANDS OF SHAREHOLDERS.—The amount includible in the gross income of a shareholder as dividends (including amounts treated as dividends under section 1373 (b)) from an electing small business corporation during any taxable year of the corporation, to the extent that such amount is a distribution of property out of earnings and profits of the taxable year as specified in section 316 (a) (2), shall be treated as a long-term capital gain to the extent of the shareholder's pro rata share of the excess of the corporation's net long-term capital gain over its net short-term capital loss for such taxable year. For purposes of this paragraph, such excess shall be deemed not to exceed the corporation's taxable income (computed as provided in section 1373 (d)) for the taxable year.

“(2) DETERMINATION OF SHAREHOLDER'S PRO RATA SHARE.—A shareholder's pro rata share of such excess for any taxable year shall be an amount which bears the same ratio to such excess as the amount of dividends described in paragraph (1) includible in the shareholder's gross income bears to the entire amount of dividends described in paragraph (1) includible in the gross income of all shareholders.

26 USC 34, 37, 116.

26 USC 316.

“(b) DIVIDENDS RECEIVED CREDIT NOT ALLOWED.—The amount includible in the gross income of a shareholder as dividends from an electing small business corporation during any taxable year of the corporation (including any amount treated as a dividend under section 1373 (b)) shall not be considered a dividend for purposes of section 34, section 37, or section 116 to the extent that such amount is a distribution of property out of earnings and profits of the taxable year as specified in section 316 (a) (2). For purposes of this subsection, the earnings and profits of the taxable year shall be deemed not to exceed the corporation's taxable income (computed as provided in section 1373 (d)) for the taxable year.

26 USC 704.

“(c) TREATMENT OF FAMILY GROUPS.—Any dividend received by a shareholder from an electing small business corporation (including any amount treated as a dividend under section 1373 (b)) may be apportioned or allocated by the Secretary or his delegate between or among shareholders of such corporation who are members of such shareholder's family (as defined in section 704 (e) (3)), if he determines that such apportionment or allocation is necessary in order to reflect the value of services rendered to the corporation by such shareholders.

“(d) DISTRIBUTIONS OF UNDISTRIBUTED TAXABLE INCOME PREVIOUSLY TAXED TO SHAREHOLDERS.—

“(1) **DISTRIBUTIONS NOT CONSIDERED AS DIVIDENDS.**—An electing small business corporation may distribute, in accordance with regulations prescribed by the Secretary or his delegate, to any shareholder all or any portion of the shareholder's net share of the corporation's undistributed taxable income for taxable years prior to the taxable year in which such distribution is made. Any such distribution shall, for purposes of this chapter, be considered a distribution which is not a dividend, but the earnings and profits of the corporation shall not be reduced by reason of any such distribution.

“(2) **SHAREHOLDER'S NET SHARE OF UNDISTRIBUTED TAXABLE INCOME.**—For purposes of this subsection, a shareholder's net share of the undistributed taxable income of an electing small business corporation is an amount equal to—

“(A) the sum of the amounts included in the gross income of the shareholder under section 1373 (b) for all prior taxable years (excluding any taxable year to which the provisions of this section do not apply and all taxable years preceding such year), reduced by

“(B) the sum of—

“(i) the amounts allowable under section 1374 (b) as a deduction from gross income of the shareholder for all prior taxable years (excluding any taxable year to which the provisions of this section do not apply and all taxable years preceding such year), and

“(ii) all amounts previously distributed during the taxable year and all prior taxable years (excluding any taxable year to which the provisions of this section do not apply and all taxable years preceding such year) to the shareholder which under paragraph (1) were considered distributions which were not dividends.

“SEC. 1376. ADJUSTMENT TO BASIS OF STOCK OF, AND INDEBTEDNESS OWING, SHAREHOLDERS.

“(a) **INCREASE IN BASIS OF STOCK FOR AMOUNTS TREATED AS DIVIDENDS.**—The basis of a shareholder's stock in an electing small business corporation shall be increased by the amount required to be included in the gross income of such shareholder under section 1373 (b), but only to the extent to which such amount is included in his gross income in his return, increased or decreased by any adjustment of such amount in any redetermination of the shareholder's tax liability.

“(b) **REDUCTION IN BASIS OF STOCK AND INDEBTEDNESS FOR SHAREHOLDER'S PORTION OF CORPORATION NET OPERATING LOSS.**—

“(1) **REDUCTION IN BASIS OF STOCK.**—The basis of a shareholder's stock in an electing small business corporation shall be reduced (but not below zero) by an amount equal to the amount of his portion of the corporation's net operating loss for any taxable year attributable to such stock (as determined under section 1374 (c)).

“(2) **REDUCTION IN BASIS OF INDEBTEDNESS.**—The basis of any indebtedness of an electing small business corporation to a shareholder of such corporation shall be reduced (but not below zero) by an amount equal to the amount of the shareholder's portion of the corporation's net operating loss for any taxable year (as determined under section 1374 (c)), but only to the extent that such amount exceeds the adjusted basis of the stock of such corporation held by the shareholder.

"SEC. 1377. SPECIAL RULES APPLICABLE TO EARNINGS AND PROFITS OF ELECTING SMALL BUSINESS CORPORATIONS.

"(a) **REDUCTION FOR UNDISTRIBUTED TAXABLE INCOME.**—The accumulated earnings and profits of an electing small business corporation as of the close of its taxable year shall be reduced to the extent that its undistributed taxable income for such year is required to be included in the gross income of the shareholders of such corporation under section 1373 (b).

"(b) **CURRENT EARNINGS AND PROFITS NOT REDUCED BY ANY AMOUNT NOT ALLOWABLE AS DEDUCTION.**—The earnings and profits of an electing small business corporation for any taxable year (but not its accumulated earnings and profits) shall not be reduced by any amount which is not allowable as a deduction in computing its taxable income (as provided in section 1373 (d)) for such taxable year.

"(c) **EARNINGS AND PROFITS NOT AFFECTED BY NET OPERATING LOSS.**—The earnings and profits and the accumulated earnings and profits of an electing small business corporation shall not be affected by any item of gross income or any deduction taken into account in determining the amount of any net operating loss (computed as provided in section 1374 (c)) of such corporation."

26 USC 172.

(b) **NET OPERATING LOSS DISALLOWED TO ELECTING SMALL BUSINESS CORPORATION.**—Section 172 (relating to net operating loss deduction) is amended by redesignating subsection (h) as (i), and by inserting after subsection (g) the following new subsection:

"(h) **DISALLOWANCE OF NET OPERATING LOSS OF ELECTING SMALL BUSINESS CORPORATIONS.**—In determining the amount of the net operating loss deduction under subsection (a) of any corporation, there shall be disregarded the net operating loss of such corporation for any taxable year for which such corporation is an electing small business corporation under subchapter S."

(c) **RETURNS BY ELECTING SMALL BUSINESS CORPORATIONS.**—Subpart A of part III of subchapter A of chapter 61 (relating to information returns) is amended by renumbering section 6037 as 6038, and by inserting after section 6036 the following new section:

"SEC. 6037. RETURN OF ELECTING SMALL BUSINESS CORPORATION.

"Every electing small business corporation (as defined in section 1371 (a) (2)) shall make a return for each taxable year, stating specifically the items of its gross income and the deductions allowable by subtitle A, the names and addresses of all persons owning stock in the corporation at any time during the taxable year, the number of shares of stock owned by each shareholder at all times during the taxable year, the amount of money and other property distributed by the corporation during the taxable year to each shareholder, the date of each such distribution, and such other information, for the purpose of carrying out the provisions of subchapter S of chapter 1, as the Secretary or his delegate may by forms and regulations prescribe. Any return filed pursuant to this section shall, for purposes of chapter 66 (relating to limitations), be treated as a return filed by the corporation under section 6012."

26 USC 6012.

(d) **TECHNICAL AMENDMENTS.**—

(1) The table of subchapters for chapter 1 is amended by adding at the end thereof

"SUBCHAPTER S.—Election of certain small business corporations as to taxable status."

26 USC 1016.

(2) Section 1016 (a) (relating to adjustments of basis) is amended by striking out the period at the end of paragraph (17) (as added by section 16 (b) of this Act) and inserting in lieu

thereof a semicolon, and by adding after paragraph (17) the following new paragraph:

“(18) to the extent provided in section 1376 in the case of stock of, and indebtedness owing, shareholders of an electing small business corporation (as defined in section 1371 (b)).”

(3) Section 1504 (b) (relating to definition of includible corporation) is amended by adding at the end thereof the following new paragraph:

26 USC 1504.

“(8) An electing small business corporation (as defined in section 1371 (b)).”

(4) The table of sections for subpart A of part III of subchapter A of chapter 61 is amended by striking out

“Sec. 6037. Cross references.”

and inserting in lieu thereof

“Sec. 6037. Return of electing small business corporation.

“Sec. 6038. Cross references.”

(e) **EFFECTIVE DATE.**—The amendments made by this section shall apply only with respect to taxable years beginning after December 31, 1957.

SEC. 65. PERIOD OF LIMITATION FOR FILING CLAIM FOR CREDIT FOR STATE DEATH TAXES.

(a) **PERIOD UNDER 1954 CODE.**—Section 2011 (c) (relating to period of limitations on credit for State death taxes) is amended by inserting after paragraph (2) the following new paragraph:

26 USC 2011.

“(3) If a claim for refund or credit of an overpayment of tax imposed by this chapter has been filed within the time prescribed in section 6511, then within such 4-year period or before the expiration of 60 days from the date of mailing by certified mail or registered mail by the Secretary or his delegate to the taxpayer of a notice of the disallowance of any part of such claim, or before the expiration of 60 days after a decision by any court of competent jurisdiction becomes final with respect to a timely suit instituted upon such claim, whichever is later.”

26 USC 6511.

(b) **PERIOD UNDER 1939 CODE.**—Section 813 (b) of the Internal Revenue Code of 1939 (relating to period of limitations on credit for State death taxes) is amended by inserting after paragraph (2) the following new paragraph:

26 USC 2011.

“(3) If a claim for refund or credit of an overpayment of tax imposed by this chapter has been filed within the time prescribed in section 910, then within such 4-year period or before the expiration of 60 days from the date of mailing by certified mail or registered mail by the Secretary or his delegate to the taxpayer of a notice of the disallowance of any part of such claim, or before the expiration of 60 days after a decision by any court of competent jurisdiction becomes final with respect to a timely suit instituted upon such claim, whichever is later.”

(c) **EFFECTIVE DATES.**—The amendment made by subsection (a) shall apply with respect to estates of decedents dying after August 16, 1954. The amendment made by subsection (b) shall apply with respect to estates of decedents dying after February 10, 1939, and on or before August 16, 1954.

SEC. 66. ESTATE TAX IN CASE OF REVERSIONARY OR REMAINDER INTEREST IN PROPERTY.

(a) **CREDIT FOR DEATH TAXES.**—

(1) **CREDIT UNDER 1954 CODE.**—Section 2015 (relating to credit for death taxes on remainders) is amended by striking out “60 days after the termination of the precedent interest or interests in the property” and inserting in lieu thereof “the time for pay-

26 USC 2015.

26 USC 2001,
2101.

ment of the tax imposed by section 2001 or 2101 as postponed and extended under section 6163”.

26 USC 2015.

(2) CREDIT UNDER 1939 CODE.—Section 927 of the Internal Revenue Code of 1939 (relating to credit for death taxes) is amended by striking out “60 days after the termination of the precedent interest or interests in the property” and inserting in lieu thereof “the time for payment of the tax imposed by this subchapter as postponed and extended under section 925”.

(3) EFFECTIVE DATE.—The amendments made by paragraphs (1) and (2) shall apply in the case of any reversionary or remainder interest in property only if the precedent interest or interests in the property did not terminate before the beginning of the 60-day period which ends on the date of the enactment of this Act.

(b) EXTENSION OF PAYMENT OF ESTATE TAX ATTRIBUTABLE TO FUTURE INTERESTS.—

26 USC 6163.

(1) EXTENSION UNDER 1954 CODE.—Section 6163 (relating to extension of time for paying estate tax on value of reversionary or remainder interest in property) is amended by redesignating subsection (b) as subsection (c), and by inserting after subsection (a) the following new subsection:

(b) EXTENSION TO PREVENT UNDUE HARDSHIP.—If the Secretary or his delegate finds that the payment of the tax at the expiration of the period of postponement provided for in subsection (a) would result in undue hardship to the estate, he may extend the time for payment for a reasonable period not in excess of 2 years from the expiration of such period of postponement.”

(2) EXTENSION UNDER 1939 CODE.—

26 USC 6601,
6163.

(A) Section 925 of the Internal Revenue Code of 1939 (relating to period of extension of time for paying estate tax attributable to future interests) is amended by adding at the end thereof the following: “If the Secretary or his delegate finds that the payment of the tax at the expiration of the period of postponement provided for in the preceding sentence would result in undue hardship to the estate, he may extend the time for payment for a reasonable period not in excess of 2 years from the expiration of such period of postponement.”

26 USC 6163,
7101.

(B) Section 926 of the Internal Revenue Code of 1939 (relating to requirements for postponement) is amended by striking out “interest or interests” and inserting in lieu thereof “interest or interests (or, in the case of an extension under section 925, within the period of such extension)”.

(3) EFFECTIVE DATE.—The amendments made by paragraphs (1) and (2) shall apply in the case of any reversionary or remainder interest only if the precedent interest or interests in the property did not terminate before the beginning of the 6-month period which ends on the date of the enactment of this Act.

26 USC 6601.

(c) INTEREST.—Section 6601 (b) (relating to interest in case of extensions of time for payment of estate taxes) is amended by striking out “if postponement of the payment of an amount of such tax is permitted by section 6163 (a),” and inserting in lieu thereof “if the time for payment of an amount of such tax is postponed or extended as provided by section 6163.”

SEC. 67. RETIREMENT ANNUITIES EXCLUDED FROM GROSS ESTATE.

26 USC 2039.

(a) REQUIREMENTS.—Section 2039 (c) (2) (relating to exclusion from gross estate in the case of certain retirement annuity contracts) is amended by striking out “section 401 (a) (3)” and inserting in lieu thereof “section 401 (a) (3), (4), (5), and (6)”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply with respect to estates of decedents dying after December 31, 1953.

SEC. 68. GIFT TAX NOT TO APPLY TO ELECTION OF SURVIVOR BENEFITS UNDER CERTAIN QUALIFIED PLANS.

(a) **IN GENERAL.**—Subchapter B of chapter 12 (relating to gift tax in the case of certain transfers) is amended by adding at the end thereof the following new section:

“SEC. 2517. CERTAIN ANNUITIES UNDER QUALIFIED PLANS.

“(a) **GENERAL RULE.**—The exercise or nonexercise by an employee of an election or option whereby an annuity or other payment will become payable to any beneficiary at or after the employee's death shall not be considered a transfer for purposes of this chapter if the option or election and annuity or other payment is provided for under—

“(1) an employees' trust (or under a contract purchased by an employees' trust) forming part of a pension, stock bonus, or profit-sharing plan which, at the time of such exercise or nonexercise, or at the time of termination of the plan if earlier, met the requirements of section 401 (a); or

26 USC 401.

“(2) a retirement annuity contract purchased by an employer (and not by an employees' trust) pursuant to a plan which, at the time of such exercise or nonexercise, or at the time of termination of the plan if earlier, met the requirements of section 401 (a) (3), (4), (5), and (6).

“(b) **TRANSFERS ATTRIBUTABLE TO EMPLOYEE CONTRIBUTIONS.**—If the annuity or other payment referred to in subsection (a) is attributable to any extent to payments or contributions made by the employee, then subsection (a) shall not apply to that part of the value of such annuity or other payment which bears the same proportion to the total value of the annuity or other payment as the total payments or contributions made by the employee bear to the total payments or contributions made.

“(c) **EMPLOYEE DEFINED.**—For purposes of this section, the term ‘employee’ includes a former employee.”

(b) **CLERICAL AMENDMENT.**—The table of sections for subchapter B of chapter 12 is amended by adding at the end thereof the following:

“Sec. 2517. Certain annuities under qualified plans.”

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to the calendar year 1955 and all calendar years thereafter. For calendar years before 1955, the determination as to whether the exercise or nonexercise by an employee of an election or option described in section 2517 of the Internal Revenue Code of 1954 (as added by subsection (a)) is a transfer for purposes of chapter 4 of the Internal Revenue Code of 1939 shall be made as if this section had not been enacted and without inferences drawn from the fact that this section is not made applicable with respect to calendar years before 1955.

SEC. 69. OASI COVERAGE FOR EMPLOYEES OF FOREIGN SUBSIDIARIES.

The heading of section 3121 (1) (3) (relating to agreements entered into by domestic corporations for the purpose of extending old-age and survivors insurance coverage to service performed by certain employees of foreign subsidiaries) is amended by striking out “BE” and inserting in lieu thereof “BY”.

26 USC 3121.

SEC. 70. FEDERAL SERVICE.

26 USC 3122. The last sentence of section 3122 (relating to collection and payment of employment taxes with respect to Coast Guard Exchanges) is amended by striking out "this subsection" wherever it appears therein and inserting in lieu thereof "this section".

SEC. 71. ACTS TO BE PERFORMED BY AGENTS.

26 USC 3504. The first sentence of section 3504 (relating to acts to be performed by agents in the case of employment taxes) is amended effective with respect to remuneration paid after December 31, 1954, by striking out "this subtitle" and inserting in lieu thereof "this title".

SEC. 72. PERSONS REQUIRED TO MAKE RETURNS.

26 USC 6012. (a) **EARNED INCOME WITHOUT THE UNITED STATES.**—Section 6012 (relating to persons required to make returns of income) is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

26 USC 911. "(c) **CERTAIN INCOME EARNED ABROAD.**—For purposes of this section, gross income shall be computed without regard to the exclusion provided for in section 911 (relating to earned income from sources without the United States)."

(b) **CROSS REFERENCE.**—Section 911 (relating to earned income from sources without the United States) is amended by adding at the end thereof the following new subsection:

"(c) **CROSS REFERENCE.**—

"For administrative and penal provisions relating to the exclusion provided for in this section, see sections 6001, 6011, 6012 (c), and the other provisions of subtitle F."

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 1957.

SEC. 73. ELECTION TO MAKE JOINT RETURN AFTER FILING SEPARATE RETURN.

26 USC 6013. Section 6013 (b) (2) (C) (relating to limitation on election to make joint return after filing separate return) is amended by striking out "such section" and inserting in lieu thereof "section 6213".

SEC. 74. RETURNS TREATED AS DECLARATIONS OF ESTIMATED TAX BY INDIVIDUALS.

26 USC 6015. Section 6015 (f) (relating to returns treated as declarations of estimated income tax by individuals) is amended by adding after paragraph (2) the following: "In the application of this subsection in the case of a taxable year beginning on any date other than January 1, there shall be substituted, for the 15th or last day of the months specified in this subsection, the 15th or last day of the months which correspond thereto."

SEC. 75. PUBLICITY OF EXEMPT ORGANIZATION INFORMATION.

26 USC 6104. (a) **PUBLICITY REQUIRED.**—Section 6104 (relating to publicity of information required from certain exempt organizations and certain trusts) is amended—

(1) by striking out "The information" and inserting in lieu thereof:

"(b) **INSPECTION OF ANNUAL INFORMATION RETURNS.**—The information"; and

(2) by inserting after the heading of such section the following new subsection:

"(a) **INSPECTION OF APPLICATIONS FOR TAX EXEMPTION.**—

"(1) **PUBLIC INSPECTION.**—

"(A) **IN GENERAL.**—If an organization described in section 501 (c) or (d) is exempt from taxation under section 501 (a) for any taxable year, the application filed by the organ-

ization with respect to which the Secretary or his delegate made his determination that such organization was entitled to exemption under section 501 (a), together with any papers submitted in support of such application, shall be open to public inspection at the national office of the Internal Revenue Service. In the case of any application filed after the date of the enactment of this subparagraph, a copy of such application shall be open to public inspection at the appropriate field office of the Internal Revenue Service (determined under regulations prescribed by the Secretary or his delegate). Any inspection under this subparagraph may be made at such times, and in such manner, as the Secretary or his delegate shall by regulations prescribe. After the application of any organization has been opened to public inspection under this subparagraph, the Secretary or his delegate shall, on the request of any person with respect to such organization, furnish a statement indicating the subsection and paragraph of section 501 which it has been determined describes such organization.

26 USC 501.

“(B) WITHHOLDING OF CERTAIN INFORMATION.—Upon request of the organization submitting any supporting papers described in subparagraph (A), the Secretary or his delegate shall withhold from public inspection any information contained therein which he determines relates to any trade secret, patent, process, style of work, or apparatus, of the organization, if he determines that public disclosure of such information would adversely affect the organization. The Secretary or his delegate shall withhold from public inspection any information contained in supporting papers described in subparagraph (A) the public disclosure of which he determines would adversely affect the national defense.

“(2) INSPECTION BY COMMITTEES OF CONGRESS.—Section 6103 (d) shall apply with respect to—

“(A) the application for exemption of any organization described in section 501 (c) or (d) which is exempt from taxation under section 501 (a) for any taxable year, and

“(B) any other papers which are in the possession of the Secretary or his delegate and which relate to such application, as if such papers constituted returns.”

(b) ANNUAL INFORMATION WITH RESPECT TO TOTAL CONTRIBUTIONS.—Section 6033 (b) (relating to returns by certain exempt organizations) is amended by striking out “and” at the end of paragraph (6), by striking out the period at the end of paragraph (7) and inserting in lieu thereof a comma and the word “and”, and by adding after paragraph (7) the following new paragraph:

26 USC 6033.

“(8) the total of the contributions and gifts received by it during the year.”

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the 60th day after the day on which this Act is enacted. The amendments made by subsection (b) shall apply to taxable years ending on or after December 31, 1958.

SEC. 76. ADDRESS FOR NOTICE OF DEFICIENCY.

Section 6212 (b) (1) (relating to address for notice of deficiency in the case of income and gift taxes) is amended by striking out “chapter 1 or 12” and inserting in lieu thereof “subtitle A or chapter 12”, and by striking out “such chapter and” and inserting in lieu thereof “subtitle A, chapter 12, and”.

26 USC 6212.

SEC. 77. RELEASE OF LIEN OR PARTIAL DISCHARGE OF PROPERTY.

26 USC 6325.

Section 6325 (relating to release of lien or partial discharge of property) is amended—

(1) by striking out paragraph (1) of subsection (a) and inserting in lieu thereof the following:

“(1) LIABILITY SATISFIED OR UNENFORCEABLE.—The Secretary or his delegate finds that the liability for the amount assessed, together with all interest in respect thereof, has been fully satisfied or has become legally unenforceable; or”

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively, and by inserting after subsection (b) the following new subsection:

26 USC 6324.

“(c) ESTATE OR GIFT TAX.—Subject to such rules or regulations as the Secretary or his delegate may prescribe, the Secretary or his delegate may issue a certificate of discharge of any or all of the property subject to any lien imposed by section 6324 if the Secretary or his delegate finds that the liability secured by such lien has been fully satisfied or provided for.”

(3) by striking out the word “partial” where it appears in the heading and text of subsection (d) (as redesignated by paragraph (2)).

SEC. 78. CORRECTION OF REFERENCES TO UNITED STATES ATTORNEYS.26 USC 6338,
7324, 7325, 7422.

Sections 6338 (c) (relating to deeds for real property purchased by the United States), 7324 (3) (relating to special disposition of perishable goods), 7325 (3) (relating to personal property valued at \$1,000 or less), and 7422 (f) (2) (cross reference) are each amended by striking out the word “district” each place it appears in the phrases “United States district attorney” and “United States district attorneys”.

SEC. 79. CONVEYANCE OF TITLE.

26 USC 6339.

The heading to section 6339 (b) (2) (relating to conveyance of title) is amended by striking out “or” the first place it appears and inserting in lieu thereof “as”.

SEC. 80. REQUEST FOR PROMPT ASSESSMENT.

26 USC 6501.

(a) SUBSECTION REFERENCES.—The first sentence of section 6501 (d) (relating to request for prompt assessment) is amended by striking out “subsection (c),” and inserting in lieu thereof “subsection (c), (e), or (f).”

(b) CORPORATIONS.—The second sentence of section 6501 (d) (relating to request for prompt assessment) is amended to read as follows: “This subsection shall not apply in the case of a corporation unless—

“(1) (A) such written request notifies the Secretary or his delegate that the corporation contemplates dissolution at or before the expiration of such 18-month period, (B) the dissolution is in good faith begun before the expiration of such 18-month period, and (C) the dissolution is completed;

“(2) (A) such written request notifies the Secretary or his delegate that a dissolution has in good faith been begun, and (B) the dissolution is completed; or

“(3) a dissolution has been completed at the time such written request is made.”

SEC. 81. LIMITATIONS ON ASSESSMENT AND COLLECTION.

26 USC 6501.

(a) EXEMPT ORGANIZATIONS.—Section 6501 (g) (2) (relating to returns as exempt organizations) is amended by striking out “corporation” each place it appears and inserting in lieu thereof “organization”.

(b) **NET OPERATING LOSS CARRYBACKS.**—Section 6501 (relating to limitations on assessment and collection) is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

26 USC 6501.

“(h) **NET OPERATING LOSS CARRYBACKS.**—In the case of a deficiency attributable to the application to the taxpayer of a net operating loss carryback (including deficiencies which may be assessed pursuant to the provisions of section 6213 (b) (2)), such deficiency may be assessed at any time before the expiration of the period within which a deficiency for the taxable year of the net operating loss which results in such carryback may be assessed.”

26 USC 6213.

SEC. 82. LIMITATIONS ON CREDIT OR REFUND.

(a) **PERIOD FOR FILING CLAIM.**—The first sentence of section 6511 (a) (relating to period of limitation for filing claim for credit or refund) is amended to read as follows: “Claim for credit or refund of an overpayment of any tax imposed by this title in respect of which tax the taxpayer is required to file a return shall be filed by the taxpayer within 3 years from the time the return was filed or 2 years from the time the tax was paid, whichever of such periods expires the later, or if no return was filed by the taxpayer, within 2 years from the time the tax was paid.”

26 USC 6511.

(b) **LIMIT ON AMOUNT OF CREDIT OR REFUND.**—The heading and the first sentence of subparagraph (A) of section 6511 (b) (2) (relating to limit on amount of credit or refund) are amended to read as follows:

“(A) **LIMIT WHERE CLAIM FILED WITHIN 3-YEAR PERIOD.**—

If the claim was filed by the taxpayer during the 3-year period prescribed in subsection (a), the amount of the credit or refund shall not exceed the portion of the tax paid within the period, immediately preceding the filing of the claim, equal to 3 years plus the period of any extension of time for filing the return.”

(c) **CORRECTION OF HEADING.**—The heading of section 6511 (b) (2) (B) is amended to read as follows:

“(B) **LIMIT WHERE CLAIM NOT FILED WITHIN 3-YEAR PERIOD.**—”

(d) **NET OPERATING LOSS CARRYBACKS.**—The first sentence of section 6511 (d) (2) (A) (relating to special period of limitation for credit or refund in case of net operating loss carrybacks) is amended by striking out “15th day of the 39th month” and inserting in lieu thereof “15th day of the 40th month (or 39th month, in the case of a corporation)”.

SEC. 83. CORRELATION OF INTEREST WHERE OVERPAYMENT OF TAX IS CREDITED AGAINST UNDERPAYMENT OF TAX.

(a) **INTEREST ON UNDERPAYMENT SATISFIED BY CREDIT.**—

(1) **UNDERPAYMENT UNDER 1954 CODE.**—Section 6601 (relating to interest on underpayments, etc.) is amended by redesignating subsections (g) and (h) as subsections (i) and (j), and by inserting after subsection (f) the following new subsection:

26 USC 6601.

“(g) **SATISFACTION BY CREDITS.**—If any portion of a tax is satisfied by credit of an overpayment, then no interest shall be imposed under this section on the portion of the tax so satisfied for any period during which, if the credit had not been made, interest would have been allowable with respect to such overpayment.”

(2) **UNDERPAYMENT UNDER 1939 CODE.**—Section 3794 of the Internal Revenue Code of 1939 (relating to interest on delinquent taxes) is amended by inserting “(a) General Rule.—” before

26 USC 6601.

“Notwithstanding”, and by adding at the end of such section the following new subsection:

“(b) **INTEREST NOT IMPOSED ON CERTAIN UNDERPAYMENTS.**—If any portion of any tax due from the taxpayer under any provision of this title is satisfied by credit of an overpayment, then no interest shall be imposed on the portion of the tax so satisfied for any period during which, if the credit had not been made, interest would have been allowable with respect to such overpayment.”

26 USC 6611.

(b) **INTEREST ON OVERPAYMENTS CREDITED AGAINST UNDERPAYMENT.**—Paragraph (1) of section 6611 (b) of the Internal Revenue Code of 1954 (relating to period for computation of interest on overpayments credited against other taxes), and paragraph (1) of section 3771 (b) of the Internal Revenue Code of 1939, are each amended to read as follows:

26 USC 6611.

“(1) **CREDITS.**—In the case of a credit, from the date of the overpayment to the due date of the amount against which the credit is taken.”

(c) **TECHNICAL AMENDMENT.**—Subsection (c) of section 6611 (relating to interest on overpayments) is hereby repealed.

(d) **EFFECTIVE DATE.**—The amendments made by subsections (a), (b), and (c) shall apply only in respect of overpayments credited after December 31, 1957.

26 USC 172.

(e) **INTEREST ATTRIBUTABLE TO NET OPERATING LOSS CARRYBACK FOR CERTAIN TAXABLE YEARS ENDING IN 1954.**—If by reason of enactment of section 172 (b) (1) (A) of the Internal Revenue Code of 1954—

(1) a deficiency resulted for the first taxable year preceding a taxable year ending after December 31, 1953, and before August 17, 1954, and

(2) an overpayment resulted for the second preceding taxable year,

no interest shall be payable with respect to any portion of such deficiency for any period during which there existed a corresponding amount of such overpayment with respect to which interest is not payable.

SEC. 84. INTEREST ON UNDERPAYMENTS.

26 USC 6601.

(a) **LIMITATION ON ASSESSMENT AND COLLECTION.**—Section 6601 (relating to interest on underpayments of tax) is amended by inserting after subsection (g) (added by section 83) the following new subsection:

26 USC 83.

“(h) **LIMITATION ON ASSESSMENT AND COLLECTION.**—Interest prescribed under this section on any tax may be assessed and collected at any time during the period within which the tax to which such interest relates may be collected.”

26 USC 6504.

(b) **CROSS REFERENCE.**—Section 6504 (cross references) is amended by adding at the end thereof the following:

“(15) **Assessment and collection of interest, see section 6601 (h).**”

SEC. 85. FAILURE TO FILE CERTAIN INFORMATION RETURNS.

26 USC 6652.

Subsection (a) of section 6652 (relating to failure to file certain information returns) is amended to read as follows:

26 USC 6041, 6042, 6044, 6051.

“(a) **ADDITIONAL AMOUNT.**—In case of each failure to file a statement of a payment to another person, required under authority of section 6041 (relating to information at source), section 6042 (1) (relating to payments of corporate dividends), section 6044 (relating to patronage dividends), or section 6051 (d) (relating to information returns with respect to income tax withheld), on the date prescribed therefor (determined with regard to any extension of time for filing), unless it is shown that such failure is due to reasonable cause and not

to willful neglect, there shall be paid (upon notice and demand by the Secretary or his delegate and in the same manner as tax), by the person failing to so file the statement, \$1 for each such statement not so filed, but the total amount imposed on the delinquent person for all such failures during any calendar year shall not exceed \$1,000."

SEC. 86. DEFINITION OF UNDERPAYMENT.

Section 6653 (c) (1) (relating to definition of underpayment) is amended by inserting "on or" after "such return was filed".

26 USC 6653.

SEC. 87. TERMINATION OF TAXABLE YEAR IN CASE OF DEPARTING ALIENS.

Subsection (d) of section 6851 (relating to departure of alien) is amended to read as follows:

26 USC 6851.

"(d) DEPARTURE OF ALIEN.—Subject to such exceptions as may, by regulations, be prescribed by the Secretary or his delegate—

"(1) No alien shall depart from the United States unless he first procures from the Secretary or his delegate a certificate that he has complied with all the obligations imposed upon him by the income tax laws.

"(2) Payment of taxes shall not be enforced by any proceedings under the provisions of this section prior to the expiration of the time otherwise allowed for paying such taxes if, in the case of an alien about to depart from the United States, the Secretary or his delegate determines that the collection of the tax will not be jeopardized by the departure of the alien."

SEC. 88. BANKRUPTCY AND RECEIVERSHIP PROCEEDINGS.

(a) IMMEDIATE ASSESSMENT.—Section 6871 (a) (relating to immediate assessment in bankruptcy and receivership proceedings) is amended by striking out "the approval of a petition of, or against, any taxpayer" and inserting in lieu thereof the following: "the filing or (where approval is required by the Bankruptcy Act) the approval of a petition of, or the approval of a petition against, any taxpayer".

26 USC 6871.

30 Stat. 544.
11 USC 1 note.

(b) CLAIM FILED DESPITE PENDENCY OF TAX COURT PROCEEDINGS.—Section 6871 (b) (relating to claim filed despite pendency of Tax Court proceedings) is amended by striking out "approval of the petition" and inserting in lieu thereof "the filing or (where approval is required by the Bankruptcy Act) the approval of a petition of, or the approval of a petition against, any taxpayer".

SEC. 89. USE OF CERTIFIED MAIL.

(a) TIMELY MAILING TREATED AS TIMELY FILING.—Section 7502 (c) (relating to the timely mailing of registered mail being treated as timely filing) is amended to read as follows:

26 USC 7502.

"(c) REGISTERED AND CERTIFIED MAIL.—

"(1) REGISTERED MAIL.—If any such claim, statement, or other document is sent by United States registered mail, such registration shall be prima facie evidence that the claim, statement, or other document was delivered to the agency, office, or officer to which addressed, and the date of registration shall be deemed the postmark date.

"(2) CERTIFIED MAIL.—The Secretary or his delegate is authorized to provide by regulations the extent to which the provisions of paragraph (1) of this subsection with respect to prima facie evidence of delivery and the postmark date shall apply to certified mail."

(b) OTHER PROVISIONS OF 1954 CODE.—Sections 167 (d) (relating to agreement as to useful life on which depreciation rate is based), 534 (b) (relating to notification by Secretary), 6164 (d) (2) (relating to period of extension of time for payment of taxes by corporations expecting carrybacks), 6212 (a) (relating to notice of deficiency),

26 USC 167, 534,
6164, 6212.

26 U.S.C. 6212,
6532, 7455.

6212 (b) (2) (relating to address for notice of deficiency in the case of a joint income tax return), 6532 (a) (1) (relating to periods of limitation on suits by taxpayers for refunds), 6532 (a) (4) (relating to reconsideration after mailing of notice), and 7455 (relating to service of process) are each amended by striking out "registered mail" each place it appears and inserting in lieu thereof "certified mail or registered mail".

(c) PROVISIONS OF INTERNAL REVENUE CODE OF 1939.—In applying any provision of the Internal Revenue Code of 1939 which requires, or provides for, the use of registered mail, the reference to registered mail shall be treated as including a reference to certified mail.

(d) EFFECTIVE DATE.—This section shall apply only if the mailing occurs after the date of the enactment of this Act.

SEC. 90. REPRODUCTION OF RETURNS AND OTHER DOCUMENTS.

(a) AUTHORIZATION.—Chapter 77 (miscellaneous provisions) is amended by adding at the end thereof the following new section:

"SEC. 7513. REPRODUCTION OF RETURNS AND OTHER DOCUMENTS.

"(a) IN GENERAL.—The Secretary or his delegate is authorized to have any Federal agency or any person process films or other photoimpressions of any return, document, or other matter, and make reproductions from films or photoimpressions of any return, document, or other matter.

"(b) REGULATIONS.—The Secretary or his delegate shall prescribe regulations which shall provide such safeguards as in the opinion of the Secretary or his delegate are necessary or appropriate to protect the film, photoimpressions, and reproductions made therefrom, against any unauthorized use, and to protect the information contained therein against any unauthorized disclosure.

"(c) USE OF REPRODUCTIONS.—Any reproduction of any return, document, or other matter made in accordance with this section shall have the same legal status as the original; and any such reproduction shall, if properly authenticated, be admissible in evidence in any judicial or administrative proceeding, as if it were the original, whether or not the original is in existence.

"(d) PENALTY.—

"For penalty for violation of regulations for safeguarding against unauthorized use of any film or photoimpression, or reproduction made therefrom, and against unauthorized disclosure of information contained therein, see section 7213."

(b) The table of sections for chapter 77 is amended by adding at the end thereof the following:

"Sec. 7513. Reproduction of returns and other documents."

26 USC 7213.

(c) PENALTY FOR UNAUTHORIZED USE OR DISCLOSURE.—Section 7213 (relating to unauthorized disclosure of information) is amended by redesignating subsection (c) as subsection (d), and by inserting after subsection (b) the following new subsection:

"(c) OFFENSES RELATING TO REPRODUCTION OF DOCUMENTS.—Any person who uses any film or photoimpression, or reproduction therefrom, or who discloses any information contained in any such film, photoimpression, or reproduction, in violation of any provision of the regulations prescribed pursuant to section 7513 (b), shall be fined not more than \$1,000, or imprisoned not more than 1 year, or both."

SEC. 91. SEALS FOR OFFICES OF TREASURY DEPARTMENT.

(a) **AUTHORITY TO PRESCRIBE SEALS.**—Chapter 77 (relating to miscellaneous provisions) is amended by adding after section 7513 (added by section 90 of this Act) the following new section:

“SEC. 7514. AUTHORITY TO PRESCRIBE OR MODIFY SEALS.

“The Secretary or his delegate is authorized to prescribe or modify seals of office for the district directors of internal revenue and other officers or employees of the Treasury Department to whom any of the functions of the Secretary shall have been or may be delegated. Each seal so prescribed shall contain such device as the Secretary or his delegate may select. Each seal shall remain in the custody of any officer or employee whom the Secretary or his delegate may designate, and, in accordance with the regulations approved by the Secretary or his delegate, may be affixed in lieu of the seal of the Treasury Department to any certificate or attestation (except for material to be published in the Federal Register) that may be required of such officer or employee. Judicial notice shall be taken of any seal prescribed in accordance with this authority, a facsimile of which has been published in the Federal Register together with the regulations prescribing such seal and the affixation thereof.”

(b) **TECHNICAL AMENDMENT.**—The table of sections for such chapter is amended by adding at the end thereof the following:

“Sec. 7514. Authority to prescribe or modify seals.”

SEC. 92. INCOME TAXES PAID UNDER CONTRACT.

(a) **AMENDMENT OF 1939 CODE.**—Section 22 of the Internal Revenue Code of 1939 is amended by adding after subsection (o) the following new subsection:

26 USC 75.

“(p) **INCOME TAXES PAID UNDER CONTRACT BY ONE CORPORATION FOR ANOTHER CORPORATION.**—If—

“(1) a contract was entered into before January 1, 1952,

“(2) under the contract, one party (hereinafter referred to as the ‘payor’) is obligated to pay, or to reimburse another party (hereinafter referred to as the ‘payee’) for any part of the tax imposed by this chapter on the payee with respect to the income derived under the contract by the payee from the payor, and

“(3) both the payor and the payee are corporations,

then gross income of the payee shall not include any such payment or reimbursement other than the payment or reimbursement of the tax imposed by this chapter on the payee with respect to the income derived under the contract by the payee from the payor, determined without the inclusion of any such payment or reimbursement in gross income, and a deduction for all such payments or reimbursements shall be allowed to the payor but only to the extent that any such payment or reimbursement is attributable to an amount paid by the payor to the payee under the contract (other than any payment or reimbursement of the tax imposed by this chapter) which is allowable as a deduction to the payor. For purposes of this subsection, a contract shall be considered to have been entered into before January 1, 1952, if it is a renewal or continuance of a contract entered into before such date and if such renewal or continuance was made in accordance with an option contained in the contract on December 31, 1951. For purposes of this subsection, a contract includes a lease.”

(b) **EFFECTIVE DATE, ETC.**—The amendment made by subsection (a) shall apply with respect to taxable years beginning after December 31, 1951, to which the Internal Revenue Code of 1939 applies. If refund or credit of any overpayment resulting from the application of the amendment made by subsection (a) of this section is prevented on the date of the enactment of this Act, or within 6 months from

such date, by the operation of any law or rule of law (other than section 3760 of the Internal Revenue Code of 1939 or section 7121 of the Internal Revenue Code of 1954, relating to closing agreements, and other than section 3761 of the Internal Revenue Code of 1939 or section 7122 of the Internal Revenue Code of 1954, relating to compromises), refund or credit of such overpayment may, nevertheless, be made or allowed if claim therefor is filed within 6 months from such date. No interest shall be paid on any overpayment resulting from the application of the amendment made by subsection (a) of this section.

SEC. 93. BEQUESTS, ETC., TO SURVIVING SPOUSE.

(a) **AMENDMENT OF 1939 CODE.**—Section 812 (e) (1) (F) of the Internal Revenue Code of 1939 (relating to trust with power of appointment in surviving spouse) is amended to read as follows:

“(F) **LIFE ESTATE WITH POWER OF APPOINTMENT IN SURVIVING SPOUSE.**—In the case of an interest in property passing from the decedent, if his surviving spouse is entitled for life to all the income from the entire interest, or all the income from a specific portion thereof, payable annually or at more frequent intervals, with power in the surviving spouse to appoint the entire interest, or such specific portion (exercisable in favor of such surviving spouse, or of the estate of such surviving spouse, or in favor of either, whether or not in each case the power is exercisable in favor of others), and with no power in any other person to appoint any part of the interest, or such specific portion, to any person other than the surviving spouse—

“(i) the interest or such portion thereof so passing shall, for purposes of subparagraph (A), be considered as passing to the surviving spouse, and

“(ii) no part of the interest so passing shall, for purposes of subparagraph (B) (i), be considered as passing to any person other than the surviving spouse.

This subparagraph shall apply only if such power in the surviving spouse to appoint the entire interest, or such specific portion thereof, whether exercisable by will or during life, is exercisable by such spouse alone and in all events.”

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply with respect to estates of decedents dying after April 1, 1948, and before August 17, 1954. If refund or credit of any overpayment resulting from the application of such amendment is prevented on the date of the enactment of this Act, or at any time within one year from such date, by the operation of any law or rule of law (other than section 3760 of the Internal Revenue Code of 1939 or section 7121 of the Internal Revenue Code of 1954, relating to closing agreements, and other than section 3761 of the Internal Revenue Code of 1939 or section 7122 of the Internal Revenue Code of 1954, relating to compromises), refund or credit of such overpayment may, nevertheless, be made or allowed if claim therefor is filed within one year after the date of the enactment of this Act. No interest shall be allowed or paid on any overpayment resulting from the enactment of this section.

26 USC 7121.

26 USC 7122.

26 USC 2056.

26 USC 7121.

26 USC 7122.

SEC. 94. CHANGE FROM RETIREMENT TO STRAIGHT LINE METHOD OF COMPUTING DEPRECIATION IN CERTAIN CASES.

(a) **SHORT TITLE.**—This section may be cited as the “Retirement-Straight Line Adjustment Act of 1958”.

Retirement-Straight Line Adjustment Act of 1958.

(b) **MAKING OF ELECTION.**—Any taxpayer who held retirement-straight line property on his 1956 adjustment date may elect to have this section apply. Such an election shall be made at such time and in such manner as the Secretary shall prescribe. Any election under this section shall be irrevocable and shall apply to all retirement-straight line property as hereinafter provided in this section (including such property for periods when held by predecessors of the taxpayer).

(c) **RETIREMENT-STRAIGHT LINE PROPERTY DEFINED.**—For purposes of this section, the term “retirement-straight line property” means any property of a kind or class with respect to which the taxpayer or a predecessor (under the terms and conditions prescribed for him by the Commissioner) for any taxable year beginning after December 31, 1940, and before January 1, 1956, changed from the retirement to the straight line method of computing the allowance of deductions for depreciation.

(d) **BASIS ADJUSTMENTS AS OF 1956 ADJUSTMENT DATE.**—If the taxpayer has made an election under this section, then in determining the adjusted basis on his 1956 adjustment date of all retirement-straight line property held by the taxpayer, in lieu of the adjustments for depreciation provided in section 1016 (a) (2) and (3) of the Internal Revenue Code of 1954, the following adjustments shall be made (effective as of his 1956 adjustment date) in respect of all periods before the 1956 adjustment date:

26 USC 1016.

(1) **DEPRECIATION SUSTAINED BEFORE MARCH 1, 1913.**—For depreciation sustained before March 1, 1913, on retirement-straight line property held by the taxpayer or a predecessor on such date for which cost was or is claimed as basis and which either—

(A) **RETIRED BEFORE CHANGEOVER.**—Was retired by the taxpayer or a predecessor before the changeover date, but only if (i) a deduction was allowed in computing net income by reason of such retirement, and (ii) such deduction was computed on the basis of cost without adjustment for depreciation sustained before March 1, 1913. In the case of any such property retired during any taxable year beginning after December 31, 1929, the adjustment under this subparagraph shall not exceed that portion of the amount attributable to depreciation sustained before March 1, 1913, which resulted (by reason of the deduction so allowed) in a reduction in taxes under the Internal Revenue Code of 1954 or prior income, war-profits, or excess-profits tax laws.

(B) **HELD ON CHANGEOVER DATE.**—Was held by the taxpayer or a predecessor on the changeover date. This subparagraph shall not apply to property to which paragraph (2) applies. The adjustment determined under this paragraph shall be allocated (in the manner prescribed by the Secretary) among all retirement-straight line property held by the taxpayer on his 1956 adjustment date.

(2) **PROPERTY DISPOSED OF AFTER CHANGEOVER AND BEFORE 1956 ADJUSTMENT DATE.**—For that portion of the reserve prescribed by the Commissioner in connection with the changeover which was applicable to property—

(A) sold, or

(B) with respect to which a deduction was allowed for Federal income tax purposes by reason of casualty or “abnormal” retirement in the nature of special obsolescence,

if such sale occurred in, or such deduction was allowed for, a period on or after the changeover date and before the taxpayer's 1956 adjustment date.

(3) **DEPRECIATION ALLOWABLE FROM CHANGEOVER TO 1956 ADJUSTMENT DATE.**—For depreciation allowable, under the terms and conditions prescribed by the Commissioner in connection with the changeover, for all periods on and after the changeover date and before the taxpayer's 1956 adjustment date.

This subsection shall apply only with respect to taxable years beginning after December 31, 1955.

(e) **EFFECT ON PERIOD FROM CHANGEOVER TO 1956 ADJUSTMENT DATE.**—If the taxpayer has made an election under this section, then in determining the adjusted basis of any retirement-straight line property as of any time on or after the changeover date and before the taxpayer's 1956 adjustment date, in lieu of the adjustments for depreciation provided in section 1016 (a) (2) and (3) of the Internal Revenue Code of 1954 and the corresponding provisions of prior revenue laws, the following adjustments shall be made:

26 USC 1016.

(1) **FOR PRESCRIBED RESERVE.**—For the amount of the reserve prescribed by the Commissioner in connection with the changeover.

(2) **FOR ALLOWABLE DEPRECIATION.**—For the depreciation allowable under the terms and conditions prescribed by the Commissioner in connection with the changeover.

This subsection shall not apply in determining adjusted basis for purposes of section 437 (c) of the Internal Revenue Code of 1939. This subsection shall apply only with respect to taxable years beginning on or after the changeover date and before the taxpayer's 1956 adjustment date.

(f) **EQUITY INVESTED CAPITAL, ETC.**—If an election is made under this section, then (notwithstanding the terms and conditions prescribed by the Commissioner in connection with the changeover)—

(1) **EQUITY INVESTED CAPITAL.**—In determining equity invested capital under sections 458 and 718 of the Internal Revenue Code of 1939, accumulated earnings and profits as of the changeover date, and as of the beginning of each taxable year thereafter, shall be reduced by the depreciation sustained before March 1, 1913, as computed under subsection (d) (1) (B); and

(2) **DEFINITION OF EQUITY CAPITAL.**—In determining the adjusted basis of assets for the purpose of section 437 (c) of the Internal Revenue Code of 1939 (and in addition to any other adjustments required by such Code), the basis shall be reduced by depreciation sustained before March 1, 1913 (as computed under subsection (d)), together with any depreciation allowable under subsection (e) (2) for any period before the year for which the excess profits credit is being computed.

(g) **DEFINITIONS.**—For purposes of this section—

(1) **DEPRECIATION.**—The term "depreciation" means exhaustion, wear and tear, and obsolescence.

(2) **CHANGEOVER.**—The term "changeover" means a change from the retirement to the straight line method of computing the allowance of deductions for depreciation.

(3) **CHANGEOVER DATE.**—The term "changeover date" means the first day of the first taxable year for which the changeover was effective.

(4) **1956 ADJUSTMENT DATE.**—The term "1956 adjustment date" means, in the case of any taxpayer, the first day of his first taxable year beginning after December 31, 1955.

(5) **PREDECESSOR.**—The term "predecessor" means any person from whom property of a kind or class to which this section refers

was acquired, if the basis of such property is determined by reference to its basis in the hands of such person. Where a series of transfers of property has occurred and where in each instance the basis of the property was determined by reference to its basis in the hands of the prior holder, the term includes each such prior holder.

(6) The term "Secretary" means the Secretary of the Treasury or his delegate.

(7) The term "Commissioner" means the Commissioner of Internal Revenue.

SEC. 95. AMENDMENTS TO 1954 CODE WITH RESPECT TO PROPERTY ACQUIRED FROM RETIREMENT METHOD CORPORATION.

(a) **GENERAL RULE.**—Section 372 of the Internal Revenue Code of 1954 (relating to basis in connection with certain receivership and bankruptcy proceedings) is amended by redesignating subsection (b) as subsection (c) and by inserting after subsection (a) the following new subsection:

26 USC 372.

"(b) **ADJUSTMENT FOR DEPRECIATION SUSTAINED BEFORE MARCH 1, 1913, IN CERTAIN CASES OF PROPERTY ACQUIRED FROM RETIREMENT METHOD CORPORATIONS.**—

"(1) **IN GENERAL.**—If the taxpayer has acquired property in a transaction described in section 373 (b) or 374 (b), and if any such property constitutes retirement-straight line property, then, in determining the adjusted basis of all retirement-straight line property held by the taxpayer on his adjustment date, adjustment shall be made (in lieu of the adjustment provided in section 1016 (a) (3) (A)) for depreciation sustained before March 1, 1913, on retirement-straight line property which was held on such date for which cost was or is claimed as basis, and which either—

26 USC 373, 374.

"(A) **RETIRED BEFORE ACQUISITION BY TAXPAYER.**—Was retired before the acquisition of the retirement-straight line property by the taxpayer, but only if a deduction was allowed in computing net income by reason of such retirement, and such deduction was computed on the basis of cost without adjustment for depreciation sustained before March 1, 1913. In the case of any such property retired during any taxable year beginning after December 31, 1929, the adjustment under this subparagraph shall not exceed that portion of the amount attributable to depreciation sustained before March 1, 1913, which resulted (by reason of the deduction so allowed) in a reduction in taxes under this subtitle or prior income, war-profits, or excess-profits tax laws.

"(B) **ACQUIRED BY TAXPAYER.**—Was acquired by the taxpayer.

The adjustment determined under this paragraph shall be allocated (in the manner prescribed by the Secretary or his delegate) among all retirement-straight line property held by the taxpayer on his adjustment date. Such adjustment shall apply to all periods on and after the adjustment date.

"(2) **RETIREMENT-STRAIGHT LINE PROPERTY DEFINED.**—For purposes of this subsection, the term 'retirement-straight line property' means any property of a kind or class with respect to which (A) the corporation transferring such property to the taxpayer was using (at the time of transfer) the retirement method of computing the allowance of deductions for depreciation, and (B) the acquiring corporation has adopted any other method of computing such allowance.

“(3) OTHER DEFINITIONS.—For purposes of this subsection:

“(A) DEPRECIATION.—The term ‘depreciation’ means exhaustion, wear and tear, and obsolescence.

“(B) ADJUSTMENT DATE.—In the case of any kind or class of property, the term ‘adjustment date’ means whichever of the following is the later:

“(i) the first day of the taxpayer’s first taxable year beginning after December 31, 1955, or

“(ii) the first day of the first taxable year in which the taxpayer uses a method of computing the allowance of deductions for depreciation other than the retirement method.”

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) shall apply only to taxable years beginning after December 31, 1955.

(2) EXCEPTION.—The amendments made by subsection (a) shall not apply with respect to any taxpayer if, before the date of the enactment of this Act, there has been a determination, for any taxable year, of the adjusted basis of retirement-straight line property of the taxpayer of the type described in section 372 (b) of the Internal Revenue Code of 1954 (as added by subsection (a)) by the Tax Court of the United States, or by any other court of competent jurisdiction, in any proceeding in which the decision of the court became final after December 31, 1955, and which established the right of the taxpayer to use the straight line depreciation method of computing the annual depreciation allowance with respect to such property for Federal tax purposes for any year.

26 USC 372.

SEC. 96. EXTENSION OF TIME FOR FILING CLAIMS FOR REFUNDS OF OVERPAYMENTS OF INCOME TAX BASED UPON EDUCATION EXPENSES PAID OR INCURRED IN 1954.

If refund or credit of any overpayment of income tax—

(1) for any taxable year beginning after December 31, 1953, and ending after August 16, 1954, and

(2) resulting from the application of section 162 of the Internal Revenue Code of 1954 (relating to trade or business expenses) insofar as such section relates to expenses described in Income Tax Regulations § 1.162-5 (relating to expenses for education) as promulgated by Treasury Decision 6291 (23 Federal Register 2244),

26 USC 162.

is prevented on the date of the enactment of this Act, or within 60 days after such date, by the operation of any law or rule of law (other than chapter 74 of the Internal Revenue Code of 1954, relating to closing agreements and compromises), refund or credit of such overpayment may, nevertheless, be made or allowed if claim therefor has been filed on or before such date or is filed within 60 days after such date.

26 USC 7121-7123.

SEC. 97. DEDUCTIBILITY OF ACCRUED VACATION PAY.

Deduction under section 162 of the Internal Revenue Code of 1954 for accrued vacation pay, computed in accordance with the method of accounting consistently followed by the taxpayer in arriving at such deduction, shall not be denied for any taxable year ending before January 1, 1961, solely by reason of the fact that (1) the liability for the vacation pay to a specific person has not been clearly established, or (2) the amount of the liability to each individual is not capable of computation with reasonable accuracy, if at the time of the accrual the employee in respect of whom the vacation pay is accrued has performed the qualifying service necessary under a plan or policy (communicated to the employee before the beginning of the vacation year) which provides for vacations with pay to qualified employees.

26 USC 162.

SEC. 98. EXTENSION OF TIME FOR MAKING REFUND OF OVERPAYMENTS OF INCOME TAX RESULTING FROM ERRONEOUS INCLUSION OF CERTAIN COMPENSATION FOR INJURIES OR SICKNESS.

In the case of any overpayment of income tax resulting from the inclusion as an item of gross income of any amount which was excludable from gross income under section 22 (b) (5) of the Internal Revenue Code of 1939 (relating to compensation for injuries or sickness) as an amount received, through accident or health insurance, as compensation for personal injuries or sickness, if claim for credit or refund of such overpayment was filed after December 31, 1951, and within the time prescribed by law, the period prescribed by section 3772 (a) (2) of such Code (relating to time for commencing suits for refunds) shall not expire prior to one year after the date of the enactment of this Act.

26 USC 104.

26 USC 6532.

SEC. 99. AMOUNTS RECEIVED BY CERTAIN MOTOR CARRIERS IN SETTLEMENT OF CLAIMS AGAINST THE UNITED STATES.

Notwithstanding the provisions of section 42 of the Internal Revenue Code of 1939, an amount received in settlement of any claim against the United States arising out of the taking by the United States (pursuant to Executive Order Numbered 9462, dated August 11, 1944 (3 C. F. R., 1943-1948, p. 322)) of possession or control of any motor carrier transportation system owned or operated by the taxpayer shall, at the election of the taxpayer, under regulations prescribed by the Secretary of the Treasury or his delegate, be deemed to be income which was received or accrued in the taxable years during which such motor carrier transportation system was in the possession or control of the United States. The election referred to in the preceding sentence shall be made, under regulations prescribed by the Secretary of the Treasury or his delegate, within one year after the date of the enactment of this Act, and, if made, shall be irrevocable. The period for assessment of any deficiency attributable to the inclusion of income in any taxable year of the taxpayer by reason of the application of this section shall not expire prior to one year after the date on which the taxpayer makes the election referred to in the first sentence, notwithstanding the provisions of section 275 of the Internal Revenue Code of 1939 or any other provision of law or rule of law which would otherwise prevent such assessment. Notwithstanding section 292 of the Internal Revenue Code of 1939, no interest shall be assessed or collected for any period prior to March 15, 1953, with respect to that part of any deficiency which is attributable to the inclusion of income in any taxable year by reason of the application of this section.

26 USC 451,454.

26 USC 6501.

26 USC 6155,
6601.

SEC. 100. REASONABLE CAUSE FOR FAILURE TO FILE RETURN.

The second sentence of section 106 of the Internal Revenue Code of 1939 (relating to reasonable cause for failure to file a return in cases involving certain claims against the United States) shall apply with respect to taxable years ending after December 31, 1942, in any case in which an amount is received in any taxable year ending after such date by a taxpayer in settlement of a claim arising under the same contract as a claim the settlement of which resulted in the receipt in a subsequent taxable year of an amount to which section 106 (b) of such Code applies. If refund or credit of any overpayment resulting from the application of the preceding sentence is prevented on the date of enactment of this Act, or at any time within one year after such date, by the operation of any law or rule of law (other than section 3760 of the Internal Revenue Code of 1939 or section 7121 of the Internal Revenue Code of 1954, relating to closing agreements, and other than section 3761 of the Internal Revenue Code of 1939 or

26 USC 1347.

26 USC 7121.

26 USC 7122.

section 7122 of the Internal Revenue Code of 1954, relating to compromises), refund or credit of such overpayment may, nevertheless, be made or allowed if claim therefor is filed within one year after the date of enactment of this Act.

SEC. 101. DEFINITION OF EARNINGS AND PROFITS IN THE CASE OF REGULATED INVESTMENT COMPANIES.

26 USC 852.

(a) **AMENDMENT OF SECTION 852 (a).**—Section 852 (a) (relating to requirements applicable to regulated investment companies) is amended by striking out “this subchapter” and inserting in lieu thereof “this subchapter (other than subsection (c) of this section)”.

(b) **AMENDMENT OF SECTION 852 (c).**—Section 852 (c) (relating to definition of earnings and profits in the case of regulated investment companies) is amended by adding at the end thereof the following new sentence: “For purposes of this subsection, the term ‘regulated investment company’ includes a domestic corporation which is a regulated investment company determined without regard to the requirements of subsection (a).”

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to taxable years of regulated investment companies beginning on or after March 1, 1958.

SEC. 102. APPLICATION OF ESTATE AND GIFT TAXES IN POSSESSIONS.

(a) **ESTATE TAX.**—Subchapter C of chapter 11 (relating to miscellaneous estate tax provisions) is amended by adding at the end thereof the following new section:

“SEC. 2208. CERTAIN RESIDENTS OF POSSESSIONS CONSIDERED CITIZENS OF THE UNITED STATES.

“A decedent who was a citizen of the United States and a resident of a possession thereof at the time of his death shall, for purposes of the tax imposed by this chapter, be considered a ‘citizen’ of the United States within the meaning of that term wherever used in this title unless he acquired his United States citizenship solely by reason of (1) his being a citizen of such possession of the United States, or (2) his birth or residence within such possession of the United States.”

26 USC 2501.

(b) **GIFT TAX.**—Section 2501 (relating to imposition of gift tax) is amended by redesignating subsection (b) to be subsection (c) and by adding after subsection (a) the following new subsection:

“(b) **CERTAIN RESIDENTS OF POSSESSIONS CONSIDERED CITIZENS OF THE UNITED STATES.**—A donor who is a citizen of the United States and a resident of a possession thereof shall, for purposes of the tax imposed by this chapter, be considered a ‘citizen’ of the United States within the meaning of that term wherever used in this title unless he acquired his United States citizenship solely by reason of (1) his being a citizen of such possession of the United States, or (2) his birth or residence within such possession of the United States.”

(c) **RELATED AMENDMENTS.**—

26 USC 2011.

(1) Section 2011 (a) (relating to the credit for estate, inheritance, legacy, or succession taxes) is amended by striking out “or any possession of the United States,”.

26 USC 2014.

(2) Section 2014 (relating to credit for foreign death taxes) is amended by adding at the end thereof the following new subsection:

“(f) **POSSESSION OF UNITED STATES DEEMED A FOREIGN COUNTRY.**—For purposes of the credits authorized by this section, each possession of the United States shall be deemed to be a foreign country.”

(3) Section 2053 (d) (1) (relating to the deduction for estate, inheritance, legacy, or succession taxes paid in respect of a transfer for public, charitable, or religious uses) is amended by striking out "or any possession of the United States,"

26 USC 2053.

(4) The table of sections for subchapter C of chapter 11 is amended by adding at the end thereof the following:

"Sec. 2208. Certain residents of possessions considered citizens of the United States."

(d) **EFFECTIVE DATE.**—The amendments made by this section (other than by subsection (b)) shall apply to the estates of decedents dying after the date of the enactment of this Act. The amendment made by subsection (b) shall apply to gifts made after the date of the enactment of this Act.

SEC. 103. FOREIGN TAX CREDIT FOR UNITED KINGDOM INCOME TAX PAID WITH RESPECT TO ROYALTIES, ETC.

(a) **CREDIT UNDER 1939 CODE.**—Section 131 (e) of the Internal Revenue Code of 1939 (relating to the foreign tax credit) is hereby amended by adding at the end thereof the following new sentence: "For the purposes of this section, the recipient of a royalty or other amount paid or accrued as consideration for the use of, or for the privilege of using, copyrights, patents, designs, secret processes and formulas, trademarks, and other like property, and derived from sources within the United Kingdom of Great Britain and Northern Ireland, shall be deemed to have paid or accrued any income, war-profits, and excess-profits taxes paid or accrued to the United Kingdom with respect to such royalty or other amount (including the amount by which the payor's United Kingdom tax was increased by inability to deduct such royalty or other amount) if such recipient elects to include in its gross income the amount of such United Kingdom tax."

26 USC 905.

(b) **CREDIT UNDER 1954 CODE.**—Section 905 (b) of the Internal Revenue Code of 1954 is hereby amended by adding at the end thereof the following new sentence: "For purposes of this subpart, the recipient of a royalty or other amount paid or accrued as consideration for the use of, or for the privilege of using, copyrights, patents, designs, secret processes and formulas, trademarks, and other like property, and derived from sources within the United Kingdom of Great Britain and Northern Ireland, shall be deemed to have paid or accrued any income, war-profits and excess-profits taxes paid or accrued to the United Kingdom with respect to such royalty or other amount (including the amount by which the payor's United Kingdom tax was increased by inability to deduct such royalty or other amount) if such recipient elects to include in its gross income the amount of such United Kingdom tax."

(c) **EFFECTIVE DATE.**—The amendment made by subsection (a) of this section shall apply for all taxable years beginning on or after January 1, 1950, as to which section 131 of the Internal Revenue Code of 1939 is the applicable provision. The amendment made by subsection (b) of this section shall apply with respect to taxable years beginning after December 31, 1953, and ending after August 16, 1954. No interest shall be allowed or paid on any overpayment resulting from the amendments made by subsections (a) and (b) of this section.

26 USC 901, 902,
903, 904, 905,
6155, 7101.

TITLE II—SMALL BUSINESS TAX REVISION ACT OF 1958

SECTION 201. SHORT TITLE.

This title may be cited as the "Small Business Tax Revision Act of 1958".

SEC. 202. LOSSES ON SMALL BUSINESS STOCK.

26 USC 165.

(a) **CROSS REFERENCE.**—Section 165 of the Internal Revenue Code of 1954 (relating to deduction for losses) is amended by adding at the end of subsection (h) the following new paragraph—

“(5) For special rule for losses on small business stock, see section 1244.”

(b) **TREATMENT AS ORDINARY LOSS.**—Part IV of subchapter P of chapter 1 of the Internal Revenue Code of 1954 (relating to special rules for determining capital gains and losses) is amended by adding after section 1243 (as added by section 57 of this Act) the following new section:

“SEC. 1244. LOSSES ON SMALL BUSINESS STOCK.

“(a) **GENERAL RULE.**—In the case of an individual, a loss on section 1244 stock issued to such individual or to a partnership which would (but for this section) be treated as a loss from the sale or exchange of a capital asset shall, to the extent provided in this section, be treated as a loss from the sale or exchange of an asset which is not a capital asset.

“(b) **MAXIMUM AMOUNT FOR ANY TAXABLE YEAR.**—For any taxable year the aggregate amount treated by the taxpayer by reason of this section as a loss from the sale or exchange of an asset which is not a capital asset shall not exceed—

“(1) \$25,000, or

“(2) \$50,000, in the case of a husband and wife filing a joint return for such year under section 6013.

“(c) **SECTION 1244 STOCK DEFINED.**—

“(1) **IN GENERAL.**—For purposes of this section, the term ‘section 1244 stock’ means common stock in a domestic corporation if—

“(A) such corporation adopted a plan after June 30, 1958, to offer such stock for a period (ending not later than two years after the date such plan was adopted) specified in the plan,

“(B) at the time such plan was adopted, such corporation was a small business corporation,

“(C) at the time such plan was adopted, no portion of a prior offering was outstanding,

“(D) such stock was issued by such corporation, pursuant to such plan, for money or other property (other than stock and securities), and

“(E) such corporation, during the period of its 5 most recent taxable years ending before the date the loss on such stock is sustained (or if such corporation has not been in existence for 5 taxable years ending before such date, during the period of its taxable years ending before such date, or if such corporation has not been in existence for one taxable year ending before such date, during the period such corporation has been in existence before such date), derived more than 50 percent of its aggregate gross receipts from sources other than royalties, rents, dividends, interest, annuities, and sales or exchanges of stock or securities (gross receipts from such sales or exchanges being taken into account for purposes of this subparagraph only to the extent

of gains therefrom); except that this subparagraph shall not apply with respect to any corporation if, for the period referred to, the amount of the deductions allowed by this chapter (other than by sections 172, 242, 243, 244, and 245) exceed the amount of gross income.

26 USC 172, 242-245.

Such term does not include stock if issued (pursuant to the plan referred to in subparagraph (A)) after a subsequent offering of stock has been made by the corporation.

“(2) SMALL BUSINESS CORPORATION DEFINED.—For purposes of this section, a corporation shall be treated as a small business corporation if at the time of the adoption of the plan—

“(A) the sum of—

“(i) the aggregate amount which may be offered under the plan, plus

“(ii) the aggregate amount of money and other property (taken into account in an amount, as of the time received by the corporation, equal to the adjusted basis to the corporation of such property for determining gain, reduced by any liabilities to which the property was subject or which were assumed by the corporation at such time) received by the corporation after June 30, 1958, for stock, as a contribution to capital, and as paid-in surplus,

does not exceed \$500,000; and

“(B) the sum of—

“(i) the aggregate amount which may be offered under the plan, plus

“(ii) the equity capital of the corporation (determined on the date of the adoption of the plan),

does not exceed \$1,000,000.

For purposes of subparagraph (B), the equity capital of a corporation is the sum of its money and other property (in an amount equal to the adjusted basis of such property for determining gain), less the amount of its indebtedness (other than indebtedness to shareholders).

“(d) SPECIAL RULES.—

“(1) LIMITATIONS ON AMOUNT OF ORDINARY LOSS.—

“(A) CONTRIBUTIONS OF PROPERTY HAVING BASIS IN EXCESS OF VALUE.—If—

“(i) section 1244 stock was issued in exchange for property,

“(ii) the basis of such stock in the hands of the taxpayer is determined by reference to the basis in his hands of such property, and

“(iii) the adjusted basis (for determining loss) of such property immediately before the exchange exceeded its fair market value at such time,

then in computing the amount of the loss on such stock for purposes of this section the basis of such stock shall be reduced by an amount equal to the excess described in clause (iii).

“(B) INCREASES IN BASIS.—In computing the amount of the loss on stock for purposes of this section, any increase in the basis of such stock (through contributions to the capital of the corporation, or otherwise) shall be treated as allocable to stock which is not section 1244 stock.

“(2) RECAPITALIZATIONS, CHANGES IN NAME, ETC.—To the extent provided in regulations prescribed by the Secretary or his delegate, common stock in a corporation, the basis of which (in the

hands of a taxpayer) is determined in whole or in part by reference to the basis in his hands of stock in such corporation which meets the requirements of subsection (c) (1) (other than subparagraph (E) thereof), or which is received in a reorganization described in section 368 (a) (1) (F) in exchange for stock which meets such requirements, shall be treated as meeting such requirements. For purposes of paragraphs (1) (E) and (2) (A) of subsection (c), a successor corporation in a reorganization described in section 368 (a) (1) (F) shall be treated as the same corporation as its predecessor.

26 USC 368.

“(3) RELATIONSHIP TO NET OPERATING LOSS DEDUCTION.—For purposes of section 172 (relating to the net operating loss deduction), any amount of loss treated by reason of this section as a loss from the sale or exchange of an asset which is not a capital asset shall be treated as attributable to a trade or business of the taxpayer.

26 USC 172.

“(4) INDIVIDUAL DEFINED.—For purposes of this section, the term ‘individual’ does not include a trust or estate.

“(e) REGULATIONS.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the purposes of this section.”

(c) TECHNICAL AMENDMENT.—The table of sections for such part IV is amended by adding at the end thereof the following new item:

“Sec. 1244. Losses on small business stock.”

SEC. 203. THREE-YEAR NET OPERATING LOSS CARRYBACK.

(a) ALLOWANCE.—Paragraph (1), and so much of paragraph (2) as precedes the third sentence thereof, of section 172 (b) of the Internal Revenue Code of 1954 (relating to net operating loss deduction) are amended to read as follows:

26 USC 172.

“(b) NET OPERATING LOSS CARRYBACKS AND CARRYOVERS.—

“(1) YEARS TO WHICH LOSS MAY BE CARRIED.—A net operating loss for any taxable year ending after December 31, 1957, shall be—

“(A) a net operating loss carryback to each of the 3 taxable years preceding the taxable year of such loss, and

“(B) a net operating loss carryover to each of the 5 taxable years following the taxable year of such loss.

“(2) AMOUNT OF CARRYBACKS AND CARRYOVERS.—Except as provided in subsection (i), the entire amount of the net operating loss for any taxable year (hereinafter in this section referred to as the ‘loss year’) shall be carried to the earliest of the 8 taxable years to which (by reason of subparagraphs (A) and (B) of paragraph (1)) such loss may be carried. The portion of such loss which shall be carried to each of the other 7 taxable years shall be the excess, if any, of the amount of such loss over the sum of the taxable income for each of the prior taxable years to which such loss may be carried.”

(b) TAXABLE YEARS BEGINNING IN 1957 AND ENDING IN 1958.—Section 172 of such Code is amended by relettering subsection (i) as subsection (j), and by inserting after subsection (h) (as added by section 64 of this Act) the following new subsection:

“(i) CARRYBACK OF NET OPERATING LOSS FOR TAXABLE YEARS BEGINNING IN 1957 AND ENDING IN 1958.—In the case of a taxable year beginning in 1957 and ending in 1958, the amount of any net operating loss for such year which shall be carried to the third preceding taxable year is the amount which bears the same ratio to such net operating loss as the number of days in the loss year after December 31, 1957, bears to the total number of days in such year. In determining the amount carried to any other taxable year, the reduction for the third taxable year preceding the loss year shall not exceed the portion

of the net operating loss which is carried to the third preceding taxable year.”

(c) **EFFECTIVE DATE.**—The amendments made by subsections (a) and (b) shall apply in respect of net operating losses for taxable years ending after December 31, 1957.

SEC. 204. ADDITIONAL FIRST-YEAR DEPRECIATION ALLOWANCE FOR SMALL BUSINESS.

(a) **IN GENERAL.**—Part VI of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to itemized deductions for individuals and corporations) is amended by adding after section 178 (as added by section 15 of this Act) the following new section:

“SEC. 179. ADDITIONAL FIRST-YEAR DEPRECIATION ALLOWANCE FOR SMALL BUSINESS.

“(a) **GENERAL RULE.**—In the case of section 179 property, the term ‘reasonable allowance’ as used in section 167 (a) may, at the election of the taxpayer, include an allowance, for the first taxable year for which a deduction is allowable under section 167 to the taxpayer with respect to such property, of 20 percent of the cost of such property.

26 USC 167.

(b) **DOLLAR LIMITATION.**—If in any one taxable year the cost of section 179 property with respect to which the taxpayer may elect an allowance under subsection (a) for such taxable year exceeds \$10,000, then subsection (a) shall apply with respect to those items selected by the taxpayer, but only to the extent of an aggregate cost of \$10,000. In the case of a husband and wife who file a joint return under section 6013 for the taxable year, the limitation under the preceding sentence shall be \$20,000 in lieu of \$10,000.

“(c) **ELECTION.**—

“(1) **IN GENERAL.**—The election under this section for any taxable year shall be made within the time prescribed by law (including extensions thereof) for filing the return for such taxable year. The election shall be made in such manner as the Secretary or his delegate may by regulations prescribe.

“(2) **ELECTION IRREVOCABLE.**—Any election made under this section may not be revoked except with the consent of the Secretary or his delegate.

“(d) **DEFINITIONS AND SPECIAL RULES.**—

“(1) **SECTION 179 PROPERTY.**—For purposes of this section, the term ‘section 179 property’ means tangible personal property—

“(A) of a character subject to the allowance for depreciation under section 167,

“(B) acquired by purchase after December 31, 1957, for use in a trade or business or for holding for production of income, and

“(C) with a useful life (determined at the time of such acquisition) of 6 years or more.

“(2) **PURCHASE DEFINED.**—For purposes of paragraph (1), the term ‘purchase’ means any acquisition of property, but only if—

“(A) the property is not acquired from a person whose relationship to the person acquiring it would result in the disallowance of losses under section 267 or 707 (b) (but, in applying section 267 (b) and (c) for purposes of this section, paragraph (4) of section 267 (c) shall be treated as providing that the family of an individual shall include only his spouse, ancestors, and lineal descendants),

“(B) the property is not acquired by one member of an affiliated group from another member of the same affiliated group, and

26 USC 267, 707.

“(C) the basis of the property in the hands of the person acquiring it is not determined—

“(i) in whole or in part by reference to the adjusted basis of such property in the hands of the person from whom acquired, or

“(ii) under section 1014 (a) (relating to property acquired from a decedent).

26 USC 1014.

“(3) COST.—For purposes of this section, the cost of property does not include so much of the basis of such property as is determined by reference to the basis of other property held at any time by the person acquiring such property.

“(4) SECTION NOT TO APPLY TO TRUSTS.—This section shall not apply to trusts.

26 USC 167.

“(5) ESTATES.—In the case of an estate, any amount apportioned to an heir, legatee, or devisee under section 167 (g) shall not be taken into account in applying subsection (b) of this section to section 179 property of such heir, legatee, or devisee not held by such estate.

“(6) DOLLAR LIMITATION OF AFFILIATED GROUP.—For purposes of subsection (b) of this section—

“(A) all members of an affiliated group shall be treated as one taxpayer, and

“(B) the Secretary or his delegate shall apportion the dollar limitation contained in such subsection (b) among the members of such affiliated group in such manner as he shall by regulations prescribe.

26 USC 1504.

“(7) AFFILIATED GROUP DEFINED.—For purposes of paragraphs (2) and (6), the term ‘affiliated group’ has the meaning assigned to it by section 1504, except that, for such purposes, the phrase ‘more than 50 percent’ shall be substituted for the phrase ‘at least 80 percent’ each place it appears in section 1504 (a).

26 USC 1016.

“(8) ADJUSTMENT TO BASIS; WHEN MADE.—In applying section 167 (f), the adjustment under section 1016 (a) (2) resulting by reason of an election made under this section with respect to any section 179 property shall be made before any other deduction allowed by section 167 (a) is computed.

“(e) REGULATIONS.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the purposes of this section.”

(b) TECHNICAL AMENDMENT.—The table of sections for such part VI is amended by adding at the end thereof the following new item:

“Sec. 179. Additional first-year depreciation allowance for small business.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to taxable years ending after June 30, 1958.

SEC. 205. INCREASE OF MINIMUM ACCUMULATED EARNINGS CREDIT.

26 USC 535,
1551.

(a) INCREASE.—Paragraphs (2) (relating to minimum accumulated earnings credit) and (3) (relating to accumulated earnings credit for holding and investment companies) of section 535 (c), and section 1551 (relating to disallowance of surtax exemption and accumulated earnings credit), of the Internal Revenue Code of 1954 are each amended by striking out “\$60,000” and inserting in lieu thereof “\$100,000”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to taxable years beginning after December 31, 1957.

SEC. 206. INSTALLMENT PAYMENTS OF ESTATE TAX ATTRIBUTABLE TO INVESTMENTS IN CLOSELY HELD BUSINESS ENTERPRISE.

(a) **INSTALLMENT PAYMENTS PERMITTED.**—Subchapter B of chapter 62 of the Internal Revenue Code of 1954 (relating to extensions of time for payment) is amended by adding at the end thereof the following new section:

“SEC. 6166. EXTENSION OF TIME FOR PAYMENT OF ESTATE TAX WHERE ESTATE CONSISTS LARGELY OF INTEREST IN CLOSELY HELD BUSINESS.

“(a) **EXTENSION PERMITTED.**—If the value of an interest in a closely held business which is included in determining the gross estate of a decedent who was (at the date of his death) a citizen or resident of the United States exceeds either—

“(1) 35 percent of the value of the gross estate of such decedent,
or

“(2) 50 percent of the taxable estate of such decedent,
the executor may elect to pay part or all of the tax imposed by section 2001 in two or more (but not exceeding 10) equal installments. Any such election shall be made not later than the time prescribed by section 6075 (a) for filing the return of such tax (including extensions thereof), and shall be made in such manner as the Secretary or his delegate shall by regulations prescribe. If an election under this section is made, the provisions of this subtitle shall apply as though the Secretary or his delegate were extending the time for payment of the tax. For purposes of this section, value shall be value determined for Federal estate tax purposes.

26 USC 2001.

26 USC 6075.

“(b) **LIMITATION.**—The maximum amount of tax which may be paid in installments as provided in this section shall be an amount which bears the same ratio to the tax imposed by section 2001 (reduced by the credits against such tax) as the value of the interest in a closely held business which qualifies under subsection (a) bears to the value of the gross estate.

“(c) **CLOSELY HELD BUSINESS.**—For purposes of this section, the term ‘interest in a closely held business’ means—

“(1) an interest as a proprietor in a trade or business carried on as a proprietorship.

“(2) an interest as a partner in a partnership carrying on a trade or business, if—

“(A) 20 percent or more of the total capital interest in such partnership is included in determining the gross estate of the decedent, or

“(B) such partnership had 10 or less partners,

“(3) stock in a corporation carrying on a trade or business, if—

“(A) 20 percent or more in value of the voting stock of such corporation is included in determining the gross estate of the decedent, or

“(B) such corporation had 10 or less shareholders.

For purposes of this subsection, determinations shall be made as of the time immediately before the decedent's death.

“(d) **SPECIAL RULE FOR INTERESTS IN TWO OR MORE CLOSELY HELD BUSINESSES.**—For purposes of subsections (a), (b), and (h) (1), interests in two or more closely held businesses, with respect to each of which there is included in determining the value of the decedent's gross estate more than 50 percent of the total value of each such business, shall be treated as an interest in a single closely held business. For purposes of the 50 percent requirement of the preceding sentence, an interest in a closely held business which represents the surviving

spouse's interest in property held by the decedent and the surviving spouse as community property shall be treated as having been included in determining the value of the decedent's gross estate.

26 USC 6151. “(e) DATE FOR PAYMENT OF INSTALLMENTS.—If an election is made under subsection (a), the first installment shall be paid on or before the date prescribed by section 6151 (a) for payment of the tax, and each succeeding installment shall be paid on or before the date which is one year after the date prescribed by this subsection for payment of the preceding installment.

26 USC 2001. “(f) PRORATION OF DEFICIENCY TO INSTALLMENTS.—If an election is made under subsection (a) to pay any part of the tax imposed by section 2001 in installments and a deficiency has been assessed, the deficiency shall (subject to the limitation provided by subsection (b)) be prorated to such installments. The part of the deficiency so prorated to any installment the date for payment of which has not arrived shall be collected at the same time as, and as a part of, such installment. The part of the deficiency so prorated to any installment the date for payment of which has arrived shall be paid upon notice and demand from the Secretary or his delegate. This subsection shall not apply if the deficiency is due to negligence, to intentional disregard of rules and regulations, or to fraud with intent to evade tax.

26 USC 6601. “(g) TIME FOR PAYMENT OF INTEREST.—If the time for payment of any amount of tax has been extended under this section, interest payable under section 6601 on any unpaid portion of such amount shall be paid annually at the same time as, and as a part of, each installment payment of the tax. Interest, or that part of a deficiency prorated under this section to any installment the date for payment of which has not arrived, for the period before the date fixed for the last installment preceding the assessment of the deficiency, shall be paid upon notice and demand from the Secretary or his delegate. In applying section 6601 (b) (relating to the application of the 4-percent rate of interest in the case of certain extensions of time to pay estate tax) in the case of a deficiency, the entire amount which is prorated to installments under this section shall be treated as an amount of tax the payment of which is extended under this section.

“(h) ACCELERATION OF PAYMENT.—

“(1) WITHDRAWAL OF FUNDS FROM BUSINESS; DISPOSITION OF INTEREST.—

“(A) If—

“(i) aggregate withdrawals of money and other property from the trade or business, an interest in which qualifies under subsection (a), made with respect to such interest, equal or exceed 50 percent of the value of such trade or business, or

“(ii) 50 percent or more in value of an interest in a closely held business which qualifies under subsection (a) is distributed, sold, exchanged, or otherwise disposed of, then the extension of time for payment of tax provided in this section shall cease to apply, and any unpaid portion of the tax payable in installments shall be paid upon notice and demand from the Secretary or his delegate.

26 USC 303, 304. “(B) In the case of a distribution in redemption of stock to which section 303 (or so much of section 304 as relates to section 303) applies—

“(i) subparagraph (A) (i) does not apply with respect to withdrawals of money and other property distributed; and for purposes of such subparagraph the value of the trade or business shall be considered to be such value reduced by the amount of money and other property distributed, and

“(ii) subparagraph (A) (ii) does not apply with respect to the stock redeemed; and for purposes of such subparagraph the interest in the closely held business shall be considered to be such interest reduced by the value of the stock redeemed.

This subparagraph shall apply only if, on or before the date prescribed by subsection (e) for payment of the first installment which becomes due after the date of the distribution, there is paid an amount of the tax imposed by section 2001 not less than the amount of money and other property distributed.

“(C) Subparagraph (A) (ii) does not apply to an exchange of stock pursuant to a plan of reorganization described in subparagraph (D), (E), or (F) of section 368 (a) (1) nor to an exchange to which section 355 (or so much of section 356 as relates to section 355) applies; but any stock received in such an exchange shall be treated for purposes of such subparagraph as an interest qualifying under subsection (a).

26 USC 355, 356.

“(D) Subparagraph (A) (ii) does not apply to a transfer of property of the decedent by the executor to a person entitled to receive such property under the decedent's will or under the applicable law of descent and distribution.

“(2) UNDISTRIBUTED INCOME OF ESTATE.—

“(A) If an election is made under this section and the estate has undistributed net income for any taxable year after its fourth taxable year, the executor shall, on or before the date prescribed by law for filing the income tax return for such taxable year (including extensions thereof), pay an amount equal to such undistributed net income in liquidation of the unpaid portion of the tax payable in installments.

“(B) For purposes of subparagraph (A), the undistributed net income of the estate for any taxable year is the amount by which the distributable net income of the estate for such taxable year (as defined in section 643) exceeds the sum of—

26 USC 643.

“(i) the amounts for such taxable year specified in paragraphs (1) and (2) of section 661 (a) (relating to deduction for distributions, etc.);

26 USC 661.

“(ii) the amount of tax imposed for the taxable year on the estate under chapter 1; and

“(iii) the amount of the Federal estate tax (including interest) paid by the executor during the taxable year (other than any amount paid pursuant to this paragraph).

“(3) FAILURE TO PAY INSTALLMENT.—If any installment under this section is not paid on or before the date fixed for its payment by this section (including any extension of time for the payment of such installment), the unpaid portion of the tax payable in installments shall be paid upon notice and demand from the Secretary or his delegate.

“(i) TRANSITIONAL RULES.—

“(1) IN GENERAL.—If—

“(A) a deficiency in the tax imposed by section 2001 is assessed after the date of the enactment of this section, and

26 USC 2001.

“(B) the estate qualifies under paragraph (1) or (2) of subsection (a),

the executor may elect to pay the deficiency in installments. This subsection shall not apply if the deficiency is due to negligence, to intentional disregard of rules and regulations, or to fraud with intent to evade tax.

“(2) TIME OF ELECTION.—An election under this subsection shall be made not later than 60 days after issuance of notice and demand by the Secretary or his delegate for the payment of the deficiency, and shall be made in such manner as the Secretary or his delegate shall by regulations prescribe.

“(3) EFFECT OF ELECTION ON PAYMENT.—If an election is made under this subsection, the deficiency shall (subject to the limitation provided by subsection (b)) be prorated to the installments which would have been due if an election had been timely made under this section at the time the estate tax return was filed. The part of the deficiency so prorated to any installment the date for payment of which would have arrived shall be paid at the time of the making of the election under this subsection. The portion of the deficiency so prorated to installments the date for payment of which would not have so arrived shall be paid at the time such installments would have been due if such an election had been made.

“(4) APPLICATION OF SUBSECTION (h) (2).—In the case of an election under this subsection, subsection (h) (2) shall not apply with respect to undistributed net income for any taxable year ending before January 1, 1960.

“(j) REGULATIONS.—The Secretary or his delegate shall prescribe such regulations as may be necessary to the application of this section.

“(k) CROSS REFERENCES.—

“(1) INTEREST.—

“For provisions requiring the payment of interest at the rate of 4 percent per annum for the period of an extension, see section 6601 (b).”

“(2) SECURITY.—

“For authority of the Secretary or his delegate to require security in the case of an extension under this section, see section 6165.

“(3) PERIOD OF LIMITATION.—

“For extension of the period of limitation in the case of an extension under this section, see section 6503 (d).”

(b) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 62 of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following:

“Sec. 6166. Extension of time for payment of estate tax where estate consists largely of interest in closely held business.”

26 USC 6161.

(c) HARDSHIP EXTENSION.—Section 6161 (a) (2) of such Code (relating to extension of time for paying estate tax in the case of undue hardship) is amended to read as follows:

“(2) ESTATE TAX.—If the Secretary or his delegate finds—

“(A) that the payment, on the due date, of any part of the amount determined by the executor as the tax imposed by chapter 11,

“(B) that the payment, on the date fixed for the payment of any installment under section 6166, of any part of such installment (including any part of a deficiency prorated to an installment the date for payment of which had not arrived), or

“(C) that the payment upon notice and demand of any part of a deficiency prorated under the provisions of section 6166 to installments the date for payment of which had arrived,

would result in undue hardship to the estate, he may extend the time for payment for a reasonable period not in excess of 10 years from the date prescribed by section 6151 (a) for payment of the tax.”

26 USC 6151.

(d) PERIOD OF LIMITATION FOR COLLECTION OF TAX.—Section 6503 (d) of the Internal Revenue Code of 1954 (relating to suspension of running of period of limitations when there is an extension of time for payment of estate tax) is amended by striking out “assessment or” and by adding before the period at the end thereof the following: “or under the provisions of section 6166”.

26 USC 6503.

(e) INTEREST.—Section 6601 (b) of the Internal Revenue Code of 1954 (relating to interest at the rate of 4 percent per annum in the case of extension of time for payment of estate tax) is amended by striking out “section 6161 (a) (2)” and inserting in lieu thereof “section 6161 (a) (2) or 6166”.

26 USC 6601.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents with respect to which the date for the filing of the estate tax return (including extensions thereof) prescribed by section 6075 (a) of the Internal Revenue Code of 1954 is after the date of the enactment of this Act; except that (1) section 6166 (i) of such Code as added by this section shall apply to estates of decedents dying after August 16, 1954, but only if the date for the filing of the estate tax return (including extensions thereof) expired on or before the date of the enactment of this Act, and (2) notwithstanding section 6166 (a) of such Code, if an election under such section is required to be made before the sixtieth day after the date of the enactment of this Act such an election shall be considered timely if made on or before such sixtieth day.

26 USC 6075.

Ante, p. 1681.

Approved September 2, 1958.

Public Law 85-867

AN ACT

To provide further protection against the introduction and dissemination of livestock diseases, and for other purposes.

September 2, 1958
[H. R. 12126]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraphs (a) and (c) of section 306 of the Act approved June 17, 1930 (46 Stat. 689; 19 U. S. C. 1306 (a) and (c)) are amended by deleting the word “domestic” each time it appears in said paragraphs and said paragraph (a) is amended (1) by deleting the phrase “beef, veal, mutton, lamb, or pork,” and substituting therefor the phrase “meat of such animals;” and (2) by inserting before the period at the end thereof a colon and the following: “*Provided*, That wild ruminants or swine may be imported from any such country upon such conditions, including post entry conditions, to be prescribed in import permits or in regulations, as the Secretary may impose for the purpose of preventing the dissemination of said diseases into or within the United States: *And provided further*, That the subsequent distribution, maintenance, and exhibition of such animals in the United States shall be limited to zoological parks approved by said Secretary as meeting such standards as he may by regulation prescribe for the purpose of preventing the dissemination of said diseases into or within the United States. The Secretary may at any time seize and dispose of any such animals which are not handled in accordance with the conditions imposed by him or which are distributed to or maintained or exhibited at any place in the United States which is not then an approved zoological park, in such manner as he deems necessary for said purpose”.

Agriculture.
Livestock pro-
tection against
disease.

Approved September 2, 1958.

Public Law 85-868

AN ACT

September 2, 1958
[S. 3754]

To provide for the exchange of lands between the United States and the Navajo Tribe, and for other purposes.

Indians.
Navajo Tribe.
Land exchange.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Interior shall, in consideration of and as just compensation for the transfer made by section 2 of this Act as well as for the use and occupancy of the lands therein described under terms of the right-of-way granted March 22, 1957, by the Secretary pursuant to the Act of February 5, 1948 (62 Stat. 17), transfer to the Navajo Tribe so much of the block of public lands (exclusive of the minerals therein, but inclusive of all range improvements constructed thereon) described in subsection (c) of this section, as shall constitute a reasonably compact area equal in acreage to the lands transferred to the United States under section 2, and the lands so transferred shall constitute a part of the Navajo Reservation and shall be held by the United States in trust for the Navajo Tribe and shall be subject to all laws and regulations applicable to that reservation. The owners of range improvements of a permanent nature placed, under the authority of a permit from or agreement with the United States, on lands transferred pursuant to this section shall be compensated for the reasonable value of such improvements, as determined by the Secretary out of appropriations available for the construction of the Glen Canyon unit, Colorado River storage project. To the extent that the Secretary is unable to transfer, from the lands described in subsection (c), lands equal in acreage to the lands transferred to the United States under section 2, because of the existence of valid rights in other parties than the United States (other than the rights described in subsection (d) of this section), he shall transfer to the Navajo Tribe such other available public lands (exclusive of the minerals therein but inclusive of all range improvements thereon) in reasonable proximity to the Navajo Reservation and to the lands described in subsection (c) as the tribe, with the concurrence of the Secretary, may select and as may be necessary to transfer to the tribe equal acreage in exchange for the lands transferred under section 2, and those lands so transferred shall be treated in the same manner as other lands transferred pursuant to this section.

Mineral activities.

(b) Subject to valid, existing rights, in addition to other requirements under applicable laws and regulations, mineral activities affecting the land transferred pursuant to this section shall be subject to such regulations, which may include, among others, a requirement for the posting of bond or other undertaking, as the Secretary may prescribe for protection of the interests of the Indians. Patents issued with respect to mining claims on the lands transferred pursuant to this section shall be limited to the minerals only, and for a period of ten years after the effective date of this Act, none of the lands described in subsection (c) of this section shall be open to location and entry under the general mining laws.

(c) The block of public lands (which lies to the north and west of the portion of the present Navajo Reservation in San Juan County, Utah, and abuts the reservation's boundaries within the county) from which the transfer under this section is to be made, is described as follows:

SALT LAKE MERIDIAN

Township 38 south, range 23 east: Sections 26, 33, 34, and 35.

Township 38 south, range 24 east: Section 28; section 29, east half; sections 31, 33, 34, and 35.

Township 39 south, range 22 east: Sections 13, 24, 25, and 35, those portions lying east of Recapture Creek.

Township 39 south, range 23 east: Sections 1, 3, 4, and 5; sections 8 to 15, inclusive; section 17; sections 18 and 19, those portions lying east of Recapture Creek; sections 20 to 31, inclusive; sections 33, 34, and 35.

Township 39 south, range 24 east: Section 1; sections 3 to 15, inclusive; sections 17 to 24, inclusive; sections 26 and 27, those portions lying north and west of the present Navajo Indian Reservation; sections 28, 29, 30, 31, and 33; section 34, that portion lying north and west of the present Navajo Indian Reservation.

Township 39 south, range 25 east: Sections 5, 6, 7, 8, and 18.

Township 40 south, range 22 east: Section 1; sections 11, 12, 13, 23, 24, 25, and 26, those portions lying east of Recapture Creek and north of the present Navajo Indian Reservation.

Township 40 south, range 23 east: Section 1; sections 3 to 15, inclusive; sections 17 to 23, inclusive; section 26; sections 24, 25, 27, 28, 29, 30, 34, and 35, those portions lying north and west of the present Navajo Indian Reservation.

Township 40 south, range 24 east: Sections 3, 4, 5, those portions lying north and west of the present Navajo Indian Reservation; section 6; sections 7, 8, 18, and 19, those portions lying north and west of the present Navajo Indian Reservation.

(d) The transfer hereinabove provided for shall also be deemed to constitute full and complete satisfaction of any and all rights which are based solely upon Indian use and occupancy or possession claimed by or on behalf of any individual members of the Navajo Tribe in their individual capacities or any groups or identifiable bands thereof to any and all public lands in San Juan County, Utah, outside the exterior boundaries of the Navajo Indian Reservation as the same are described in:

- (1) The Act of March 1, 1933 (ch. 160, 47 Stat. 1418);
- (2) Executive Order 324A of May 15, 1905;
- (3) Executive order of May 17, 1884; and

25 USC 337a, 43
USC 190a.

all such rights to such lands are hereby extinguished from and after January 1, 1963. Subject to the provision of section 2 of this Act, and subject to valid existing rights, all public lands of the United States within said exterior boundaries of said reservation are hereby declared to be held in trust for the benefit of the Navajo Tribe of Indians. The term "public lands" as used herein shall be deemed to include, but in no way to be limited to lands and the mineral deposits which originally may have been excluded from said reservation by reason of settlement or occupancy or other valid rights then existing, but since relinquished, extinguished, or otherwise terminated. The tribe is hereby authorized to adopt such rules and regulations as it deems appropriate, with the approval of the Secretary, for residence and use of the lands transferred pursuant to this section: *Provided*, That the tribal council shall give preference until January 1, 1963, in granting residence and use rights to: (1) those Navajos who, prior to the effective date of this Act, have used or occupied the transferred lands and (2) those Navajos who, prior to the effective date of this Act, have used or occupied other public lands in San Juan County, Utah.

(e) Upon application of the Navajo Tribe, the Secretary shall grant to the tribe, to be held in trust by the United States for use of tribal members grazing livestock upon the lands transferred under this section, a nonexclusive easement, of suitable width and location as he determines, for a livestock driveway across the public lands in sections 21, 22, 23, and 24, township 39 south, range 22 east, and in section 19, township 39 south, range 23 east, Salt Lake meridian, to connect with United States Highway Numbered 47. Use of said nonexclusive easement shall be in accordance with regulations prescribed by the Secretary, and future uses and dispositions of the public lands affected shall be subject to said easement.

Highway rights-of-way.

(f) The transfer of lands to the Navajo Tribe, as provided in this section, shall not affect the status of rights-of-way for public highways traversing such lands, which rights-of-way shall remain available for public use, including the movement of livestock thereon.

(g) The Secretary of the Interior shall compensate persons whose grazing permits, licenses or leases covering lands transferred to the Navajo Tribe pursuant to this section are canceled because of such transfer. Such compensation shall be determined in accordance with the standard prescribed by the Act of July 9, 1942, as amended (43 U. S. C. 315q). Such compensation shall be paid from appropriations available for the construction of the Glen Canyon unit, Colorado River storage project.

71 Stat. 633.
18 USC 115.

SEC. 2. (a) There is hereby transferred to the United States all the right, title, and interest of the Navajo Tribe in and to the lands (exclusive of the minerals therein) described in subsection (b) of this section. These lands shall no longer be "Indian country" within the meaning of title 18, United States Code, section 115, and they shall have the status of public lands withdrawn and being administered pursuant to the Federal reclamation laws and shall be subject to all laws and regulations governing the use and disposition of public lands in that status. The rights herein transferred shall not extend to the utilization of the lands hereinafter described under the heading "parcel B" for public recreational facilities without the approval of the Navajo Tribal Council. No permit, lease, license, or other right covering the exploration for or extraction of the minerals herein reserved to the tribe shall be granted or exercised by or on behalf of the tribe except under such conditions and with such restrictions, limitations, or stipulations as the Secretary deems appropriate, in connection with the Glen Canyon unit, to protect the interests of the United States and of its grantees, licensees, transferees, and permittees, and their heirs and assigns. Subject to the mineral rights herein reserved to the tribe as aforesaid, the Secretary may dispose of lots in townsites established on the lands transferred under this section, together with improvements thereon, under such terms and conditions as he determines to be appropriate, including provisions for payment for the furnishing of municipal facilities and services while such facilities and services are provided by the United States and for the establishment of liens in connection therewith, but no disposition shall be at less than the current fair market value, and he may dedicate portions of lands in such townsites, whether or not improved, for public purposes and transfer the land so dedicated to appropriate State or local public bodies and nonprofit corporations. He may also enter into contracts with State or local public bodies and nonprofit corporations whereby either party may undertake to render to the other such services in aid of the performance of activities and functions of a municipal, governmental, or public or quasi-public nature as will, in the Secretary's judgment, contribute substantially to the efficiency or

the economy of the operations of the Department of the Interior in connection with the Glen Canyon unit.

(b) The lands which are transferred under this section are described as follows:

PARCEL A

The following tract of unsurveyed land situated in Arizona: Beginning on the easterly bank of the Colorado River at a point where said easterly bank is intersected by the south line of section 9, township 40 north, range 8 east, Gila and Salt River base and meridian; thence upstream along the said easterly bank of the Colorado River to a point where said bank intersects the east line of section 16, township 41 north, range 9 east, Gila and Salt River base and meridian; thence south along the east line of sections 16, 21, 28, and 33 of said township 41 north, range 9 east, to the south line of said section 33; thence west along the south line of said section 33 to the east line of section 4, township 40 north, range 9 east, Gila and Salt River base and meridian; thence south along the east line of sections 4 and 9 of said township 40 north, range 9 east, to the south line of said section 9; thence west along the south line of sections 9, 8, and 7 of said township 40 north, range 9 east, and along the south line of sections 12, 11, 10, and 9 of said township 40 north, range 8 east, Gila and Salt River base and meridian to the point of beginning.

PARCEL B

The following tract of land in part unsurveyed situated in Arizona and Utah: Beginning at a point where the east line of section 16, township 41 north, range 9 east, Gila and Salt River base and meridian intersects the north boundary of the Navajo Indian Reservation in Arizona; thence upstream in Arizona and Utah along the north boundary of the reservation to a point where said north boundary intersects a contour line the elevation of which is 3,720 mean sea level (United States Coast and Geodetic Survey datum), said point being at approximate river mile 72.7 on the San Juan River above its confluence with the Colorado River, and also being near the east line of township 40 south, range 15 east, Salt Lake base and meridian; thence generally southwesterly within the Navajo Indian Reservation along said contour line the elevation of which is 3,720, to the point where said contour line intersects the east line of section 16, township 41 north, range 9 east, Gila and Salt River base and meridian; thence north along said east line to the point of beginning.

(c) The Secretary and the tribe may enter into such agreements as are appropriate for the utilization, under permits or easements, of such tribal lands, in the vicinity of Rainbow Bridge National Monument, as may be necessary in connection with the carrying out of any measures undertaken to preclude impairment of the monument as provided by section 1 of the Act of April 11, 1956 (70 Stat. 105).

(d) As used in this and in the preceding section of this Act, the term "minerals" shall not be construed to include sand, gravel, or other building or construction materials.

SEC. 3. (a) The State of Utah may convey to the United States title to any State-owned lands within the area described in subsection (b) of this section or subsection (c) of section 1 of this Act as base lands for indemnity selections under sections 2275 and 2276 of the Revised Statutes (43 U. S. C., secs. 851, 852). The Secretary of the Interior shall give priority to indemnity selection applications made pursuant to this subsection by the State of Utah. However, all conveyances made pursuant to this subsection, whether by the United States or by the State of Utah, shall contain a reservation of

the minerals to the grantor. Lands conveyed to the United States under this section shall be subject to selection by the Secretary of the Interior, and transfer to, the Navajo Tribe in the same manner as, and under the same terms and conditions as, lands described in subsection (c) of section 1 of this Act. Notwithstanding a conveyance to the United States of State-owned lands in accordance with the provisions of this subsection, such conveyance shall not prevent the Navajo Tribe from asserting, in any manner that would have been available to the tribe if the conveyance had not been made, a claim of title, if any, to the lands conveyed by the State that the tribe asserts is superior to the title asserted by the State of Utah. If a claim of title so asserted by the Navajo Tribe determined to be superior to the title asserted by the State of Utah, and if the Navajo Tribe has selected such lands as a part of the transfer authorized by section 1 of this Act, the Navajo Tribe shall be permitted to select other lands described in subsection (c) of section 1 in lieu thereof.

(b) The lands referred to in subsection (a) of this section and not described in subsection (c) of section 1 of this Act are described as follows:

SALT LAKE MERIDIAN

Township 38 south, range 23 east: section 36.

Township 38 south, range 24 east: section 32.

Township 39 south, range 22 east: section 36.

Township 39 south, range 23 east: sections 2, 16, 32, and 36.

Township 39 south, range 24 east: sections 2, 16, and 32.

Township 40 south, range 22 east: section 2.

Township 40 south, range 23 east: sections 2, 16, and 36.

Indemnity selections.

(c) The right of the State of Utah to make indemnity selections under the terms of this section shall expire five years after the date of approval of this Act.

Approved September 2, 1958.

Public Law 85-869

AN ACT

September 2, 1958
[H. R. 3366]

To validate overpayments of pay and allowances made to certain officers of the Army, Navy, Naval Reserve, and Air Force, while undergoing training at civilian hospitals, and for other purposes.

Armed Forces.
Overpayments
made to certain
officers.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any other law, all payments of pay and allowances made to any commissioned officer of the Medical Corps of the Army, Navy, or the Naval Reserve, or any medical officer of the Air Force, who, while serving on active duty before July 1, 1954, as an intern or resident physician in a hospital other than a Federal hospital, are validated to the extent that such compensation, pay and allowances were paid.

SEC. 2. Any person covered by section 1 who has made a repayment to the United States of the amount so paid to him as such compensation, pay or allowances is entitled to be paid the amount involved, if otherwise proper. Any repayment hereby authorized will be made from appropriations currently available for pay and allowances.

Validation.

SEC. 3. In the audit and settlement of the accounts of any certifying or disbursing officer full credit shall be given for the amount for which liability is relieved by this Act.

Approved September 2, 1958.

Public Law 85-870

AN ACT

To incorporate the Big Brothers of America.

September 2, 1958
[S. 3728]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following persons: Charles G. Berwind, Philadelphia, Pennsylvania; Mark Willcox, Junior, Philadelphia, Pennsylvania; Earle S. Thompson, New York, New York; Archie O. Dawson, New York, New York; Isadore A. Wyner, New York, New York; and their successors, are hereby created and declared to be a body corporate of the District of Columbia, where its legal domicile shall be, by the name of the Big Brothers of America (hereinafter referred to as the corporation) and by such name shall be known and have perpetual succession and the powers, limitations, and restrictions herein contained.

Big Brothers of
America, incorpo-
ration.

COMPLETION OF ORGANIZATION

SEC. 2. A majority of the persons named in the first section of this Act are authorized to complete the organization of the corporation by the adoption of a constitution and bylaws, not inconsistent with this Act, and the doing of such other acts (including the selection of officers and employees in accordance with such constitution and bylaws) as may be necessary for such purpose.

PURPOSES OF THE CORPORATION

SEC. 3. The purposes of the corporation shall be to aid and assist boys throughout the United States of America and Canada in the solution of their social and economic problems, and assist in their health, educational and character development; to promote the use of the techniques of such assistance developed by the corporation, by other lay and professional agencies and workers, to receive, invest, and disburse funds and to hold property for the purposes of the corporation.

CORPORATE POWERS

SEC. 4. The corporation shall have power—

- (1) to have succession by its corporate name;
- (2) to sue and be sued, complain, and defend in any court of competent jurisdiction;
- (3) to adopt, use, and alter a corporate seal;
- (4) to choose such officers, managers, agents, and employees as the business of the corporation may require;
- (5) to adopt, amend, and alter a constitution and bylaws, not inconsistent with the laws of the United States or any State in which the corporation is to operate, for the management of its property and the regulation of its affairs;
- (6) to contract and be contracted with;
- (7) to take by lease, gift, purchase, grant, devise, or bequest from any private corporation, association, partnership, firm, or individual and to hold any property, real, personal, or mixed, necessary or convenient for attaining the objects and carrying into effect the purposes of the corporation, subject, however, to applicable provisions of law of any State (A) governing the amount or kind of property which may be held by, or (B) otherwise limiting or controlling the ownership of property by, a corporation operating in such State;

(8) to transfer, convey, lease, sublease, encumber, and otherwise alienate real, personal, or mixed property; and

(9) to borrow money for the purposes of the corporation, issue bonds therefor, and secure the same by mortgage, deed of trust, pledge, or otherwise, subject in every case to all applicable provisions of Federal and State laws.

PRINCIPAL OFFICE: SCOPE OF ACTIVITIES: DISTRICT OF COLUMBIA AGENT

SEC. 5. (a) The principal office of the corporation shall be located in Philadelphia, Pennsylvania, or in such other place as may be later determined by the board of directors, but the activities of the corporation shall not be confined to that place, but may be conducted throughout the various States, Territories, and possessions of the United States and in Canada to the extent permitted by Canadian laws.

(b) The corporation shall have in the District of Columbia at all times a designated agent authorized to accept service of process for the corporation; and notice to or service upon such agent, or mailed to the business address of such agent, shall be deemed notice to or service upon the corporation.

MEMBERSHIP

SEC. 6. Eligibility for membership in the corporation and the rights, privileges, and designations of classes of members shall, except as provided in this Act, be determined as the constitution and bylaws of the corporation may provide. Each member of the corporation shall have the right to one vote on each matter submitted to a vote at all meetings of the members of the corporation.

BOARD OF DIRECTORS: COMPOSITION, RESPONSIBILITIES

SEC. 7. (a) Upon the enactment of this Act the membership of the initial board of directors of the corporation shall consist of the present members of the board of directors of the Big Brothers of America, Incorporated, the corporation described in section 16 of this Act, or such of them as may then be living and are qualified members of said board of directors, to wit:

Justice Tom Clark, Washington, D. C. (honorary);
 Honorable Stuart Garson, Ottawa, Ontario, Canada (honorary);
 Honorable Luther W. Youngdahl, Washington, District of Columbia (honorary);
 Charles G. Berwind, Philadelphia, Pennsylvania;
 Henry J. Benisch, Brooklyn, New York;
 DeVere Bobier, Flint, Michigan;
 J. Carroll Brown, Lansing, Michigan;
 Fielding T. Childress, Saint Louis, Missouri;
 Guy de Puyjalon, Ottawa, Ontario, Canada;
 Robert E. Curry, New York City, New York;
 Jere Gillette, Detroit, Michigan;
 Benjamin van D. Hedges, New York City, New York;
 Honorable Thomas C. Hennings, Junior, Washington, District of Columbia;
 Doctor Kenneth D. Johnson, New York City, New York;
 Charles B. Levinson, Cincinnati, Ohio;
 Walter H. Levy, Providence, Rhode Island;
 Richard Loud, Boston, Massachusetts;
 George O. Ludecke, Junior, Minneapolis, Minnesota;
 Charles E. McMartin, Saginaw, Michigan;
 John McShain, Philadelphia, Pennsylvania;
 John E. Mangrum, Dallas, Texas;

George Miller, Los Angeles, California;
Nicholas C. Mueller, Baltimore, Maryland;
Herbert Myerberg, Baltimore, Maryland;
Thomas J. Potts, Columbus, Ohio;
Norfleet H. Rand, Saint Louis, Missouri;
G. Ruhland Rebmann, Junior, Philadelphia, Pennsylvania;
James B. Reese, Los Angeles, California;
Sanford Reider, Cleveland, Ohio;
Thomas A. Rogers, Denver, Colorado;
Robert N. Rosenthal, Cincinnati, Ohio;
Canon John Samuel, Hamilton, Ontario, Canada;
Maurice Schwarz, Junior, Los Angeles, California;
Isadore M. Scott, Philadelphia, Pennsylvania;
Milton Seaman, New York City, New York;
Nathaniel Sharf, Boston, Massachusetts;
Jay C. Standish, Cleveland, Ohio;
Donald W. Thornburgh, Philadelphia, Pennsylvania;
Robert L. Walston, Houston, Texas;
J. Austin White, Cincinnati, Ohio;
Meredith Willson, Los Angeles, California;
Paul Wilson, Detroit, Michigan; and
E. N. Zeigler, Florence, South Carolina.

(b) Thereafter the board of directors of the corporation shall consist of such number as may be prescribed in the constitution of the corporation, and the members of such board shall be selected in such manner (including the filling of vacancies), and shall serve for such terms, as may be prescribed in the constitution and bylaws of the corporation.

(c) The board of directors shall be the managing body of the corporation and shall have such powers, duties, and responsibilities as may be prescribed in the constitution and bylaws of the corporation.

OFFICERS: ELECTION AND DUTIES OF OFFICERS

SEC. 8. (a) The officers of the corporation shall be a chairman of the board of directors, a president, one or more vice presidents (as may be prescribed in the constitution and bylaws of the corporation), a secretary, and a treasurer.

(b) The officers of the corporation shall be elected in such manner and for such terms and with such duties as may be prescribed in the constitution and bylaws of the corporation.

USE OF INCOME: LOANS TO OFFICERS, DIRECTORS, OR EMPLOYEES

SEC. 9. (a) No part of the income or assets of the corporation shall inure to any of its members, directors, or officers as such, or be distributable to any of them during the life of the corporation or upon its dissolution or final liquidation. Nothing in this subsection, however, shall be construed to prevent the payment of compensation to officers of the corporation in amounts approved by the board of directors of the corporation.

(b) The corporation shall not make loans to its officers, directors, or employees. Any director who votes for or assents to the making of a loan or advance to an officer, director, or employee of the corporation, and any officer who participates in the making of such a loan or advance, shall be jointly and severally liable to the corporation for the amount of such loan until the repayment thereof.

NONPOLITICAL NATURE OF CORPORATION

SEC. 10. The corporation, and its officers and directors as such, shall not contribute to or otherwise support or assist any political party or candidate for public office.

LIABILITY FOR ACTS OF OFFICERS AND AGENTS

SEC. 11. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

PROHIBITION AGAINST ISSUANCE OF STOCK OR PAYMENT OF DIVIDENDS

SEC. 12. The corporation shall have no power to issue any shares of stock or to declare or pay any dividends.

BOOKS AND RECORDS: INSPECTION

SEC. 13. The corporation shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its members, board of directors, and committees having any authority under the board of directors; and it shall also keep at its principal office a record of the names and addresses of its members entitled to vote. All books and records of the corporation may be inspected by any member entitled to vote, or his agent or attorney, for any proper purpose, at any reasonable time.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 14. (a) The financial transactions shall be audited annually by an independent certified public accountant in accordance with the principles and procedures applicable to commercial corporate transactions. The audit shall be conducted at the place or places where the accounts of the corporation are normally kept. All books, accounts, financial records, reports, files, and all other papers, things or property belonging to or in use by the corporation and necessary to facilitate the audit shall be made available to the person or persons conducting the audit; and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

(b) A report of such audit shall be made by the corporation to the Congress not later than six months following the close of each year for which the audit is made. The report shall set forth the scope of the audit and shall include a verification by the person or persons conducting the audit of statements of (1) assets and liabilities, (2) capital and surplus or deficit, (3) surplus or deficit analysis, (4) income and expense, and (5) sources and application of funds. Such report shall not be printed as a public document.

EXCLUSIVE RIGHT TO NAME, EMBLEMS, SEALS, AND BADGES

SEC. 15. The corporation and its subordinate divisions shall have the sole and exclusive right to use the name, The Big Brothers of America. The corporation shall have the exclusive and sole right to use or to allow or refuse the use of such emblems, seals, and badges as have heretofore been used by the predecessor New York corporation, Big Brothers of America, Incorporated, described in section 16 of this title and the right to which may be transferred to the corporation.

TRANSFER OF ASSETS

SEC. 16. The corporation may acquire the assets of the Big Brothers of America, Inc., a corporation organized under the laws of the State of New York, upon discharging or satisfactorily providing for the payment and discharge of all of the liability of such corporation and upon complying with all laws of the State of New York applicable thereto.

USE OF ASSETS ON DISSOLUTION OR LIQUIDATION

SEC. 17. Upon dissolution or final liquidation of the corporation, after discharge or satisfaction of all outstanding obligations and liabilities, the remaining assets, if any, of the corporation shall be distributed in accordance with the determination of the board of directors of the corporation and in compliance with the constitution and bylaws of the corporation and all Federal and State laws applicable thereto.

RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER

SEC. 18. The right to alter, amend, or repeal this Act is expressly reserved.

Approved September 2, 1958.

Public Law 85-871

AN ACT

To amend the War Orphans' Educational Assistance Act of 1956 to permit the Administrator of Veterans' Affairs to make payments with respect to special restorative training, or specialized courses of vocational training, for younger persons than those with respect to whom the Administrator may now make such payments, and for other purposes.

September 2, 1958
[H. R. 13559]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the War Orphans' Educational Assistance Act of 1956 is amended by—

(1) redesignating clauses (2) and (3) of subsection (a) of section 203 of such Act as clauses (3) and (4), respectively; and by inserting after clause (1) a new clause (2) as follows:

“(2) if he has a mental or physical handicap, and the Administrator determines that his best interests will be served by pursuing a program of special restorative training under title IV, or a specialized course of vocational training under title III, such period may begin before his eighteenth birthday, but not before his fourteenth birthday;”;

(2) inserting “(1)” in subsection (a) of section 312 after the words “such course”, and adding the following phrase before the period at the end of that subsection: “, or (2) is approved for the enrollment of the particular individual under the provisions of section 314”; and

(3) adding at the end of title III a new section 314, as follows:

“SPECIALIZED VOCATIONAL TRAINING COURSES

“SEC. 314. Notwithstanding the provisions of subsections (b) and (c) of section 312, the Administrator may approve a specialized course of vocational training leading to a predetermined vocational objective for the enrollment of an eligible person under this title if he finds that such course, either alone or when combined with other courses, constitutes a program of education which is suitable for that person and is required because of a mental or physical handicap.”

Approved September 2, 1958.

War Orphans
Educational As-
sistance Act of
1956, amendments.
70 Stat. 411.
38 USC 1031
note.

38 USC 1072.

Public Law 85-872

AN ACT

September 2, 1958
[S. 25]

Relating to effective dates of increases in compensation granted to wage board employees.

Wage board employees compensation increase. Effective dates.

68 Stat. 1106.
70A Stat. 463.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That each increase in rates of basic compensation granted, pursuant to a wage survey, to employees of the Federal Government or of the municipal government of the District of Columbia whose compensation is fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing rates under authority of section 202 (7) of the Classification Act of 1949 (5 U. S. C. 1082 (7)) or section 7474 of title 10 of the United States Code shall become effective, as follows:

(1) if the wage survey is conducted by a department or agency (either alone or with one or more other departments or agencies) with respect to its own employees, such increase shall become effective for such employees not later than the first day of the first pay period which begins on or after the forty-fifth day, excluding Saturdays and Sundays, following the date on which such wage survey was ordered to be made; and

(2) if the wage survey is conducted by a department or agency (either alone or with one or more other departments or agencies) and is utilized by any department or agency which did not conduct such wage survey, such increase shall become effective, for the employees of the department or agency utilizing such wage survey, not later than the first day of the first pay period which begins on or after the twentieth day, excluding Saturdays and Sundays, following the date on which the department or agency utilizing such wage survey receives the data collected in such wage survey and necessary for the granting of such increase.

Retroactive compensation.

SEC. 2 (a) Retroactive compensation shall be paid, by reason of any increase in rates of basic compensation referred to in the first section of this Act, only in the case of an individual in the service of the United States (including service in the Armed Forces of the United States) or the municipal government of the District of Columbia on the date of issuance of the order granting such increase, except that such retroactive compensation shall be payable—

(1) to an employee who retired during the period beginning on the effective date of the increase in rates of basic compensation and ending on the date of issuance of the order granting such increase, for services rendered during such period, and

(2) in accordance with the provisions of the Act of August 3, 1950 (Public Law 636, Eighty-first Congress), as amended (5 U. S. C. 61f-61k), for services rendered during the period described in paragraph (1) of this subsection, by an employee who dies during such period.

64 Stat. 395.

(b) Such retroactive compensation shall not be considered as basic salary for the purposes of the Civil Service Retirement Act in the case of any such retired or deceased employee.

70 Stat. 743.
5 USC 2251 et seq.

(c) For the purposes of this section, service in the Armed Forces of the United States, in the case of an individual relieved from training and service in the Armed Forces of the United States or discharged from hospitalization following such training and service, shall include the period provided by law for the mandatory restoration of such individual to a position in or under the Federal Government or the municipal government of the District of Columbia.

SEC. 3. For the purpose of determining the amount of insurance for which an individual is eligible under the Federal Employees' Group Life Insurance Act of 1954 (5 U. S. C. 2091-2103), each increase in rates of basic compensation referred to in the first section of this Act shall be held and considered to be effective as of the date of issuance of the order granting such increase or as of the effective date of such increase if such effective date occurs later.

SEC. 4. The foregoing sections of this Act shall not apply to any increase in rates of basic compensation granted pursuant to any wage survey described in paragraph (1) or paragraph (2) of the first section of this Act and which was ordered, prior to September 1, 1958, to be made.

Approved September 2, 1958.

Life insurance.

68 Stat. 736.

Exceptions.

Public Law 85-873

AN ACT

To authorize the exchange of certain real property heretofore conveyed to the city of El Paso, Texas, by the United States, for other real property of equal value, and for other purposes.

September 2, 1958
[H. R. 11456]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of State is authorized to enter into an agreement with the city of El Paso, Texas, and Hill Lines, Incorporated, El Paso, Texas, providing for the exchange of a portion of the real property conveyed to such city by the United States under the deed of August 26, 1936, recorded in volume 615, page 349, of the deed records of El Paso County, Texas, for other real property of not less than equal value (as determined by the Secretary of State), title to which is held by Hill Lines, Incorporated.

El Paso, Tex.
Property exchange.

SEC. 2. (a) When the agreement referred to in the first section of this Act is concluded, the Secretary of State, the city of El Paso, and Hill Lines, Incorporated, shall exchange such deeds and other instruments as may be required by the laws of the State of Texas to—

(1) effect a waiver of the reversionary interest of the United States with respect to the real property to be conveyed to Hill Lines, Incorporated, by the city of El Paso under such agreement;

(2) vest in the United States, with respect to the real property to be conveyed to the city of El Paso by Hill Lines, Incorporated, under such agreement, a reversionary interest of like intent and legal effect as that retained by the United States with respect to the real property conveyed to the city of El Paso under the deed of August 26, 1936; and

(3) effect the exchange, between the city of El Paso and Hill Lines, Incorporated, of the real property covered by such agreement.

(b) No deed or other instrument executed under subsection (a) of this section shall be valid until all deeds and other instruments necessary to carry out the provisions of such subsection (a) have been executed and exchanged.

(c) The Secretary of State is authorized to execute, on behalf of the United States, such deeds and other instruments as may be necessary to carry out the provisions of subsection (a) of this section.

SEC. 3. The exchange of real property authorized by this Act shall be without cost to the United States.

Approved September 2, 1958.

Public Law 85-874

September 2, 1958
[S. 3335]

AN ACT

To provide for a National Cultural Center which will be constructed, with funds raised by voluntary contributions, on a site made available in the District of Columbia.

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

National Cultural Center Act.

SECTION 1. This Act may be cited as the "National Cultural Center Act".

BOARD OF TRUSTEES

SEC. 2. (a) There is hereby established in the Smithsonian Institution a bureau, which shall be directed by a board to be known as the Trustees of the National Cultural Center (hereafter in this Act referred to as the "Board"), whose duty it shall be to maintain and administer the National Cultural Center and site thereof and to execute such other functions as are vested in the Board by this Act. The Board shall be composed as follows: The Secretary of Health, Education, and Welfare, the Librarian of Congress, the Assistant Secretary of State for Public Affairs, the Chairman of the Commission of Fine Arts, the President of the Board of Commissioners of the District of Columbia, the Chairman of the District of Columbia Recreation Board, the Director of the National Park Service, the Commissioner of the United States Office of Education, the Secretary of the Smithsonian Institution, three Members of the Senate appointed by the President of the Senate, and three Members of the House of Representatives appointed by the Speaker of the House of Representatives ex officio; and fifteen general trustees who shall be citizens of the United States, to be chosen as hereinafter provided.

(b) The general trustees shall be appointed by the President of the United States and the members of the first Board shall have terms expiring three at the end of two years, three at the end of four years, three at the end of six years, three at the end of eight years, and three at the end of ten years, after the date of enactment of this Act. The term of office of each member of the Board subsequently appointed shall be ten years except that a successor appointed to fill a vacancy occurring prior to the expiration of such term shall be appointed only for the remainder of such term.

(c) There shall be an Advisory Committee on the Arts composed of such members as the President may designate, to serve at the pleasure of the President. Persons appointed to the Advisory Committee on the Arts, including officers or employees of the United States, shall be persons who are recognized for their knowledge of, or experience or interest in, one or more of the arts in the fields covered by the National Cultural Center. The President shall designate the Chairman of the Advisory Committee on the Arts. In making such appointments the President shall give consideration to such recommendations as may from time to time be submitted to him by leading national organizations in the appropriate art fields. The Advisory Committee on the Arts shall advise and consult with the Board and make recommendations to the Board regarding existing and prospective cultural activities to be carried on in the National Cultural Center. The Advisory Committee on the Arts shall assist the Board in carrying out section 5 (a) of this Act. Members of the Advisory Committee on the Arts shall serve without compensation, but each member of such Committee shall be reimbursed for travel, subsistence, and other necessary expenses incurred by him in connection with the work of such Committee.

NATIONAL CULTURAL CENTER

SEC. 3. The Board shall construct for the Smithsonian Institution, with funds raised by voluntary contributions, a building to be designated as the National Cultural Center on a site in the District of Columbia bounded by the Inner Loop Freeway on the east, the Theodore Roosevelt Bridge approaches on the south, Rock Creek Parkway on the west, New Hampshire Avenue and F Street on the north, which shall be selected for such purpose by the National Capital Planning Commission. The National Capital Planning Commission shall acquire by purchase, condemnation, or otherwise, lands necessary to provide for the National Cultural Center and related facilities. Such building shall be in accordance with plans and specifications approved by the Commission of Fine Arts.

DUTIES OF THE BOARD

SEC. 4. The Board shall—

- (1) present classical and contemporary music, opera, drama, dance, and poetry from this and other countries,
- (2) present lectures and other programs,
- (3) develop programs for children and youth and the elderly (and for other age groups as well) in such arts designed specifically for their participation, education, and recreation, and
- (4) provide facilities for other civic activities at the Cultural Center.

POWERS OF THE BOARD

SEC. 5. (a) The Board is authorized to solicit and accept for the Smithsonian Institution and to hold and administer gifts, bequests, or devises of money, securities, or other property of whatsoever character for the benefit of the National Cultural Center. Unless otherwise restricted by the terms of the gift, bequest, or devise, the Board is authorized to sell or exchange and to invest or reinvest in such investments as it may determine from time to time the moneys, securities, or other property composing trust funds given, bequeathed, or devised to or for the benefit of the National Cultural Center. The income as and when collected shall be placed in such depositories as the Board shall determine and shall be subject to expenditure by the Board.

(b) The Board shall appoint and fix the compensation and duties of a director, an assistant director, and a secretary of the National Cultural Center and of such other officers and employees of the National Cultural Center as may be necessary for the efficient administration of the functions of the Board. The director, assistant director, and secretary shall be well qualified by experience and training to perform the duties of their office.

(c) The actions of the Board, including any payment made or directed to be made by it from any trust funds, shall not be subject to review by any officer or agency other than a court of law.

ADMINISTRATION

SEC. 6. (a) The Board is authorized to adopt an official seal which shall be judicially noticed and to make such bylaws, rules, and regulations, as it deems necessary for the administration of its functions under this Act, including, among other matters, bylaws, rules, and regulations relating to the administration of its trust funds and the organization and procedure of the Board. The Board may function

notwithstanding vacancies and eight members of the Board shall constitute a quorum for the transaction of business.

(b) The Board shall have all the usual powers and obligations of a trustee in respect of all trust funds administered by it.

(c) The Board shall submit to the Smithsonian Institution an annual report of its operations under this Act, including a detailed statement of all public and private moneys received and disbursed by it.

TERMINATION

SEC. 7. (a) This Act shall cease to be effective, and all offices created by this Act and all appointments made under this Act shall terminate, if the Board of Regents of the Smithsonian Institution does not find that sufficient funds to construct the National Cultural Center have been received by the Trustees of the National Cultural Center within five years after the date of enactment of this Act.

(b) If the offices of Trustees of the National Cultural Center terminate under the provisions of subsection (a), all funds and property (real and personal) accepted by the Trustees of the National Cultural Center under section 5 (a), and income therefrom, shall vest in the Board of Regents of the Smithsonian Institution and shall be used by the Board of Regents of the Smithsonian Institution to carry out the purposes of the Act entitled "An Act to provide for the transfer of the Civil Service Commission Building in the District of Columbia to the Smithsonian Institution to house certain art collections of the Smithsonian Institution," approved March 28, 1958, and for the acquisition of works of art to be housed in the building referred to in such Act.

Approved September 2, 1958.

Ante, p. 68.

Public Law 85-875

AN ACT

September 2, 1958
[H. R. 13191]

To require the Commissioner of Education to encourage, foster, and assist in the establishment of clubs for boys and girls especially interested in science.

Science clubs.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to strengthen future scientific accomplishment in our Nation by assisting in the development of a body of boys and girls with a special interest in science, there is hereby authorized to be appropriated for the fiscal year ending June 30, 1959, and for each fiscal year thereafter, such sums, not in excess of \$50,000, as may be necessary to enable the Commissioner of Education to encourage, foster, and assist in the establishment in localities throughout the Nation of clubs which are composed of boys and girls who have an especial interest in science.

SEC. 2. (a) The Commissioner of Education shall carry out his duties under the first section with a view to the ultimate chartering by the Congress of a corporation, similar to the Future Farmers of America, which will seek to—

- (1) develop an interest in science on the part of the young people of America,
- (2) provide an opportunity for the exchange of scientific information and ideas among members of the clubs,
- (3) encourage the promotion of science fairs at which members of the clubs may display their scientific works and projects, and
- (4) develop an awareness of the satisfactions to be derived through a career devoted to science.

(b) The Commissioner of Education may utilize any of the personnel and facilities of the Office of Education in carrying out this Act.
Approved September 2, 1958.

Public Law 85-876

AN ACT

September 2, 1958
[S. 2039]

To clarify the requirements with respect to the performance of labor imposed as a condition for the holding of mining claims on Federal lands pending the issuance of patents therefor.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the term "labor", as used in the third sentence of section 2324 of the Revised Statutes (30 U. S. C. 28), shall include, without being limited to, geological, geochemical and geophysical surveys conducted by qualified experts and verified by a detailed report filed in the county office in which the claim is located which sets forth fully (a) the location of the work performed in relation to the point of discovery and boundaries of the claim, (b) the nature, extent, and cost thereof, (c) the basic findings therefrom, and (d) the name, address, and professional background of the person or persons conducting the work. Such surveys, however, may not be applied as labor for more than two consecutive years or for more than a total of five years on any one mining claim, and each such survey shall be nonrepetitive of any previous survey on the same claim.

Mining claims,
labor require-
ments.

SEC. 2. As used in this Act,

(a) The term "geological surveys" means surveys on the ground for mineral deposits by the proper application of the principles and techniques of the science of geology as they relate to the search for and discovery of mineral deposits;

Definitions.

(b) The term "geochemical surveys" means surveys on the ground for mineral deposits by the proper application of the principles and techniques of the science of chemistry as they relate to the search for and discovery of mineral deposits;

(c) The term "geophysical surveys" means surveys on the ground for mineral deposits through the employment of generally recognized equipment and methods for measuring physical differences between rock types or discontinuities in geological formations;

(d) The term "qualified expert" means an individual qualified by education or experience to conduct geological, geochemical or geophysical surveys, as the case may be.

Approved September 2, 1958.

Public Law 85-877

AN ACT

September 2, 1958
[S. 3944]

To authorize the negotiation of a compact between the State of Minnesota and the Province of Manitoba, Canada, for the development of a highway to provide access to the northwest angle in such State.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby given to the State of Minnesota to negotiate and enter into a compact with the Province of Manitoba, Canada, for the development of a highway to provide access to the northwest angle in such State. Such compact shall not be binding or obligatory upon the State of Minnesota unless and until it has been ratified by such State and by the Province of Manitoba and approved by the Congress of the United States.

Compact, Minne-
sota and Canada.

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

Approved September 2, 1958.

Public Law 85-878

AN ACT

September 2, 1958
[H. R. 7860]

To amend section 1 of the Act of July 24, 1956 (70 Stat. 625), entitled "To provide that payments be made to certain members of the Pine Ridge Sioux Tribe of Indians as reimbursement for damages suffered as the result of the establishment of the Pine Ridge aerial gunnery range."

Indians.
Pine Ridge Sioux
tribe.
Payments.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Act of July 24, 1956 (70 Stat. 625), is hereby amended to read as follows:

"That (a) the Secretary of the Interior is authorized and directed to pay the sum of \$3,500 to each of the following Indians or their estates: Edith Apple Bear, Ephriam Brafford, Catherine Jones Brewer, Lamont Cook, Eloise Ruff Garnett, Jake Harvey, Ambrose Hernandez, Floyd F. Hernandez, Thomas Hollow Horn, Steven L. Hunter, Edward Janis, Junior, Norman Janis, George Jensen, William Jones, Carrie Knee, Clency Kocer, Seth P. Martinez, Walter Martinez, George Mountain Sheep, Jack O'Rourke, Wilbur Pourier, Josephine Thunder Bull, Gilbert Twiss, Martha E. Clifford Whiting, Patrick O'Rourke, William Clifford, Bertha Huebner Darling, and Loren Pourier.

"(b) The Secretary is further authorized and directed to pay the sum of \$1,750 to Stephen Red Elk (or his estate) and \$1,750 to Emma Old Horse (or her estate).

"(c) The payment of such sums shall be in full satisfaction of all claims of the aforementioned Indians against the United States for compensation for damages sustained by them as a result of the taking by the Department of the Army in 1942 of certain land owned by the Pine Ridge Sioux Tribe of Indians, South Dakota, for use as an aerial gunnery range.

Tax exemption.

"(d) Sums paid pursuant to this Act shall not be taxable and shall not be subject to any liens except for debts owed to the United States or to Indian organizations indebted to the United States."

SEC. 2. Notwithstanding the provisions of section 1 of the Act of July 24, 1956, as amended by section 1 of this Act, no person to whom has been paid the compensation provided for in said Act of July 24, 1956, as it existed prior to its amendment, shall be entitled to receive compensation under said Act as amended.

Approved September 2, 1958.

Public Law 85-879

AN ACT

September 2, 1958
[H. R. 7544]

To amend the Act entitled "An Act to recognize the high public service rendered by Major Walter Reed and those associated with him in the discovery of the cause and means of transmission of yellow fever", approved February 28, 1929, by including therein the name of Roger P. Ames.

Walter Reed As-
sociates.
Roger P. Ames.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to recognize the high public service rendered by Major Walter Reed and those associated with him in the discovery of the cause and means of transmission of yellow fever", approved February 28, 1929 (45 Stat. 1409), is amended by inserting after "Aristides Agramonte," the first time it appears in such Act the following: "Roger P. Ames,".

Approved September 2, 1958.

Public Law 85-880

AN ACT

To provide for participation of the United States in the World Science-Pan Pacific Exposition to be held at Seattle, Washington, in 1961, and for other purposes.

September 2, 1958
[S. 3680]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President, through an executive department or independent agency designated by him, shall cooperate with the Washington State World Fair Commission with respect to, and determine the extent to which the United States shall be a participant and an exhibitor at, the World Science-Pan Pacific Exposition (hereafter in this Act referred to as the "exposition") which is being held at Seattle, Washington, in 1961. The purposes of such exposition are to—

World Science-Pan Pacific Exposition, Seattle, Wash.

- (1) commemorate the centennial of the physical fixing of the boundary line between the United States of America and Canada,
- (2) depict the role of science in modern civilization, and
- (3) exhibit the varied cultures of the nations of the Pacific Rim.

The President is authorized, by proclamation or in such other manner as he may deem proper, to invite the several States of the Union and foreign countries to take part in the exposition: *Provided*, That no Communist de facto government holding any people of the Pacific Rim in subjugation be invited to participate.

SEC. 2. There shall be in the designated department or independent agency a Commissioner for the exposition who shall be appointed by the President by and with the advice and consent of the Senate, and who shall receive compensation at the rate of \$17,500 per annum. The head of the designated department or independent agency shall prescribe the duties of the Commissioner and may delegate such powers and duties to him as are deemed advisable in order to carry out this Act.

Commissioner, appointment by President.

SEC. 3. In carrying out the provisions of this Act, the head of the designated department or independent agency may—

- (1) appoint, without regard to the civil-service laws and the Classification Act of 1949, such persons as he deems to be necessary to carry out the provisions of this Act, except that no person appointed under this paragraph shall receive compensation from the United States at a rate in excess of that received by persons under the Classification Act of 1949 for performing comparable duties;
- (2) enter into such contracts as may be necessary to provide for United States participation in the exposition;
- (3) erect such buildings and other structures as may be necessary for United States participation in the exposition, on land owned by the State of Washington or by any local government of such State or any political subdivision or instrumentality of either: *Provided*, That all laborers and mechanics employed by contractors or subcontractors in the performance of work on such buildings and other structures shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Bacon-Davis Act, as amended (40 U. S. C., sec. 276a-276a-5);
- (4) purchase books of reference, newspapers, and periodicals;
- (5) incur such other expenses as may be necessary to carry out the purposes of this Act; and
- (6) accept any gifts, loans, donations, or devices to be used in carrying out the provisions of this Act.

63 Stat. 954.
5 USC 1071 note.

46 Stat. 1494.

SEC. 4. The head of each department, agency, or instrumentality of the Federal Government is authorized—

(1) to cooperate with the head of the designated department or independent agency with respect to United States participation in the exposition, and

(2) to make available to the head of the designated department or independent agency, from time to time, on a reimbursable basis, such personnel as may be necessary to assist the designated department or independent agency in carrying out its functions under this Act.

Reports to Congress.

SEC. 5. (a) The President shall report to the Congress during the first regular session of Congress which begins after the date of enactment of this Act with respect to (1) the most effective manner of representation of the United States at the exposition, taking into account the avoidance of undue competition among governments, and (2) the amount of appropriations which are necessary to accomplish such representation.

(b) The President shall report to the Congress within six months after the date of the official close of the exposition on the activities of the Federal Government pursuant to this Act, including a detailed statement of expenditures. Upon transmission of such report to the Congress, all appointments made under this Act shall terminate.

SEC. 6. After the close of the exposition, all property purchased or erected with funds provided pursuant to this Act shall be disposed of in accordance with the Federal Property and Administrative Services Act of 1949, and other applicable Federal laws relating to the disposition of excess and surplus property.

63 Stat. 377.

Appropriation.

SEC. 7. There are hereby authorized to be appropriated not to exceed \$125,000 to carry out the provisions of this Act.

Approved September 2, 1958.

Public Law 85-881

AN ACT

September 2, 1958
[S. 2006]

To relieve the Surgeons General of the Army and Navy of certain responsibilities outside the Department of Defense.

Armed Forces.
Army and Navy
Surgeons General,
responsibilities.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 4818 of the Internal Revenue Code of 1954 (relating to administrative decisions in respect of adulterated butter) is amended—

(1) by striking out “(a) TAXABILITY.—”; and

(2) by striking out subsections (b) and (c) thereof.

68A Stat. 575,
578.
Repeal.

(b) (1) Section 4835 of the Internal Revenue Code of 1954 (relating to administrative decisions in respect of filled cheese) is repealed.

68A Stat. 576.

(2) The table of sections for subpart A of part II of subchapter C of chapter 39 of the Internal Revenue Code of 1954 is amended by striking out

“Sec. 4835. Administrative decisions.”

Repeal.
68A Stat. 868.

(c) Paragraph (2) of section 7303 of the Internal Revenue Code of 1954 (providing for forfeiture of certain property) is repealed.

SEC. 2. Section 351 (d) of the Public Health Service Act (58 Stat. 702; 42 U. S. C., sec. 262 (d)) is amended by striking out “regulations made jointly by the Surgeon General, the Surgeon General of the Army, and the Surgeon General of the Navy, and approved by the Administrator,” and inserting in lieu thereof “regulations.”

Approved September 2, 1958.

Public Law 85-882

AN ACT

To provide for adjustments in the annuities under the Foreign Service retirement and disability system.

September 2, 1958
[S. 3379]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the annuity of each retired officer who, on August 1, 1958, is receiving or entitled to receive an annuity from the Foreign Service Retirement and Disability Fund, based on service which terminated on or before January 31, 1958, shall be increased by 10 per centum.

Foreign Service.
Retirement.

(b) The annuity otherwise payable from the Foreign Service Retirement and Disability Fund to—

(1) each survivor annuitant who, on August 1, 1958, is receiving or entitled to receive an annuity based on service which terminated on or before January 31, 1958, and

(2) each person granted an annuity in accordance with section 5 of the Act of May 1, 1956 (70 Stat. 125), shall be increased by 10 per centum.

22 USC 1079.

(c) The increases provided by subsections (a) and (b) of this section shall become effective on the first day of the second calendar month following enactment of this Act.

SEC. 2. The annuity of each retired officer who, on or after August 1, 1958, is receiving or entitled to receive an annuity from the Foreign Service Retirement and Disability Fund, based on service which terminated on or after February 1, 1958, shall be increased effective on the first day of the second calendar month following enactment of this Act or on the commencing date of annuity, whichever is later, in accordance with the following schedule:

If annuity commences between—	Annuity shall be increased by—
February 1, 1958 and June 30, 1959.....	8 per centum
July 1, 1959 and June 30, 1960.....	6 per centum
July 1, 1960 and June 30, 1961.....	4 per centum
July 1, 1961 and June 30, 1962.....	2 per centum

SEC. 3. The annuity of any survivor annuitant who, on or after August 1, 1958, is receiving or entitled to receive an annuity from the Foreign Service Retirement and Disability Fund, based on service which terminated on or after February 1, 1958, shall be increased effective on the first day of the second calendar month following enactment of this Act or on the commencing date of annuity, whichever is later, in accordance with the following schedule:

If annuity commences between—	Annuity shall be increased by—
February 1, 1958 and June 30, 1959.....	8 per centum
July 1, 1959 and June 30, 1960.....	6 per centum
July 1, 1960 and June 30, 1961.....	4 per centum
July 1, 1961 and June 30, 1962.....	2 per centum

SEC. 4. No increase provided by this Act shall be computed on any additional annuity purchased with voluntary contributions pursuant to the provisions of section 881 of the Foreign Service Act of 1946, as amended.

60 Stat. 1025.
22 USC 1116.

SEC. 5. No annuity of a retired officer shall be increased under any section of this Act in an amount in excess of \$500 per annum. No annuity of a survivor annuitant shall be increased under any section of this Act in an amount in excess of \$250 per annum.

Approved September 2, 1958.

Public Law 85-883

JOINT RESOLUTION

September 2, 1958
[S. J. Res. 135]

Providing for the construction of demonstration plants for the production, from saline or brackish waters, of water suitable for agricultural, industrial, municipal, and other beneficial consumptive uses.

Whereas official Government reports show unmistakably that the United States population is multiplying at a rate which by 1980 will triple the demand for supplies of fresh water, which if not available will adversely affect the national defense by jeopardizing the economic welfare and general well-being of vast segments of the population of the United States, as well as the population of some of our Territorial possessions; and

Whereas many cities, towns, and rural areas are already confronted by shortages of potable water that imperil health; and

Whereas the expanding population, industry, and agriculture of the United States are becoming increasingly dependent upon an assured augmented supply of fresh water while the future welfare and national defense of the United States rest upon increased sources of fresh water; and

Whereas research by governmental agencies, educational institutions, and private industry has brought about the evolution, on a limited scale, of methods of desalting sea water and the treatment of brackish water which give promise of ultimate economical results; and

Whereas the United States Government has the responsibility, along with safeguarding the national defense, and protecting the health, welfare, and economic stability of the country, to transform these experiments into production tests on a scale not possible of achievement otherwise; and

Whereas the Congress recognized its responsibility in this field by the enactment in 1952 of the Saline Water Act (66 Stat. 328), reaffirmed its position by the amendments to such Act in 1955 (69 Stat. 198); and the legislative history of such Acts reveals that the Congress recognized even then that the time had arrived for tackling the problem more realistically and effectively, but unfortunately the program was limited to such an extent that concrete results are not possible of attainment under the provisions of existing legislation; and

Whereas the Congress now finds it is in the national interest to demonstrate, with the least possible delay, in actual production tests the several optimum aspects of the construction, operation, and maintenance of sea water conversion and brackish water treatment plants: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled. That (a) the Secretary of the Interior shall, pursuant to the provisions of the Act of July 3, 1952, as amended (42 U. S. C. 1951-1958), and in accordance with this joint resolution, provide for the construction, operation, and maintenance of not less than five demonstration plants for the production, from sea water or brackish water, of water suitable for agricultural, industrial, municipal, and other beneficial consumptive uses. Such plants shall be designed to demonstrate the reliability, engineering, operating, and economic potentials of the sea or brackish water conversion processes which the Secretary shall select from among the most promising of the presently known processes, and each plant shall demonstrate a different process. A decision with respect to the process to be utilized in the first of these five plants shall be made by the Secretary within six months after the date of approval of this joint resolution and decisions with respect to the processes to be utilized in the

42 USC 1951 et
seq.

Saline water re-
search.
Demonstration
plants.
66 Stat. 328.

other plants shall follow at intervals of not more than three months. Each such decision shall be reported promptly to the Congress and the construction of the plants shall proceed as rapidly as is possible.

Report to Congress.

(b) The construction of the demonstration plants referred to above shall be subject to the following conditions:

(1) Not less than three plants shall be designed for the conversion of sea water, and each of two plants so designed shall have a capacity of not less than one million gallons per day;

(2) Not less than two plants shall be designed for the treatment of brackish water, and at least one of the plants so designed shall have a capacity of not less than two hundred and fifty thousand gallons per day; and

(3) Such plants shall be located in the following geographical areas with a view to demonstrating optimum utility from the standpoint of reliable operation, maintenance, and economic potential—

(A) At least one plant which is designed for the conversion of sea water shall be located on the west coast of the United States, at least one such plant shall be located on the east coast thereof, and at least one such plant shall be located on the gulf coast thereof; and

(B) at least one plant which is designed for the treatment of brackish water shall be located in the area generally described as the Northern Great Plains and at least one such plant shall be located in the arid areas of the Southwest.

(c) As used in this joint resolution, the term "demonstration plant" means a plant of sufficient size and capacity to establish on a day-to-day operating basis the optimum attainable reliability, engineering, operating, and economic potential of the particular sea water conversion process or the brackish water treatment process selected by the Secretary of the Interior for utilization in such plant.

SEC. 2. The Secretary of the Interior shall enter into a contract or contracts for the construction of the demonstration plants referred to in the preceding section, and the Secretary shall enter into a separate contract or contracts for the operation and maintenance of such plants. Any such operation and maintenance contract shall provide for the compilation by the contractor of complete records with respect to the operation, maintenance, and engineering of the plant or plants specified in the contract. The records so compiled shall be made available to the public by the Secretary at periodic and reasonable intervals with a view to demonstrating the most feasible existing processes for desalting sea water and treating brackish water. Access by the public to the demonstration plants herein provided for shall be assured during all phases of construction and operation subject to such reasonable restrictions as to time and place as the Secretary of the Interior may require or approve.

Contracts.

SEC. 3. The Secretary is authorized to accept financial and other assistance from any State or public agency in connection with studies, surveys, location, construction, operation, or other work relating to saline or brackish water conversion problems and facilities for such conversion, and to enter into contracts with respect to such assistance, which contracts shall detail the purposes for which the assistance is contributed. Any funds so contributed shall be available for expenditure by the Secretary in like manner as if they had been specifically appropriated for purposes for which they are contributed, and any funds not expended for these purposes shall be returned to the State or public agency from which they were received.

Public assistance.

SEC. 4. The authority of the Secretary of the Interior under this joint resolution to construct, operate, and maintain demonstration plants shall terminate upon the expiration of seven years after the date on which this joint resolution is approved. Upon the expiration

Termination of authority.

of such seven-year period the Secretary shall proceed as promptly as practicable to dispose of any plants so constructed by sale to the highest bidder, or as may otherwise be directed by Act of Congress. Upon such sale, there shall be returned to any State or public agency which has contributed financial assistance under section 3 of this Act a proper share of the net proceeds of the sale.

Administration.

SEC. 5. The powers conferred on the Secretary of the Interior by this joint resolution shall be in addition to and not in derogation of the authority conferred on the Secretary by the Act of July 3, 1952, as amended (42 U. S. C. 1951-1958). The provisions of such Act, except as otherwise provided in this joint resolution, shall be applicable in the administration of this joint resolution.

Contracts.

SEC. 6. When appropriations have been made for the construction or operation and maintenance of any demonstration plant under this joint resolution, the Secretary may, in connection with such construction or operation and maintenance, enter into contracts for construction, for materials and supplies, and for miscellaneous services, which contracts may cover such periods of time as he shall consider necessary but under which the liability of the United States shall be contingent upon appropriations being available therefor. Unobligated appropriations heretofore made to carry out the Act of July 3, 1952 (66 Stat. 328), as amended (42 U. S. C. 1951 and following) shall be available for administrative and technical services, including travel expenses and the procurement of the services of experts, consultants, and organizations thereof in accordance with section 15 of the Act of August 2, 1946 (60 Stat. 806), as amended (5 U. S. C. 55a), in connection with carrying out the provisions of this joint resolution.

Appropriation.

SEC. 7. There are hereby authorized to be appropriated such sums, not in excess of \$10,000,000, as may be necessary to provide for the construction of the demonstration plants referred to in this joint resolution, together with such additional sums as may be necessary for the operation and maintenance of such plants, and the administration of the program authorized by this resolution.

Approved September 2, 1958.

Public Law 85-884

AN ACT

September 2, 1958
[H. R. 11668]

To amend section 39 of the Trading With the Enemy Act of October 6, 1917, as amended.

Trading With the
Enemy Act, amend-
ment.

62 Stat. 1246.
50 USC app. 39.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 39 of the Trading With the Enemy Act of October 6, 1917, as amended, is amended by adding at the end thereof the following new subsection:

“(c) The Attorney General is authorized and directed, immediately upon the enactment of this subsection, to cover into the Treasury of the United States, for deposit into the War Claims Fund, from property vested in or transferred to him under this Act, such sums, not to exceed \$3,750,000 in the aggregate, as may be necessary to satisfy unpaid awards heretofore or hereafter made under the War Claims Act of 1948, as amended. There is hereby authorized to be appropriated to the Attorney General such sums as may be necessary to replace the sums deposited by him pursuant to this subsection.”

Appropriations.

Approved September 2, 1958.

Public Law 85-885

AN ACT

To authorize appropriations for continuing the construction of the Rama Road in Nicaragua.

September 2, 1958
[S. 3712]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated to the Department of State, in addition to the sums heretofore authorized, the sum of \$4,000,000, to be available until expended, for discharging the United States obligation under the applicable agreement with the Government of Nicaragua: *Provided,* That the survey and construction work shall be under the general supervision of the Secretary of Commerce: *Provided further,* That funds appropriated pursuant to this authorization shall not be available for expenditure except under the conditions set forth in section 5 of the Federal-Aid Highway Act of 1952 (66 Stat. 160), with respect to the authorization contained in that section.

Rama Road,
Nicaragua.
Appropriation.

Approved September 2, 1958.

Public Law 85-886

AN ACT

To amend the Federal Property and Administrative Services Act of 1949 to extend the authority to lease out Federal building sites until needed for construction purposes and the Act of June 24, 1948 (62 Stat. 644), and for other purposes.

September 2, 1958
[S. 3142]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 210 (a) of the Federal Property and Administrative Services Act of 1949, as amended (40 U. S. C. 490 (a)), is further amended by—

Federal Property
and Administrative
Services Act of
1949, amendment.
64 Stat. 580.

- (1) striking out, in paragraph (11), the word "and";
- (2) striking out the period at the end of paragraph (12), and inserting in lieu thereof a semicolon and the word "and"; and
- (3) adding at the end thereof the following new paragraph:

"(13) to enter into leases of Federal building sites and additions to sites, including improvements thereon, until they are needed for construction purposes, at their fair rental value and upon such other terms and conditions as the Administrator deems in the public interest pursuant to the provisions of section 203 (e) hereof. Such leases may be negotiated without public advertising for bids if the lessee is the former owner from whom the property was acquired by the United States or his tenant in possession, and the lease is negotiated incident to or in connection with the acquisition of the property. Rentals received under leases executed pursuant to this paragraph may be deposited into the Buildings Management Fund established by subsection (f) of this section."

Federal building
sites, leases, etc.

SEC. 2. The Act of June 24, 1948, ch. 626 (62 Stat. 644) is amended by deleting the last sentence thereof in its entirety, and substituting in lieu thereof the following: "The rentals received pursuant to this Act may be deposited in the Buildings Management Fund, established pursuant to section 210 (f) of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended."

Buildings Man-
agement Fund.

66 Stat. 594.
40 USC 490.

SEC. 3. Section 210 (f) of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, is further amended by—

(1) inserting in the first sentence thereof, immediately after the words "buildings management operations and related services", the words ", including demolition and improvement with respect to Federal building sites authorized to be leased pursuant to section 210 (a) of this Act."; and

(2) deleting from the third proviso thereof the words "shall not be available for expenses of carrying out the provisions of the Act of June 24, 1948 (62 Stat. 644), or section 5 of the Act of May 25, 1926, as amended (40 U. S. C. 345), and shall not be credited with receipts from operations under said provisions of law, or", and inserting in lieu thereof the words "shall not be credited".

44 Stat. 633.

Repeal.
44 Stat. 634.

SEC. 4. The third paragraph of section 5 of the Public Buildings Act of 1926 (44 Stat. 630), as amended by section 402 of the Public Buildings Act of 1949 (63 Stat. 199; 40 U. S. C. 345) is hereby repealed.

Approved September 2, 1958.

Public Law 85-887

AN ACT

September 2, 1958
[S. 2719]

Authorizing and directing the Secretary of the Interior to investigate and eradicate the predatory dogfish sharks to control the depredations of this species on the fisheries of the Pacific coast, and for other purposes.

Dogfish sharks,
eradication.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized and directed to prosecute, for a period of not to exceed four years from the date of approval of this Act, investigations of the abundance and distribution of dogfish sharks, experiments to develop control measures, and a vigorous program for the elimination and eradication or development of economic uses of dogfish shark populations.

SEC. 2. In carrying out the foregoing purposes and objectives the Secretary of the Interior is authorized to cooperate with the official conservation agencies of the States bordering on the Pacific coast, with the commercial fishing industry, and with other governmental or private agencies, organizations, or individuals having jurisdiction over or an interest in the fisheries of the Pacific coast.

Appropriation.

SEC. 3. There is authorized to be appropriated from time to time, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary not to exceed \$95,000 per annum to carry out the purposes and objectives of this Act.

Approved September 2, 1958.

Public Law 85-888

AN ACT

September 2, 1958
[S. 3295]

To amend the Fish and Wildlife Act of 1956 in order to increase the authorization for the fisheries loan fund established under such Act.

16 USC 742c.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (c) of section 4 of the Fish and Wildlife Act of 1956 (70 Stat. 1121) is amended by striking out "\$10,000,000" and inserting in lieu thereof "\$20,000,000".

Approved September 2, 1958.

Public Law 85-889

AN ACT

To approve a repayment contract negotiated with the Heart Mountain Irrigation District, Wyoming, and to authorize its execution.

September 2, 1958
[S. 4088]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the contract negotiated pursuant to section 7 of the Reclamation Project Act of 1939 by the Secretary of the Interior with the Heart Mountain Irrigation District, which was approved as to form by the Department of the Interior on May 28, 1958, and approved by resolution of the Heart Mountain Irrigation District Board of Commissioners on March 20, 1958, is approved and execution thereof by the Secretary of the Interior on behalf of the United States is hereby authorized after the contract has been approved by the electors of the District.

Approved September 2, 1958.

Heart Mountain
Irrigation District,
Wyo.
53 Stat. 1192.
43 USC 485f.

Public Law 85-890

AN ACT

To amend the Act of March 3, 1901 (31 Stat. 1449), as amended, to incorporate in the Organic Act of the National Bureau of Standards the authority to acquire land for field sites, to undertake construction and improvement of buildings and for other activities.

September 2, 1958
[S. 2114]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to establish the National Bureau of Standards", approved March 3, 1901, as amended, is amended by adding the following sections:

"SEC. 13. To the extent that funds are specifically appropriated therefor, the Secretary of Commerce is authorized to acquire land for such field sites as are necessary for the proper and efficient conduct of the activities authorized herein.

Field sites,
70 Stat. 959,
15 USC 271 et
seq.

"SEC. 14. Within the limits of funds which are appropriated for the National Bureau of Standards, the Secretary of Commerce is authorized to undertake such construction of buildings and other facilities and to make such improvements to existing buildings, grounds, and other facilities occupied or used by the National Bureau of Standards as are necessary for the proper and efficient conduct of the activities authorized herein: *Provided*, That no improvement shall be made nor shall any building be constructed under this authority at a cost in excess of \$40,000 unless specific provision is made therefor in the appropriation concerned.

Improvements,
etc.

"SEC. 15. In the performance of the functions of the National Bureau of Standards the Secretary of Commerce is authorized to undertake the following activities: (a) The purchase, repair, and cleaning of uniforms for guards; (b) the repair and alteration of buildings and other plant facilities; (c) the rental of field sites and laboratory, office, and warehouse space; (d) the purchase of reprints from technical journals or other periodicals and the payment of page charges for the publication of research papers and reports in such journals; (e) the furnishing of food and shelter without repayment therefor to employees of the Government at Arctic and Antarctic stations; (f) for the conduct of observations on radio propagation phenomena in the Arctic or Antarctic regions, the appointment of employees at base rates established by the Secretary of Commerce which shall not exceed such maximum rates as may be

Functions.

specified from time to time in the appropriation concerned, and without regard to the civil service and classification laws and titles II and III of the Federal Employees Pay Act of 1945; and (g) the erection on leased property of specialized facilities and working and living quarters when the Secretary of Commerce determines that this will best serve the interests of the Government."

59 Stat. 296, 298;
68 Stat. 1109,
5 USC 911 *et seq.*,
921 *et seq.*

15 USC 278a.

SEC. 2. Such Act is further amended in section 11, paragraph (a) by striking out the word "therein" and substituting therefor the word "herein".

Repeal.

SEC. 3. The Act entitled "An Act to provide authority for certain functions and activities in the Department of Commerce and for other purposes" approved July 21, 1950, is hereby repealed in its entirety. Approved September 2, 1958.

64 Stat. 370,
15 USC 285, 286.

Public Law 85-891

AN ACT

September 2, 1958
[S. 4249]

To authorize a program for the conservation, restoration, and management of the rare Hawaiian Nene goose.

Hawaiian Nene
goose, preserva-
tion.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whereas there are less than fifty Nene geese in the wild state in the Territory of Hawaii, and this unique, native species of waterfowl is threatened with imminent extinction, the Secretary of the Interior is hereby authorized and directed to promote a program of research, propagation, and management necessary to effect the restoration of this threatened species in its natural habitat.

Appropriation.

SEC. 2. The sum of \$15,000 per annum is hereby authorized to be appropriated each year for a period of five years to carry out the purposes of this Act.

Approved September 2, 1958.

Public Law 85-892

AN ACT

September 2, 1958
[S. 3942]

For the relief of certain distressed aliens.

Nationals of
Portugal and the
Netherlands, re-
lief.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of any other law, there are hereby authorized to be issued (A) fifteen hundred special nonquota immigrant visas to aliens, specified in section 2 of this Act, and (B) a number of special nonquota immigrant visas not to exceed the annual quota allocated under the Immigration and Nationality Act to the quota area of the Netherlands to aliens specified in section 3 of this Act seeking to enter the United States as immigrants. The spouse of any such alien and his unmarried sons or daughters under twenty-one years of age, including stepsons or stepdaughters, and sons or daughters adopted prior to July 1, 1958, if accompanying them, may be issued special nonquota immigrant visas notwithstanding the numerical limitations herein provided.

66 Stat. 169,
8 USC 1101.

SEC. 2. Visas authorized to be issued under clause (A) of section 1 of this Act shall be issued only to nationals or citizens of Portugal who, because of natural calamity in the Azores Islands subsequent to September 1, 1957, are out of their usual place of abode in such islands and unable to return thereto, and who are in urgent need of assistance for the essentials of life.

SEC. 3. Visas authorized to be issued under clause (B) of section 1 of this Act shall be issued only to nationals or citizens of the Netherlands who have been displaced from their usual place of abode in the Republic of Indonesia subsequent to January 1, 1949, and who were residing in continental Netherlands on the enactment date of this Act.

SEC. 4. Visas authorized to be issued under this Act may be issued by consular officers as defined in the Immigration and Nationality Act in accordance with the provisions of section 221 of that Act: *Provided*, That each such alien is found to be eligible to be issued an immigrant visa and to be admitted to the United States under the provisions of the Immigration and Nationality Act: *Provided further*, That a quota number is not available to such alien at the time of his application for a visa.

8 USC 1201.

SEC. 5. Aliens receiving visas under clause (A) of section 1 of this Act shall be exempt from paying the fees prescribed in paragraphs (1) and (2) of section 281 of the Immigration and Nationality Act.

8 USC 1351.

SEC. 6. Except as otherwise specifically provided in this Act, the definitions contained in section 101 (a) and (b) of the Immigration and Nationality Act shall apply in the administration of this Act.

8 USC 1101.

SEC. 7. No special nonquota immigrant visa shall be issued under this Act after June 30, 1960.

Approved September 2, 1958.

Public Law 85-893

AN ACT

To amend that part of the Act of June 9, 1896 (29 Stat. 313), relating to the establishment of postal stations and branch post offices, so as to permit them to be established within ten miles of the boundary of the adjoining city.

September 2, 1958
[H. R. 10495]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the third proviso in the first paragraph under the heading "Office of the First Assistant Postmaster General" in the Act of June 9, 1896 (29 Stat. 313; 39 U. S. C. 160), is hereby amended by striking out "five miles", and by inserting, in lieu thereof, "ten miles".

Postal service.

SEC. 2. Section 215 of the Postal Rate Increase Act, 1958, is amended by striking out "205 (5)," in subsection (b) and by adding at the end of such section a new subsection as follows:

Ante, p. 143.

"(g) The provisions of section 205 (5) of this title shall become effective on May 1, 1959."

Effective date.

Approved September 2, 1958.

Public Law 85-894

AN ACT

To amend title 32 of the United States Code to permit the appointment of the Adjutant General of Puerto Rico as provided by the laws of the Commonwealth of Puerto Rico.

September 2, 1958
[H. R. 13666]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 3, section 314 (b) of title 32 of the United States Code is amended by striking from the first and second sentences thereof the words "Puerto Rico," and the preceding commas.

Approved September 2, 1958.

Public Law 85-895

AN ACT

September 2, 1958
[H. R. 12883]

To provide for certain improvements relating to the Capitol Power Plant and its distribution systems.

Capitol Power
Plant, improve-
ments.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Architect of the Capitol, under the direction of the House Office Building Commission, is hereby authorized and directed to effect the following improvements, with such modifications as the Commission may approve, relating to the Capitol Power Plant and its distribution systems:

(1) Install, in addition to the present boiler equipment, four new boilers, each approximately fifty thousand pounds per hour capacity, two hundred fifty pounds per square inch gage, including necessary auxiliary equipment, in the existing Capitol Power Plant building for supplying steam and other required services for the buildings now supplied by the plant, for the Additional House Office Building and other improvements authorized by the Additional House Office Building Act of 1955, approved April 22, 1955 (69 Stat. 41, 42), and for other additions and improvements authorized to be supplied with steam from the Capitol Power Plant; also install a fuel storage and distribution system at the Capitol Power Plant, including additions to the existing railroad siding at the Capitol Power Plant.

(2) Install at the Capitol Power Plant, in lieu of existing deteriorated equipment, new coal-handling equipment of increased capacity and make necessary changes to the existing coal storage bunkers in the Capitol Power Plant to effect improvements in operation.

(3) Increase the capacity of the refrigeration plant at the Capitol Power Plant from eight thousand eight hundred tons to approximately fourteen thousand eight hundred tons of refrigeration by the installation of two or more centrifugal compressor units, complete with pumps and necessary auxiliary equipment and connect the same to the existing chilled water distribution systems; install an additional cooling tower at the Capitol Power Plant to supply cooling water for the expanded refrigeration plant, together with necessary cooling water pumps, piping and valves; install transformer and electrical equipment, and all other necessary incidental items—all as required to supply chilled water for the buildings now supplied by the plant, for the additional House Office Building and other improvements authorized by the Additional House Office Building Act of 1955, approved April 22, 1955 (69 Stat. 41, 42), and for other additions and improvements authorized to be supplied with refrigeration from the Capitol Power Plant.

(4) Install in the existing subway between the Capitol and Senate Office Buildings, in lieu of existing piping, new chilled water pipes of increased capacity.

(5) Install new underground chilled water piping between the present terminus of the pipe tunnel under Constitution Avenue west of First Street Northeast and the new chilled water pipes to be installed under paragraph (4) of this section, and connect the same with the existing chilled water system.

(6) Install new steam pipes of increased capacity in the existing pipe tunnel under the courtyard of the Senate Office Building; install new steam pipes in the basement of the Senate Office Building from the west end of the courtyard tunnel to the existing subway between the Capitol and Senate Office Buildings, through such subway to the Capitol Building, and through the Capitol Building to the House

wing of the Capitol and connect the same to the existing services in the Capitol Building. Discontinue the use of, and remove, the existing steam pipes between Independence Avenue and the Capitol Building which conflict with the new subways to be constructed between the House Office Buildings and the Capitol Building; and discontinue the use of, and remove, the obsolete steam piping under the Capitol Grounds and plaza which presently supply steam to the Capitol Building.

(7) Modify and improve the steam pipe expansion systems in the existing pipe tunnel between the Senate Office Building and the Government Printing Office so that the transmitting capacity of the entire Capitol Power Plant steam distribution system can be increased from one hundred twenty pounds per square inch to two hundred pounds per square inch, which is the present generating pressure of the boilers in the Capitol Power Plant.

(8) Replace the deteriorated cork insulation on the chilled water pipes in the pipe tunnel under South Capitol Street between the Capitol Power Plant and the New House Office Building and install new pipe connections from the South Capitol Street tunnel to the Additional House Office Building, referred to in paragraph (1) of this section, to supply chilled water for air conditioning in that building.

(9) Install new steam and condensate return connections from the existing steam duct under South Capitol Street to the Old House Office Building, via C Street Southeast, to supply steam for heating and other existing services in the Old House Office Building, and abandon the existing steam tunnel under First Street Southeast from the Capitol Power Plant to the Old House Office Building, which presently supplies the steam service for that building.

(10) Install new steam and condensate return connections from the existing steam duct under South Capitol Street to the Additional House Office Building, referred to in paragraph (1) of this section, to supply steam for heating and other services in that building.

(11) Install new steam and condensate return connections from the Additional House Office Building, referred to in paragraph (1) of this section, to the existing steam duct manhole near the intersection of Independence Avenue and First Street Southwest, to supply steam for heating and other existing services in the Botanic Garden, and abandon the steam duct under Independence Avenue between South Capitol Street and First Street Southwest which presently supplies steam service to the Botanic Garden.

(12) Modify and improve the steam expansion systems now supplying the Capitol Building, the New House Office Building, and Botanic Garden, including the drainage of such systems, and make such replacements as may be necessary to the steam and condensate return pipes of such systems.

SEC. 2. The Architect of the Capitol, under the direction of the House Office Building Commission, is hereby authorized and directed to enter into such contracts and to make such expenditures for labor, materials, equipment, personal and other services, structural and other changes, and other items and purposes, as may be necessary to carry out the provisions of this Act.

SEC. 3. There is hereby authorized to be appropriated a total amount not to exceed \$6,500,000 to carry out the provisions of this Act, and the Architect of the Capitol, under the direction of the House

Appropriation.

Office Building Commission, is authorized to obligate such total amount, prior to the actual appropriation of the full amount thereof, after an appropriation of any part of such total amount shall have been made.

Approved September 2, 1958.

Public Law 85-896

AN ACT

September 2, 1958
[H. R. 11382]

To amend title 38 of the United States Code to authorize the conversion or exchange, under certain conditions, of term insurance issued under section 621 of the National Service Life Insurance Act of 1940, and for other purposes.

Term insurance.
Conversion and
exchange.
48 Stat. 526.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That effective as of January 1, 1959, section 723 of title 38, United States Code, is amended as follows:

(1) Subsection (b) is redesignated as subsection (c).

(2) Insert the following new subsection immediately after subsection (a):

“(b) Any term insurance heretofore issued under section 621 of the National Service Life Insurance Act of 1940, may be converted to a permanent plan of insurance or exchanged for a policy of limited convertible five-year level premium term insurance issued under this subsection. Insurance issued under this subsection shall be issued upon the same terms and conditions as are contained in the standard policies of National Service Life Insurance except (1) after September 1, 1960, limited convertible term insurance may not be issued or renewed on the term plan after the insured’s fiftieth birthday; (2) the premium rates for such limited convertible term or permanent plan insurance shall be based on table X-18 (1950-54 Intercompany Table of Mortality) and interest at the rate of 2½ per centum per annum; (3) all settlements on policies involving annuities on insurance issued under this subsection shall be calculated on the basis of The Annuity Table for 1949, and interest at the rate of 2½ per centum per annum; (4) all cash, loan, paid-up, and extended values, and, except as otherwise provided in this subsection, all other calculations in connection with insurance issued under this subsection shall be based on table X-18 (1950-54 Intercompany Table of Mortality) and interest at the rate of 2½ per centum per annum; (5) insurance and any total disability provision added thereto issued under this subsection shall be on a nonparticipating basis and all premiums and other collections therefor shall be credited directly to the revolving fund referred to in subsection (a) and payments on such insurance and any total disability provision added thereto shall be made directly from such fund.”

(3) The second sentence of the subsection redesignated by paragraph (1) as subsection (c) is amended to read as follows: “The rate of interest on such obligations shall be fixed by the Secretary of the Treasury at a rate equal to the rate of interest, computed as of the end of the month preceding the date of issue of such obligations, borne by all marketable interest-bearing obligations of the United States then forming a part of the public debt that are not due or callable until after the expiration of five years from the date of original issue; except that where such average rate is not a multiple of one-eighth of 1 per centum, the rate of interest of such obligations shall be the multiple of one-eighth of 1 per centum nearest such average rate.”

Approved September 2, 1958.

65 Stat. 36.
38 USC 822.

Public Law 85-897

AN ACT

To protect producers and consumers against misbranding and false advertising of the fiber content of textile fiber products, and for other purposes.

September 2, 1958
[H. R. 469]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Textile Fiber Products Identification Act".

Textile Fiber
Products Identifi-
cation Act.

DEFINITIONS

SEC. 2. As used in this Act—

(a) The term "person" means an individual, partnership, corporation, association, or any other form of business enterprise.

(b) The term "fiber" or "textile fiber" means a unit of matter which is capable of being spun into a yarn or made into a fabric by bonding or by interlacing in a variety of methods including weaving, knitting, braiding, felting, twisting, or webbing, and which is the basic structural element of textile products.

(c) The term "natural fiber" means any fiber that exists as such in the natural state.

(d) The term "manufactured fiber" means any fiber derived by a process of manufacture from any substance which, at any point in the manufacturing process, is not a fiber.

(e) The term "yarn" means a strand of textile fiber in a form suitable for weaving, knitting, braiding, felting, webbing, or otherwise fabricating into a fabric.

(f) The term "fabric" means any material woven, knitted, felted, or otherwise produced from, or in combination with, any natural or manufactured fiber, yarn, or substitute therefor.

(g) The term "household textile articles" means articles of wearing apparel, costumes and accessories, draperies, floor coverings, furnishings, beddings, and other textile goods of a type customarily used in a household regardless of where used in fact.

(h) The term "textile fiber product" means—

(1) any fiber, whether in the finished or unfinished state, used or intended for use in household textile articles;

(2) any yarn or fabric, whether in the finished or unfinished state, used or intended for use in household textile articles; and

(3) any household textile article made in whole or in part of yarn or fabric;

except that such term does not include a product required to be labeled under the Wool Products Labeling Act of 1939.

(i) The term "affixed" means attached to the textile fiber product in any manner.

(j) The term "Commission" means the Federal Trade Commission.

(k) The term "commerce" means commerce among the several States or with foreign nations, or in any Territory of the United States or in the District of Columbia, or between any such Territory and another, or between any such Territory and any State or foreign nation or between the District of Columbia and any State or Territory or foreign nation.

(l) The term "Territory" includes the insular possessions of the United States, and also any Territory of the United States.

(m) The term "ultimate consumer" means a person who obtains a textile fiber product by purchase or exchange with no intent to sell or exchange such textile fiber product in any form.

MISBRANDING AND FALSE ADVERTISING DECLARED UNLAWFUL

SEC. 3. (a) The introduction, delivery for introduction, manufacture for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product which is misbranded or falsely or deceptively advertised within the meaning of this Act or the rules and regulations promulgated thereunder, is unlawful, and shall be an unfair method of competition and an unfair and deceptive act or practice in commerce under the Federal Trade Commission Act.

38 Stat. 717.
15 USC 58.

(b) The sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce, and which is misbranded or falsely or deceptively advertised, within the meaning of this Act or the rules and regulations promulgated thereunder, is unlawful, and shall be an unfair method of competition and an unfair and deceptive act or practice in commerce under the Federal Trade Commission Act.

15 USC 58.

(c) The sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, which is misbranded or falsely or deceptively advertised, within the meaning of this Act or the rules and regulations promulgated thereunder, is unlawful, and shall be an unfair method of competition and an unfair and deceptive act or practice in commerce under the Federal Trade Commission Act.

15 USC 58.

(d) This section shall not apply—

(1) to any common carrier or contract carrier or freight forwarder with respect to a textile fiber product received, shipped, delivered, or handled by it for shipment in the ordinary course of its business;

(2) to any processor or finisher in performing a contract for the account of a person subject to the provisions of this Act if the processor or finisher does not change the textile fiber content of the textile fiber product contrary to the terms of such contract;

(3) with respect to the manufacture, delivery for transportation, transportation, sale, or offering for sale of a textile fiber product for exportation from the United States to any foreign country;

(4) to any publisher or other advertising agency or medium for the dissemination of advertising or promotional material, except the manufacturer, distributor, or seller of the textile fiber product to which the false or deceptive advertisement relates, if such publisher or other advertising agency or medium furnishes to the Commission, upon request, the name and post office address of the manufacturer, distributor, seller, or other person residing in the United States, who caused the dissemination of the advertising material; or

(5) to any textile fiber product until such product has been produced by the manufacturer or processor in the form intended for sale or delivery to, or for use by, the ultimate consumer: *Provided*. That this exemption shall apply only if such textile fiber product is covered by an invoice or other paper relating to the marketing or handling of the textile fiber product and such invoice or paper correctly discloses the information with respect to the textile fiber product which would otherwise be required under section 4 of this Act to be on the stamp, tag, label, or other identification and the name and address of the person issuing the invoice or paper.

MISBRANDING AND FALSE ADVERTISING OF TEXTILE FIBER PRODUCTS

SEC. 4. (a) Except as otherwise provided in this Act, a textile fiber product shall be misbranded if it is falsely or deceptively stamped, tagged, labeled, invoiced, advertised, or otherwise identified as to the name or amount of constituent fibers contained therein.

(b) Except as otherwise provided in this Act, a textile fiber product shall be misbranded if a stamp, tag, label, or other means of identification, or substitute therefor authorized by section 5, is not on or affixed to the product showing in words and figures plainly legible, the following:

(1) The constituent fiber or combination of fibers in the textile fiber product, designating with equal prominence each natural or manufactured fiber in the textile fiber product by its generic name in the order of predominance by the weight thereof if the weight of such fiber is 5 per centum or more of the total fiber weight of the product, but nothing in this section shall be construed as prohibiting the use of a nondeceptive trademark in conjunction with a designated generic name: *Provided*, That exclusive of permissible ornamentation, any fiber or group of fibers present in an amount of 5 per centum or less by weight of the total fiber content shall not be designated by the generic name or the trademark of such fiber or fibers, but shall be designated only as "other fiber" or "other fibers" as the case may be.

(2) The percentage of each fiber present, by weight, in the total fiber content of the textile fiber product, exclusive of ornamentation not exceeding 5 per centum by weight of the total fiber content: *Provided*, That, exclusive of permissible ornamentation, any fiber or group of fibers present in an amount of 5 per centum or less by weight of the total fiber content shall not be designated by the generic name or trademark of such fiber or fibers, but shall be designated only as "other fiber" or "other fibers" as the case may be: *Provided further*, That in the case of a textile fiber product which contains more than one kind of fiber, deviation in the fiber content of any fiber in such product from the amount stated on the stamp, tag, label, or other identification shall not be a misbranding under this section unless such deviation is in excess of reasonable tolerances which shall be established by the Commission: *And provided further*, That any such deviation which exceeds said tolerances shall not be a misbranding if the person charged proves that the deviation resulted from unavoidable variations in manufacture and despite due care to make accurate the statements on the tag, stamp, label, or other identification.

(3) The name, or other identification issued and registered by the Commission, of the manufacturer of the product or one or more persons subject to section 3 with respect to such product.

(4) If it is an imported textile fiber product the name of the country where processed or manufactured.

(c) For the purposes of this Act, a textile fiber product shall be considered to be falsely or deceptively advertised if any disclosure or implication of fiber content is made in any written advertisement which is used to aid, promote, or assist directly or indirectly in the sale or offering for sale of such textile fiber product, unless the same information as that required to be shown on the stamp, tag, label, or other identification under section 4 (b) (1) and (2) is contained in the heading, body, or other part of such written advertisement, except that the percentages of the fiber present in the textile fiber product need not be stated.

(d) In addition to the information required in this section, the stamp, tag, label, or other means of identification, or advertisement may contain other information not violating the provisions of this Act.

(e) This section shall not be construed as requiring the affixing of a stamp, tag, label, or other means of identification to each textile fiber product contained in a package if (1) such textile fiber products are intended for sale to the ultimate consumer in such package, (2) such package has affixed to it a stamp, tag, label, or other means of identification bearing, with respect to the textile fiber products contained therein, the information required by subsection (b), and (3) the information on the stamp, tag, label, or other means of identification affixed to such package is equally applicable with respect to each textile fiber product contained therein.

(f) This section shall not be construed as requiring designation of the fiber content of any portion of fabric, when sold at retail, which is severed from bolts, pieces, or rolls of fabric labeled in accordance with the provisions of this section at the time of such sale: *Provided*, That if any portion of fabric severed from a bolt, piece, or roll of fabric is in any manner represented as containing percentages of natural or manufactured fibers, other than that which is set forth on the labeled bolt, piece, or roll, this section shall be applicable thereto, and the information required shall be separately set forth and segregated as required by this section.

(g) For the purposes of this Act, a textile fiber product shall be considered to be falsely or deceptively advertised if the name or symbol of any fur-bearing animal is used in the advertisement of such product unless such product, or the part thereof in connection with which the name or symbol of a fur-bearing animal is used, is a fur or fur product within the meaning of the Fur Products Labeling Act: *Provided, however*, That where a textile fiber product contains the hair or fiber of a fur-bearing animal, the name of such animal, in conjunction with the word "fiber", "hair", or "blend", may be used.

(h) For the purposes of this Act, a textile fiber product shall be misbranded if it is used as stuffing in any upholstered product, mattress, or cushion after having been previously used as stuffing in any other upholstered product, mattress, or cushion, unless the upholstered product, mattress, or cushion containing such textile fiber product bears a stamp, tag, or label approved by the Commission indicating in words plainly legible that it contains reused stuffing.

REMOVAL OF STAMP, TAG, LABEL, OR OTHER IDENTIFICATION

SEC. 5. (a) After shipment of a textile fiber product in commerce it shall be unlawful, except as provided in this Act, to remove or mutilate, or cause or participate in the removal or mutilation of, prior to the time any textile fiber product is sold and delivered to the ultimate consumer, any stamp, tag, label, or other identification required by this Act to be affixed to such textile fiber product, and any person violating this section shall be guilty of an unfair method of competition, and an unfair or deceptive act or practice, under the Federal Trade Commission Act.

(b) Any person—

(1) introducing, selling, advertising, or offering for sale, in commerce, or importing into the United States, a textile fiber product subject to the provisions of this Act, or

(2) selling, advertising, or offering for sale a textile fiber product whether in its original state or contained in other textile fiber products, which has been shipped, advertised, or offered for sale, in commerce.

may substitute for the stamp, tag, label, or other means of identification required to be affixed to such textile product pursuant to section 4 (b), a stamp, tag, label, or other means of identification conforming to the requirements of section 4 (b), and such substituted stamp, tag,

65 Stat. 175.
15 USC 69 note.

38 Stat. 717.
15 USC 58.

label, or other means of identification shall show the name or other identification issued and registered by the Commission of the person making the substitution.

(c) If any person other than the ultimate consumer breaks a package which bears a stamp, tag, label, or other means of identification conforming to the requirements of section 4, and if such package contains one or more units of a textile fiber product to which a stamp, tag, label, or other identification conforming to the requirements of section 4 is not affixed, such person shall affix a stamp, tag, label, or other identification bearing the information on the stamp, tag, label, or other means of identification attached to such broken package to each unit of textile fiber product taken from such broken package.

RECORDS

SEC. 6. (a) Every manufacturer of textile fiber products subject to this Act shall maintain proper records showing the fiber content as required by this Act of all such products made by him, and shall preserve such records for at least three years.

(b) Any person substituting a stamp, tag, label, or other identification pursuant to section 5 (b) shall keep such records as will show the information set forth on the stamp, tag, label, or other identification that he removed and the name or names of the person or persons from whom such textile fiber product was received, and shall preserve such records for at least three years.

(c) The neglect or refusal to maintain or preserve the records required by this section is unlawful, and any person neglecting or refusing to maintain such records shall be guilty of an unfair method of competition, and an unfair or deceptive act or practice, in commerce, under the Federal Trade Commission Act.

38 Stat. 717.
15 USC 58.

ENFORCEMENT OF THE ACT

SEC. 7. (a) Except as otherwise specifically provided herein, this Act shall be enforced by the Federal Trade Commission under rules, regulations, and procedure provided for in the Federal Trade Commission Act.

15 USC 58.

(b) The Commission is authorized and directed to prevent any person from violating the provisions of this Act in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this Act; and any such person violating the provisions of this Act shall be subject to the penalties and entitled to the privileges and immunities provided in said Federal Trade Commission Act, in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though the applicable terms and provisions of the said Federal Trade Commission Act were incorporated into and made a part of this Act.

15 USC 58.

(c) The Commission is authorized and directed to make such rules and regulations, including the establishment of generic names of manufactured fibers, under and in pursuance of the terms of this Act as may be necessary and proper for administration and enforcement.

(d) The Commission is authorized to cause inspections, analyses, tests, and examinations to be made of any product subject to this Act.

INJUNCTION PROCEEDINGS

SEC. 8. Whenever the Commission has reason to believe—

(a) that any person is doing, or is about to do, an act which by section 3, 5, 6, 9, or 10 (b) is declared to be unlawful; and

(b) that it would be to the public interest to enjoin the doing of such act until complaint is issued by the Commission under the Federal Trade Commission Act and such complaint is dismissed by the Commission or set aside by the court on review or until an order to cease and desist made thereon by the Commission has become final within the meaning of the Federal Trade Commission Act,

the Commission may bring suit in the district court of the United States or in the United States court of any Territory, for the district or Territory in which such person resides or transacts business, to enjoin the doing of such act and upon proper showing a temporary injunction or restraining order shall be granted without bond.

EXCLUSION OF MISBRANDED TEXTILE FIBER PRODUCTS

SEC. 9. All textile fiber products imported into the United States shall be stamped, tagged, labeled, or otherwise identified in accordance with the provisions of section 4 of this Act, and all invoices of such products required pursuant to section 484 of the Tariff Act of 1930, shall set forth, in addition to the matter therein specified, the information with respect to said products required under the provisions of section 4 (b) of this Act, which information shall be in the invoices prior to their certification, if such certification is required pursuant to section 484 of the Tariff Act of 1930. The falsification of, or failure to set forth the required information in such invoices, or the falsification or perjury of the consignee's declaration provided for in section 485 of the Tariff Act of 1930, insofar as it relates to such information, is unlawful, and shall be an unfair method of competition, and an unfair and deceptive act or practice, in commerce under the Federal Trade Commission Act; and any person who falsifies, or perjures the consignee's declaration insofar as it relates to such information, may thenceforth be prohibited by the Commission from importing, or participating in the importation of, any textile fiber product into the United States except upon filing bond with the Secretary of the Treasury in a sum double the value of said products and any duty thereon, conditioned upon compliance with the provisions of this Act. A verified statement from the manufacturer or producer of such products showing their fiber content as required under the provisions of this Act may be required under regulation prescribed by the Secretary of the Treasury.

GUARANTY

SEC. 10. (a) No person shall be guilty of an unlawful act under section 3 if he establishes a guaranty received in good faith, signed by and containing the name and address of the person residing in the United States by whom the textile fiber product guaranteed was manufactured or from whom it was received, that said product is not misbranded or falsely invoiced under the provisions of this Act. Said guaranty shall be (1) a separate guaranty specifically designating the textile fiber product guaranteed, in which case it may be on the invoice or other paper relating to said product; or (2) a continuing guaranty given by seller to the buyer applicable to all textile fiber products sold to or to be sold to buyer by seller in a form as the Commission, by rules and regulations, may prescribe; or (3) a continuing guaranty filed with the Commission applicable to all textile fiber products handled by a guarantor in such form as the Commission by rules and regulations may prescribe.

(b) The furnishing of a false guaranty, except where the person furnishing such false guaranty relies on a guaranty to the same effect

38 Stat. 717.
15 USC 58.

46 Stat. 722.
19 USC 1484.

19 USC 1485.

15 USC 58.

received in good faith signed by and containing the name and address of the person residing in the United States by whom the product guaranteed was manufactured or from whom it was received, is unlawful, and shall be an unfair method of competition, and an unfair and deceptive act or practice, in commerce, within the meaning of the Federal Trade Commission Act.

38 Stat. 717.
15 USC 58.

CRIMINAL PENALTY

SEC. 11. (a) Any person who willfully does an act which by section 3, 5, 6, 9, or 10 (b) is declared to be unlawful shall be guilty of a misdemeanor and upon conviction shall be fined not more than \$5,000 or be imprisoned not more than one year, or both, in the discretion of the court: *Provided*, That nothing in this section shall limit any other provision of this Act.

(b) Whenever the Commission has reason to believe that any person is guilty of a misdemeanor under this section, it may certify all pertinent facts to the Attorney General. If, on the basis of the facts certified, the Attorney General concurs in such belief, it shall be his duty to cause appropriate proceedings to be brought for the enforcement of the provisions of this section against such person.

EXEMPTIONS

SEC. 12. (a) None of the provisions of this Act shall be construed to apply to—

- (1) upholstery stuffing, except as provided in section 4 (h);
- (2) outer coverings of furniture, mattresses, and box springs;
- (3) linings or interlinings incorporated primarily for structural purposes and not for warmth;
- (4) filling or padding incorporated primarily for structural purposes and not for warmth;
- (5) stiffenings, trimmings, facings, or interfacings;
- (6) backings of, and paddings or cushions to be used under, floor coverings;
- (7) sewing and handicraft threads;
- (8) bandages, surgical dressings, and other textile fiber products, the labeling of which is subject to the requirements of the Federal Food, Drug and Cosmetic Act of 1938, as amended;
- (9) waste materials not intended for use in a textile fiber product;
- (10) textile fiber products incorporated in shoes or overshoes or similar outer footwear;
- (11) textile fiber products incorporated in headwear, handbags, luggage, brushes, lampshades, or toys, catamenial devices, adhesive tapes and adhesive sheets, cleaning cloths impregnated with chemicals, or diapers.

52 Stat. 1040.
21 USC 301.

The exemption provided for any article by paragraph (3) or (4) of this subsection shall not be applicable if any representation as to fiber content of such article is made in any advertisement, label, or other means of identification covered by section 4 of this Act.

(b) The Commission may exclude from the provisions of this Act other textile fiber products (1) which have an insignificant or inconsequential textile fiber content, or (2) with respect to which the disclosure of textile fiber content is not necessary for the protection of the ultimate consumer.

SEPARABILITY CLAUSE

SEC. 13. If any provision of this Act, or the application thereof to any person, as that term is herein defined, is held invalid, the re-

mainder of the Act and the application of the remaining provisions to any person shall not be affected thereby.

APPLICATION OF EXISTING LAWS

SEC. 14. The provisions of this Act shall be held to be in addition to, and not in substitution for or limitation of, the provisions of any other Act of the United States.

EFFECTIVE DATE

SEC. 15. This Act shall take effect eighteen months after enactment, except for the promulgation of rules and regulations by the Commission, which shall be promulgated within nine months after the enactment of this Act. The Commission shall provide for the exception of any textile fiber product acquired prior to the effective date of this Act.

Approved September 2, 1958.

Public Law 85-898

AN ACT

September 2, 1958
[H. R. 13475]

To authorize an exchange of lands at the Rochester Fish-Cultural Station, Indiana.

Rochester Fish-
Cultural Station,
Ind.
Land convey-
ance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to convey to the city of Rochester, Indiana, all of the right, title, and interest of the United States in the following-described lands that are a part of the Rochester Fish-Cultural Station:

Beginning at the corner of sections 4, 9, 31 and 32 of township 30 north, range 3 east, second principal meridian; thence south 89 degrees 41 minutes east, 974.2 feet; thence north 26 degrees 34 minutes west, 684.4 feet; thence south 74 degrees 54 minutes east, 1,723.8 feet; thence south 0 degrees 02 minutes west, 170.2 feet; thence south 0 degrees 02 minutes west, 990.5 feet; thence north 76 degrees 24 minutes west, 2,399.4 feet; thence north 0 degrees 03 minutes east, 438.8 feet to point of beginning, containing 51.03 acres, more or less;

in exchange for a conveyance by the city of Rochester, Indiana, to the United States of title to the following-described lands:

Two (2) parcels of land located in Indiana, Fulton County, city of Rochester, adjacent to State Highway Numbered 14, in township 30 north, range 3 west, second principal meridian, part in section 9 and part in section 32 of Michigan road lands, and described by metes and bounds as follows:

PARCEL 1

Beginning at a point north 62 degrees 43 minutes west, 577.1 feet from the center quarter corner of section 9, in the north right-of-way line of State Highway Numbered 14, 40 feet from and normal to the centerline thereof, thence with said north right-of-way line, north 67 degrees 53 minutes west, 1898.0 feet to a right-of-way monument; thence continuing north 67 degrees 53 minutes west, 160.0 feet to a point; thence north 29 degrees 46 minutes west, 174.8 feet to a point in the boundary of the land of the Rochester Fish-Cultural Station; thence with said boundary south 68 degrees 27 minutes east, 1640.9 feet; south 55 degrees 16 minutes east, 568.4 feet to the place of beginning; containing 4.99 acres, be the same more or less.

PARCEL 2

Beginning at the center quarter corner of section 9, a point in the boundary of land of the Rochester Fish-Cultural Station, thence with said boundary south 89 degrees 06 minutes west, 50.1 feet; south 33 degrees 10 minutes west, 91.6 feet; south 55 degrees 25 seconds east, 849.1 feet; south 85 degrees 24 minutes east, 90.0 feet; north 71 degrees 14 minutes east, 49.0 feet to a point on the southeast corner of the dam at the west end of the wing wall at Lake Manitou; thence with the shore of said lake south 7 degrees 07 minutes west, 134.6 feet to the northeast end of a wire fence around the raceway; thence south 37 degrees 19 minutes west, 47.0 feet to a point 7.4 feet southwest of the southeast fence corner; thence north 54 degrees 33 minutes west, 1,654.0 feet in part with the northeast right-of-way of Lake Shore Drive to a point at the intersection of said northeast right-of-way line with the south right-of-way line of Highway Numbered 14; thence with said south right-of-way line, south 67 degrees 54 minutes east, 321.4 feet; south 68 degrees 52 minutes east, 67.0 feet; south 71 degrees 21 minutes east, 77.38 feet to a point in the boundary line of land of the Rochester Fish-Cultural Station; thence with said boundary line, south 55 degrees 21 minutes east, 35.47 feet; south 66 degrees 10 minutes east, 53.64 feet; south 83 degrees 18 minutes east, 53.64 feet; north 89 degrees 06 minutes east, 43.59 feet to a point in the south right-of-way line of Highway Numbered 14; thence with said right-of-way line south 77 degrees 21 minutes east, 47.2 feet; south 80 degrees 21 minutes east, 54.4 feet to a point in the boundary lines of land of the Rochester Fish-Cultural Station; thence with said boundary line east 89 degrees 06 minutes west, 50.8 feet to the place of beginning; containing 3.01 acres, be the same more or less.

The above-described two parcels of land contain in the aggregate 8.00 acres, more or less.

When such lands are conveyed to the United States they shall become a part of the Rochester Fish-Cultural Station and shall be administered under the laws and regulations applicable thereto.

Approved September 2, 1958.

Public Law 85-899

AN ACT

To amend the Federal-Aid Highway Acts of 1956 and 1958 by advancing the date for submission of the revised estimate of cost of completing the Interstate System and to extend the approval of such estimate for an additional year.

September 2, 1958
[H. R. 12808]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8 of the Federal-Aid Highway Act of 1958 is amended by striking out "the fiscal year ending June 30, 1960." and inserting in lieu thereof the following: "the fiscal years ending June 30, 1960, and June 30, 1961."

Interstate Sys-
tem.
Estimates, time
extension,
Ante, p. 94.

Sec. 2. That the sixth sentence of section 108 (d) of the Federal-Aid Highway Act of 1956 (70 Stat. 379) is amended to read as follows: "The Secretary of Commerce shall make a revised estimate of cost of completing the then designated Interstate System, after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1961."

23 USC 158.

Approved September 2, 1958.

Public Law 85-900

AN ACT

September 2, 1958
[H. R. 9147]

To provide for the disposal of certain Federal property in the Boulder City area, to provide assistance in the establishment of a municipality incorporated under the laws of Nevada, and for other purposes.

Boulder City
Act of 1958.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the purpose of this Act to authorize the disposal of certain Federal property in that area in Clark County in the State of Nevada commonly known as Boulder City, now a part of the Boulder Canyon project, in order that the people of that area may enjoy local self-government and to facilitate the establishment by them of a municipal corporation under the laws of the State of Nevada.

Definitions.

SEC. 2. Wherever the following terms are used in this Act, they shall be interpreted as follows:

43 USC 618 et
seq.

(a) "Adjustment Act" shall mean the Boulder Canyon Project Adjustment Act (54 Stat. 774);

(b) "Appraised value" shall be current fair market value;

(c) "Boulder City municipal area" shall consist of and include the tract of land particularly described as follows:

Lots 9, 10, 11, 12, south half north half, south half section 1; lots 8, 9, 10, 16, that portion of lot 21 lying south of the right-of-way of United States Highway 93-466 and east of the right-of-way of United States Highway 95, both as hereinafter specifically defined, southeast quarter northeast quarter, east half southeast quarter section 2; that part of lot 1 lying east of the right-of-way of United States Highway 95 and south of right-of-way of United States Highway 93-466, those parts of lots 4, 5, 8, lying east of the right-of-way of United States Highway 95, east half east half section 11; all sections 12 and 13; those parts of lots 1, 4, 5, 8, lying east of the right-of-way of United States Highway 95, east half east half section 14; lots 1, 4, 5, northeast quarter northeast quarter section 23; lots 1, 2, 3, 4, north half north half section 24; township 23 south, range 63 east; lots 8, 9, 10, section 1; all fractional sections 12, 13, 24, township 23 south, range 63½ east; south half south half section 28; south half south half section 29; lot 12, southeast quarter southwest quarter, south half southeast quarter section 30; lots 5, 8, 9, 12, east half west half, east half section 31; all sections 32 and 33; south half section 34, south half section 35, township 22 south, range 64 east; all sections 2, 3, 4, 5; lots 8, 9, 10, 11, 14, 15, 17, south half northeast quarter, southeast quarter northwest quarter, east half southwest quarter, southeast quarter section 6; all sections 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, township 23 south, range 64 east, Mount Diablo base and meridian, State of Nevada, containing 21,674.23 acres, more or less.

That portion of the east boundary of the right-of-way of United States Highway 95, together with a portion of the south boundary of the right-of-way of United States Highway 93-466 lying within the west half east half of sections 2, 11, and 14, township 23 south, range 63 east, Mount Diablo base and meridian, with which it is required that the proposed west boundary of Boulder City shall conform, and to which reference was made in the foregoing description, is more specifically described as follows:

Beginning at the point of intersection of the east side of the right-of-way of Highway 95 with the original west boundary of the Boulder Canyon Project Reservation, this beginning point being located 2,315 feet north of corner numbered 2, the southwest corner of the said reservation.

Thence with the east side of the right-of-way of Highway 95, as defined by State highway map, project numbered 006-1, (1), north 9 degrees 40 minutes east, 2,156 feet to a point of curve bearing toward the west.

Thence with the curve, with a central angle of 13 degrees 06 minutes, and a radius of 5,200 feet, for a curve distance of 1,188.92 feet to a point of tangency.

Thence north 3 degrees 26 minutes west for a tangent distance of 4,979.48 feet to a point of curve bearing toward the east.

Thence with curve, with a central angle of 19 degrees and a radius of 1,800 feet for a curve distance of 596.98 feet to a point of tangency.

Thence north 15 degrees 34 minutes east for a tangent distance of 563.22 feet to a point of curve bearing toward the west.

Thence with the curve, with a central angle of 21 degrees 22 minutes 20 seconds and a radius of 2,200 feet for a curve distance of 820.63 feet to a highway monument marking the intersection of the east side of the right-of-way of Highway 95 with the south side of the right-of-way of Highway 93-466 leading to Boulder City.

Thence with the south side of the right-of-way of Highway 93-466 as it curves in a southeasterly direction with a central angle of 4 degrees 11 minutes 10 seconds and a radius of 3,700 feet with a chord bearing of south 54 degrees 08 minutes 40 seconds east for a curve distance of 270.32 feet to a point on a north and south sixteenth section line dividing the east half of section 2, township 23 south, range 63 east, Mount Diablo meridian, said point being south 00 degrees 05 minutes west 66.73 feet from the one-sixteenth section corner, marking the southeast corner of lot 21, section 2, township 23 south, range 63 east, Mount Diablo meridian, and a corner to the proposed Boulder City boundary, as first described hereinabove.

(d) "Boulder City Municipal Fund" shall mean the fund in the Treasury created by section 6 of this Act;

(e) "City" shall mean Boulder City, Nevada, prior to its incorporation as a municipality under the laws of the State of Nevada;

(f) "Colorado River Dam Fund" shall mean the special fund in the Treasury created by section 2 of the Project Act;

(g) "Department" shall mean the Department of the Interior;

(h) "Municipal operations" shall mean the financing, operation, maintenance, replacement, and expansion of municipal facilities and utilities and other operations of a municipal character;

(i) "Municipality" shall mean Boulder City, Nevada, after its incorporation as a municipality under the laws of the State of Nevada;

(j) "Persons employed by the Federal Government within or near the Boulder City municipal area" shall, in addition to the ordinary meaning of the term, include (1) retired employees who were so employed immediately prior to their retirement, (2) persons who were so employed on May 15, 1958, but who, because of a reduction in force, have ceased being so employed at the time property is offered for sale under subsections 3 (b) (1) and 3 (b) (2) of this Act, and (3) persons who have been so employed but who are, at the time property is offered for sale under subsections 3 (b) (1) and 3 (b) (2) of this Act, temporarily absent on other assignment (including foreign assignments) for the interest or convenience of the Federal Government. For the purpose of subsection 3 (b) (2) of this Act, persons referred to in this subsection under (1), (2), and (3) shall be limited to those whose permanent residence is within the Boulder City municipal area.

(k) "Persons employed by the United States for purposes other than the construction, operation, and maintenance of the project" shall mean all persons who are so employed and who are resident in the municipality;

Definitions.

43 USC 617a.

(1) "Persons employed in the construction, operation, and maintenance of the project" shall mean all persons who are so employed, whether by a Federal agency or by an agent designated pursuant to section 9 of the Adjustment Act, and who are resident in the municipality. This term shall not include persons employed in municipal operations of the municipality;

43 USC 618h.

(m) "Project" shall mean the works authorized by the Project Act to be constructed and owned by the United States, exclusive of the diversion dam, main canal, and appurtenances mentioned therein, now known as the All-American Canal System;

43 USC 617 et seq.

(n) "Project Act" shall mean the Boulder Canyon Project Act (45 Stat. 1057);

43 USC 617 et seq.

(o) "Secretary" shall mean the Secretary of the Interior.

Sale of certain housing.

SEC. 3. (a) The Secretary is authorized to sell such dwelling houses, duplex houses or units thereof, and garages, with furniture, fixtures, and appurtenances, as are owned by the United States within the Boulder City municipal area and are not needed in connection with the administration, operation, and maintenance of Federal activities located within or near the Boulder City municipal area.

(b) Except in the case of property determined to be substandard under subsection (c) of this section, the following system of priority shall be established with respect to property authorized to be sold under subsection (a) of this section:

Purchase right.

(1) Persons employed by the Federal Government within or near the Boulder City municipal area (and surviving spouses of such persons who have not remarried) who are tenants in Federal housing in Boulder City shall be offered the opportunity to purchase the property in which they are tenants at the appraised value as established under subsection (d) of this section. This right of priority shall expire unless notice of intent to purchase has been received by the Secretary before the expiration of sixty days after the date on which the property has been offered for sale, and shall be deemed abandoned unless before the expiration of sixty days after the Secretary's tender of the instrument of transfer the prospective purchaser concludes the sale;

Applicants.

(2) Persons employed by the Federal Government within or near the Boulder City municipal area may apply to purchase housing not purchased under subsection (b) (1) of this section. Applicants to purchase shall be placed in order of opportunity to choose pursuant to a public drawing, but spouses of such applicants shall not be entitled to apply. Sales shall be made at the appraised value as established under subsection (d) of this section, and selections and purchases by successful applicants shall be concluded within limits of time to be established by the Secretary. A purchase under subsection (b) (1) or (b) (2) of this section shall render the purchaser and any spouse of such purchaser ineligible thereafter to purchase under subsection (b) (1) or (b) (2); and

Unsold property.

(3) Property subject to disposal under this section and not sold pursuant to subsections (b) (1) and (b) (2) of this section shall be opened to bids from the general public, and shall be sold to the highest responsible bidder.

Eligibility to purchase.

In the event that incorporation of the municipality shall be effected within four years after the date of this Act, persons purchasing housing under this subsection or their successors, assigns, or legal representatives, shall be entitled to a reduction in the purchase price (or rebate as appropriate) of 10 per centum: *Provided*, That no person who has purchased a house under the Act of May 25, 1948 (62 Stat. 268), shall be eligible for such reduction.

Substandard property.

(c) Where the Secretary determines that property authorized to be sold under subsection (a) of this section is substandard, he shall sell

such property only for off-site use, such property to be opened to bids from the general public for sale to the highest responsible bidder.

(d) The appraised value of all property to be sold under subsections (b) (1) and (b) (2) of this section, and of all lots leased or to be leased by the United States for the purpose of maintaining, locating, or erecting permanent structures thereon, shall be determined by an appraiser or appraisers to be designated by the Administrator of Housing and Home Finance Agency at the request of the Secretary. Said appraisals shall be made promptly after the date of this Act, or immediately prior to the granting of any lease of lands not previously appraised, as the case may be. The representatives of the Boulder City community, as determined by the Secretary, shall be granted an opportunity to offer advice in connection with such appraisals.

Appraisals.

(e) (1) Except as otherwise provided in this subsection, the Secretary is authorized to dispose of such multiple-unit garages, and such apartment houses together with furniture, fixtures, and appurtenances, including, without being limited to, any appurtenant garages, as are owned by the United States within the Boulder City municipal area. Such property shall be offered to the general public and sold to the highest responsible bidder.

Disposal of certain property.

(2) Of the property subject to disposal under this section, the Secretary is authorized to lease, to the corporation owning and operating the Boulder City hospital, for the purpose of providing living accommodations for employees of the hospital, not more than two dwelling houses, or not more than one dwelling house and one apartment-house building containing not more than six apartment units, together with furniture, and appurtenances, including, without being limited to, any appurtenant garage or garages. Upon incorporation of the municipality, the Secretary may transfer said property, together with the land on which it is situated, to the municipality without cost, subject to existing leases.

(f) (1) Except in the case of property determined to be substandard under subsection (c) of this section, the Secretary shall, pursuant to the first proviso under the heading "Boulder Canyon Project" in the Interior Department Appropriation Act, 1941 (54 Stat. 406, 437), lease to the purchasers thereof the lots on which structures sold under this section are situated. Any such lease shall be executed prior to transfer of title to the purchaser and shall incorporate the conditions enumerated in the proviso of subsection 4 (a) of this Act.

Leases.

43 USC 617u.

(2) At the expiration of fiscal year 1963, unless incorporation of the municipality shall previously have been achieved, the Secretary may (A) negotiate the sale of the lessees thereof of all leased lands within the Boulder City municipal area, and (B) sell to the highest responsible bidder at not less than the appraised value as determined by the Secretary any other lands within the Boulder City municipal area not needed for Federal purposes, including the purposes of this Act.

Sale of leased land.

(g) Except in the case of property determined to be substandard under subsection (c) of this section, the Secretary may sell any structure authorized to be sold under this section which is unsold at the time of incorporation of the municipality together with the land on which it is situated. Such sales shall be made, as near as may be, in accordance with the procedures and the system of priority established under subsections (b) (1), (b) (2), (b) (3), and (e) of this section; and, where applicable, the appraised value shall be the combined appraised value of structure and land.

Sale of unsold property.

(h) In the event that the Secretary finds that financing on reasonable terms is not available from other sources, he may, in order to facilitate the sale of property to be sold under subsections (b) (1) and

Notes and mortgages.

(b) (2) of this section, accept, in partial payment of the purchase price of the property, notes secured by first mortgages on such terms and conditions as he deems appropriate. The maturity and percentage of appraised value in connection with such notes and mortgages shall not exceed those prescribed under section 223 (a) of the National Housing Act, as herein further amended, and the interest rate shall equal the interest rate plus the premium being charged (and any periodic service charge being authorized by the Federal Housing Commissioner for properties of similar character) under section 223 (a) of the National Housing Act, as herein further amended, at the effective date of such notes and mortgages. The Secretary may sell any such notes and mortgages on such terms as he deems appropriate.

71 Stat. 298.
12 USC 1715n.

Rules and regulations.

(i) In establishing rules and regulations governing sales of property under this section and in determining the terms and conditions of such sales, the Secretary shall consult with representatives of the Boulder City community, as determined by him.

Transfer of improved lands.

SEC. 4. (a) Upon incorporation of the municipality, the Secretary shall be authorized to transfer to the municipality without cost, subject to any existing leases granted by the United States, all improved lands within the Boulder City municipal area the improvements to which are privately owned and such unimproved lands within that area as the Secretary determines are not required in connection with the administration, operation, and maintenance of Federal activities located within or near the Boulder City municipal area, and to assign to the municipality without cost any leases granted by the United States on such lands: *Provided*, That any such lease shall provide, or, at the request of the holder of an existing lease, shall be amended to provide, (1) that, in the event the leased property shall be transferred to the municipality pursuant to this section, the holder of any such lease shall, for a period of two years after the date of incorporation of the municipality, be entitled to exercise an option to purchase the leased property at the original appraised value as determined pursuant to subsection 3 (d) of this Act, and shall, after the end of the aforesaid two-year period and until the expiration of the lease, be entitled to exercise an option to purchase the leased property at its appraised value as determined by a qualified appraiser or appraisers to be appointed by the governing authority of the municipality; (2) that all determinations of appraised value with respect to the aforesaid property shall be made without reference to improvements on the leased property made or acquired at the expense of the current or any former lessee thereof; and (3) that, in the event that incorporation of the municipality shall be effected within four years after the date of this Act, the holder of the lease shall be entitled to a reduction in the price of any purchase under the aforesaid option of 10 per centum of the purchase price.

Determination of boundaries; granting of leases.

(b) In that part of Boulder City where federally owned lands not under lease are occupied by privately owned structures and which is commonly referred to as Lakeview Addition, the Secretary shall determine, by such method as may be appropriate, lot lines to conform, as nearly as is reasonable and feasible in his judgment, to the existing pattern of land occupancy. On submission of satisfactory proof of ownership, the Secretary shall offer to the owner a lease, in accordance with the terms of the first proviso under the heading "Boulder Canyon Project" in the Interior Department Appropriation Act, 1941 (54 Stat. 406, 437), of the lot his structure is occupying, as determined and defined by the Secretary. Or, on request of any such owner, the Secretary may, in his discretion, lease to such owner, in lieu of the lot his structure is occupying, another lot in the Boulder City municipal area, to be approved by the Secre-

43 USC 617u.

tary, on condition that such owner agree to clear and vacate the former lot and to relocate or build on the lieu lot a habitable structure. Where the removal of any structure becomes necessary in order to accomplish the subdivision, the Secretary may acquire or relocate such structure. The continuing validity of any lease granted under this subsection shall be conditioned on the lessee's making proper connections to water, electric, and sewerage systems, and may be conditioned on the lessee's rehabilitation, replacement, or relocation of any or all structures occupying the land in order to bring about closer conformance with general standards prevailing in the community. Unless incorporation of the municipality shall previously have been achieved, the Secretary, at the expiration of fiscal year 1963, may terminate and may renegotiate, on such terms and conditions as he may prescribe, any lease of a lot granted under this subsection, except a lease of a lieu lot. The Secretary's determinations under this subsection shall be final and conclusive.

SEC. 5. (a) Subject to the provisions of subsection 9 (a) and section 11 of this Act, the Secretary shall transfer all activities and functions of a municipal character to the municipality upon its incorporation.

Transfer of functions, title, etc.

(b) The Secretary is authorized to transfer to the appropriate school district all right, title, and interest of the United States to all the school buildings and related equipment and facilities, and to lands upon which they are situated, owned by the United States in the Boulder City municipal area.

(c) Upon its incorporation, the Secretary shall transfer to the municipality, subject to the limitation contained in subsection (d) of this section, all real and personal property, including, but not limited to, buildings, lands, equipment, facilities, works, and utilities, owned by the United States, and used primarily in the performance of activities and functions to be transferred under subsection (a) of this section.

(d) The Secretary shall determine which contracts to which the United States is now a party concern activities and functions to be transferred under subsection (a) of this section and are properly assignable to the municipality. The Secretary shall assign such contracts to the municipality upon its incorporation, and the acceptance of such assignment by the municipality shall be a condition precedent to the transfer of property under subsection (c) of this section.

SEC. 6. (a) There is hereby established in the Treasury a special fund to be known as the Boulder City Municipal Fund. All proceeds from the disposal under this Act of Federal property lying within the Boulder City municipal area shall be deposited in such fund.

Boulder City Municipal Fund.

(b) (1) Moneys in the Boulder City Municipal Fund are hereby appropriated for expenditure at the direction of the Secretary for payment of the expenses of the disposal of property under sections 3, 4, and 5 of this Act, including the cost of subdividing land and affecting the necessary acquisition or relocation of structures under subsection 4 (b) of this Act and the payment of rebates, where appropriate, to vendees of the United States entitled to the special benefit provided under section 3 of this Act for attainment of early incorporation of the municipality.

Appropriations.

(2) There are hereby authorized to be appropriated from moneys in the Boulder City Municipal Fund, or from general funds, (A) an amount not to exceed \$75,000 for payment to the municipality for replacement and rehabilitation of municipal facilities and utilities, such payment to be diminished by an amount, as estimated by the Secretary, equal to the revenues which would otherwise probably have accrued to the United States from municipal operations of the city

between the date of incorporation of the municipality and the end of the fiscal year in which such date falls; and (B) an amount not to exceed \$150,000 for expenditure by the Secretary for such initial construction or improvement of, or additions to, street, water, electric, and sewerage systems for that part of Boulder City referred to in subsection 4 (b) of this Act as Lakeview Addition as the Secretary may deem necessary toward conformance with general standards for such utilities and facilities prevailing in the community.

(c) Except for such sums as may be required for expenditures under subsection (b) (1) of this section, all moneys remaining in and accruing to the Boulder City Municipal Fund either (1) after the date of incorporation of the municipality, or (2) after the expiration of fiscal year 1963, if such incorporation shall not then have been achieved, shall be divided into two parts, as determined by the Secretary, representing project and nonproject investments in the property yielding the moneys deposited in the Boulder City Municipal Fund. Said parts shall be covered into the general fund of the Treasury, but the first part shall constitute a payment to the Treasury diminishing the obligation under section 2 of the Adjustment Act to repay advances and readvances to the Colorado River Dam Fund, and the rates computed pursuant to section 1 of said act shall reflect such diminution: *Provided*, That, solely for the purpose of effecting the aforesaid division, the principal of all mortgage obligations held by the United States pursuant to section 3 of this Act shall then be deemed to have been paid in full into the Boulder City Municipal Fund; and all moneys thereafter received by the United States in payment of principal, interest, or other charges under such mortgage obligations shall be covered into the general fund of the Treasury, except as such moneys may initially be required to repay the outstanding portion of any loan under subsection (d) of this section.

(d) The Secretary, if he deems it necessary, may arrange for the loan of moneys from the Colorado River Dam Fund to the Boulder City Municipal Fund in order that he may make expenditures pursuant to subsections (b) (1) and (b) (2) of this section prior to the receipt of sufficient revenue from the disposal of property under this Act, the loans to be repaid out of such revenues.

(e) Upon its incorporation, the Secretary shall cause to be paid over to the municipality all unobligated balances from appropriations available for municipal operations of the city, less the estimated cost for the remainder of the fiscal year after incorporation of furnishing water to the municipality pursuant to section 9 of this Act.

SEC. 7. Nothing in this Act shall affect any component of the rates and charges for electrical energy generated at Hoover Dam for amortization of the cost of works and improvements on land, including the school buildings and related facilities and equipment, within the Boulder City municipal area, transferred to non-Federal ownership pursuant to this Act less that part of such cost allocated by the Secretary to nonproject purposes pursuant to those portions of the Interior Department Appropriations Acts, 1949 and 1950 (62 Stat. 1112, 1130; 63 Stat. 765, 784), under the headings "Colorado River Dam Fund" which, in the case of each statute, follow the first sentence thereof. Effective at the beginning of the first full fiscal year after the date of incorporation of the municipality, if achieved before the expiration of fiscal year 1963, the aforesaid provisions of law are hereby repealed.

SEC. 8. From the electrical energy reserved to the United States under article 4 of the "General Regulations for Generation and Sale of Power in Accordance With the Boulder Canyon Project Adjustment Act," promulgated by the Secretary on May 20, 1941, the Sec-

General fund.

43 USC 618a.

43 USC 618.

Loans.

Payments.

43 USC 618p.

Repeals.

Kilowatts.

43 USC 618 et seq.

retary is authorized to deliver, at the Boulder City substation, at rates determined on the basis of (a) the Adjustment Act and (b) any other costs incurred in connection with such delivery, up to a maximum demand of seventeen thousand kilowatts to the municipality for its own use or for resale for use within the Boulder City municipal area less such capacity as is required by the United States for pumping water delivered to the municipality pursuant to section 9 of this Act: Provided, That should the present electrical energy requirements of the Bureau of Mines in Boulder City be substantially curtailed or discontinued, the maximum demand for the use of the municipality may be increased at the discretion of the Secretary up to nineteen thousand five hundred kilowatts less such capacity as is required by the United States for pumping water delivered to the municipality pursuant to section 9 of this Act: *Provided further*, That the electrical energy delivered hereunder to the municipality in any one year shall not exceed eighty million kilowatt-hours, less such energy as is required by the United States for pumping water delivered to the municipality pursuant to section 9 of this Act, and that this amount shall be reduced in any year in which there is a deficiency in electrical energy available from the Boulder Canyon project in the same proportion as firm energy delivered to allottees is reduced in such year below firm energy as defined in said general regulations.

Limitation.

SEC. 9. (a) Because of its climate and its location with respect to the only source of water, Boulder City faces extraordinary difficulties in connection with a domestic water supply. In recognition of this fact, the existing water supply system from Hoover Dam to, but not including, the Boulder City storage tanks shall be retained by the United States and shall be operated and maintained by the Secretary in order to supply water to the municipality at said storage tanks, for domestic, industrial, and municipal purposes, at a maximum rate of delivery of three thousand six hundred and fifty gallons a minute: *Provided*, That the cost of supplying such water, to the extent of not more than \$150,000 in any one year, shall be borne as provided in subsection (c) of this section: *Provided further*, That the municipality shall assume (i) all additional costs of supplying water under this section and (ii) all costs of filtration and treatment of water supplied under this section. There shall be no charge under the contract between the United States and the State of Nevada dated March 30, 1942, as amended, for water delivered in accordance with this section. Such delivery shall be subject to the availability of water for use in the State of Nevada under the provisions of the Colorado River compact and the Project Act and, except as hereinabove provided with respect to the charge for water, shall be in accordance with the terms of the aforesaid contract.

Water supply.

43 USC 617 et seq.

(b) As of the end of each year of project operation, or fraction thereof, after incorporation of the municipality, the Secretary shall determine the number of all persons employed in the construction, operation, and maintenance of the project and the number of all persons employed by the United States for purposes other than the construction, operation, and maintenance of the project.

Number of employees.

(c) The Secretary shall divide the cost for each year of project operation, or fraction thereof, after the incorporation of the municipality, of supplying water under subsection (a) of this section into two parts. The first such part shall bear the same ratio to the second such part as the number of all persons employed in the construction, operation, and maintenance of the project, as determined by the Secretary under subsection (b) of this section, bears to the number of all persons employed by the United States for purposes other than

Cost of operation.

construction, operation, and maintenance of the project, as determined by the Secretary under subsection (b) of this section. Notwithstanding the provisions of this subsection, the first part as aforesaid shall in no instance exceed 65 per centum of the total cost of furnishing water under subsection (a) of this section. Such total cost, less a sum equal to part 1 as aforesaid, shall constitute an amount whereby the obligation under section 2 of the Adjustment Act to repay to the Treasury advances and readvances to the Colorado River Dam Fund shall be diminished annually; and the rates computed pursuant to section 1 of said Act shall reflect such diminution.

43 USC 618a.

Additional water requirement.

(d) If the requirements of the municipality shall at any time exceed three thousand six hundred and fifty gallons a minute, the Secretary may furnish whatever additional water and whatever additional carrying capacity may be needed. The municipality shall bear the full cost of furnishing such additional water; and before the commencement of any construction to provide additional carrying capacity, the municipality shall enter into a repayment contract for the return to the United States of the full cost of furnishing such additional carrying capacity over a period of not more than forty years from the date when the facilities providing such additional carrying capacity are placed in service. Interest not exceeding the rate of $\frac{3}{4}$ per centum per annum of the unamortized construction costs shall be paid.

Investigation.

(e) At the end of each period of five years after the date of incorporation of the municipality, the Secretary shall investigate the need for continuation of all or part of the assistance to the municipality provided under this section and shall report his findings and recommendations to the Congress as soon thereafter as practicable.

Restrictions.

SEC. 10. In all sales, leases, transfers, and grants of Federal real property situated within the Boulder City municipal area the Secretary shall attach conditions involving such use restrictions as he may deem reasonable and necessary to preserve those community standards consistent with the national use and enjoyment of the project. Such restrictions shall include, without being limited to, restrictions against use of the property for the manufacture, sale, or distribution of intoxicating liquors (except light wines and beer or similar malt beverages and only to the extent that such manufacture, sale, or distribution is in accordance with State and local laws), or narcotics, or habit-forming drugs, or for gambling, prostitution, or lewd or immoral conduct. The sale or distribution of intoxicating liquors, narcotics, or habit-forming drugs in accordance with State and local laws for medical or pharmaceutical purposes shall be deemed not a violation of such conditions. Upon a determination, as hereinafter provided, that there has been a breach of any such condition by, or with the express or implied consent of, the grantee, his successors, assigns, or legal representatives, the United States shall have, and the Secretary shall thereupon exercise, the right to reenter the property or any part thereof and declare all right, title, and interest in and to the property or part thereof forfeited to the United States. Determination of a breach as aforesaid shall be by appropriate proceedings which the Attorney General of the United States shall institute, on recommendation of the Secretary, in the United States district court for the district in which the property is located. Nothing contained herein shall prejudice the cancellation of leases for breach of similar conditions or covenants contained therein or the enforcement by other appropriate means of such conditions or covenants.

All conditions attached pursuant to this section shall continue in full force and effect until, by election or referendum held especially for this purpose not less than three years after incorporation of the mu-

municipality, a majority of the registered voters of the municipality participating in such election shall have voted to dispense with all the aforesaid conditions simultaneously.

SEC. 11. The Secretary is authorized to enter into contracts with the municipality whereby either party might undertake to render to the other such services in aid of the performance of activities and functions of the municipality and of the Department within or near Boulder City as will in the Secretary's judgment contribute substantially to the efficiency or economy of the operations of the Department.

SEC. 12. Paragraph (3) of subsection 223 (a) of the National Housing Act, as amended, is hereby amended by changing the final semicolon in the paragraph to a comma and adding at the end of the paragraph the following: "of any permanent housing under the jurisdiction of the Department of the Interior constructed under the Boulder Canyon Project Act of December 21, 1928, as amended and supplemented, located within the Boulder City municipal area: *Provided*, That for purposes of the application of this title to sales by the Secretary of the Interior pursuant to subsections 3 (b) (1) and 3 (b) (2) of the Boulder City Act of 1958, the selling price of the property involved shall be deemed to be the appraised value; or".

SEC. 13. The provisions of this Act for the disposal of federally owned property are to be carried out notwithstanding any other provisions of law: *Provided*, That nothing in this Act shall be deemed to affect any existing right-of-way heretofore granted under the provisions of the Project Act or otherwise, or any rights reserved to the United States in connection with grants of such rights-of-way.

SEC. 14. This Act shall be a supplement to the Project Act and the Adjustment Act, and said Acts shall govern the administration of this Act, except as is otherwise herein provided.

SEC. 15. The Secretary is hereby authorized, subject only to the provisions of this Act, to perform such acts, to delegate such authority, and to prescribe such rules and regulations and establish such terms and conditions as he may deem necessary and proper for the purpose of carrying the provisions of this Act into full force and effect.

SEC. 16. Except as provided in subsection (f) (2) of section 3, subsection (b) of section 4, and subsection (c) of section 6 of this Act, all authority of the Secretary under this Act shall terminate at the expiration of fiscal year 1963, unless incorporation of the municipality shall previously have been achieved.

SEC. 17. The second and third provisos of the penultimate paragraph under the heading "Office of Education" in the Departments of Labor and Health, Education, and Welfare Appropriation Act, 1954 (67 Stat. 245, 250), are hereby repealed.

SEC. 18. This Act may be cited as the "Boulder City Act of 1958".
Approved September 2, 1958.

Public Law 85-901

AN ACT

To amend the District of Columbia Public School Food Services Act.

Contracts.

71 Stat. 298,
12 USC 1715n.

43 USC 617 et
seq.

Ante, p. 1728.

43 USC 617 et
seq.

43 USC 617 et
seq.
43 USC 618o,
Delegation of au-
thority.

Termination.

Repeals.

43 USC 617v.
Short title.

September 2, 1958
[S. 1764]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6 of the District of Columbia Public School Food Services Act (65 Stat. 369; sec. 31-1405, D. C. Code, 1951 edition) is amended by adding before the period the following: "and for reimbursement of the District of Columbia Public School Food Services Fund for lunches served in accordance with section 9 of the National School Lunch Act (60 Stat.

D.C. school
lunches.
Payment.

233; title 42, sec. 1758, U. S. C., 1952 edition), to children without cost to such children or at reduced cost: *Provided*, That such reimbursement shall be made only in cases where such lunches are served to children of families who are recipients of public assistance granted by the government of the District of Columbia. The rate of such reimbursement for such lunches served by the public schools in the District of Columbia shall be the student price of 'Type A Lunch' in effect at the time such lunches are served. As used in this section the term 'Type A Lunch' means a Type A Lunch as defined in regulations promulgated by the Secretary of Agriculture pursuant to authority in the National School Lunch Act. Appropriations authorized by this section shall be available for reimbursement of the Food Service Fund in the amount of any agency contributions paid out of such Fund pursuant to the provisions of section 4 (a) of the Civil Service Retirement Act".

Approved September 2, 1958.

Public Law 85-902

AN ACT

To amend section 27 of the Merchant Marine Act of 1920.

September 2, 1958
[H. R. 9833]

Vessels, barges,
operations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Merchant Marine Act, 1920, as amended (46 U. S. C. 861 and the following), is amended by adding immediately following section 27 thereof (46 U. S. C. 883), a new section 27A reading as follows:

"SEC. 27A. Notwithstanding any other provision of law, a corporation incorporated under the laws of the United States or any State, Territory, District, or possession thereof, shall be deemed to be a citizen of the United States for the purposes of and within the meaning of that term as used in sections 9 and 37 of the Shipping Act, 1916, as amended (46 U. S. C. 808, 835), section 27 of the Merchant Marine Act of 1920, as amended (46 U. S. C. 883), Revised Statutes, section 4370 (46 U. S. C. 316), and the laws relating to the documentation of vessels, if it is established by a certificate filed with the Secretary of the Treasury as hereinafter provided, that—

"(a) a majority of the officers and directors of such corporation are citizens of the United States;

"(b) not less than 90 per centum of the employees of such corporation are residents of the United States;

"(c) such corporation is engaged primarily in a manufacturing or mineral industry in the United States or any Territory, District, or possession thereof;

"(d) the aggregate book value of the vessels owned by such corporation does not exceed 10 per centum of the aggregate book value of the assets of such corporation; and

"(e) such corporation purchases or produces in the United States, its Territories, or possessions not less than 75 per centum of the raw materials used or sold in its operations

but no vessel owned by any such corporation shall engage in the fisheries or in the transportation of merchandise or passengers for hire between points in the United States, including Territories, Districts, and possessions thereof, embraced within the coastwise laws, except as a service for a parent or subsidiary corporation and except when such vessel is under demise or bareboat charter at prevailing rates for use otherwise than in the domestic noncontiguous trades from any such corporation to a common or contract carrier subject to part

3 of the Interstate Commerce Act, as amended, which otherwise qualifies as a citizen under section 2 of the Shipping Act, 1916, as amended (46 U. S. C. 802), and which is not connected, directly or indirectly, by way of ownership or control with such corporation.

"As used herein (1), the term 'parent' means a corporation which controls, directly or indirectly, at least 50 per centum of the voting stock of such corporation, and (2), the term 'subsidiary' means a corporation not less than 50 per centum of the voting stock of which is controlled, directly or indirectly, by such corporation or its parent, but no corporation shall be deemed to be a 'parent' or 'subsidiary' hereunder unless it is incorporated under the laws of the United States, or any State, Territory, District, or possession thereof, and there has been filed with the Secretary of the Treasury a certificate as hereinafter provided.

"Vessels built in the United States and owned by a corporation meeting the conditions hereof which are non-self-propelled or which, if self-propelled, are of less than five hundred gross tons shall be entitled to documentation under the laws of the United States, and except as restricted by this section, shall be entitled to engage in the coastwise trade and, together with their owners or masters, shall be entitled to all the other benefits and privileges and shall be subject to the same requirements, penalties, and forfeitures as may be applicable in the case of vessels built in the United States and otherwise documented or exempt from documentation under the laws of the United States.

"A corporation seeking hereunder to document a vessel under the laws of the United States or to operate a vessel exempt from documentation under the laws of the United States shall file with the Secretary of the Treasury of the United States a certificate under oath, in such form and at such times as may be prescribed by him, executed by its duly authorized officer or agent, establishing that such corporation complies with the conditions of this section above set forth. A 'parent' or 'subsidiary' of such corporation shall likewise file with the Secretary of the Treasury a certificate under oath, in such form and at such time as may be prescribed by him, executed by its duly authorized officer or agent, establishing that such 'parent' or 'subsidiary' complies with the conditions of this section above set forth, before such corporation may transport any merchandise or passengers for such parent or subsidiary. If any material matter of fact alleged in any such certificate which, within the knowledge of the party so swearing is not true, there shall be a forfeiture of the vessel (or the value thereof) documented or operated hereunder in respect to which the oath shall have been made. If any vessel shall transport merchandise for hire in violation of this section, such merchandise shall be forfeited to the United States. If any vessel shall transport passengers for hire in violation of this section, such vessel shall be subject to a penalty of \$200 for each passenger so transported. Any penalty or forfeiture incurred under this section may be remitted or mitigated by the Secretary of the Treasury under the provisions of section 7 of title 46, United States Code.

"Any corporation which has filed a certificate with the Secretary of the Treasury as provided for herein shall cease to be qualified under this section if there is any change in its status whereby it no longer meets the conditions above set forth, and any documents theretofore issued to it, pursuant to the provisions of this section, shall be forthwith surrendered by it to the Secretary of the Treasury."

Approved September 2, 1958.

Public Law 85-903

September 2, 1958
[H. R. 109]

AN ACT

To incorporate the Jewish War Veterans, U. S. A., National Memorial, Inc.

Jewish War Veterans,
U. S. A., National Memorial,
Inc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following-named persons, to wit: Ben Kaufman, Trenton, New Jersey; William Berman, Westbrook, Maine; Joseph Gilman, Manchester, New Hampshire; Captain Louis H. Albrand, Burlington, Vermont; Mrs. Ethel Cohen, Providence, Rhode Island; Paul J. Robin, Providence, Rhode Island; Frederick S. Harris, Meriden, Connecticut; Edward Lettick, New Haven, Connecticut; William Carmen, Brookline, Massachusetts; David Lasker, Boston, Massachusetts; Mrs. Sarah Stone, Brighton, Massachusetts; Harry D. Henshel, New York, New York; Captain Joshua Goldberg, New York, New York; Sol Masch, New York, New York; Sam Slutsky, Peekskill, New York; I. T. Rockman, Harrisburg, Pennsylvania; Harry H. Schaffer, Pittsburgh, Pennsylvania; Doctor David Coyne, Hoboken, New Jersey; Edward Nappen, Atlantic City, New Jersey; Howard M. Berg, Wilmington, Delaware; Samuel Michaelson, Baltimore, Maryland; Louis E. Spiegler, Washington, District of Columbia; Joseph F. Barr, Washington, District of Columbia; Joseph A. Reshefsky, Portsmouth, Virginia; Edward Leyton, High Point, North Carolina; Doctor Harry Appel, Charleston, South Carolina; Harry Harrison, Atlanta, Georgia; Paul Ginsberg, Atlanta, Georgia; Harry Cohen, Miami Beach, Florida; Louis B. Lepp, Birmingham, Alabama; Edwin I. Baer, Louisville, Kentucky; Doctor Yale Burke, South Bend, Indiana; Harry T. Madison, Oak Park, Michigan; William Bobier, Phoenix, Arizona; Samuel Shaikewitz, St. Louis, Missouri; Major General Julius Klein, Chicago, Illinois; Nathan Rakita, Milwaukee, Wisconsin; Myer Dorfman, St. Paul, Minnesota; Hyman Greenspan, Dallas, Texas; Harold Freeman, Phoenix, Arizona; Harry Pells, Denver, Colorado; Hy Weitzman, San Bernardino, California; Don Kapner, Seattle, Washington; Sherman Z. Lipstein, Omaha, Nebraska; William Stern, Fargo, North Dakota; and their successors, are hereby created and declared to be a nonprofit body corporate of the District of Columbia, where its legal domicile shall be, by the name of the Jewish War Veterans, U. S. A., National Memorial, Incorporated (hereinafter referred to as the "corporation"), and by such name shall be known and have perpetual succession and the powers, limitations, and restrictions herein contained.

COMPLETION OF ORGANIZATION

SEC. 2. A majority of the persons named in the first section of this Act are authorized to complete the organization of the corporation by the selection of officers and employees, the adoption of a constitution and bylaws, not inconsistent with the provisions of this Act, and the doing of such other acts as may be necessary for such purpose.

PRINCIPLES AND OBJECTS OF THE CORPORATION

SEC. 3. The principles and objects of the corporation shall be—

- (a) to maintain and conduct a national memorial and museum dedicated to and commemorating the service and sacrifice in the Armed Forces of the United States during the period of war by Americans of the Jewish faith;
- (b) to gather, collate, edit, publish, and exhibit the memorabilia, data, records, military awards, decorations, citations, and

so forth, for the purpose of preserving the memories and records of patriotic service performed by men and women of the Jewish faith while in the armed services of the United States in time of war; and

(c) to stimulate patriotism in the minds of all Americans by encouraging the study of the military and naval history of our Nation.

CORPORATE POWERS

SEC. 4. The corporation shall have power—

(a) to have succession by its corporate name;

(b) to sue and be sued, complain and defend in any court of competent jurisdiction;

(c) to adopt, use, and alter a corporate seal;

(d) to adopt, amend, and alter a constitution and bylaws, not inconsistent with the laws of the United States, for the management of its property and the regulation of its affairs; said constitution and bylaws should likewise not be inconsistent with the laws of any State in which the corporation is to operate;

(e) to contract and be contracted with;

(f) to take by lease, gift, purchase, grant, devise, or bequest from any private corporation, association, partnership, firm, or individual, and to hold any property, real, personal, or mixed, necessary or convenient for attaining the objects and carrying into effect the purposes of the corporation, subject, however, to applicable provisions of law of any State (A) governing the amount or kind of property which may be held by, or (B) otherwise limiting or controlling the ownership of property by, a corporation operating in such State;

(g) to transfer, convey, lease, sublease, encumber, and otherwise alienate real, personal, or mixed property; and

(h) to borrow money for the purposes of the corporation, issue bonds therefor, and secure the same by mortgage, deed of trust, pledge, or otherwise, subject in every case to all applicable provisions of Federal and State laws.

PRINCIPAL OFFICE; SCOPE OF ACTIVITIES; DISTRICT OF COLUMBIA AGENT

SEC. 5. (a) The principal office of the corporation shall be located in Washington, District of Columbia, but the activities of the corporation shall not be confined to that place and may be conducted throughout the various States, Territories, and possessions of the United States.

(b) The corporation shall at all times maintain in its headquarters in the District of Columbia a designated agent to accept service of process for the corporation and notice to or service upon such agent, or mailed to the headquarters of the organization in the said District of Columbia shall be deemed notice or service upon the said corporation.

BOARD OF DIRECTORS; COMPOSITION; RESPONSIBILITIES

SEC. 6. (a) Upon the enactment of this Act, the initial board of directors of the corporation shall consist of the present officers and members of the board of directors of the existing corporation, entitled "Jewish War Veterans U. S. A., National Memorial, Incorporated", an organization incorporated under the laws of the District of Columbia.

(b) Thereafter, the board of directors of the corporation shall be of such number (not less than thirty-six) who shall be selected in

such manner, including the filling of vacancies and serve such terms as shall be prescribed under the constitution and bylaws of the corporation.

(c) The board of directors shall be the governing board of the corporation and shall, during the intervals between corporation meetings, be responsible for the general policies and program of the corporation. The board shall be responsible for all finances of the corporation.

OFFICERS, ELECTION OF OFFICERS

SEC. 7. (a) The officers of the corporation shall be a president and such number of vice presidents as shall be provided for in the constitution and bylaws, as well as a secretary and treasurer.

(b) The officers of the corporation shall be elected in such manner and for such terms as well as with such duties as may be prescribed in the constitution and bylaws of the corporation.

USE OF INCOME; LOANS TO OFFICERS, DIRECTORS, OR EMPLOYEES

SEC. 8. (a) No part of the income or assets of the corporation shall inure to any officer or director or be distributable to any such person. Nothing in this section, however, shall be construed to prevent the payment of compensation to the officers or employees of the corporation in amounts approved by the executive committee of the corporation.

(b) The corporation shall not make loans to its officers, directors, or employees. Any director who votes for or assents to the making of a loan to an officer, director, or employee of the corporation, and any officer who participates in the making of such loan, shall be jointly and severally liable to the corporation for the amount of such loan until the repayment thereof.

NONPOLITICAL NATURE OF CORPORATION

SEC. 9. The corporation, and its officers and directors as such, shall not contribute to or otherwise support or assist any political party or candidate for public office.

LIABILITY FOR ACTS OF OFFICERS AND AGENTS

SEC. 10. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

PROHIBITION AGAINST ISSUANCE OF STOCK OR PAYMENT OF DIVIDENDS

SEC. 11. The corporation shall have no power to issue any shares of stock or to declare or pay any dividends.

BOOKS AND RECORDS; INSPECTION

SEC. 12. The corporation shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its members, board of directors, and committees having any authority under the board of directors; and it shall also keep at its principal office a record of the names and addresses of its members entitled to vote. All books and records of the corporation may be inspected by any member entitled to vote, or his agent or attorney, for any proper purpose, at any reasonable time.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 13. (a) The financial transactions shall be audited annually, at the end of the fiscal year established by the corporation, by an independent certified public accountant in accordance with the principles and procedures applicable to commercial corporate transactions. The audit shall be conducted at the place or places where the accounts of the corporation are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the corporation and necessary to facilitate the audit shall be made available to the person or persons conducting the audit; and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

(b) A report of such audit shall be made by the corporation to the Congress not later than six months following the close of such fiscal year for which the audit is made. The report shall set forth the scope of the audit and shall include verification by the person or persons conducting the audit of statements of (1) assets and liabilities, (2) capital and surplus or deficit, (3) surplus or deficit analysis, (4) income and expense, and (5) sources and application of funds. Such report shall not be printed as a public document.

Report to Congress.

USE OF ASSETS ON DISSOLUTION OR LIQUIDATION

SEC. 14. Upon final dissolution or liquidation of the corporation, and after discharge or satisfaction of all outstanding obligations and liabilities, the remaining assets of the corporation may be distributed in accordance with the determination of the board of directors of the corporation and in compliance with the constitution and bylaws of the corporation and all Federal and State laws applicable thereto. Nothing in this section shall be construed so as to permit any such assets being distributed to any officer or employee or inuring to the benefit of any private person.

TRANSFER OF ASSETS

SEC. 15. The corporation may acquire the assets of the Jewish War Veterans, U. S. A., National Memorial, Incorporated, a body corporate organized under the laws of the District of Columbia, upon discharging or satisfactorily providing for the payment and discharge of all of the liabilities of such corporation and upon complying with all the laws of the District of Columbia applicable thereto.

RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER

SEC. 16. The right to alter, amend, or repeal this Act is expressly reserved.

Approved September 2, 1958.

Public Law 85-904

JOINT RESOLUTION

Designating the week of November 21-27, 1958, as National Farm-City Week.

September 2, 1958
[H. J. Res. 546]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of November 21-27, 1958, be designated as National Farm-City Week, in recognition of the contribution American farm families have made to our civilization and in order to promote better public understanding of the needs,

National Farm-City Week, 1958.
Designation.

problems, and opportunities of our country's agriculture and farm people, and to honor men and women who have contributed to agricultural achievements and progress.

To this end the President is authorized and requested to issue a proclamation calling upon the Department of Agriculture, the land-grant colleges, the Agricultural Extension Service, and all other appropriate agencies and officials of the Government to cooperate with National, State, and local farm organizations and other groups in the several States and counties in preparing and carrying out programs for the appropriate observation of National Farm-City Week, including plans for public meetings, discussions, exhibits, pageants, and press, radio, and television features with a special emphasis on notable achievements by rural groups and individuals, local, State, and National, and on the all-around enrichment of American country living through adequate cultural, spiritual, educational, recreational, and health facilities for both rural youth and rural adults.

Approved September 2, 1958.

Public Law 85-905

AN ACT

September 2, 1958
[H. R. 13678]

To provide in the Department of Health, Education, and Welfare for a loan service of captioned films for the deaf.

Deaf.
Loan service of
films.

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

(1) to bring to deaf persons understanding and appreciation of those films which play such an important part in the general and cultural advancement of hearing persons;

(2) to provide, through these films, enriched educational and cultural experiences through which deaf persons can be brought into better touch with the realities of their environment; and

(3) to provide a wholesome and rewarding experience which deaf persons may share together.

SEC. 2. As used in this Act—

(1) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(2) The term "United States" means the several States, Territories, insular possessions, and the District of Columbia.

(3) The term "deaf person" includes a person whose hearing is severely impaired.

SEC. 3. (a) In order to carry out the objectives of this Act, the Secretary shall establish a loan service of captioned films for the purpose of making such films available for nonprofit purposes to groups of deaf persons in the United States in accordance with regulations promulgated by the Secretary.

(b) In carrying out the provisions of this Act, the Secretary shall have authority to—

(1) Acquire films (or rights thereto) by purchase, lease, or gift.

(2) Provide for the captioning of films.

(3) Provide for distribution of captioned films through State schools for the deaf and such other agencies as the Secretary may deem appropriate to serve as local or regional centers for such distribution.

(4) Make use, consistent with the purposes of this Act, of films made available to the Library of Congress under the copyright laws.

(5) Utilize the facilities and services of other governmental agencies.

(6) Accept gifts, contributions, and voluntary and uncompensated services of individuals and organizations.

SEC. 4. There are hereby authorized to be appropriated not to exceed \$250,000 annually to carry out the provisions of this Act.

Approved September 2, 1958.

Appropriation.

Public Law 85-906

AN ACT

To establish a Commission and Advisory Committee on International Rules of Judicial Procedure.

September 2, 1958
[H. R. 4642]

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

Commission and
Advisory Commit-
tee on Internat-
ional Rules of
Judicial Proce-
dure.

ESTABLISHMENT OF THE COMMISSION ON INTERNATIONAL RULES OF JUDICIAL PROCEDURE

SECTION 1. There is hereby established a Commission to be known as the Commission on International Rules of Judicial Procedure, hereinafter referred to as the "Commission".

PURPOSE OF THE COMMISSION

SEC. 2. The Commission shall investigate and study existing practices of judicial assistance and cooperation between the United States and foreign countries with a view to achieving improvements. To the end that procedures necessary or incidental to the conduct and settlement of litigation in State and Federal courts and quasi-judicial agencies which involve the performance of acts in foreign territory, such as the service of judicial documents, the obtaining of evidence, and the proof of foreign law, may be more readily ascertainable, efficient, economical, and expeditious, and that the procedures of our State and Federal tribunals for the rendering of assistance to foreign courts and quasi-judicial agencies be similarly improved, the Commission shall—

(a) draft for the assistance of the Secretary of State international agreements to be negotiated by him;

(b) draft and recommend to the President any necessary legislation;

(c) recommend to the President such other action as may appear advisable to improve and codify international practice in civil, criminal, and administrative proceedings; and

(d) perform such other related duties as the President may assign.

MEMBERSHIP OF THE COMMISSION

SEC. 3. (a) The Commission shall consist of nine members. The President shall appoint five members, three of whom shall be public members and two of whom shall be officials of State government whose positions give them knowledge of judicial and quasi-judicial procedures in the States. The Secretary of State shall appoint two representatives of the Department of State and the Attorney General shall appoint two representatives of the Department of Justice. The Commission shall elect a chairman from among its members.

(b) Vacancies in membership of the Commission shall be filled in the same manner as in the case of original designation.

(c) Seven members shall constitute a quorum.

(d) Members of the Commission who are appointed by the Secretary of State and the Attorney General shall serve without compensation in addition to that received for their services in the Government.

(e) The public members of the Commission shall each receive \$50 per diem when engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other expenses incurred by them in the performance of such duties.

(f) Service of an individual as a member of the Commission or employment of an individual by the Commission shall not be considered to be service or employment bringing such individual within the provisions of sections 281, 283, 284, 434, or 1914 of title 18 of the United States Code, or section 190 of the Revised Statutes (5 U. S. C. 99).

62 Stat. 697,
698, 703, 793.

THE DIRECTOR AND STAFF

SEC. 4. (a) The Director of the Commission shall be appointed by the Commission without regard to the civil-service and classification laws, and his compensation shall be fixed by the Commission without regard to the Classification Act of 1949, as amended.

63 Stat. 954.
5 USC 1071 note.

(b) The Director shall serve as the Commission's reporter, and, subject to the direction of the Commission, shall supervise the activities of persons employed under the Commission, the preparation of reports, and shall perform other duties assigned him within the scope of the functions of the Commission.

(c) Within the limit of funds appropriated for such purpose, individuals may be employed by the Commission for service with the Commission staff without regard to the civil-service and classification laws, and services may be procured as authorized by section 15 of the Act of August 2, 1946, as amended (5 U. S. C. 55a), but at rates for individuals not in excess of \$50 per diem.

60 Stat. 810.

ESTABLISHMENT OF THE ADVISORY COMMITTEE

SEC. 5. (a) There is hereby established a committee of fifteen members to be known as the Advisory Committee on International Rules of Judicial Procedure (hereinafter referred to as the "Advisory Committee"), to advise and consult with the Commission. The Advisory Committee shall be appointed by the Commission from among lawyers, judges of Federal and State courts, and other persons competent to provide advice for the Commission.

(b) Members of the Advisory Committee shall not be deemed to be officers or employees of the United States by virtue of such service and shall receive no compensation. Members of the Advisory Committee who are not otherwise officers or employees of the United States shall be entitled to travel and subsistence expenses as authorized by section 5 of the Administrative Expenses Act of 1946, as amended (5 U. S. C. 73b-2), for persons serving without compensation, in accordance with the provisions of the Travel Expense Act of 1949, as amended (5 U. S. C. 835-842).

60 Stat. 808.

63 Stat. 166.

GOVERNMENT AGENCY COOPERATION

SEC. 6. The Commission is authorized to request from any department, agency, or independent instrumentality of the Government any information it deems necessary to carry out its functions under this Act; and each such department, agency, and instrumentality is author-

ized to cooperate with the Commission and, to the extent permitted by law, to furnish such information to the Commission, upon request made by the Chairman or other member designated to act as Chairman.

ADMINISTRATION

SEC. 7. (a) For administrative purposes only, the Commission and the Advisory Committee shall be attached to the Department of Justice.

(b) The Commission shall render to the President annual reports for transmission to the Congress. Reports to Congress.

The Commission shall submit its final report and the Commission and the Advisory Committee shall terminate and wind up their affairs prior to December 31, 1959.

AUTHORIZATION OF APPROPRIATIONS

SEC. 8. There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such amounts, not to exceed a total of \$75,000, as may be necessary to carry out the provisions of this Act.

Approved September 2, 1958.

Public Law 85-907

AN ACT

For the relief of certain employees of the Department of the Navy.

September 2, 1958
[H. R. 12212]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any employee of the Department of the Navy who, as a result of administrative error, received any overpayment of per diem while assigned to duty at the Golcuk Navy Yard, İsmet, Turkey, during the period beginning November 23, 1955, and ending April 30, 1957, both dates inclusive, is relieved of liability to pay to the United States the amount of such overpayment. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given for the amounts for which liability is relieved by this section.

Naval employees.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to each employee of the Department of the Navy referred to in the first section of this Act the amount certified to the Secretary of the Treasury by the Secretary of the Navy as the total of the amounts withheld from such employee by the United States on account of the overpayments referred to in the first section of this Act, plus the amounts paid to the United States by such employee on account of such overpayments: *Provided,* That no part of the amount appropriated in this Act for the payment of any one claim in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with such claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved September 2, 1958.

Public Law 85-908

AN ACT

September 2, 1958
[H. R. 9822]

To provide for holding a White House Conference on Aging to be called by the President of the United States in January 1961, to be planned and conducted by the Secretary of Health, Education, and Welfare with the assistance and cooperation of other departments and agencies represented on the Federal Council on Aging; to assist the several States in conducting similar conferences on aging prior to the White House Conference on Aging; and for related purposes.

White House
Conference on
Aging Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "White House Conference on Aging Act".

TITLE I—NEED FOR LEGISLATION; DECLARATION OF POLICY; DEFINITIONS

NEED FOR LEGISLATION

SEC. 101. The Congress hereby finds and declares that the public interest requires the enactment of legislation to formulate recommendations for immediate action in improving and developing programs to permit the country to take advantage of the experience and skills of the older persons in our population, to create conditions which will better enable them to meet their needs, and to further research on aging because—

(1) the number of persons forty-five years of age and older in our population has increased from approximately thirteen and one-half million in 1900 to forty-nine and one-half million in 1957, and the number sixty-five years of age and over from approximately three million in 1900 to almost fifteen million at the present time, and is expected to reach twenty-one million by 1975; and

(2) outmoded practices in the employment and compulsory premature retirement of middle-aged and older persons are depriving the economy of their much needed experience, skill, and energy and simultaneously, depriving many middle-aged and older persons of opportunity for gainful employment and an adequate standard of living; and

(3) many older persons do not have adequate financial resources to maintain themselves and their families as independent and self-respecting members of their communities, to obtain the medical and rehabilitation services required to permit them to function as healthy, useful members of society, and to permit them to enjoy the normal, human, social contacts; and

(4) our failure to provide adequate housing for elderly persons at costs which can be met by them is perpetuating slum conditions in many of our cities and smaller communities and is forcing many older persons to live under conditions in which they cannot maintain decency and health, or continue to participate in the organized life of the community; and

(5) the lack of suitable facilities and opportunities in which middle-aged persons can learn how to prepare for the later years of life, learn new vocational skills, and develop and pursue avocational and recreational interests is driving many of our older persons into retirement shock, premature physical and mental deterioration, and loneliness and isolation and is filling up our mental institutions and general hospitals and causing an unnecessary drain on our health manpower; and

(6) in order to prevent the additional years of life, given to us by our scientific development and abundant economy, from becoming a prolonged period of dying, we must step up research on the physical, psychological, and sociological factors in aging and in diseases common among middle-aged and older persons; and

(7) we may expect average length of life and the number of older people to increase still further, we must proceed with all possible speed to correct these conditions and to create a social, economic, and health climate which will permit our middle-aged and older people to continue to lead proud and independent lives which will restore and rehabilitate many of them to useful and dignified positions among their neighbors; which will enhance the vigor and vitality of the communities and of our total economy; and which will prevent further aggravation of their problems with resulting increased social, financial, and medical burdens.

DECLARATION OF POLICY

SEC. 102. (a) While the primary responsibility for meeting the challenge and problems of aging is that of the States and communities, all levels of government are involved and must necessarily share responsibility; and it is therefore the policy of the Congress that the Federal Government shall work jointly with the States and their citizens, to develop recommendations and plans for action, consistent with subsection (b) of this section, which will serve the purposes of—

(1) assuring middle-aged and older persons equal opportunity with others to engage in gainful employment which they are capable of performing, thereby gaining for our economy the benefits of their skills, experience, and productive capacities; and

(2) enabling retired persons to enjoy incomes sufficient for health and for participation in family and community life as self-respecting citizens; and

(3) providing housing suited to the needs of older persons and at prices they can afford to pay; and

(4) assisting middle-aged and older persons to make the preparation, develop skills and interests, and find social contacts which will make the gift of added years of life a period of reward and satisfaction and avoid unnecessary social costs of premature deterioration and disability; and

(5) stepping up research designed to relieve old age of its burdens of sickness, mental breakdown, and social ostracism.

(b) It is further declared to be the policy of Congress that in all programs developed there should be emphasis upon the right and obligation of older persons to free choice and self-help in planning their own futures.

DEFINITIONS

SEC. 103. For the purposes of this Act—

(1) the term "Secretary" means the Secretary of Health, Education, and Welfare;

(2) the term "State" includes Alaska, Hawaii, the District of Columbia, the Virgin Islands, Puerto Rico, and Guam.

TITLE II—WHITE HOUSE CONFERENCE ON AGING

SEC. 201. (a) A White House Conference on Aging to be called by the President of the United States in January 1961 in order to develop recommendations for further research and action in the field of aging, which will further the policies set forth in section 102 of this Act, shall be planned and conducted under the direction of the Secretary

of Health, Education, and Welfare who shall have the cooperation and assistance of such other Federal departments and agencies as may be appropriate.

(b) For the purpose of arriving at facts and recommendations concerning the utilization of skills, experience, and energies and the improvement of the conditions of our older people, the conference shall bring together representatives of Federal, State, and local governments, professional and lay people who are working in the field of aging, and of the general public including older persons themselves.

Report to President.

(c) A final report of the White House Conference on Aging shall be submitted to the President not later than ninety days following the date on which the conference was called and the findings and recommendations included therein shall be immediately made available to the public.

GRANTS

SEC. 202. (a) There is hereby authorized to be paid to each State which shall submit an application for funds for the exclusive use in planning and conducting a State conference on aging prior to and for the purpose of developing facts and recommendations and preparing a report of the findings for presentation to the White House Conference on Aging, and in defraying costs incident to the State's delegates attending the White House Conference on Aging, a sum to be determined by the Secretary, but not less than \$5,000 nor more than \$15,000; such sums to be paid only from funds specifically appropriated for this purpose.

(b) Payment shall be made by the Secretary to an officer designated by the Governor of the State to receive such payment and to assume responsibility for organizing and conducting the State conference.

TITLE III—GENERAL PROVISIONS

ADMINISTRATION

SEC. 301. In administering this Act, the Secretary shall:

(1) Request the cooperation and assistance of such other Federal departments and agencies as may be appropriate in carrying out the provisions of the Act;

(2) Render all reasonable assistance to the States in enabling them to organize and conduct conferences on aging prior to the White House Conference on Aging;

(3) Prepare and make available background materials for the use of delegates to the White House Conference as he may deem necessary and shall prepare and distribute such report or reports of the Conference as may be indicated; and

(4) In carrying out the provisions of this Act, engage such additional personnel as may be necessary (without reference to the provisions of the Civil Service Act) within the amount of the funds appropriated for this purpose.

22 Stat. 403.
5 USC 632 et seq.

ADVISORY COMMITTEES

SEC. 302. The Secretary is authorized and directed to establish an Advisory Committee to the White House Conference on Aging composed of professional and public members, and, as necessary, to establish technical advisory committees to advise and assist in planning and conducting the Conference. Appointed members of such committees, while attending conferences or meetings of their committees or otherwise serving at the request of the Secretary, shall be entitled to receive compensation at a rate to be fixed by the Secretary but not

exceeding \$50 per diem, including travel time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons in the Government service employed intermittently.

TITLE IV—AUTHORIZATION OF APPROPRIATIONS

SEC. 401. There is hereby authorized to be appropriated such sums as Congress determines to be necessary for the administration of this Act.

Appropriations.

Approved September 2, 1958.

Public Law 85-909

AN ACT

To amend the Packers and Stockyards Act, 1921, as amended, and for other purposes.

September 2, 1958
[H. R. 9020]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Packers and Stockyards Act, 1921, as amended (42 Stat. 159, as amended; 7 U. S. C. 181 and the following), is amended as follows:

Packers and
Stockyards Act,
1921, amendments.
Unlawful prac-
tices.
7 USC 192.

(1) By amending section 202 by inserting after the word "unlawful" the words "with respect to livestock, meats, meat food products, livestock products in unmanufactured form, poultry, or poultry products".

(2) By amending section 406 by striking out subsection (b) and inserting in lieu thereof the following:

Powers of FTC.
7 USC 226, 227.

"(b) The Federal Trade Commission shall have power and jurisdiction over any matter involving meat, meat food products, livestock products in unmanufactured form, or poultry products, which by this Act is made subject to the power or jurisdiction of the Secretary, as follows:

"(1) When the Secretary in the exercise of his duties requests of the Commission that it make investigations and reports in any case.

"(2) In any investigation of, or proceeding for the prevention of, an alleged violation of any Act administered by the Commission, arising out of acts or transactions involving meat, meat food products, livestock products in unmanufactured form, or poultry products, if the Commission determines that effective exercise of its power or jurisdiction with respect to retail sales of any such commodities is or will be impaired by the absence of power or jurisdiction over all acts or transactions involving such commodities in such investigation or proceeding. In order to avoid unnecessary duplication of effort by the Government and burdens upon the industry, the Commissioner shall notify the Secretary of such determination, the reasons therefor, and the acts or transactions involved, and shall not exercise power or jurisdiction with regard to acts or transactions (other than retail sales) involving such commodities if the Secretary within ten days from the date of receipt of the notice notifies the Commission that there is pending in his Department an investigation of, or proceeding for the prevention of, an alleged violation of this Act involving the same subject matter.

"(3) Over all transactions in commerce in margarine or oleomargarine and over retail sales of meat, meat food products, livestock products in unmanufactured form, and poultry products.

“(c) The Federal Trade Commission shall have no power or jurisdiction over any matter which by this Act is made subject to the jurisdiction of the Secretary, except as provided in subsection (b) of this section.

“(d) The Secretary of Agriculture shall exercise power or jurisdiction over oleomargarine or retail sales of meat, meat food products, livestock products in unmanufactured form, or poultry products only when he determines, in any investigation of, or any proceeding for the prevention of, an alleged violation of this Act, that such action is necessary to avoid impairment of his power or jurisdiction over acts or transactions involving livestock, meat, meat food products, livestock products in unmanufactured form, poultry or poultry products, other than retail sales thereof. In order to avoid unnecessary duplication of effort by the Government and burdens upon the industry, the Secretary shall notify the Federal Trade Commission of such determination, the reasons therefor, and the acts or transactions involved, and shall not exercise power or jurisdiction with respect to acts or transactions involving oleomargarine or retail sales of meat, meat food products, livestock products in unmanufactured form, or poultry products if the Commission within ten days from the date of receipt of such notice notifies the Secretary that there is pending in the Commission an investigation of, or proceeding for the prevention of, an alleged violation of any Act administered by the Commission involving the same subject matter.

Reports.

“(e) The Secretary of Agriculture and the Federal Trade Commission shall include in their respective annual reports information with respect to the administration of subsections (b) and (d) of this section.”

SEC. 2. Said Act is further amended—

(1) by striking out the words “at a stockyard” from sections 301 (c) and 301 (d);

(2) by striking out the last sentence of section 302 (a): *Provided, however,* That nothing herein shall be deemed a definition of the term “public stockyards” as used in section 15 (5) of the Interstate Commerce Act;

(3) by inserting after the first sentence in section 303 the following sentence: “Every other person operating as a market agency or dealer as defined in section 301 of the Act may be required to register in such manner as the Secretary may prescribe.”;

(4) by amending section 311 by striking out the words “stockyard owner or market agency” wherever they occur and inserting “stockyard owner, market agency, or dealer” and by striking out “stockyard owners or market agencies” and inserting “stockyard owners, market agencies, or dealers”;

(5) by striking out the words “at a stockyard” from section 312 (a).

SEC. 3. Subsection 6 of section 5 (a) of the Federal Trade Commission Act (15 U. S. C. 45 (a) (6)) is amended by striking out “persons, partnerships or corporations subject to the Packers and Stockyards Act, 1921, except as provided in section 406 (b) of said Act”, and substituting therefor the following: “persons, partnerships, or corporations insofar as they are subject to the Packers and Stockyards Act, 1921, as amended, except as provided in section 406 (b) of said Act”.

SEC. 4. Section 407 of the Packers and Stockyards Act, 1921, as amended, is amended (1) by inserting “(a)” immediately after “Sec. 407.” and (2) by adding at the end thereof the following new subsection:

7 USC 201.

7 USC 202.

49 USC 15.

7 USC 201.

7 USC 212.

7 USC 213.

38 Stat. 719.

7 USC 226, 227.

7 USC 228.

“(b) The Secretary shall maintain within the Department of Agriculture a separate enforcement unit to administer and enforce title II of this Act.”

7 USC 191-195.

Approved September 2, 1958.

Public Law 85-910

AN ACT

To provide for the establishment of Grand Portage National Monument in the State of Minnesota, and for other purposes.

September 2, 1958
[H. R. 11009]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of preserving an area containing unique historical values, there is hereby authorized to be established, in the manner hereinafter provided, the Grand Portage National Monument in the State of Minnesota which, subject to valid existing rights, shall comprise the following described lands:

Grant Portage
National Monu-
ment, Minn., es-
tablishment.

NORTHWEST COMPANY AREA

Tract numbered 1 beginning at a point about 28 feet from the water line of Lake Superior and on the east boundary of the southwest quarter of the southeast quarter of section 4, said point marked by a brass plug numbered I; thence northerly along said boundary line a distance of 273.70 feet to a point marked by a brass plug numbered II; thence in a westerly direction parallel to the south one-sixteenth line of section 4 a distance of 1,320 feet to the intersection of said line with the north-south quarter line of section 4, said point of intersection being in the bed of a stream and witnessed by an iron pipe located 60 feet southerly from said point and on the north-south quarter line, and on the west bank of said stream; thence southerly along said north-south quarter line a distance of 120 feet to the point of intersection of said north-south quarter line and the south one-sixteenth line of section 4 marked by an iron pipe set in concrete; thence westerly along said one-sixteenth line a distance of 120 feet to a point in path marked by brass plug numbered IV; thence southerly in a direction parallel to the north-south quarter line of section 4 a distance of 660 feet to an iron bolt in road intersection; thence westerly parallel to the south one-sixteenth line of section 4 a distance of 1,200 feet to the point of intersection of said line with the west one-sixteenth line of said section 4 and marked by a brass plug numbered VI; thence southerly along said west one-sixteenth line a distance of 1,760 feet to a point marked by a brass plug numbered VII; thence easterly along a line parallel to the north section line of section 9 a distance of 486.21 feet to a point marked by an inclined iron pipe, said point being the point where the said iron pipe enters the concrete; thence along the said line extended a distance of approximately 39 feet to the water's edge; thence along the shore line of Lake Superior to the point where said shore line intersects the east one-sixteenth line of section 4 extended; thence northerly along said one-sixteenth line to place of beginning, all being located in sections 4 and 9, township 63 north, range 6 east, in Grand Portage Indian Reservation, State of Minnesota. Right-of-way for existing Bureau of Indian Affairs roads within the above described parcel of land is excluded therefrom.

NORTHWEST COMPANY AREA

Tract numbered 2 beginning at the point on the west one-sixteenth line of section 9 marked by brass plug numbered VII referred to in the description of tract numbered 1 above, thence westerly along a line parallel to the north section line of section 9 a distance of 275 feet to a point marked by an iron pipe; thence northerly along a line parallel to the west one-sixteenth line of section 9 a distance of 443.63 feet to a point marked by an iron pipe; thence easterly along a line parallel to the north section line of section 9 to the point of intersection of west one-sixteenth line of section 9; thence southerly along said one-sixteenth line to point of beginning, all lying in section 9 of township 63 north, range 6 east, in the Grand Portage Indian Reservation, State of Minnesota.

FORT CHARLOTTE AREA

The northeast quarter, section 29, township 64 north, range 5 east, or such lands within this quarter section as the Secretary of the Interior shall determine to be necessary for the protection and interpretation of the site of Fort Charlotte.

GRAND PORTAGE TRAIL SECTION

A strip of land 100 feet wide centering along the old Portage Trail beginning at the point where the trail intersects the present road to Grand Portage School, and continuing to the proposed United States Highway 61 right-of-way relocation in the northeast quarter of the northwest quarter, section 4, township 63 north, range 6 east, a strip of land 600 feet wide centering along the old Portage Trail as delineated on original General Land Office survey maps, from the north side of the proposed right-of-way to lands described at the Fort Charlotte site.

Establishment of the foregoing areas as the Grand Portage National Monument shall be effective when title to that portion of the aforesaid lands and interests in lands which is held in trust by the United States of America for the Minnesota Chippewa Tribe and the Grand Portage Band of Chippewa Indians, Minnesota, has been relinquished in accordance with section 2 hereof to the Secretary of the Interior for administration as a part of the Grand Portage National Monument. Notice of the establishment of the monument as authorized and prescribed by this Act shall be published in the Federal Register.

SEC. 2. The Secretary of the Interior is authorized to accept, as a donation, the relinquishment of all right, title, and interest of the Minnesota Chippewa Tribe and the Grand Portage Band of Chippewa Indians, Minnesota, in and to any of the lands described in section 1 of this Act which is now held in trust by the United States of America for the said tribe or band; the executive committee of the Minnesota Chippewa Tribe and the tribal council of the Grand Portage Band of Chippewa Indians, Minnesota, are hereby authorized to execute such instruments of relinquishment in favor of the United States; and acceptance of the relinquishment by the Secretary shall operate as a transfer of custody, control and administration of such properties for administration and as a part of the Grand Portage National Monument: *Provided*, That upon the acceptance of any donated lands and interests therein the Secretary shall recognize, honor, and respect, in accordance with the terms thereof, any existing life assignments on such properties.

SEC. 3. The Secretary of the Interior is authorized to procure any and all other lands or interests therein within the monument, including, but not limited to, any and all nontrust lands therein owned in

fee simple by the Grand Portage Band of Chippewa Indians, Minnesota, and the council of said band is authorized to sell and convey such nontrust lands to the United States of America.

SEC. 4. The Secretary of the Interior, under regulations prescribed by him, shall grant recognized members of the Minnesota Chippewa Tribe the preferential privilege to provide those visitor accommodations and services, including guide services, which he deems are necessary within the monument.

SEC. 5. The Secretary of the Interior shall, insofar as practicable, give first preference to employment of recognized members of the Minnesota Chippewa Tribe in the performance of any construction, maintenance, or any other service within the monument for which they are qualified.

SEC. 6. The Secretary of the Interior shall encourage recognized members of the Minnesota Chippewa Tribe in the production and sale of handicraft objects within the monument. The administration of the Grand Portage National Monument shall not in any manner interfere with the operation or existence of any trade or business of said tribe outside the boundaries of the national monument.

SEC. 7. Recognized members of the Minnesota Chippewa Tribe shall not be denied the privilege of traversing the area included within the Grand Portage National Monument for the purposes of logging their land, fishing, or boating, or as a means of access to their homes, businesses, or other areas of use and they shall have the right to traverse such area in pursuit of their traditional rights to hunt and trap outside the monument: *Provided*, That, in order to preserve and interpret the historic features and attractions within the monument, the Secretary may prescribe reasonable regulations under which the monument may be traversed.

SEC. 8. The Secretary of the Interior, subject to the availability of appropriated funds, shall construct and maintain docking facilities at the Northwest Company area for use in connection with the monument. Such facilities shall be available for use by the Minnesota Chippewa Tribe and its recognized members, without charge to them, under regulations to be prescribed by the Secretary.

SEC. 9. To the extent that appropriated funds and personnel are available therefor, the Secretary of the Interior shall provide consultative or advisory assistance to the Minnesota Chippewa Tribe and the Grand Portage Band of Chippewa Indians, Minnesota, in the planning of facilities or developments upon the lands adjacent to the monument.

SEC. 10. When establishment of the monument has been effected, pursuant to this Act, the Secretary of the Interior shall administer, protect, and develop the monument in accordance with the provisions of the Act entitled "An Act to establish a National Park Service, and for other purposes" approved August 25, 1916 (39 Stat. 535), as amended.

16 USC 1.

SEC. 11. In the event the Grand Portage National Monument is abandoned at any time after its establishment, title to the lands relinquished by the Minnesota Chippewa Tribe and the Grand Portage Band of Chippewa Indians, Minnesota, pursuant to section 2 hereof shall thereupon automatically revert to the Minnesota Chippewa Tribe and the Grand Portage Band of Chippewa Indians, Minnesota, their successors or assigns. In such event, the title will be taken in a fee simple status unless the United States holds other lands in trust for the Minnesota Chippewa Tribe or the Grand Portage Band of Chippewa Indians, Minnesota, in which event the title shall revert to the United States in trust for the Minnesota Chippewa Tribe or the Grand Portage Band of Chippewa Indians, Minnesota.

Approved September 2, 1958.

Public Law 85-911

AN ACT

September 2, 1958
[H. R. 11078]

To promote boating safety on the navigable waters of the United States, its Territories, and the District of Columbia; to provide coordination and cooperation with the States in the interest of uniformity of boating laws; and for other purposes.

Federal Boating
Act of 1958.
Definitions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Boating Act of 1958".

SEC. 2. As used in sections 3 to 5, inclusive, and sections 7 to 13, inclusive, of this Act—

(1) The term "undocumented vessel" means any vessel which is not required to have, and does not have, a valid marine document issued by the Bureau of Customs.

(2) The word "vessel" includes every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

(3) The word "Secretary" means the Secretary of the Department in which the Coast Guard is operating.

(4) The word "owner" means the person who claims lawful possession of a vessel by virtue of legal title or equitable interest therein which entitles him to such possession.

(5) The term "State" means a State of the United States, a Territory of the United States, and the District of Columbia.

Numbering of
vessels.

SEC. 3. (a) Every undocumented vessel propelled by machinery of more than 10 horsepower, whether or not such machinery is the principal source of propulsion, using the navigable water of the United States, its Territories and the District of Columbia, and every such vessel owned in a State and using the high seas, shall be numbered in accordance with this Act, except—

Exceptions.

(1) foreign vessels temporarily using the navigable waters of the United States, its Territories and the District of Columbia;

(2) public vessels of the United States;

(3) State and municipal vessels;

(4) ships' lifeboats; and

(5) vessels designated by the Secretary under section 7 (b) of this Act.

Post, p. 1757.

(b) The owner of an undocumented vessel required to be numbered under subsection (a) of this section shall secure a number for such vessel in the State in which it is principally used, in accordance with the State numbering system approved by the Secretary in accordance with subsection (c) of this section, or if no such numbering system has been approved by the Secretary for the State where such vessel is principally used, shall secure a number for such vessel in accordance with subsection (d) of this section.

(c) The Secretary shall establish an overall numbering system for the numbering of vessels required to be numbered under subsection (a) of this section. He shall approve any State system for numbering vessels which is submitted to him which meets the standards set forth below:

(1) The system of numbering shall be in accordance with the overall system of numbering established by the Secretary.

(2) The certificate of number and the number awarded shall be valid for a period not exceeding three years, unless canceled or surrendered, and may be renewed for additional periods.

(3) The number awarded shall be required to be painted on, or attached to, each side of the bow of the vessel for which it was issued, and shall be of such size, color, and type, as may be prescribed by

the Secretary. No other number shall be permitted to be carried on the bow of such vessel.

(4) The certificate of number shall be pocket size and shall be required to be at all times available for inspection on the vessel for which issued, whenever such vessel is in use.

(5) The owner shall be required to furnish to a designated State official, notice of the transfer of all or any part of his interest in any numbered vessel, and of the destruction or abandonment of such vessel, within a reasonable time thereof. The owner shall be required to notify a designated State official of any change in his address within a reasonable time of such change.

(6) The State shall require that reports be made to it of accidents involving vessels numbered by it under its numbering system, and shall compile and transmit to the Secretary such statistics on such accidents.

(7) The State shall recognize the validity of a number awarded to any vessel by another State under a numbering system approved by the Secretary under this Act, or awarded a number by the Secretary, for a period of at least ninety days.

(8) In the case of a State having its numbering system approved after April 1, 1960, such State shall accept and recognize any valid certificate of number awarded under subsection (d) of this section for so long as such certificate would otherwise be valid under such subsection (d), except that where such a certificate would remain valid for more than one year after the date when such State's numbering system was approved, the State may accept and recognize the validity of such certificate for a lesser period, but such period shall not end sooner than one year from the date of approval of such system.

(9) The State may exempt any vessel or class of vessels from the numbering provisions of its system if such vessel or class of vessels has been made exempt from the numbering provisions of section 3 (d) by the Secretary under section 7 (b) of this Act.

(10) The States may charge fees in connection with the award of certificates of number and renewals thereof.

(11) The States may require that the operator of a vessel required to be numbered hereunder shall hold a valid safety certificate to be issued under such terms and conditions as may be provided by State law.

(d) The owner of an undocumented vessel required to be numbered under subsection (a) of this section who uses his vessel principally in a State which does not have a numbering system approved by the Secretary under subsection (c) of this section, shall make application to the Secretary, and upon payment of the fee established under section 5, such owner shall be granted a certificate of number containing the number awarded such vessel by the Secretary.

(e) The certificate of number initially awarded to an owner under subsection (d) of this section shall be valid for three years from the date of the owner's birthday next occurring after the date the certificate of number is issued, unless surrendered or canceled pursuant to regulations of the Secretary. If at the end of such period such ownership has remain unchanged, such owner shall, upon application and payment of the fee established under section 5 of this Act, be granted a renewal of such certificate of number for an additional three-year period.

(f) The number awarded under subsection (c) or (d) of this section shall be painted on, or attached to, each side of the bow of the vessel for which it was issued, and shall be of such size, color, and type as may be prescribed by the Secretary. No other number shall be carried on the bow of such vessel.

(g) The certificate of number granted under subsection (c) or (d) of this section shall be pocket size and shall be required to be at all times available for inspection on the vessel for which issued whenever such vessel is in use, and shall constitute a document in lieu of a marine document that sets forth an official number issued by the Bureau of Customs.

(h) Whenever the Secretary determines that a State is not administering its approved system for numbering vessels in accordance with the standards set forth under subsection (c) of this section, he may withdraw such approval. The Secretary shall not withdraw his approval of a State system of numbering until he has given notice in writing to the State setting forth specifically wherein the State has failed to maintain such standards.

Notice of transfer.
Ante, p. 1755.

SEC. 4. The owner of any vessel numbered under section 3 (d) of this Act shall furnish to the Secretary notice of the transfer of all or any part of his interest in any numbered vessel, and of the destruction, or abandonment of such vessel, within a reasonable time thereof. The owner shall notify the Secretary of any change in his address within a reasonable time of such change.

Fees or charges.
Ante, p. 1755.

SEC. 5. The Secretary may prescribe reasonable fees or charges for the numbering of a vessel, or renewal thereof, under subsections (d) and (e) of section 3 of this Act.

54 Stat. 166.

SEC. 6. (a) Section 13 of the Act entitled "An Act to amend laws for preventing collisions of vessels, to regulate equipment of certain motorboats on the navigable waters of the United States, and for other purposes", approved April 25, 1940 (46 U. S. C. 5261), is amended to read as follows:

"Operate."

"SEC. 13. (a) No person shall operate any motorboat or any vessel in a reckless or negligent manner so as to endanger the life, limb, or property of any person. To 'operate' means to navigate or otherwise use a motorboat or a vessel.

Accident assistance.

"(b) In the case of collision, accident, or other casualty involving a motorboat or other vessel subject to this Act, it shall be the duty of the operator, if and so far as he can do so without serious danger to his own vessel, or persons aboard, to render such assistance as may be practicable and necessary to other persons affected by the collision, accident, or casualty in order to save them from danger caused by the collision, accident, or casualty. He shall also give his name, address, and identification of his vessel to any person injured and to the owner of any property damaged. The duties imposed by this subsection shall be in addition to any duties otherwise provided by law.

Accident reports.

"(c) In the case of collision, accident, or other casualty involving a motorboat or other vessel subject to this Act, the operator thereof, if the collision, accident, or other casualty results in death or injury to any person, or damage to property in excess of \$100, shall file with the Secretary of the Department within which the Coast Guard is operating, unless such operator is required to file an accident report with the State under section 3 (c) (6) of the Federal Boating Act of 1958, a full description of the collision, accident, or other casualty, including such information as the Secretary may by regulation require."

Ante, p. 1755.

54 Stat. 166.

(b) Section 16 of such Act of April 25, 1940 (46 U. S. C. 5260), is amended by striking out "than that contained in section 14 of this Act".

Applicability.

(c) Such Act of April 25, 1940 (46 U. S. C. 526-526t), is further amended by adding at the end thereof the following new section:

"SEC. 22. (a) This Act shall apply to every motorboat or vessel on the navigable waters of the United States, its Territories and the

District of Columbia, and every motorboat or vessel owned in a State and using the high seas.

“(b) As used in this Act—

“The term ‘State’ means a State of the United States, a Territory of the United States, and the District of Columbia.”

SEC. 7. (a) The Secretary shall make such rules and regulations as may be necessary to carry out the provisions of this Act: *Provided*, That such rules and regulations shall be submitted to the Speaker of the House and the President of the Senate when Congress is in session, and shall not become effective until sixty days thereafter.

Rules and regulations.

Reports to Congress.

(b) The Secretary may, from time to time, and for such periods as he may prescribe, exempt any vessel or class of vessels from the numbering provisions of subsection (d) of section 3 of this Act.

Ante, p. 1755.

SEC. 8. (a) Whoever being the owner of a vessel required to be numbered under this Act, violates section 3 or 4 of this Act, or regulations established by the Secretary under section 7 of this Act, shall be liable to a penalty of \$50 for each violation. Whoever operates a vessel in violation of section 3 of this Act, or regulations established by the Secretary under section 7 of this Act, shall be liable to a penalty of \$50 for each violation.

Ante, p. 1754, 1756.

(b) The Secretary may assess and collect any penalty incurred under this Act or any regulations prescribed pursuant to section 7 of this Act. The Secretary may, in his discretion, remit or mitigate any penalty imposed under this section, or discontinue prosecution therefor on such terms as he may deem proper.

Penalties.

(c) Commissioned, warrant, and petty officers of the Coast Guard may board any vessel required to be numbered under this Act at any time such vessel is found upon the navigable waters of the United States, its Territories and the District of Columbia, or on the high seas, address inquiries to those on board, require appropriate proof of identification therefrom, examine the certificate of number issued under this Act, or in the absence of such certificate require appropriate proof of identification of the owner of the vessel, and, in addition, examine such vessel for compliance with this Act, the Act of April 25, 1940, as amended, and the applicable rules of the road.

Inspection by Coast Guard.

SEC. 9. It is hereby declared to be the policy of Congress to encourage uniformity of boating laws, rules, and regulations as among the several States and the Federal Government to the fullest extent practicable, subject to reasonable exceptions arising out of local conditions. In the interest of fostering the development, use, and enjoyment of all the waters of the United States it is further declared to be the policy of the Congress hereby to encourage the highest degree of reciprocity and comity among the several jurisdictions. The Secretary, acting under the authority of section 141 of title 14 of the United States Code, shall to the greatest possible extent enter into agreements and other arrangements with the States to insure that there shall be the fullest possible cooperation in the enforcement of both State and Federal statutes, rules, and regulations relating to recreational boating.

54 Stat. 163, 46 USC 526 et seq.
Uniformity of laws, etc.

63 Stat. 505.

SEC. 10. The Secretary is authorized and directed to compile, analyze, and publish, either in summary or detailed form, the information obtained by him from the accident reports transmitted to him under section 3 (c) (6) of this Act, and under section 13 (c) of the Act entitled “An Act to amend laws for preventing collisions of vessels, to regulate equipment of certain motorboats on the navigable waters of the United States, and for other purposes”, approved April 25, 1940 (46 U. S. C. 5261), together with such findings concerning the causes of such accidents and such recommendations for their prevention as he may deem necessary. Such information shall

Publication of findings.

Ante, p. 1755.

be made available for public inspection in such manner as the Secretary may deem practicable.

Effective date.

SEC. 11. (a) Except section 3 (d), this Act shall take effect on the date of its enactment.

Ante, p. 1755.

(b) Section 3 (d) of this Act shall take effect April 1, 1960.

40 Stat. 602.

SEC. 12. The Act entitled "An Act to require numbering and recording of undocumented vessels", approved June 7, 1918, as amended (46 U. S. C. 288), and section 21 of the Act entitled "An Act to amend laws for preventing collisions of vessels, to regulate equipment of certain motorboats on the navigable waters of the United States, and for other purposes", approved April 25, 1940, as amended (46 U. S. C. 526t), shall not be applicable in any State having a numbering system approved by the Secretary under section 3 (c) of this Act. Such Act of June 7, 1918, and such section 21 of the Act of April 25, 1940, are repealed effective April 1, 1960.

54 Stat. 167.

Repeals.

Law enforcement.

SEC. 13. The applicability and the jurisdiction for enforcement, upon the navigable waters of the United States, its Territories and the District of Columbia, of the laws of the United States and of any State which require the numbering and otherwise regulate the use of undocumented vessels, shall be as follows:

(1) Such laws of the United States shall be applicable and enforced on such waters by law enforcement officers of the United States.

Ante, p. 1754.

(2) Such laws of any State in a State having a numbering system approved by the Secretary under section 3 (c) of this Act shall be applicable and enforced on such waters by law enforcement officers of the State or by law enforcement officers of the appropriate subdivisions of the State.

Ante, p. 1757.

(3) Nothing herein shall preclude enforcement of State or Federal laws pursuant to agreements or other arrangements entered into between the Secretary and any State within the contemplation of section 9 of this Act.

Ante, p. 1754.

(4) Nothing herein shall interfere with, abrogate or limit the jurisdiction of any State: *Provided, however,* That the Secretary shall not approve any State system for numbering which does not fully comply with the standards set forth in section 3 (c).

Approved September 2, 1958.

Public Law 85-912

AN ACT

To increase the public debt limit.

September 2, 1958
[H. R. 13580]

Public debt
limit.
Increase.
70 Stat. 519.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 21 of the Second Liberty Bond Act, as amended (31 U. S. C., sec. 757b), is amended to read as follows:

"SEC. 21. The face amount of obligations issued under authority of this Act, and the face amount of obligations guaranteed as to principal and interest by the United States (except such guaranteed obligations as may be held by the Secretary of the Treasury), shall not exceed in the aggregate \$283,000,000,000 outstanding at any one time. The current redemption value of any obligation issued on a discount basis which is redeemable prior to maturity at the option of the holder thereof shall be considered, for the purposes of this section, to be the face amount of such obligation."

Approved September 2, 1958.

Public Law 85-913

AN ACT

To amend the Virgin Islands Corporation Act (63 Stat. 350), and for other purposes.

September 2, 1958
[H. R. 12226]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4 (a) of the Virgin Islands Corporation Act (63 Stat. 350, 352; 48 U. S. C. 1407c (a)) is hereby amended to read as follows:

Virgin Islands Corporation Act, amendments.

“(a) To have succession until June 30, 1969, unless sooner dissolved by Act of Congress. At such time as the Board of Directors finds that the economic development of the Virgin Islands of the United States will be served effectively by the sale of some or all of the assets of the Corporation to private enterprise, such disposal may be effected, and for this purpose the Board of Directors is authorized to sell any or all such assets at such time as it considers appropriate for a fair and reasonable value, without regard to the provisions of the Federal Property and Administrative Services Act of 1949, as amended, or any other law: *Provided*, That the sale of any property valued at \$500 or more shall be made only after public advertisement and by sealed competitive bids or public auction: *Provided further*, That in either such case the Government of the Virgin Islands shall have the right to purchase the property at a price not greater than that offered by the highest responsible bidder and that, in the case of sales of property valued at less than \$500, it shall have a right to purchase at a price not greater than that offered by responsible prospective purchasers.

Termination date.

Sale of assets.

63 Stat. 377.
40 USC 471 note.

SEC. 2. The first sentence of section 4 (i) of said Act is hereby amended to read as follows:

48 USC 1407c.

“(i) To appoint, without regard to the provisions of the civil-service laws, such officers, agents, attorneys, and employees as may be necessary for the conduct of the business of the Corporation; to delegate to them such powers and to prescribe for them such duties as may be deemed appropriate by the Corporation; to establish an efficiency or merit rating system, as may be desirable; to fix and pay such compensation to them for their services as the Corporation may determine, without regard to the provisions of the classification laws except to the extent that these laws may be extended to the Corporation by the President of the United States; without regard to the provisions of any other law, to establish hours of work, conditions governing the payment of compensation for overtime hours, and working rules and working conditions generally; and to require bonds from such of them as the Corporation may designate, the premiums therefor to be paid by the Corporation.”

Appointment of employees, etc.

SEC. 3. Section 4 of said Act is hereby amended by adding at the end thereof the following new subsections (o) and (p):

Salt Water distillation plant, construction authority.

“(o) To construct, operate, and maintain salt water distillation facilities in Saint Thomas, Virgin Islands. Such facilities shall be used to supply water for sale to the government of the Virgin Islands and to persons purchasing directly from the Corporation: *Provided*, That the principal contract for the construction of such facilities shall not be executed by the Corporation—

“(i) until the government of the Virgin Islands has contracted to purchase a minimum quantity of water at a price established by the Corporation, and the price established by the Corporation for sale of water shall be calculated to cover, as a minimum, all costs of construction, operation, and maintenance of such water distillation facilities, including but not limited to depreciation

and payment of interest on the Corporation's indebtedness in connection with such facilities;

"(ii) until the Secretary of the Interior has concluded that such facilities will most economically and expeditiously provide an adequate supplemental supply of potable water for St. Thomas; and

"(iii) if the Secretary so concludes, until the expiration of forty-five calendar days (exclusive of days on which the House of Representatives or the Senate is not in session because of an adjournment of more than three days to a day certain) from the date on which such construction contract has been submitted to the Committees on Interior and Insular Affairs of the House of Representatives and the Senate. With such contract, there shall also be submitted to such committees an explanatory statement of the Secretary's conclusion pursuant to (ii) hereof, together with the reasons therefor and supplemental data concerning alternative sources of water which have been investigated.

Reports to Congress.

Report to Congress.

42 USC 1951 et seq.
Corporation borrowing authority.

The Corporation shall report annually to the Congress on the operation of the plant and shall include in its reports all technical and operational information pertinent to the prosecution of the Government's saline water research and development program (Act of July 2, 1952, 66 Stat. 328, as amended) which is derived from said operation.

"(p) To borrow from the Treasury of the United States, within such amounts as may be approved in appropriation Acts, for the sole purpose of constructing, operating, and maintaining the facilities authorized in subsection (o) of this section, sums of money not to exceed a total of \$2,000,000. For this purpose the Corporation may issue to the Secretary of the Treasury its notes, debentures, bonds, or other obligations to be redeemable at the option of the Corporation before maturity in such manner as may be stipulated in such obligations: *Provided*, That all such obligations shall be redeemed within a period of not to exceed twenty years from date of issuance out of revenues from the sale of water. Each such obligation shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yields on outstanding marketable obligations of the United States having comparable maturities. The Secretary of the Treasury is authorized and directed to purchase any obligations of the Corporation to be issued hereunder and, for such purpose, the Secretary of the Treasury is authorized to use as a public-debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under the Second Liberty Bond Act, as amended, are extended to include any purchases of the Corporation's obligations hereunder."

40 Stat. 288.
31 USC 774(2).

48 USC 1407e.

SEC. 4. Section 6 (a) of said Act is hereby amended by striking out the figure "\$9,000,000" in both places where it appears therein and inserting in lieu thereof the figure "\$11,000,000".

48 USC 1407g.

SEC. 5. Section 8 (a) of said Act is hereby amended to read as follows:

"(a) Appropriations are authorized for payment to the Corporation in the form of a grant of such amounts as may be necessary to cover losses incurred in the conduct of its activities which are included in the annual budget as predominantly revenue producing."

48 USC 1407h.

SEC. 6. The first paragraph of section 9 of said Act is hereby amended by striking out the words "the Chairman of the Reconstruction Finance Corporation" and inserting in lieu thereof the words "the Administrator of the Small Business Administration".

Transfer of facilities.

SEC. 7. (a) The Secretary of the Navy is hereby authorized and directed to transfer and convey to the Virgin Islands Corporation,

without reimbursement, the power-generating facilities located at the Marine Corps air facility and naval submarine base, Saint Thomas, Virgin Islands, together with all the land, buildings, structures, facilities, distribution lines, fuel tanks, and equipment appurtenant thereto and necessary for the operation thereof.

(b) Upon the transfer and conveyance of such real and personal property to the Virgin Islands Corporation, the interest-bearing investment of the United States in the Corporation shall be increased by the appraised value of such property based on cost less (a) depreciation, (b) the added cost of national defense features, and (c) improvements and additions made by the Virgin Islands Corporation, as approved by the Bureau of the Budget.

(c) The Virgin Islands Corporation shall be required to supply to the Department of Defense until June 30, 1969, all electric power required by such Department in Saint Thomas up to the amount of the designed capacity of the plant on January 1, 1948. Such power shall be supplied at cost to the Corporation (based on the value ascertained in accordance with subsection (b)), including depreciation and interest on investment. If the facilities described in subsection (a) of this section are disposed of pursuant to section 4 (a) of the Virgin Islands Corporation Act, the purchaser of such facilities shall be required to comply with this subsection (c), the same as if the disposal had not been made, until two years from the date of such disposal or until June 30, 1969, whichever occurs first.

Approved September 2, 1958.

Investment increase.

Supply of electric power.

48 USC 1407c.

Public Law 85-914

AN ACT

To provide for the lump-sum payment of all accumulated and current accrued annual leave of deceased employees.

September 2, 1958
[H. R. 7710]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That clause (6) of section 2 of the Act of August 3, 1950, as amended by section 501 of the Act of September 1, 1954 (68 Stat. 1115; 5 U. S. C. 61g), is amended to read as follows: "(6) payment for all accumulated and current accrued annual or vacation leave equal to the compensation the decedent would have received had he lived and remained in the service until the expiration of the period of such annual or vacation leave;"

Federal employees.
Lump-sum payment for deceased.

SEC. 2. Section 501 of the Postal Field Service Compensation Act of 1955, as amended, is amended by inserting "(a)" after the section number and by adding at the end thereof a new subsection as follows:

Legislative employees.
69 Stat. 124.
39 USC 991.

"(b) Any employee of the legislative branch whose compensation is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives, and who has completed two or more years of service as such an employee, may upon appointment to a position to which this Act applies have his initial rate of compensation fixed at the minimum rate of the appropriate level of the basic salary schedule applicable to such position, or at any step of that level that does not exceed the highest previous rate of compensation received by him during such service in the legislative branch."

Approved September 2, 1958.

Public Law 85-915

AN ACT

To provide for the acquisition of lands by the United States required for the reservoir created by the construction of Oahe Dam on the Missouri River and for rehabilitation of the Indians of the Standing Rock Sioux Reservation in South Dakota and North Dakota, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in furtherance of the Oahe Dam and Reservoir project as authorized by the Act of December 22, 1944 (58 Stat. 887, 891)—

Oahe Dam and
Reservoir Project,
Mo.

Acquisition of
land.

(a) title to the entire interest, excluding the interest in oil, gas, and all other minerals of any nature whatsoever, in approximately 55,993.82 acres of land within the taking area described in this Act on the Standing Rock Reservation in South Dakota and North Dakota, in which Indians have a trust or restricted interest, and title to any interest Indians may have in the bed of the Missouri River so far as it is within the boundaries of the Standing Rock Reservation, are hereby taken by the United States for the Oahe project on the Missouri River and in consideration thereof the United States will pay to the Standing Rock Sioux Tribe and the individual Indian owners out of funds available for the Oahe Dam and Reservoir project:

(1) a sum aggregating \$1,952,040, to be disbursed in accordance with schedules prepared by the Missouri River Basin project investigation staff; and

(2) the amount of \$3,299,513, which shall be in settlement of all claims, rights, and demands of the tribe and individual Indians arising out of the taking under this Act, to be disbursed in accordance with the provisions of section 2 hereof;

(b) upon a determination by the Secretary of the Army, filed among the appropriate land records of the Department of the Interior within two years from the date of enactment of this Act, that any of the lands described in this Act are not required for Oahe project purposes, title to such land shall be reverted in the former owner; and

(c) if the Secretary of the Army determines that additional Indian lands, tribal or individual, within the Standing Rock Reservation are required for project purposes, he may acquire such lands by purchase with the approval of the Secretary of the Interior, or by condemnation.

Standing Rock
Sioux Tribe.
Payments.

SEC. 2. The payments authorized by this Act, less the amount heretofore deposited by the United States in the case entitled "United States of America, Plaintiff vs. 2,005.32 acres of land etc. and Sioux Indians of Standing Rock Reservation et al., Defendants", civil numbered 722 filed in the United States District Court for the District of South Dakota, shall be deposited to the credit of the Standing Rock Sioux Tribe in the Treasury of the United States to draw interest on the principal at the rate of 4 per centum per annum until expended. The sum of \$1,952,040 shall be allocated in accordance with the tract and ownership schedules to be prepared by the Missouri River Basin investigation staff after consultation with the tribal council to correct known errors. The amounts allocated to the lands owned by individual Indians shall be credited to their respective individual Indian money accounts. No part of the compensation for the property taken by this Act shall be subject to any lien, debt, or claim of any nature whatsoever against the tribe or individual Indians except delinquent debts owed by the tribe to the United States or owed by individual Indians to the tribe or to the United States. One-half of the amount

paid pursuant to subsection 1 (a) (2) of this Act shall be consolidated with the rehabilitation appropriation authorized by section 5 of this Act and shall be expended in accordance with the provisions of section 5: *Provided*, That a sum not to exceed \$726,546 shall be available from said remaining one-half to pay expenses, costs, losses, and damages of members of the tribe as a direct result of moving themselves and their possessions on account of the taking under section 1 of this Act. No part of such amounts shall be used for per capita payments.

Limitation.

SEC. 3. The Secretary of the Army, out of funds appropriated for the construction of the Oahe project other than those authorized by this Act, shall relocate and reestablish such Indian cemeteries, tribal monuments, and shrines within the area taken under this Act as the Standing Rock Tribal Council shall select and designate, with the approval of the Secretary of the Interior.

Indian Ceme-
teries, Monuments,
etc.

SEC. 4. The Secretary of the Army is authorized and directed, out of funds appropriated for the Oahe project, to protect, replace, relocate, or reconstruct any existing essential agency facilities on the Standing Rock Sioux Reservation, including schools, hospitals, service buildings, agents' and employees' quarters, roads, bridges, and incidental matters or facilities in connection therewith, which the Secretary of the Interior determines will be impaired by the construction of the Oahe project.

Reconstruction
of facilities.

SEC. 5. There is authorized to be appropriated the further sum of \$6,960,000, which shall be deposited in the Treasury of the United States to the credit of the Standing Rock Sioux Tribe to draw interest on the principal at the rate of 4 per centum per annum until expended for the purpose of developing individual and family plans, relocating, reestablishing, and providing other assistance designed to help improve the economic and social conditions of all recognized members of the Standing Rock Sioux Tribe regardless of residence on the reservation: *Provided*, That such fund may be expended in accordance with plans and programs approved both by the tribal council and the Secretary of the Interior: *And provided further*, That no part of such funds shall be used for per capita payments, or for the purchase of land by the tribe except for the purpose of resale to individual Indians in furtherance of the rehabilitation program authorized by this section.

Appropriation.

SEC. 6. All minerals, including oil and gas, within the area taken by this Act shall be and hereby are reserved to the tribe or individual Indian owners as their interests may appear, but the exploration, exploitation, and development of the minerals, including oil and gas, shall be subject to all reasonable regulations which may be imposed by the Secretary of the Army for the protection of the Oahe project.

Mineral rights.

SEC. 7. Members of the tribe now residing within the taking area of the project shall have the right without charge to remain on and use the lands taken by this Act until required to vacate in accordance with the provisions of this Act.

Rights in taking
area.

SEC. 8. Up to sixty days before the individual landowners are required to vacate the land in accordance with the provisions of this Act, they shall have the right without charge to cut and remove all timber from their respective lands and to salvage the improvements on their respective lands but, if said rights are waived or not exercised within the time limit herein specified, the tribe, through the tribal council, may exercise the rights: *Provided*, That the salvage permitted by this section shall not be construed to be compensation.

SEC. 9. (a) Except as provided in subsection (b), the schedule under which the tribe and the members thereof shall vacate the taking area shall be as follows:

Schedule for va-
cating.

(1) Little Eagle and Wakpala districts, within eight months from the date of this Act;

- (2) Kenel district, within twelve months from such date;
- (3) Agency district, within eighteen months from such date; and
- (4) Cannonball district, within twenty-four months from such date.

(b) The Chief of Engineers, subject to approval by the Secretary of the Interior, may make such changes in the schedule provided in subsection (a) of this section as he deems necessary, except that, in any event, all lands within the taking area shall be vacated within two years after that date on which the Missouri River is diverted through the tunnels at the Oahe Dam or such prior date as the Chief of Engineers may fix, with the approval of the Secretary of the Interior.

Use of land.

SEC. 10. After the Oahe Dam gates are closed and the waters of the Missouri River impounded, the said Indian tribe and the members thereof shall be given exclusive permission, without cost, to graze stock on the land between the water level of the reservoir and the exterior boundary of the taking area. The said tribal council and the members of said Indian tribe shall be permitted to have, without cost, access to the shoreline of the reservoir, including permission to hunt and fish in and on the aforesaid shoreline and reservoir, subject, however, to regulations governing the corresponding use by other citizens of the United States.

Authorization to purchase and sell certain lands.

SEC. 11. For the purposes of (1) providing substitute land for individual Indians whose land is within the taking area, (2) consolidating land holdings, and (3) eliminating fractionated heirship interests within the reservation, the Secretary of the Interior is authorized to purchase, with funds made available by such individual Indians or by the tribe, land or interests in land, and to sell tribal land upon request of the tribe, but no service charge shall be made by the United States. The land selected by and purchased for individual Indians may be either inside or outside the boundaries of the Standing Rock Sioux Reservation as diminished. Title to any land or interests in land acquired within the boundaries of the reservation shall be taken in the name of the United States in trust for the tribe or the individual Indian for whom the land is acquired, and title to any land or interests in land acquired outside the boundaries of the reservation shall be taken in the name of the individual for whom it is acquired. Trust title shall be subject to the laws and regulations applicable to other trust titles within the reservation.

For the purposes of this section, the Secretary of the Interior is also authorized to partition or sell individually owned land in which all interests are in a trust or restricted status upon request of the owners of not less than a 25 per centum interest in the land. Any such sale shall be by competitive bid, except that with the concurrence of the owners of not less than a 25 per centum interest in the land, any owner of an interest in the land, or the tribe, if the land is within the Standing Rock Sioux Reservation, shall have the right to purchase the land within a reasonable time fixed by the Secretary prior to a competitive sale at not less than its appraised value. If more than one preference right is exercised, the sale shall be by competitive bid, limited to the tribe and to the persons entitled to a preference. The Secretary of the Interior may represent for the purpose of this paragraph any Indian owner who is a minor, or who is non compos mentis, or under any other legal disability, and, after giving reasonable notice of the proposed sale by publication, may represent an Indian owner who cannot be located, and he may execute any title documents necessary to convey a marketable and recordable title.

Nothing in this section shall be construed to diminish the authority to acquire, sell, or exchange land that is contained in other provisions of law.

SEC. 12. No part of any expenditure made by the United States under any or all of the provisions of this agreement and the subsequent acts of ratification shall be charged as an offset or counterclaim against any tribal claim which has arisen under any treaty, law, or Executive order of the United States prior to the effective date of taking of said land as provided for in section 1 hereof and the payment of Sioux benefits as provided for in section 17 of the said Act of March 2, 1889 (25 Stat. 888), as amended, shall be continued under the provision of section 14 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), on the basis now in operation without regard to the loss of tribal land within the taking area under the provisions of this agreement.

Restriction.

25 USC 474.

SEC. 13. The Secretary of the Treasury, upon certification by the Secretary of the Interior, shall reimburse the Standing Rock Sioux Tribe for fees and expenses incurred in connection with the taking of Indian lands within the Standing Rock Sioux Reservation for the Oahe project: *Provided*, That such reimbursable fees and expenses do not exceed in the aggregate \$135,000: *Provided further*, That attorney fees shall be paid under the terms of a contract approved by the Secretary of the Interior.

Reimbursement.

SEC. 14. Any individual member of the Standing Rock Sioux Tribe shall have the right to reject the sum tendered to him as payment in accordance with the schedules to be prepared by the Missouri River Basin investigation staff by filing within one year from the date of this Act a notice of rejection with the Chief of Engineers, United States Army, Washington, District of Columbia. If the land of any Indian rejecting payment is included in condemnation proceedings heretofore instituted, the court in those proceedings shall proceed to determine the just compensation to which the individual is entitled and, if the land is not included in such condemnation proceedings, jurisdiction is hereby conferred upon the United States District Court for the District of South Dakota, or the United States District Court for the District of North Dakota, as the case may be, to determine just compensation in accordance with procedures applicable to the determination of just compensation in condemnation proceedings.

Rejection of payment.

No court costs shall be charged against an individual but all other costs and expenses, including counsel fees, shall be at the contesting individual's expense. If the amount fixed by the court exceeds the amount theretofore tendered to the individual, the Secretary of the Army shall deposit the difference in court; if the amount fixed by the court is less than the amount theretofore tendered to the individual, the difference shall be credited to the United States.

Court costs.

SEC. 15. There is hereby authorized to be appropriated such amounts as may be necessary for the purposes of this Act.

Appropriations.

SEC. 16. Subject to the provisions of section 1 of this Act, the taking area referred to in this Act and the land for which the compensation of \$1,952,040 has been allowed under this Act, containing approximately 55,993.82 acres, is the land defined in report numbered 134, Missouri River Basin investigation project, and delimited on a map entitled "Map Showing Tribal and Individual Indian Restricted and Trust Land of the Standing Rock Sioux Reservation Acquired by the United States for the Oahe Project and Forming the Basis for the Agreed Sale Price of \$1,952,040 Under an Agreement Dated March 24, 1958, Between the United States and the Standing Rock Sioux Tribe" on file in the Bureau of Indian Affairs.

Definition.

SEC. 17. All funds authorized by this Act paid to the tribe and individual Indians shall be exempt from all forms of State and Federal taxation.

Tax exemption.

Approved September 2, 1958.

Public Law 85-916

AN ACT

September 2, 1958
[H. R. 12670]

To provide for additional payments to the Indians of the Crow Creek Sioux Reservation, South Dakota, whose lands have been acquired for the Fort Randall Dam and Reservoir project, and for other purposes.

Crow Creek
Sioux Indians.
Payments for
lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army is authorized and directed to pay to the Crow Creek Sioux Tribe and the individual Indian owners, out of funds made available for the Fort Randall Dam and Reservoir project, in settlement of all claims, rights, and demands of said tribe and its members arising out of the construction of the Fort Randall Dam and Reservoir project, an amount equal to the difference between \$1,395,811.94 and the sum paid for the taking of lands in condemnation proceedings entitled "United States of America, plaintiff, against 9,148.69 acres of land, etc., and Crow Creek Tribe of Sioux Indians, et al., defendants", civil numbered 184, and "United States of America, plaintiff, against 365.62 acres of land, etc., and State of South Dakota, et al., defendants", civil numbered 844 filed in the United States District Court for the District of South Dakota.

Deposit of pay-
ments.

SEC. 2. The payments authorized by section 1 of this Act shall be deposited to the credit of the Crow Creek Sioux Tribe in the Treasury of the United States to draw interest on the principal at the rate of 4 per centum per annum until expended. The sum of \$126,000 shall be allocated to the former owners on a prorated basis in accordance with the tract and ownership schedules set forth in the condemnation proceedings referred to in section 1, after consultation with the Missouri River Basin investigation staff and the tribal council to correct known errors. The amounts allocated to the lands owned by individual Indians shall be credited to their respective individual Indian money accounts. No part of the compensation for the property taken by the condemnation proceedings referred to in section 1, whether paid in the proceedings or under this Act, shall be subject to any lien, debt, or claim of any nature whatsoever against the tribe or individual Indians except delinquent debts owed by the tribe to the United States or owed by individual Indians to the tribe or to the United States. The cost of moving dwellings and other buildings owned by the Indians from the Fort Randall Dam and Reservoir project area shall be paid out of the part of the payment authorized under section 1 and payable to the tribe.

Mineral rights
revested in former
owners.

SEC. 3. The Secretary of the Army shall revest or cause to be revested in the former owners all of the right, title, and interest of the United States in minerals acquired through the condemnation proceedings referred to in section 1 of this Act; but the exploration, exploitation, and development of the minerals, including oil and gas, shall be subject to all reasonable regulations which may be imposed by the Secretary of the Army for the protection of the Fort Randall Dam and Reservoir project.

Retention of
timber, etc.

SEC. 4. Individual Indians and the tribe are authorized without charge to retain timber and improvements previously removed by them from the lands acquired in the condemnation proceedings referred to in section 1 hereof; and former owners shall also have the right, without charge, prior to September 30, 1958, to cut and remove any remaining timber and salvage any remaining improvements on the respective lands acquired from them in said condemnation proceedings; but, if said rights are waived or not exercised by September 30, 1958, the tribe, through the tribal council, may, prior to January 1, 1959, exercise the rights: *Provided*, That the salvage previously

accomplished or permitted by this section shall not be construed to be double compensation.

SEC. 5. After the Randall Dam gates are closed and the waters of the Missouri River impounded, the said Indian tribe and the members thereof shall be given exclusive permission, without cost, to graze stock on the land between the water level of the reservoir and the exterior boundary of the taking area. The said tribal council and the members of said Indian tribe shall be permitted to have, without cost, access to the shoreline of the reservoir including permission to hunt and fish in and on the aforesaid shoreline and reservoir, subject, however, to regulations governing the corresponding use by other citizens of the United States.

Permission to graze stock, hunt and fish.

SEC. 6. For the purposes of (1) providing substitute land for individual Indians whose land is within the taking area, (2) consolidating landholdings, and (3) eliminating fractionated heirship interests within the reservation, the Secretary of the Interior is authorized to purchase, with funds made available by such individual Indians or by the tribe, land or interests in land, and to sell tribal land upon request of the tribe, but no service charge shall be made by the United States. The land selected by and purchased for individual Indians may be either inside or outside the boundaries of the reservation as diminished. Title to any land or interest in land acquired within the boundaries of the reservation shall be taken in the name of the United States in trust for the tribe or the individual Indian for whom the land is acquired, and title to any land or interests in land acquired outside the boundaries of the reservation shall be taken in the name of the individual for whom it is acquired. Trust titles shall be subject to the laws and regulations applicable to other trust titles within the reservation.

Authorization to purchase and sell certain lands.

For the purposes of this section, the Secretary of the Interior is also authorized to partition or sell individually owned land in which all interests are in a trust or restricted status upon request of the owners of a 51 per centum interest in the land. Any such sale shall be by competitive bid, except that with the concurrence of the owners of a 51 per centum interest in the land, any owner of an interest in the land, or the tribe, if the land is within the reservation, shall have the right to purchase the land within a reasonable time fixed by the Secretary prior to a competitive sale at not less than its appraised value. If more than one preference right is exercised, the sale shall be by competitive bid limited to the tribe and to the persons entitled to a preference. The Secretary of the Interior may represent for the purpose of this paragraph any Indian owner who is a minor, or who is non compos mentis and, after giving reasonable notice of the proposed sale by publication, may represent an Indian owner who cannot be located, and he may execute any title documents necessary to convey a marketable and recordable title.

Nothing in this section shall be construed to diminish the authority to acquire, sell, or exchange land that is contained in other provisions of law.

Restrictions.

SEC. 7. No part of any expenditure made by the United States under any or all of the provisions of this Act shall be charged as an offset or counterclaim against any tribal claim which has arisen under any treaty law, or Executive order of the United States prior to the effective date of taking of said land as provided for in section 1 hereof and the payment of Sioux benefits as provided for in section 17 of the said Act of March 2, 1889 (25 Stat. 888), as amended, shall be continued under the provisions of section 14 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), on the basis now in operation

Expenditure restriction.

without regard to the loss of tribal land within the taking area under the provisions of this Act.

Reimbursement
to tribe.

SEC. 8. The Secretary of the Treasury, upon certification by the Secretary of the Interior, shall reimburse the tribe for fees and expenses incurred in connection with the taking of tribal and individual Indian lands for the Randall project: *Provided*, That such reimbursable fees and expenses do not exceed in the aggregate \$100,000, of which not more than \$50,000 shall be reimbursable as attorney fees.

Appropriations.

SEC. 9. There is hereby authorized to be appropriated such sums as may be necessary for the purposes of this Act.

Tax exemptions.

SEC. 10. All funds paid to the tribe and individual Indians, either pursuant to this Act or pursuant to the condemnation action referred to in section 1 of this Act shall be exempt from all forms of State and Federal taxation.

Rejection notice.

SEC. 11. Any individual member of the Crow Creek Sioux Tribe shall have the right to reject the sum tendered to him as his share of the \$126,000 in accordance with the proration under section 2 of this Act by filing within one year a notice of rejection with the Chief of Engineers, United States Army, Washington, District of Columbia. If the court, in the condemnation proceedings referred to in section 1, in determining the just compensation to which the individual is entitled, fixes an amount in excess of the amount theretofore tendered to him, the Secretary of the Army shall deposit the difference in court. No court costs shall be charged against an individual but all other costs and expenses, including counsel fees, shall be at the contesting individual's expense.

Approved September 2, 1958.

Public Law 85-917

AN ACT

September 2, 1958
[H. R. 8735]

To increase annuities payable to certain annuitants from the District of Columbia teachers retirement and annuity fund, and for other purposes.

D. C. teachers'
retirement annuities,
increase.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the annuity of each retired employee who, on August 1, 1958, is receiving or is entitled to receive an annuity from the District of Columbia teachers' retirement and annuity fund based on service which terminated prior to October 1, 1956, shall be increased by 10 per centum, but no such increase shall exceed \$500 per annum.

(b) The annuity otherwise payable from the District of Columbia teachers' retirement and annuity fund to—

(1) each survivor who on August 1, 1958, is receiving or entitled to receive an annuity based on service which terminated prior to October 1, 1956, and

(2) each survivor of a retired employee described in subsection (a) of this section, shall be increased by 10 per centum. No increase provided by this subsection shall exceed \$250 per annum.

(c) No increase provided by this section shall be computed on any additional annuity purchased at retirement by voluntary contributions.

SEC. 2. The unmarried widow or widower of an employee—

(1) who had completed at least ten years of service creditable for retirement purposes under "An Act for the retirement of public school teachers in the District of Columbia", approved August 7, 1946 (60 Stat. 875), as amended.

(2) who died before May 1, 1952, and

(3) who was at the time of his death (A) subject to an Act under which annuities granted before May 1, 1952, were or are now payable from the District of Columbia teachers retirement and annuity fund or (B) retired under such Act,

shall be entitled to receive an annuity. In order to qualify for such annuity, the widow or widower shall have been married to the employee for at least five years immediately prior to his death and must be not entitled to any other annuity from the District of Columbia teachers retirement and annuity fund based on the service of such employee. Such annuity shall be equal to one-half of the annuity which the employee was receiving on the date of his death if retired, or would have been receiving if he had been retired for disability on the date of his death, but shall not exceed \$750 per annum and shall not be increased by the provisions of this or any other prior law. Any annuity granted under this section shall cease upon the death or remarriage of the widow or widower.

"SEC. 3. (a) An increase in annuity provided by subsection (a), or clause (1) of subsection (b), of the first section of this Act shall take effect on August 1, 1958. An increase in annuity provided by clause (2) of such subsection (b) shall take effect on the commencing date of the survivor annuity.

"(b) An annuity provided by section 2 of this Act shall commence on August 1, 1958, or on the first day of the month in which application for such annuity is received by the Commissioners of the District of Columbia or their designated agent, whichever occurs later.

"(c) The monthly installment of each annuity increased or provided by this Act shall be fixed at the nearest dollar.

"SEC. 4. The annuities and increases in annuities provided by the preceding sections of this Act shall be paid from the District of Columbia teachers retirement and annuity fund. Such annuities and increases in annuities shall terminate for each fiscal year beginning on or after July 1, 1960, for which the Congress has failed to make provision for the payment of like annuities and increases in annuities under the Act approved June 25, 1958 (72 Stat. 218), for such fiscal year. For any fiscal year for which such annuities and increases in annuities shall terminate for the reason set forth in this section, the preceding sections of this Act shall not be in effect and annuities and increases in annuities shall be determined and paid as though such sections had not been enacted. Nothing contained in this section shall be held or considered to prevent the payment of annuities and increases in annuities provided by the preceding sections of this Act for any fiscal year for which the Congress shall have made provisions for the payment of like annuities and increases in annuities under such Act approved June 25, 1958 (72 Stat. 218)."

Approved September 2, 1958.

Public Law 85-918

JOINT RESOLUTION

To amend the Act of September 7, 1957 (71 Stat. 626), providing for the establishment of a Civil War Centennial Commission.

September 2, 1958
[H. J. Res. 557]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 9 of the joint resolution of September 7, 1957 (71 Stat. 626), entitled "Joint resolution to establish a commission to commemorate the one hundredth anniversary of the Civil War, and for other purposes", is hereby amended to read as follows:

36 USC 749.

"SEC. 9. There is hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this joint resolution, not to exceed \$100,000 in any one fiscal year."

Approved September 2, 1958.

Public Law 85-919

September 2, 1958
[H. R. 6238]

AN ACT

To amend section 1292 of title 28 of the United States Code relating to appeals from interlocutory orders.

Courts.
Interlocutory
orders, relief.
62 Stat. 929.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1292 of title 28 of the United States Code is hereby amended by insertion of the letter (a) at the beginning of the section and adding at the end thereof an additional subparagraph lettered (b) to read as follows:

"(b) When a district judge, in making in a civil action an order not otherwise appealable under this section, shall be of the opinion that such order involves a controlling question of law as to which there is substantial ground for difference of opinion and that an immediate appeal from the order may materially advance the ultimate termination of the litigation, he shall so state in writing in such order. The Court of Appeals may thereupon, in its discretion, permit an appeal to be taken from such order, if application is made to it within ten days after the entry of the order: *Provided, however,* That application for an appeal hereunder shall not stay proceedings in the district court unless the district judge or the Court of Appeals or a judge thereof shall so order."

Approved September 2, 1958.

Public Law 85-920

September 2, 1958
[H. R. 9817]

AN ACT

Relating to venue in tax refund suits by corporations.

Corporations.
Tax refund suits.
62 Stat. 937, 933.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1402

(a) of title 28, United States Code, is amended to read as follows: "(a) Any civil action against the United States under subsection (a) of section 1346 of this title may be prosecuted only:

"(1) Except as provided in paragraph (2), in the judicial district where the plaintiff resides;

"(2) In the case of a civil action by a corporation under paragraph (1) of subsection (a) of section 1346, in the judicial district in which is located the principal place of business or principal office or agency of the corporation; or if it has no principal place of business or principal office or agency in any judicial district (A) in the judicial district in which is located the office to which was made the return of the tax in respect of which the claim is made, or (B) if no return was made, in the judicial district in which lies the District of Columbia. Notwithstanding the foregoing provisions of this paragraph a district court, for the convenience of the parties and witnesses, in the interest of justice, may transfer any such action to any other district or division."

Approved September 2, 1958.

Public Law 85-921

AN ACT

To permit illustrations and films of United States and foreign obligations and securities under certain circumstances, and for other purposes.

September 2, 1958
[H. R. 9370]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 504 of title 18, United States Code, is amended to read as follows:

Title 18, U.S.
Code, amendment.
Stamps.
62 Stat. 713.

“§ 504. Printing and filming of United States and foreign obligations and securities

“Notwithstanding any other provision of this chapter, the following are permitted:

“(1) the printing, publishing, or importation, or the making or importation of the necessary plates for such printing or publishing, of black and white illustrations of postage and revenue stamps and other obligations and securities of the United States, and postage and revenue stamps, notes, bonds, and other obligations or securities of any foreign government, bank, or corporation for philatelic, numismatic, educational, historical, or newsworthy purposes in articles, books, journals, newspapers, or albums (but not for advertising purposes, except illustrations of stamps and paper money in philatelic or numismatic advertising of legitimate numismatists and dealers in stamps or publishers of or dealers in philatelic or numismatic articles, books, journals, newspapers, or albums). Such illustrations, except those of stamps, shall be of a size less than three-fourths or more than one and one-half, in linear dimension, of each part of such obligation or security. The negatives and plates used in making the illustrations shall be destroyed after their final use for the purpose for which they were made.

“(2) the making or importation, but not for advertising purposes except philatelic advertising, of motion-picture films, micro-films, or slides, for projection upon a screen or for use in telecasting, of postage and revenue stamps and other obligations and securities of the United States, and postage and revenue stamps, notes, bonds, and other obligations or securities of any foreign government, bank, or corporation. No prints or other reproductions shall be made from such films or slides, except for the purposes of paragraph (1), without the permission of the Secretary of the Treasury.”

SEC. 2. The analysis of chapter 25 of title 18, United States Code, is amended by striking out the item

62 Stat. 705-715.

“504. Printing stamps for philatelic purposes.”

and inserting in lieu thereof the following:

“504. Printing and filming of United States and foreign obligations and securities.”

SEC. 3. Title 18, United States Code, is amended by inserting immediately following section 14 of such title the following section:

62 Stat. 686.

“§ 15. Obligation or other security of foreign government defined.

“The term ‘obligation or other security of any foreign government’ includes, but is not limited to, uncanceled stamps, whether or not demonetized.”

SEC. 4. The analysis of chapter 1 of title 18, United States Code, is amended by inserting following and underneath item 14 in such analysis the following item:

62 Stat. 684-686.

“15. Obligation or other security of foreign government defined.”

Approved September 2, 1958.

Public Law 85-922

AN ACT

September 2, 1958
[H. R. 12281]

To authorize the Secretary of the Interior to provide an administrative site for Yosemite National Park, California, on lands adjacent to the park, and for other purposes.

Yosemite National Park, Calif.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That to enable the Secretary of the Interior to preserve the extraordinary natural qualities of Yosemite National Park, notwithstanding its increasing use by the public, the Secretary is hereby authorized to provide in the manner hereinafter set forth an administrative site in the El Portal area adjacent to Yosemite National Park, in order that utilities, facilities, and services required in the operation and administration of Yosemite National Park may be located on such site outside the park.

Acquisition of land.

SEC. 2. For said site the Secretary of the Interior is authorized to acquire by purchase or donation, or with donated funds, approximately twelve hundred acres, as shown on map numbered NP-YOS-7011, of non-Federal land, interests in land, and appurtenances thereto, and, to avoid severing parcels in private ownership which extend beyond the area so depicted, the Secretary of the Interior may acquire in their entirety such parcels of land or interests therein.

Jurisdiction of land.

SEC. 3. The Secretaries of Agriculture and Interior are authorized to arrange and effect mutually satisfactory transfers of jurisdiction over land administered by each in the El Portal area. Land so transferred to the Secretary of the Interior shall thereupon be excluded from the national forest or forests involved and thereafter be administered by the Secretary of the Interior pursuant to this Act as a part of said administrative site. Land transferred to the Secretary of Agriculture pursuant to this Act shall thereupon become national forest land subject to all laws, rules, and regulations applicable to land acquired pursuant to the Week's law.

36 Stat. 961.
16 USC 513-519,
521.

SEC. 4. Nothing herein contained shall affect any valid claim, location, or entry existing under the land laws of the United States, or the rights of any such claimant, locator, or entryman to the full use and enjoyment of his land.

Management and control of land.

SEC. 5. Until further action by the Congress, the lands acquired by or transferred to the Secretary of the Interior hereunder shall not become a part of Yosemite National Park, nor be subject to the laws and regulations governing said park, but the Secretary of the Interior shall have supervision, management, and control of the area and shall make and publish such rules and regulations as he may deem necessary and proper for its use and management: *Provided*, That he may grant nonexclusive privileges, leases, and permits for the use of land in the area and enter into contracts relating to the same, subject to the limitations and conditions applying to the similar authority provided in section 3 of the Act of August 25, 1916 (39 Stat. 535), as amended (45 Stat. 235, 16 U. S. C., 1952 edition, sec. 3).

16 USC 3, 22, 43.

Availability of funds.

SEC. 6. Funds now or hereafter appropriated or otherwise available for operating and capital programs in the areas administered by the National Park Service, including funds for acquisition of land and interests in land, are hereby made available to acquire land, interests in land, and appurtenances thereto, within the administrative site, and to further the purpose of this Act.

Approved September 2, 1958.

Public Law 85-923

AN ACT

September 2, 1958
[H. R. 12663]

To provide for additional payments to the Indians of the Lower Brule Sioux Reservation, South Dakota, whose lands have been acquired for the Fort Randall Dam and Reservoir project, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army is authorized and directed to pay to the Lower Brule Sioux Tribe and the individual Indian owners, out of funds made available for the Fort Randall Dam and Reservoir project, in settlement of all claims, rights, and demands of said tribe and its members arising out of the construction of the Fort Randall Dam and Reservoir project, an amount equal to the difference between \$976,523 and the sum paid for the taking of lands in condemnation proceedings entitled "United States of America, Plaintiff against 7,996.62 acres of land etc. and Lower Brule Tribe of Sioux Indians et al., Defendants", civil numbered 186, filed in the United States District Court for the District of South Dakota.

Sioux Indians.

SEC. 2. The payments authorized by section 1 of this Act shall be deposited to the credit of the Lower Brule Sioux Tribe in the Treasury of the United States to draw interest on the principal at the rate of 4 per centum per annum until expended. The sum of \$85,242.35 shall be allocated to the former owners on a prorated basis in accordance with the tract and ownership schedules set forth in the condemnation proceedings referred to in section 1, after consultation with the Missouri River Basin investigation staff and the tribal council to correct known errors. The amounts allocated to the lands owned by individual Indians shall be credited to their respective individual Indian money accounts. No part of the compensation for the property taken by the condemnation proceedings referred to in section 1, whether paid in the proceedings or under this Act, shall be subject to any lien, debt, or claim of any nature whatsoever against the tribe or individual Indians except delinquent debts owed by the tribe to the United States or owed by individual Indians to the tribe or to the United States. The cost of moving dwellings and other buildings owned by the Indians from the Fort Randall Dam and Reservoir project area shall be paid out of the part of the payment authorized under section 1 and payable to the tribe.

Deposit of payments.

SEC. 3. The Secretary of the Army shall revest or cause to be re-vested in the former owners all of the right, title, and interest of the United States in minerals acquired through the condemnation proceedings referred to in section 1 of this Act; but the exploration, exploitation, and development of the minerals, including oil and gas, shall be subject to all reasonable regulations which may be imposed by the Secretary of the Army for the protection of the Fort Randall Dam and Reservoir project.

Mineral rights.

SEC. 4. Individual Indians and the tribe are authorized without charge to retain timber and improvements previously removed by them from the lands acquired in the condemnation proceedings referred to in section 1 hereof; and former owners shall also have the right, without charge, prior to September 30, 1958, to cut and remove any remaining timber and salvage any remaining improvements on the respective lands acquired from them in said condemnation proceedings; but, if said rights are waived or not exercised by September 30, 1958, the tribe, through the tribal council, may, prior to January 1, 1959, exercise the rights: *Provided*, That the salvage previously accomplished or permitted by this section shall not be construed to be double compensation.

Retention of timber, etc.

Use of land.

SEC. 5. After the Randall Dam gates are closed and the waters of the Missouri River impounded, the said Indian tribe and the members thereof shall be given exclusive permission, without cost, to graze stock on the land between the water level of the reservoir and the exterior boundary of the taking area. The said tribal council and the members of said Indian tribe shall be permitted to have, without cost, access to the shoreline of the reservoir including permission to hunt and fish in and on the aforesaid shoreline and reservoir, subject, however, to regulations governing the corresponding use by other citizens of the United States.

Authorization to purchase and sell certain lands.

SEC. 6. For the purposes of (1) providing substitute land for individual Indians whose land is within the taking area, (2) consolidating land holdings, and (3) eliminating fractionated heirship interests within the reservation, the Secretary of the Interior is authorized to purchase, with funds made available by such individual Indians or by the tribe, land or interests in land, and to sell tribal land upon request of the tribe, but no service charge shall be made by the United States. The land selected by and purchased for individual Indians may be either inside or outside the boundaries of the reservation as diminished. Title to any land or interests in land acquired within the boundaries of the reservation shall be taken in the name of the United States in trust for the tribe or the individual Indian for whom the land is acquired, and title to any land or interests in land acquired outside the boundaries of the reservation shall be taken in the name of the individual for whom it is acquired. Trust titles shall be subject to the laws and regulations applicable to other trust titles within the reservation.

For the purposes of this section, the Secretary of the Interior is also authorized to partition or sell individually owned land in which all interests are in a trust or restricted status upon request of the owners of a 51 per centum interest in the land. Any such sale shall be by competitive bid except that with the concurrence of the owners of a 51 per centum interest in the land, any owner of an interest in the land, or the tribe, if the land is within the reservation, shall have the right to purchase the land within a reasonable time fixed by the Secretary prior to a competitive sale at not less than its appraised value. If more than one preference right is exercised, the sale shall be by competitive bid limited to the tribe and to the persons entitled to a preference. The Secretary of the Interior may represent for the purpose of this paragraph any Indian owner who is a minor, or who is non compos mentis and, after giving reasonable notice of the proposed sale by publication, may represent an Indian owner who cannot be located, and he may execute any title documents necessary to convey a marketable and recordable title.

Nothing in this section shall be construed to diminish the authority to acquire, sell, or exchange land that is contained in other provisions of law.

Restriction.

SEC. 7. No part of any expenditure made by the United States under any or all of the provisions of this Act shall be charged as an offset or counterclaim against any tribal claim which has arisen under any treaty law, or Executive order of the United States prior to the effective date of taking of said land as provided for in section 1 hereof and the payment of Sioux benefits as provided for in section 17 of the said Act of March 2, 1889 (25 Stat. 888), as amended, shall be continued under the provisions of section 14 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), on the basis now in operation without regard to the loss of tribal land within the taking area under the provisions of this Act.

SEC. 8. The Secretary of the Treasury, upon certification by the Secretary of the Interior, shall reimburse the tribe for fees and expenses incurred in connection with the taking of tribal and individual Indian lands for the Randall project: *Provided*, That such reimbursable fees and expenses do not exceed in the aggregate \$100,000, of which not more than \$50,000 shall be reimbursable as attorney fees.

SEC. 9. There is hereby authorized to be appropriated such sums as may be necessary for the purposes of this Act.

SEC. 10. All funds paid to the tribe and individual Indians, either pursuant to this Act or pursuant to the condemnation action referred to in section 1 of this Act, shall be exempt from all forms of State and Federal taxation.

SEC. 11. Any individual member of the Lower Brule Sioux Tribe shall have the right to reject the sum tendered to him as his share of the \$85,242.35 in accordance with the proration under section 2 of this Act by filing within one year a notice of rejection with the Chief of Engineers, United States Army, Washington, District of Columbia. If the court, in the condemnation proceedings referred to in section 1, in determining the just compensation to which the individual is entitled, fixes an amount in excess of the amount theretofore tendered to him, the Secretary of the Army shall deposit the difference in court. No court costs shall be charged against an individual but all other costs and expenses, including counsel fees, shall be at the contesting individual's expense.

Approved September 2, 1958.

Reimbursement.

Appropriations.

Tax exemptions.

Rejection notice.

Public Law 85-924

JOINT RESOLUTION

Authorizing and requesting the President to invite the countries of the free world to participate in the California International Trade Fair and Industrial Exposition to be held in Los Angeles, California, from April 1 to 12, 1959.

September 2, 1958
[H. J. Res. 658]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized and requested to invite by proclamation, or in such other manner as he may deem proper, the countries of the free world to participate in the California International Trade Fair and Industrial Exposition to be held in Los Angeles from April 1 to 12 inclusive, for the purpose of exhibiting merchandise and the promotion of tourism, travel, and transportation, and for the purpose of bringing together buyers and sellers for the promotion of foreign trade and commerce.

California International Trade Fair and Industrial Exposition. Participation.

Approved September 2, 1958.

Public Law 85-925

AN ACT

To permit articles imported from foreign countries for the purpose of exhibition at the Minnesota State Fair and Centennial Exposition to be held at Saint Paul, Minnesota, to be admitted without payment of tariff, and for other purposes.

September 2, 1958
[H. R. 11889]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any article which is imported from a foreign country for the purpose of exhibition at the Minnesota State Fair and Centennial Exposition to be held at Saint Paul, Minnesota, from August 23, 1958, to September 1, 1958, inclusive, by the Minnesota State Fair and Centennial Exposition (hereinafter called the "exposition"), or for use in constructing,

Minnesota State Fair and Centennial Exposition.

installing, or maintaining foreign exhibits at such exposition, upon which there is a tariff or customs duty, shall be admitted without payment of such tariff or customs duty or any fees or charges, under such regulations as the Secretary of the Treasury shall prescribe.

Sale.

SEC. 2. It shall be lawful at any time during or within three months after the close of such exposition to sell within the area of the exposition any articles provided for herein, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury shall prescribe. All such articles, when withdrawn for consumption or use in the United States, shall be subject to the duties, if any, imposed upon such articles by the revenue laws in force at the date of their withdrawal; and on such articles which shall have suffered diminution or deterioration from incidental handling or exposure, the duties, if payable, shall be assessed according to the appraised value at the time of withdrawal from entry hereunder for consumption or entry under the general tariff law.

Marking restrictions.

SEC. 3. Imported articles provided for herein shall not be subject to any marking requirements of the general tariff laws, except when such articles are withdrawn for consumption or use in the United States, in which case they shall not be released from customs custody until properly marked, but no additional duty shall be assessed because such articles were not sufficiently marked when imported into the United States.

Disposal of articles.

SEC. 4. At any time within three months after the close of the exposition, any article entered hereunder may be abandoned to the United States or destroyed under customs supervision, whereupon any duties on such article shall be remitted.

SEC. 5. Articles which have been admitted without payment of duty for exhibition under any tariff law and which have remained in continuous customs custody or under a customs exhibition bond and imported articles in bonded warehouses under the general tariff law may be accorded the privilege of transfer to and entry for exhibition at such exposition, under such regulations as the Secretary of the Treasury shall prescribe.

Reimbursement for customs charges.

SEC. 6. The exposition shall be deemed, for customs purposes only, to be the sole consignee of all merchandise imported under the provisions of this Act. The actual and necessary customs charges for labor, services, and other expenses in connection with the entry, examination, appraisal, release, or custody, together with the necessary charges for salaries of customs officers and employees in connection with the supervision, custody of, and accounting for, articles imported under the provisions of this Act, shall be reimbursed by the exposition to the United States, under regulations to be prescribed by the Secretary of the Treasury. Receipts from such reimbursements shall be deposited as refunds to the appropriation from which paid, in the manner provided for in section 524 of the Tariff Act of 1930, as amended (19 U. S. C. 1524).

52 Stat. 1087.

69 Stat. 242.

SEC. 7. Paragraph 1798, Tariff Act of 1930, as amended (U. S. C., title 19, sec. 1201, par. 1798), is further amended by redesignating subparagraph (ii) as subparagraph (i), and by inserting a new subparagraph (h) to read as follows:

Automobiles.

“(h) Automobiles rented by any resident of the United States while abroad may be imported into the United States by or on behalf of such resident for the transportation of such resident, his family and guests, and such incidental carriage of articles as may be appropriate to his personal use of the automobile without payment of duty, for such temporary periods as the Secretary of the Treasury by regulation may prescribe. Any automobile exempted from duty under this

Penalty.

subparagraph which is used otherwise than for a purpose herein expressed or is not returned abroad within the time and manner as the Secretary may prescribe by regulation, or the value of such automobile (to be recovered from the importer), shall be subject to forfeiture to the United States."

Approved September 2, 1958.

Public Law 85-926

AN ACT

To encourage expansion of teaching in the education of mentally retarded children through grants to institutions of higher learning and to State educational agencies.

September 6, 1958
[H. R. 13840]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of Education is authorized to make grants to public or other nonprofit institutions of higher learning to assist them in providing training of professional personnel to conduct training of teachers in fields related to education of mentally retarded children. Such grants may be used by such institutions to assist in covering the cost of courses of training or study for such personnel and for establishing and maintaining fellowships, with such stipends as may be determined by the Commissioner of Education.

Education of
mentally retarded
children.

SEC. 2. The Commissioner of Education is also authorized to make grants to State educational agencies to assist them in establishing and maintaining, directly or through grants to public or other nonprofit institutions of higher learning, fellowships or traineeships for training personnel engaged or preparing to engage in employment as teachers of mentally retarded children or as supervisors of such teachers.

Grants for fel-
lowships.

SEC. 3. Payments of grants pursuant to this Act may be made by the Commissioner of Education from time to time, in advance or by way of reimbursement, on such conditions as the Commissioner may determine. Such payments shall not exceed \$1,000,000 for any one fiscal year.

Payments.

SEC. 4. Each State educational agency and each public or other nonprofit institution of higher education which receives a grant under this Act during a fiscal year shall after the end of such fiscal year submit a report to the Commissioner of Education. Such report shall contain a detailed financial statement showing the purposes for which the funds granted under this Act were expended.

Report to com-
missioner of Edu-
cation.

SEC. 5. For purposes of this Act—

Definitions.

(a) The term "nonprofit institution" means an institution owned and operated by one or more corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(b) The term "State educational agency" means the State board of education or other agency or officer primarily responsible for State supervision of public elementary and secondary schools in the State.

SEC. 6. The Commissioner of Education is authorized to delegate any of his functions under this Act, except the making of regulations, to any officer or employee of the Office of Education.

SEC. 7. This Act shall continue in effect until a date ten years after the date of the enactment of this Act.

Effective date.

Approved September 6, 1958.

Public Law 85-927

AN ACT

September 6, 1958
[S. 2020]

To amend the Railroad Retirement Act of 1937, the Railroad Unemployment Insurance Act, and the Social Security Act.

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

PART I—AMENDMENTS TO THE RAILROAD RETIREMENT ACT OF 1937

SECTION 1. (a) Section 3 (c) of the Railroad Retirement Act of 1937 is amended by adding at the end thereof the following new sentence: "If the 'monthly compensation' computed under this subsection is not a multiple of \$1, it shall be rounded to the next lower multiple of \$1."

(b) Section 3 (e) of such Act is amended by inserting at the end thereof the following new paragraph:

"For the purposes of this subsection, the Board shall have the same authority to determine a 'period of disability' within the meaning of section 216 (i) of the Social Security Act, with respect to any employee who will have filed application therefor and (i) have completed ten years of service or (ii) have been awarded an annuity, as the Secretary of Health, Education, and Welfare would have to determine such a period under such section 216 (i) if the employee met the requirements of clauses (A) and (B) of paragraph (3) of such section, considering for purposes of such determination that all his service as an employee after 1936 constitutes 'employment' within the meaning of title II of the Social Security Act and determining his quarters of coverage for such purposes by presuming his compensation in a calendar year to have been paid in equal proportions with respect to all months in which he will have been in service as an employee in such calendar year: *Provided*, That an application for an annuity filed with the Board on the basis of disability shall be deemed to be an application to determine such a period of disability, and such an application filed with the Board on or before the date of the enactment of this paragraph shall, for purposes of this subsection and section 216 (i) (4) of the Social Security Act, be deemed filed after December 1954 and before July 1958: *Provided further*, That, notwithstanding any other provision of law, the Board shall have the authority to make such determination on the basis of the records in its possession or evidence otherwise obtained by it, and a determination by the Board with respect to any employee concerning such a 'period of disability' shall be deemed a final decision of the Board determining the rights of persons under this Act for purposes of section 11 of this Act. An application filed with the Board pursuant to this paragraph shall be deemed filed as of the same date also with the Secretary of Health, Education, and Welfare for the purpose of determining a 'period of disability' under section 216 (i) of the Social Security Act."

(c) Section 3 (f) of such Act is amended to read as follows:

"(f) (1) Annuities under section 2 (a) which will have become due an individual but will not have been paid at the time of such individual's death shall be payable to the person, if any, who is determined by the Board to be such individual's widow or widower and to have been living with such individual at the time of such individual's death and who will not have died before receiving payment of such annuities. If there be no such widow or widower, such annuities shall be payable to any person or persons, equitably entitled thereto, to the extent and in the proportions that he or they shall have paid the expenses of

Railroad Retirement Act of 1937, amendments, "Monthly compensation," 50 Stat. 311, 45 USC 228c.

45 USC 228c.

"Period of disability,"

66 Stat. 771, 42 USC 416.

42 USC 401-425.

42 USC 416.

42 USC 416, 45 USC 228c, Annuities.

burial of such individual, and to the extent that he or they will not have been reimbursed under section 5 (f) (1) for having paid such expenses. If there be no person or persons so entitled, or if the total of such annuities exceeds the amount payable under this paragraph to such person or persons, such total, or the remainder thereof, as the case may be, shall be paid to the children, grandchildren, parents, or brothers and sisters of the deceased individual in the same manner as if such unpaid annuities were a lump sum payable under section 5 (f) (2).

“(2) Insurance annuities under section 5 which will have become due a survivor of an employee but will not have been paid at the time of such survivor’s death shall be payable to the person, if any, who is determined by the Board to be such employee’s widow or widower and to have been living with such employee at the time of the employee’s death and who will not have died before receiving payment of such annuities. If there be no such widow or widower, such annuities shall be payable to the children, grandchildren, parents, or brothers and sisters of the deceased employee in the same manner as if such unpaid annuities were a lump sum payable under section 5 (f) (2).

“(3) Annuities under section 2 (e) which will have become due a spouse of an individual but which will not have been paid at the time of such spouse’s death shall be payable to the individual from whose employment such spouse’s annuity derived and who will not have died before receiving payment of such annuities. If there be no such individual, such annuities shall be paid as provided in the last two sentences of paragraph (1) of this subsection as if such annuities were annuities due under section 2 (a) to an individual but unpaid at the time of such individual’s death.

“(4) Applications for accrued and unpaid annuities provided for in paragraphs (1), (2), and (3) of this subsection shall be filed prior to the expiration of two years after the death of the person to whom such annuities were originally due.

“(5) For the purposes of this subsection and paragraphs (1) and (2) of section 5 (f) of this Act, a widow or widower of an individual shall be deemed to have been living with the individual at the time of the individual’s death if the applicable conditions set forth in section 216 (h) (2) or (3) of the Social Security Act are fulfilled.

71 Stat. 519.
42 USC 416.

“(6) If there is no person to whom all or any part of the annuity payments described in paragraph (1), (2), or (3) can be made, such payments or part thereof shall escheat to the credit of the Railroad Retirement Account.”

(d) Section 3 (h) of such Act is amended by striking out “\$2.50” and inserting in lieu thereof “\$5”.

45 USC 228c.

(e) Section 3 of such Act is further amended by adding at the end thereof the following new subsection:

45 USC 228c.

“(i) If the amount of any annuity computed under this section, or under section 2 or section 5, is not a multiple of \$0.10, it shall be raised to the next higher multiple of \$0.10.”

SEC. 2. (a) Section 5 (f) (1) of the Railroad Retirement Act of 1937 is amended—

45 USC 228e.

(1) by striking out the first three sentences and inserting in lieu thereof the following: “Upon the death, after the month in which this Act is enacted, of a completely or partially insured employee who will have died leaving no widow, widower, child, or parent who would on proper application therefor be entitled to receive an annuity under this section for the month in which such death occurred, a lump sum of ten times the employee’s basic amount shall be paid to the person, if any, who is determined by the

Board to be the widow or widower of the deceased employee and to have been living with such employee at the time of such employee's death and who will not have died before receiving payment of such lump sum. If there be no such widow or widower, such lump sum shall be paid to any person or persons, equitably entitled thereto, to the extent and in the proportions that he or they shall have paid the expenses of burial of such deceased employee.”;

(2) by striking out “widow, widower, child, or parent” in the fourth sentence and inserting in lieu thereof “widow or widower”; and

(3) by striking out all of the fourth sentence beginning with “a payment to any then surviving widow” and inserting in lieu thereof the following: “a payment equal to the amount by which such lump sum exceeds such annuities so accrued after such deductions shall then nevertheless be made under this paragraph to the person (or, if more than one, in equal shares to the persons) first named in the following order of preference: the widow, widower, child, or parent of the employee then entitled to a survivor annuity under this section.”

45 USC 228e.

(b) Section 5 (f) (2) of such Act is amended by striking out “to the person or persons in the order provided in paragraph (1) of this subsection, or in the absence of such person or persons, to his or her estate, a lump sum” and by inserting in lieu thereof the following: “to the following person (or, if more than one, in equal shares to the persons) whose relationship to the deceased employee will have been determined by the Board and who will not have died before receiving payment of the lump sum provided for in this paragraph:

“(i) the widow or widower of the deceased employee who was living with such employee at the time of such employee's death; or

“(ii) if there be no such widow or widower, to any child or children of such employee; or

“(iii) if there be no such widow, widower, or child, to any grandchild or grandchildren of such employee; or

“(iv) if there be no such widow, widower, child, or grandchild, to any parent or parents of such employee; or

“(v) if there be no such widow, widower, child, grandchild, or parent, to any brother or sister of such employee; or

“(vi) if there be no such widow, widower, child, grandchild, parent, brother, or sister, to the estate of such employee, a lump sum”.

45 USC 228e.

(c) The first sentence of section 5 (h) of such Act is amended by striking out “prior to” and inserting in lieu thereof “after”.

45 USC 228e.

(d) Section 5 (i) (3) of such Act is amended (1) by inserting “and” after the semicolon in subparagraph (i); (2) by striking out all of subparagraph (ii) after “title II of the Social Security Act” and inserting in lieu thereof a period; and (3) by striking out subparagraphs (iii) and (iv).

42 USC 401-425.

45 USC 228e.

(e) Section 5 (k) (3) of such Act is amended—

(1) by inserting in the first sentence after “service” the following: “, of determinations under section 3 (e) of this Act, or section 216 (i) of the Social Security Act, of periods of disability within the meaning of such section 216 (i),”; and

42 USC 416.

(2) by inserting in the first sentence after “this section” the following: “, section 3 (e) of this Act,”; and

(3) by inserting in the second sentence after “therein” the following: “(except in the case of a determination of disability under section 216 (i) of the Social Security Act)”.

42 USC 416.

(f) Section 5 (1) (6) of such Act is amended by striking out the parenthetical phrases in the first and second sentences and by inserting at the end thereof the following sentence: "Wages, as defined in this paragraph, shall be credited for the purposes of this section in the manner and to the extent credited for corresponding purposes of title II of the Social Security Act."

45 USC 228e.

42 USC 401-425.

45 USC 228e.

42 USC 401-425.

45 USC 228e.

42 USC 401-425.

45 USC 228e.

(g) Section 5 (1) (7) (ii) of such Act is amended by striking out "forty or more quarters of coverage" and inserting in lieu thereof the following: "either will have had forty or more quarters of coverage or would be fully insured under title II of the Social Security Act if his service as an employee after December 31, 1936, were included in the term 'employment' as defined in that Act".

(h) Section 5 (1) (8) of such Act is amended (1) by striking out "will have had (i)" and inserting in lieu thereof "(i) will have had", (2) by inserting "either will have had" after "(ii)", and (3) by inserting before the final period a comma and the following: "or would be currently insured under title II of the Social Security Act if his service as an employee after December 31, 1936, were included in the term 'employment' as defined in that Act".

(i) Section 5 (1) (9) of such Act is amended—

(1) by striking out "quarter in which he will have died" each place it appears in clauses (A) and (B) and by inserting in lieu thereof "employee's closing date";

(2) by striking out the last proviso; and

(3) by inserting after the first sentence the following new sentence: "An employee's 'closing date' shall mean (A) the first day of the first calendar year in which such employee both had attained age 65 and was completely insured; or (B) the first day of the calendar year in which such employee died; or (C) the first day of the calendar year following the year in which such employee died, whichever would produce the highest 'average monthly remuneration' as defined in the preceding sentence. If the amount of the 'average monthly remuneration' as computed under this paragraph is not a multiple of \$1, it shall be rounded to the next lower multiple of \$1".

SEC. 3. Section 10 (b) (4) of the Railroad Retirement Act of 1937 is amended by inserting after the third sentence the following new sentence: "For purposes of its administration of this Act or the Railroad Unemployment Insurance Act, or both, the Board may hereafter place, without regard to the numerical limitations contained in section 505 of the Classification Act of 1949, as amended, four positions in grade GS-16 of the General Schedule established by that Act, four positions in grade GS-17 of such schedule, and one position in grade GS-18 of such schedule.

Supergrades.
45 USC 228j.

SEC. 4. Section 13 of the Railroad Retirement Act of 1937 is amended (1) by inserting "(a)" after "Sec. 13."; (2) by inserting "or both" before the final period, and (3) by adding at the end thereof the following new subsection:

45 USC 228m.

"(b) All fines and penalties imposed by a court pursuant to this Act shall be paid to the court and be remitted from time to time by order of the judge to the Treasury of the United States to be credited to the Railroad Retirement Account."

SEC. 5. (a) The amendments made by sections 1 (a), 1 (d), 1 (e), and 2 (i) shall be effective with respect to annuities awarded under the Railroad Retirement Act of 1937 on or after the date of the enactment of this Act.

Effective dates.
50 Stat. 307.
45 USC 228a-
228z.

(b) The amendments made by sections 2 (g) and 2 (h) shall be effective (1) with respect to deaths occurring on or after the date of the enactment of this Act and (2) with respect to any death occurring

before such date if none of the survivors of the deceased individual became entitled before such date to monthly benefits, by reason of the individual's death, under title II of the Social Security Act.

42 USC 401-425.

(c) The amendments made by section 1 (b) shall be effective with respect to determinations of periods of disability, within the meaning of section 216 (i) of the Social Security Act, made on or after the date of the enactment of this Act.

42 USC 416.

(d) The amendments made by sections 1 (c), 2 (a), and 2 (b) shall be effective with respect to deaths occurring in months after the month in which this Act is enacted.

(e) The amendments made by sections 2 (c), 2 (d), and 2 (f) shall be effective with respect to annuities accruing for months after the month in which this Act is enacted.

(f) The amendments made by sections 2 (e) and 3 shall be effective on the date of the enactment of this Act.

(g) The amendment made by clause (3) of section 4 shall be effective with respect to offenses committed on or after the date of the enactment of this Act; and the other amendments made by section 4 shall be effective with respect to fines and penalties imposed on or after such date.

PART II—AMENDMENTS TO THE RAILROAD UNEMPLOYMENT INSURANCE ACT

Railroad Unemployment Insurance Act, amendments.
52 Stat. 1094.
45 USC 351.

SEC. 201. (a) (1) The second proviso in section 1 (k) of the Railroad Unemployment Insurance Act is amended by striking out "second" and inserting in lieu thereof "first", and by striking out "first" and inserting in lieu thereof "second".

(2) The second paragraph of such section 1 (k) is amended by striking out "one dollar" and inserting in lieu thereof "three dollars".

45 USC 351.

(b) Section 1 (q) of such Act is amended by inserting before the period at the end thereof the following: "in the unemployment trust fund".

45 USC 354.

SEC. 202. Section 4 (a-1) (ii) of the Railroad Unemployment Insurance Act is amended by striking out all that follows "sickness compensation law" and precedes the first proviso and by inserting in lieu thereof the following: "other than this Act, or any other social-insurance payments under any law".

45 USC 358.

SEC. 203. Section 8 (a) of the Railroad Unemployment Insurance Act is amended by inserting before the period at the end thereof a semicolon and the following: "and in determining such balance as of September 30 of any year, the balance to the credit of the railroad unemployment insurance administration fund as of the close of business on such date shall be deemed to be a part of the balance to the credit of such account".

Social Security Act, amendments.
42 USC 1104.

SEC. 204. (a) Section 904 (a) of the Social Security Act is amended by inserting after "the railroad unemployment insurance account" the following: "or the railroad unemployment insurance administration fund".

42 USC 1104.

(b) Section 904 (e) of the Social Security Act is amended by striking out "and the railroad unemployment insurance account" and inserting in lieu thereof the following: "the railroad unemployment insurance account, and the railroad unemployment insurance administration fund".

42 USC 1104.

(c) Section 904 (f) of the Social Security Act is amended by striking out "fund as the Railroad Retirement Board" and all that follows and by inserting in lieu thereof the following: "railroad unemployment insurance account for the payment of benefits, and out of the railroad unemployment insurance administration fund for the pay-

ment of administrative expenses, as the Railroad Retirement Board may duly certify, not exceeding the amount standing to the credit of such account or such fund, as the case may be, at the time of such payment."

SEC. 205. Section 11 (a) of the Railroad Unemployment Insurance Act is amended by striking out the first sentence and the first two words of the second sentence, and by inserting in lieu thereof the following: "The Secretary of the Treasury shall maintain in the unemployment trust fund established pursuant to section 904 of the Social Security Act an account to be known as the railroad unemployment insurance administration fund. This unemployment insurance administration fund".

45 USC 361.

42 USC 1104.

SEC. 206. The second paragraph of section 12 (1) of the Railroad Unemployment Insurance Act is amended by striking out "Classification Act of 1923, except that the Board may fix the salary of a director of unemployment insurance at \$10,000 per annum" and inserting in lieu thereof the following: "Classification Act of 1949, as amended".

45 USC 362.

SEC. 207. (a) The amendments made by section 201 (a) shall be effective with respect to registration periods in benefit years after the benefit year ending on June 30, 1958.

Effective dates.
Ante, p. 1782.

(b) The amendments made by section 202 shall be effective with respect to days in benefit years after the benefit year ending on June 30, 1958.

Ante, p. 1782.

(c) The remaining amendments made by this part shall be effective, except as otherwise indicated therein, on the date of the enactment of this Act.

PART III—AMENDMENTS TO THE SOCIAL SECURITY ACT

SEC. 301. Section 202 (t) of the Social Security Act is amended by changing the period at the end of paragraph (4) thereof to a comma and inserting thereafter the word "or" and the following:

70 Stat. 835.
42 USC 402.

"(E) the individual on whose employment such benefit is based had been in service covered by the Railroad Retirement Act which was treated as employment covered by this Act pursuant to the provisions of section 5 (k) (1) of the Railroad Retirement Act."

45 USC 228e.

SEC. 302. The amendments made by section 301 of this Act shall apply with respect to monthly benefits under section 202 of the Social Security Act for months after December 1956, and with respect to lump-sum death payments under such section 202 in the case of deaths occurring after December 1956.

42 USC 402.

Approved September 6, 1958.

Public Law 85-928

AN ACT

To amend section 4201 of title 18, United States Code, with respect to the annual rate of compensation of members of the Board of Parole.

September 6, 1958
[S. 4096]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4201 of title 18, United States Code, is amended by deleting the second sentence thereof and substituting in lieu thereof the following sentence: The annual rate of basic compensation of each member of the Board shall be \$17,500.

64 Stat. 1085.

Approved September 6, 1958.

Public Law 85-929

AN ACT

September 6, 1958
[H. R. 13254]

To protect the public health by amending the Federal Food, Drug, and Cosmetic Act to prohibit the use in food of additives which have not been adequately tested to establish their safety.

Food Additives
Amendment of
1958.
52 Stat. 1041.
21 USC 321.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Food Additives Amendment of 1958".

SEC. 2. Section 201, as amended, of the Federal Food, Drug, and Cosmetic Act is further amended by adding at the end of such section the following new paragraphs:

Definitions.

"(s) The term 'food additive' means any substance the intended use of which results or may reasonably be expected to result, directly or indirectly, in its becoming a component or otherwise affecting the characteristics of any food (including any substance intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food; and including any source of radiation intended for any such use), if such substance is not generally recognized, among experts qualified by scientific training and experience to evaluate its safety, as having been adequately shown through scientific procedures (or, in the case of a substance used in food prior to January 1, 1958, through either scientific procedures or experience based on common use in food) to be safe under the conditions of its intended use; except that such term does not include—

"(1) a pesticide chemical in or on a raw agricultural commodity; or

"(2) a pesticide chemical to the extent that it is intended for use or is used in the production, storage, or transportation of any raw agricultural commodity; or

"(3) any substance used in accordance with a sanction or approval granted prior to the enactment of this paragraph pursuant to this Act, the Poultry Products Inspection Act (21 U. S. C. 451 and the following) or the Meat Inspection Act of March 4, 1907 (34 Stat. 1260), as amended and extended (21 U. S. C. 71 and the following).

"(t) The term 'safe', as used in paragraph (s) of this section and in section 409, has reference to the health of man or animal."

71 Stat. 441.

Insanitary in-
gredients.
21 USC 342.

SEC. 3. (a) Clause (2) of section 402 (a), as amended, of such Act is amended to read as follows: "(2) (A) if it bears or contains any added poisonous or added deleterious substance (except a pesticide chemical in or on a raw agricultural commodity and except a food additive) which is unsafe within the meaning of section 406, or (B) if it is a raw agricultural commodity and it bears or contains a pesticide chemical which is unsafe within the meaning of section 408 (a), or (C) if it is, or it bears or contains, any food additive which is unsafe within the meaning of section 409: *Provided*, That where a pesticide chemical has been used in or on a raw agricultural commodity in conformity with an exemption granted or a tolerance prescribed under section 408 and such raw agricultural commodity has been subjected to processing such as canning, cooking, freezing, dehydrating, or milling, the residue of such pesticide chemical remaining in or on such processed food shall, notwithstanding the provisions of sections 406 and 409, not be deemed unsafe if such residue in or on the raw agricultural commodity has been removed to the extent possible in good manufacturing practice and the concentration of such residue in the processed food when ready to eat is not greater than the tolerance prescribed for the raw agricultural commodity;"

(b) Section 402 (a), as amended, of such Act is further amended by striking out the period at the end thereof and inserting in lieu thereof a semicolon and the following: "or (7) if it has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a regulation or exemption in effect pursuant to section 409."

21 USC 342.

(c) The first sentence of section 406 (a) of such Act is amended by striking out "clause (2)" wherever it appears in such sentence and inserting in lieu thereof "clause (2) (A)".

21 USC 346.

SEC. 4. Chapter IV of such Act is amended by adding at the end thereof the following new section:

21 USC 341 et seq.

"FOOD ADDITIVES

"Unsafe Food Additives

"SEC. 409. (a) A food additive shall, with respect to any particular use or intended use of such additives, be deemed to be unsafe for the purposes of the application of clause (2) (C) of section 402 (a), unless—

"(1) it and its use or intended use conform to the terms of an exemption which is in effect pursuant to subsection (i) of this section; or

"(2) there is in effect, and it and its use or intended use are in conformity with, a regulation issued under this section prescribing the conditions under which such additive may be safely used.

While such a regulation relating to a food additive is in effect, a food shall not, by reason of bearing or containing such an additive in accordance with the regulation, be considered adulterated within the meaning of clause (1) of section 402 (a).

"Petition To Establish Safety

"(b) (1) Any person may, with respect to any intended use of a food additive, file with the Secretary a petition proposing the issuance of a regulation prescribing the conditions under which such additive may be safely used.

"(2) Such petition shall, in addition to any explanatory or supporting data, contain—

"(A) the name and all pertinent information concerning such food additive, including, where available, its chemical identity and composition;

"(B) a statement of the conditions of the proposed use of such additive, including all directions, recommendations, and suggestions proposed for the use of such additive, and including specimens of its proposed labeling;

"(C) all relevant data bearing on the physical or other technical effect such additive is intended to produce, and the quantity of such additive required to produce such effect;

"(D) a description of practicable methods for determining the quantity of such additive in or on food, and any substance formed in or on food, because of its use; and

"(E) full reports of investigations made with respect to the safety for use of such additive, including full information as to the methods and controls used in conducting such investigations.

"(3) Upon request of the Secretary, the petitioner shall furnish (or, if the petitioner is not the manufacturer of such additive, the petitioner shall have the manufacturer of such additive furnish, with-

out disclosure to the petitioner) a full description of the methods used in, and the facilities and controls used for, the production of such additive.

“(4) Upon request of the Secretary, the petitioner shall furnish samples of the food additive involved, or articles used as components thereof, and of the food in or on which the additive is proposed to be used.

“(5) Notice of the regulation proposed by the petitioner shall be published in general terms by the Secretary within thirty days after filing.

“Action on the Petition

“(c) (1) The Secretary shall—

“(A) by order establish a regulation (whether or not in accord with that proposed by the petitioner) prescribing, with respect to one or more proposed uses of the food additive involved, the conditions under which such additive may be safely used (including, but not limited to, specifications as to the particular food or classes of food in or in which such additive may be used, the maximum quantity which may be used or permitted to remain in or on such food, the manner in which such additive may be added to or used in or on such food, and any directions or other labeling or packaging requirements for such additive deemed necessary by him to assure the safety of such use), and shall notify the petitioner of such order and the reasons for such action; or

“(B) by order deny the petition, and shall notify the petitioner of such order and of the reasons for such action.

“(2) The order required by paragraph (1) (A) or (B) of this subsection shall be issued within ninety days after the date of filing of the petition, except that the Secretary may (prior to such ninetieth day), by written notice to the petitioner, extend such ninety-day period to such time (not more than one hundred and eighty days after the date of filing of the petition) as the Secretary deems necessary to enable him to study and investigate the petition.

“(3) No such regulation shall issue if a fair evaluation of the data before the Secretary—

“(A) fails to establish that the proposed use of the food additive, under the conditions of use to be specified in the regulation, will be safe: *Provided*, That no additive shall be deemed to be safe if it is found to induce cancer when ingested by man or animal, or if it is found, after tests which are appropriate for the evaluation of the safety of food additives, to induce cancer in man or animal; or

“(B) shows that the proposed use of the additive would promote deception of the consumer in violation of this Act or would otherwise result in adulteration or in misbranding of food within the meaning of this Act.

“(4) If, in the judgment of the Secretary, based upon a fair evaluation of the data before him, a tolerance limitation is required in order to assure that the proposed use of an additive will be safe, the Secretary—

“(A) shall not fix such tolerance limitation at a level higher than he finds to be reasonably required to accomplish the physical or other technical effect for which such additive is intended; and

“(B) shall not establish a regulation for such proposed use if he finds upon a fair evaluation of the data before him that such data do not establish that such use would accomplish the intended physical or other technical effect.

“(5) In determining, for the purposes of this section, whether a proposed use of a food additive is safe, the Secretary shall consider among other relevant factors—

“(A) the probable consumption of the additive and of any substance formed in or on food because of the use of the additive;

“(B) the cumulative effect of such additive in the diet of man or animals, taking into account any chemically or pharmacologically related substance or substances in such diet; and

“(C) safety factors which in the opinion of experts qualified by scientific training and experience to evaluate the safety of food additives are generally recognized as appropriate for the use of animal experimentation data.

“Regulation Issued on Secretary’s Initiative

“(d) The Secretary may at any time, upon his own initiative, propose the issuance of a regulation prescribing, with respect to any particular use of a food additive, the conditions under which such additive may be safely used, and the reasons therefor. After the thirtieth day following publication of such a proposal, the Secretary may by order establish a regulation based upon the proposal.

“Publication and Effective Date of Orders

“(e) Any order, including any regulation established by such order, issued under subsection (c) or (d) of this section, shall be published and shall be effective upon publication, but the Secretary may stay such effectiveness if, after issuance of such order, a hearing is sought with respect to such order pursuant to subsection (f).

“Objections and Public Hearing

“(f) (1) Within thirty days after publication of an order made pursuant to subsection (c) or (d) of this section, any person adversely affected by such an order may file objections thereto with the Secretary, specifying with particularity the provisions of the order deemed objectionable, stating reasonable grounds therefor, and requesting a public hearing upon such objections. The Secretary shall, after due notice, as promptly as possible hold such public hearing for the purpose of receiving evidence relevant and material to the issues raised by such objections. As soon as practicable after completion of the hearing, the Secretary shall by order act upon such objections and make such order public.

“(2) Such order shall be based upon a fair evaluation of the entire record at such hearing, and shall include a statement setting forth in detail the findings and conclusions upon which the order is based.

“(3) The Secretary shall specify in the order the date on which it shall take effect, except that it shall not be made to take effect prior to the ninetieth day after its publication, unless the Secretary finds that emergency conditions exist necessitating an earlier effective date, in which event the Secretary shall specify in the order his findings as to such conditions.

“Judicial Review

“(g) (1) In a case of actual controversy as to the validity of any order issued under subsection (f), including any order thereunder with respect to amendment or repeal of a regulation issued under this section, any person who will be adversely affected by such order may obtain judicial review by filing in the United States Court of Appeals for the circuit wherein such person resides or has his principal place

of business, or in the United States Court of Appeals for the District of Columbia Circuit, within sixty days after the entry of such order, a petition praying that the order be set aside in whole or in part.

"(2) A copy of such petition shall be forthwith served upon the Secretary, or upon any officer designated by him for that purpose, and thereupon the Secretary shall certify and file in the court a transcript of the proceedings and the record on which he based his order. Upon such filing, the court shall have exclusive jurisdiction to affirm or set aside the order complained of in whole or in part. The findings of the Secretary with respect to questions of fact shall be sustained if based upon a fair evaluation of the entire record at such hearing. The court shall advance on the docket and expedite the disposition of all causes filed therein pursuant to this section.

"(3) The court, on such judicial review, shall not sustain the order of the Secretary if he failed to comply with any requirement imposed on him by subsection (f) (2) of this section.

"(4) If application is made to the court for leave to adduce additional evidence, the court may order such additional evidence to be taken before the Secretary and to be adduced upon the hearing in such manner and upon such terms and conditions as to the court may seem proper, if such evidence is material and there were reasonable grounds for failure to adduce such evidence in the proceedings below. The Secretary may modify his findings as to the facts and order by reason of the additional evidence so taken, and shall file with the court such modified findings and order.

"(5) The judgment of the court affirming or setting aside, in whole or in part, any order under this section shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28 of the United States Code. The commencement of proceedings under this section shall not, unless specifically ordered by the court to the contrary, operate as a stay of an order.

"Amendment or Repeal of Regulations

"(h) The Secretary shall by regulation prescribe the procedure by which regulations under the foregoing provisions of this section may be amended or repealed, and such procedure shall conform to the procedure provided in this section for the promulgation of such regulations.

"Exemptions for Investigational Use

"(i) Without regard to subsections (b) to (h), inclusive, of this section, the Secretary shall by regulation provide for exempting from the requirements of this section any food additive, and any food bearing or containing such additive, intended solely for investigational use by qualified experts when in his opinion such exemption is consistent with the public health."

21 USC 331.

SEC. 5. Section 301 (j) of such Act is amended by inserting "409," after "404."

Effective dates.

SEC. 6. (a) Except as provided in subsections (b) and (c) of this section, this Act shall take effect on the date of its enactment.

Ante, p. 1784.

(b) Except as provided in subsection (c) of this section, section 3 of this Act shall take effect on the one hundred and eightieth day after the date of enactment of this Act.

(c) With respect to any particular commercial use of a food additive, if such use was made of such additive before January 1, 1958, section 3 of this Act shall take effect—

Ante, p. 1784.

(1) either (A) one year after the effective date established in subsection (b) of this section, or (B) at the end of such additional

period (but not later than two years from such effective date established in subsection (b)) as the Secretary of Health, Education, and Welfare may prescribe on the basis of a finding that such extension involves no undue risk to the public health and that conditions exist which necessitate the prescribing of such an additional period, or

(2) on the date on which an order with respect to such use under section 409 of the Federal Food, Drug, and Cosmetic Act becomes effective,
whichever date first occurs.

Ante, p. 1785.

SEC. 7. Nothing in this Act shall be construed to exempt any meat or meat food product or any person from any requirement imposed by or pursuant to the Poultry Products Inspection Act (21 U. S. C. 451 and the following) or the Meat Inspection Act of March 4, 1907, 34 Stat. 1260, as amended and extended (21 U. S. C. 71 and the following).

71 Stat. 441.

SEC. 8. The annual rate of basic compensation of the Commissioner of Food and Drugs shall be \$20,000.

Compensation of Commissioner.

SEC. 9. Section 208 (g) of the Public Health Service Act, as amended (42 U. S. C. 210 (g)), is amended by striking out the phrase "in the professional and scientific service" and inserting in lieu thereof the phrase "in the professional, scientific, and executive service" and by striking out the phrase "of specially qualified scientific or professional personnel" and inserting in lieu thereof "of specially qualified scientific, professional, and administrative personnel".

69 Stat. 407, 70 Stat. 430, 741.

Approved September 6, 1958.

Public Law 85-930

AN ACT

To extend the Renegotiation Act of 1951 for six months, and for other purposes.

September 6, 1958
[H. R. 11749]

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

SECTION 1. SIX-MONTH EXTENSION.

Section 102 (c) (1) of the Renegotiation Act of 1951, as amended (50 U. S. C., App., sec. 1212 (c) (1)), is amended by striking out "December 31, 1958" and inserting in lieu thereof "June 30, 1959".

Renegotiation Act of 1951, extension.
69 Stat. 447.

SEC. 2. APPLICATION TO NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.

(a) IN GENERAL.—Section 103 (a) of the Renegotiation Act of 1951 (50 U. S. C., App., sec. 1213 (a)) is amended by inserting "the National Aeronautics and Space Administration," after "General Services Administration,". Section 103 (b) of such Act is amended by inserting "the Administrator of the National Aeronautics and Space Administration," after "the Administrator of General Services,".

70 Stat. 786.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply only with respect to contracts entered into by the National Aeronautics and Space Administration and to contracts transferred to such Administration from a Department (as defined in section 103 (a) of such Act) under section 301 or section 302 of the National Aeronautics and Space Act of 1958, and to related subcontracts.

Ante, p. 432, 433.

Approved September 6, 1958.

Public Law 85-931

September 6, 1958
[S. 3420]

AN ACT

To extend and amend the Agricultural Trade Development and Assistance Act of 1954.

Agricultural
Trade Development
and Assistance
Act of 1954,
amendments,
68 Stat. 455,
7 USC 1701.Commodity
Credit Corp.
Reimbursement,
68 Stat. 456; 71
Stat. 345,
7 USC 1703.Foreign curren-
cies, additional
uses,
7 USC 1704.

70 Stat. 241.

7 USC 1704.

70 Stat. 778.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 101 of the Agricultural Trade Development and Assistance Act of 1954, as amended (Public Law 480, Eighty-third Congress), is amended by striking out the semicolon at the end of paragraph (a) thereof and adding "or normal patterns of commercial trade with friendly countries:".

SEC. 2. Section 103 (b) of such Act is amended to read as follows:

"(b) Agreements shall not be entered into under this title during the period beginning July 1, 1958, and ending December 31, 1959, which will call for appropriations to reimburse the Commodity Credit Corporation, pursuant to subsection (a) of this section, in amounts in excess of \$2,250,000,000, plus any amount by which agreements entered into in prior fiscal years have called or will call for appropriations to reimburse the Commodity Credit Corporation in amounts less than authorized for such prior fiscal years by this Act as in effect during such fiscal years."

SEC. 3. (a) Section 104 of such Act is amended by inserting before the period at the end of the first sentence of paragraph (h) thereof the following: "and for the financing in such amounts as may be specified from time to time in appropriation acts of programs for the interchange of persons under title II of the United States Information and Educational Exchange Act of 1948, as amended (22 U. S. C. 1446)".

(b) Section 104 of the Agricultural Trade Development and Assistance Act of 1954, as amended, is further amended by substituting a semicolon for the period at the end of paragraph (k) and adding the following new paragraphs:

"(l) For the acquisition by purchase, lease, rental or otherwise, of sites and buildings and grounds abroad, for United States Government use including offices, residence quarters, community and other facilities, and for construction, repair, alteration and furnishing of such buildings and facilities: *Provided*, That foreign currencies shall be available for the purposes of this subsection (in addition to funds otherwise made available for such purposes) in such amounts as may be specified from time to time in appropriation acts;

"(m) For financing in such amounts as may be specified from time to time in appropriation acts (A) trade fair participation and related activities authorized by section 3 of the International Cultural Exchange and Trade Fair Participation Act of 1956 (22 U. S. C. 1992), and (B) agricultural and horticultural fair participation and related activities;

"(n) For financing under the direction of the Librarian of Congress, in consultation with the National Science Foundation and other interested agencies, in such amounts as may be specified from time to time in appropriation acts, (1) programs outside the United States for the analysis and evaluation of foreign books, periodicals, and other materials to determine whether they would provide information of technical or scientific significance in the United States and whether such books, periodicals, and other materials are of cultural or educational significance; (2) the registry, indexing, binding, reproduction, cataloging, abstracting, translating, and dissemination of books, periodicals, and related materials determined to have such significance;

and (3) the acquisition of such books, periodicals, and other materials and the deposit thereof in libraries and research centers in the United States specializing in the areas to which they relate;

“(o) For providing assistance, in such amounts as may be specified from time to time in appropriation acts, by grant or otherwise, in the expansion or operation in foreign countries of established schools, colleges, or universities founded or sponsored by citizens of the United States, for the purpose of enabling such educational institutions to carry on programs of vocational, professional, scientific, technological, or general education; and in the supporting of workshops in American studies or American educational techniques, and supporting chairs in American studies:”.

SEC. 4. Section 109 of such Act is amended by striking out “June 30, 1958” and inserting in lieu thereof “December 31, 1959”.

7 USC 1709.

SEC. 5. Section 204 of such Act is amended by striking out “June 30, 1958” and inserting in lieu thereof “December 31, 1959”.

7 USC 1724.

SEC. 6. Section 303 of the Agricultural Trade Development and Assistance Act of 1954 is amended to read as follows:

7 USC 1692.

“SEC. 303. The Secretary shall, whenever he determines that such action is in the best interest of the United States, and to the maximum extent practicable, barter or exchange agricultural commodities owned by the Commodity Credit Corporation for (a) such strategic or other materials of which the United States does not domestically produce its requirements and which entail less risk of loss through deterioration or substantially less storage charges as the President may designate, or (b) materials, goods, or equipment required in connection with foreign economic and military aid and assistance programs, or (c) materials or equipment required in substantial quantities for offshore construction programs. He is hereby directed to use every practicable means, in cooperation with other Government agencies, to arrange and make, through private channels, such barter or exchanges or to utilize the authority conferred on him by section 4 (h) of the Commodity Credit Corporation Charter Act, as amended, to make such barter or exchanges. In carrying out barter or exchanges authorized by this section, no restrictions shall be placed on the countries of the free world into which surplus agricultural commodities may be sold, except to the extent that the Secretary shall find necessary in order to take reasonable precautions to safeguard usual marketings of the United States and to assure that barter or exchanges under this Act will not unduly disrupt world prices of agricultural commodities or replace cash sales for dollars. The Secretary may permit the domestic processing of raw materials of foreign origin. The Secretary shall endeavor to cooperate with other exporting countries in preserving normal patterns of commercial trade with respect to commodities covered by formal multilateral international marketing agreements to which the United States is a party. Agencies of the United States Government procuring such materials, goods, or equipment are hereby directed to cooperate with the Secretary in the disposal of surplus agricultural commodities by means of barter or exchange. The Secretary is also directed to assist, through such means as are available to him, farmers' cooperatives in effecting exchange of agricultural commodities in their possession for strategic materials.”

Barter or exchange.

62 Stat. 1070.
15 USC 714 note.

SEC. 7. Section 206 (a) of the Agricultural Act of 1956 is amended by inserting before the period at the end thereof a semicolon and the following: “but no strategic or critical material shall be acquired by the Commodity Credit Corporation as a result of such barter or exchange except for such national stockpile, for such supplemental stockpile, for foreign economic or military aid or assistance programs, or for offshore construction programs”.

Restriction.
70 Stat. 200.
7 USC 1856.

Long staple
cotton.
Availability.
7 USC 1691 note.
7 U S C 1701-
1709.

SEC. 8. In carrying out the provisions of the Agricultural Trade Development and Assistance Act of 1954, as amended, extra long staple cotton shall be made available for sale pursuant to the provisions of title I of the Act in the same manner as upland cotton or any other surplus agricultural commodity is made available, and products manufactured from upland or long staple cotton shall be made available for sale pursuant to the provisions of title I of the Act as long as cotton is in surplus supply, and no discriminatory or other conditions shall be imposed which will prevent or tend to interfere with their sale or availability for sale under the Act: *Provided*, That that portion of the sales price of such products which is financed as a sale for foreign currency under title I of the Act shall be limited to the estimated portion of the sales price of such products attributable to the raw cotton content of such products.

Distribution of
surplus commod-
ities to other U. S.
areas.

SEC. 9. Notwithstanding any other provision of law (1) those areas under the jurisdiction or administration of the United States are authorized to receive from the Department of Agriculture for distribution on the same basis as domestic distribution in any State, Territory, or possession of the United States, without exchange of funds, such surplus commodities as may be available pursuant to clause (2) of section 32 of the Act of August 24, 1935, as amended (7 U. S. C. 612c), and section 416 of the Agricultural Act of 1949, as amended (7 U. S. C. 1431); and (2) the Commodity Credit Corporation is authorized to purchase products of oil seeds, and edible oils and fats and the products thereof in such form as may be needed for donation abroad as provided in the following sentence. Any such commodities or products if purchased shall be donated to non-profit voluntary agencies registered with the Department of State, other appropriate agencies of the Federal Government or international organizations for use in the assistance of needy persons outside the United States. Commodity Credit Corporation may incur such additional costs with respect to such oil as it is authorized to incur with respect to food commodities disposed of under section 416 of the Agricultural Act of 1949.

68 Stat. 7, 458.

Purchase of
products for dona-
tion abroad.

Approved September 6, 1958.

Public Law 85-932

AN ACT

For the relief of the town of Portsmouth, Rhode Island.

September 6, 1958
[S. 2836]

Town of Ports-
mouth, R.I.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the town of Portsmouth, Rhode Island, the sum of \$3,433.50, representing payments in lieu of taxes for projects RI-1-D-1 and RI-2-D-1, Melville Trailer Park, Portsmouth, Rhode Island, for the period between February 1, 1956, and August 31, 1956: *Provided*, That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved September 6, 1958.

Public Law 85-933

AN ACT

September 6, 1958
[S. 1864]

To authorize an increase in the membership of the Board of Appeals of the Patent Office; to provide increased salaries for certain officers and employees of the Patent Office; and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first sentence of the first paragraph of section 3 of title 35 of the United States Code is amended by striking out the word "nine" and inserting in lieu thereof the words "not more than fifteen".

Patent Office.
66 Stat. 792.

(b) Such section is amended by inserting therein, immediately after the first paragraph thereof, the following new paragraph:

"The annual rate of compensation of the Commissioner shall be \$20,000."

Compensation.

SEC. 2. Section 7 of title 35 of the United States Code is amended by adding at the end thereof the following new sentence: "Such designated examiners-in-chief may be compensated at the established rate for the positions in which they are temporarily serving, provided, that at the end of the period for which designated their rate of compensation shall be adjusted to what it would have been had such designation not been made."

66 Stat. 793.

Approved September 6, 1958.

Public Law 85-934

AN ACT

September 6, 1958
[S. 4039]

To authorize the expenditure of funds through grants for support of scientific research, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the head of each agency of the Federal Government, authorized to enter into contracts for basic scientific research at nonprofit institutions of higher education, or at nonprofit organizations whose primary purpose is the conduct of scientific research, is hereby authorized, where it is deemed to be in furtherance of the objectives of the agency, to make grants to such institutions or organizations for the support of such basic scientific research.

Science re-
search.
Funds.

SEC. 2. Authority to make grants or contracts for the conduct of basic or applied scientific research at nonprofit institutions of higher education, or at nonprofit organizations whose primary purpose is the conduct of scientific research, shall include discretionary authority, where it is deemed to be in furtherance of the objectives of the agency, to vest in such institutions or organizations, without further obligation to the Government, or on such other terms and conditions as the agency deems appropriate, title to equipment purchased with such grant or contract funds.

SEC. 3. Each agency or department of the Federal Government exercising authority granted by this Act shall make an annual report on or before June 30th of each year to the appropriate committees of both Houses of Congress. Such report shall set forth therein, for the preceding year, the number of grants made pursuant to the authority provided in the first section of this Act, the dollar amount of such grants, and the institutions in which title to equipment was vested pursuant to section 2 of this Act.

Approved September 6, 1958.

Public Law 85-935

AN ACT

September 6, 1958
[S. 1985]

To authorize the preparation of plans and specifications for the construction of a building for a National Air Museum for the Smithsonian Institution, and all other work incidental thereto.

National Air
Museum.
Construction
plans.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Regents of the Smithsonian Institution are hereby authorized and directed to prepare plans, including drawings and specifications for the construction of a suitable building for a National Air Museum (with requisite equipment, approaches, architectural landscape treatment of the grounds, and connections with public utilities and the Federal heating system) for the use of the Smithsonian Institution, to be located on that part of reservation which is bounded by Fourth Street Southwest on the east, Seventh Street Southwest on the west, Independence Avenue on the south, and Jefferson Drive on the north, title to which is in the United States.

Location and design.

SEC. 2. That the exact location of the building on the site shall be approved by the National Capital Planning Commission, and the design shall be approved by the Commission of Fine Arts.

44 Stat. 630.
40 USC 341-347.

SEC. 3. That the preparation of said drawings and specifications, and all work incidental thereto shall be under the supervision of the Administrator of the General Services Administration in accordance with provisions of the Public Buildings Act of May 25, 1926, as amended.

Appropriation.

SEC. 4. That there are hereby authorized to be appropriated to the Regents of the Smithsonian Institution such sums as may be necessary to carry out the provisions of this Act: *Provided*, That appropriations for this purpose, except such part as may be necessary for the incidental expenses of the Regents of the Smithsonian Institution in connection with this project, shall be transferred to the General Services Administration for the performance of the work.

Approved September 6, 1958.

Public Law 85-936

AN ACT

September 6, 1958
[S. 4085]

To amend the Act of May 17, 1954 (68 Stat. 98), providing for the construction of the Jefferson National Expansion Memorial at the site of old Saint Louis, Missouri, and for other purposes.

Jefferson National
Expansion
Memorial.
16 USC 98.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of May 17, 1954 (68 Stat. 98), entitled "An Act to provide for the construction of the Jefferson National Expansion Memorial at the site of old Saint Louis, Missouri, in general accordance with the plan approved by the United States Territorial Expansion Memorial Commission, and for other purposes" is hereby amended by striking sections 4 and 5 therefrom and inserting in lieu thereof the following:

Appropriation.

"SEC. 4. There is hereby authorized to be appropriated not to exceed \$17,250,000 to carry out the purposes of this Act: *Provided*, That funds authorized to be appropriated by this Act shall be expended by the United States for construction of the memorial in the ratio of \$3 of Federal funds for each \$1 of money contributed hereafter by the city of Saint Louis or other non-Federal source for purposes of the me-

morial, and for such purposes the Secretary is authorized to accept from the said city or other non-Federal sources, and to utilize for purposes of this Act, any money so contributed: *Provided further*, That the value of any land hereafter contributed by the city of Saint Louis shall be excluded from the computation of the city's share."

Approved September 6, 1958.

REORGANIZATION PLAN NO. 1
OF 1958

REORGANIZATION PLAN NO. 1 OF 1958

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, April 24, 1958, pursuant to the provisions of the Reorganization Act of 1949, approved June 20, 1949, as amended.

Transmitted
Apr. 24, 1958.
Effective July 1,
1958.
63 Stat. 203.
5 USC 133z note.

CIVILIAN MOBILIZATION

Section 1. *Transfer of functions to the President.* (a) There are hereby transferred to the President of the United States all functions vested by law (including reorganization plan) in the following: the Office of Defense Mobilization, the Director of the Office of Defense Mobilization, the Federal Civil Defense Administration, and the Federal Civil Defense Administrator.

(b) The President may from time to time delegate any of the functions transferred to him by subsection (a) of this section to any officer, agency, or employee of the executive branch of the Government, and may authorize such officer, agency, or employee to redelegate any of such functions delegated to him.

Delegation of
authority.

Sec. 2. *Office of Defense and Civilian Mobilization.* (a) Subject to the provisions of this reorganization plan, the Office of Defense Mobilization and the Federal Civil Defense Administration are hereby consolidated to form a new agency in the Executive Office of the President which shall be known as the Office of Defense and Civilian Mobilization, hereinafter referred to as the "Office".

(b) There shall be at the head of the Office a Director of the Office of Defense and Civilian Mobilization, who shall be appointed by the President by and with the advice and consent of the Senate and shall receive compensation at the rate now or hereafter prescribed by law for the heads of executive departments.

Director.

(c) There shall be in the Office a Deputy Director of the Office of Defense and Civilian Mobilization, who shall be appointed by the President by and with the advice and consent of the Senate, shall receive compensation at the rate now or hereafter prescribed by law for the under secretaries referred to in section 104 of the Federal Executive Pay Act of 1956 (5 U. S. C. 2203), shall perform such functions as shall be delegated or assigned to him pursuant to the provisions of this reorganization plan, and shall act as Director during the absence or disability of the Director or in the event of a vacancy in the office of Director.

Deputy Director.

70 Stat. 736.

(d) There shall be in the Office three Assistant Directors of the Office of Defense and Civilian Mobilization, each of whom shall be appointed by the President by and with the advice and consent of the Senate, shall receive compensation at the rate now or hereafter prescribed by law for assistant secretaries of executive departments, and shall perform such functions as shall be delegated or assigned to him pursuant to the provisions of this reorganization plan.

Assistant Directors.

(e) The Office and the Director thereof shall perform such functions as the President may from time to time delegate or assign thereto. The said Director may from time to time make such provisions as

Functions.

he shall deem appropriate authorizing the performance by any officer, or by any agency or employee, of the Office of any function delegated or assigned to the Office or to the Director.

69 Stat. 179. *Sec. 3. Regional directors.* There are hereby established in the Office so many new positions, not in excess of ten existing at any one time, with the title "Regional Director", as the Director of the Office shall from time to time determine. Each Regional Director shall be appointed under the classified civil service, shall be the head of a regional office of the Office of Defense and Civilian Mobilization, shall perform such functions appropriate to such regional office as may be delegated or assigned to him pursuant to the provisions of this reorganization plan, and shall receive compensation which shall be fixed from time to time pursuant to the classification laws as now or hereafter amended except that the compensation may be fixed without regard to the numerical limitations on positions set forth in section 505 of the Classification Act of 1949, as amended (5 U. S. C. 1105).

Sec. 4. Membership on National Security Council. The functions of the Director of the Office of Defense Mobilization with respect to being a member of the National Security Council are excluded from the scope of the provisions of section 1 (a) of this reorganization plan and are hereby transferred to the Director of the Office of Defense and Civilian Mobilization.

64 Stat. 1247. *Sec. 5. Civil Defense Advisory Council.* The Civil Defense Advisory Council, created by section 102 (a) of the Federal Civil Defense Act (50 U. S. C. App. 2272 (a)), together with its functions, is hereby transferred to the Office of Defense and Civilian Mobilization.

64 Stat. 1247. *Sec. 6. Abolitions.* The offices of Federal Civil Defense Administrator and Deputy Administrator provided for in section 101 of the Federal Civil Defense Act (50 U. S. C. App. 2271) and the offices of the Director of the Office of Defense Mobilization and Deputy Director of the Office of Defense Mobilization provided for in section 1 of Reorganization Plan No. 3 of 1953 (67 Stat. 634) are hereby abolished. The Director of the Office of Defense and Civilian Mobilization shall make such provisions as may be necessary in order to wind up any outstanding affairs of the offices abolished by this section which are not otherwise provided for in this reorganization plan.

5 USC 133z-15 note. *Sec. 7. Records, property, personnel, and funds.* (a) The records, property, personnel, and unexpended balances, available or to be made available, of appropriations, allocations, and other funds of the Office of Defense Mobilization and of the Federal Civil Defense Administration shall, upon the taking effect of the provisions of this reorganization plan, become records, property, personnel, and unexpended balances of the Office of Defense and Civilian Mobilization.

(b) Records, property, personnel, and unexpended balances, available or to be made available, of appropriations, allocations, and other funds of any agency (including the Office of Defense and Civilian Mobilization), relating to functions vested in or delegated or assigned to the Office of Defense Mobilization or the Federal Civil Defense Administration immediately prior to the taking effect of the provisions of this reorganization plan, may be transferred from time to time to any other agency of the Government by the Director of the Bureau of the Budget under authority of this subsection for use, subject to the provisions of the Reorganization Act of 1949, as amended, in connection with any of the said functions authorized at time of transfer under this subsection to be performed by the transferee agency.

(c) Such further measures and dispositions as the Director of the Bureau of the Budget shall determine to be necessary in connection

with the provisions of subsections (a) and (b) of this section shall be carried out in such manner as he shall direct and by such agencies as he shall designate.

Sec. 8. *Interim provisions.* The President may authorize any person who immediately prior to the effective date of this reorganization plan holds an office abolished by section 6 hereof to hold any office established by section 2 of this reorganization plan until the latter office is filled pursuant to the said section 2 or by recess appointment, as the case may be, but in no event for any period extending more than 120 days after the said effective date.

Sec. 9. *Effective date.* The provisions of this reorganization plan shall take effect at the time determined under the provisions of section 6 (a) of the Reorganization Act of 1949, as amended, or on July 1, 1958, whichever is later.

LAWS AFFECTED IN VOLUME 72

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EXPLANATION

General.

The following tables are designed to serve as a guide to prior laws and other Federal instruments which are patently amended, repealed, referred to, or otherwise cited by the textual provisions of the public laws and reorganization plan contained in this volume. Beginning with Volume 71 of the United States Statutes at Large, these tables are being published as an integral part of each volume. They were initiated as a separate pamphlet accompanying Volume 70, covering the enactments of the 84th Congress, second session.

From time to time the tables will be cumulated and made separately available as a convenience to users. Coverage and arrangement are subject to change with a view to improved usefulness.

The arrangement of the tables is outlined above. There are two basic groups: (1) Tables 1-10 cover amendments, repeals, and other actions directly affecting prior laws and other Federal instruments; and (2) Tables 11-19 cover all citations and other references to prior laws and other Federal instruments.

Details of Arrangement.

Tables 1-9 are limited to cases in which prior laws and other Federal instruments are expressly affected.

Table 10 is a catch-all table designed as a finding aid to relationships which are expressed in general terms. Listed in this table are all public laws in this volume which contain such provisions as "notwithstanding any other provision of law," and "all laws in conflict with this law are hereby repealed."

Tables 11-19 cover all cases in which prior laws or other Federal instruments are mentioned in the text of the public laws and reorganization plan in this volume, without regard to the purpose underlying such reference. Hence there is some coincidental duplication of items carried in the first group of tables.

In each of the basic groups the first and largest table is entitled "General Legislation," and contains listings of all laws affected which have not been codified in the Revised Statutes, the Internal Revenue Codes, or in those titles of the United States Code which have been enacted into positive law. Succeeding tables cover these codified provisions, as well as other instruments such as reorganization plans, veterans' regulations, Executive orders and proclamations, and treaties and international agreements. The numbering of the tables in the two groups is parallel. Thus Table 2 and Table 12 both relate to the Revised Statutes; Table 7 and Table 17 both relate to veterans' regulations.

Table 1 is arranged chronologically. In preparing this table the "basic act" principle has been followed. Under this principle the key listing of amendatory legislation will be found under the basic act affected, rather than under intervening amendments thereto. Furthermore, all laws included are treated as if tables covering prior volumes of the United States Statutes at Large were in existence. Thus, no attempt is made to give an historical picture of a law, and only the latest amendment in the chain will be reflected. Occasionally, to promote clarity, cross references have been supplied at key points.

Users of Table 1 should, therefore, look under the date or statutes volume and page number of the basic act affected, in order to determine whether changes have been made by the public laws contained in this volume. Although a given section of any act may have been added at a later date, the section is carried under the date and statutes citation of the basic act. For this reason the page numbers in the column headed "Statutes volume and page" are the numbers of the page on which each act begins.

All tables are arranged chronologically, except where the existence of a system of codification makes possible a sequential arrangement from the lowest to the highest title or section number. In Tables 1-10 there is a "Comment" column, in which the nature of the affecting action is described. These are editorial comments, intended to reflect what is patent in the laws reviewed, and every effort has been made to avoid interpretations.

In Tables 11-19 the "Comment" column is unnecessary, since in each instance the comment would be "Cited" or "Referred to." In these tables, moreover, the number of columns has been held to a minimum in the interest of brevity. Thus Table 11 contains only three columns listing the date and number of the law referred to, and the page number in this volume at which the reference may be found.

Caveat.

All the tables are editorially compiled and presented as reference guides only. Hence they have no evidentiary status or legal effect. Indirect or implied relationships are not included. These may be found through use of the Subject Index or through research based on the text itself.

The Office of the Federal Register invites criticisms or suggestions with a view to improving the tables wherever possible.

LAWS AFFECTED IN VOLUME 72

TABLES OF AMENDMENTS AND REPEALS OF PRIOR LAWS AND OTHER FEDERAL INSTRUMENTS

TABLE 1.—*General Legislation*

Provisions affected			Amendatory provisions		
Date	Statutes vol.: page	Identification	72 Stat.	Identification	Comment
1841					
Sept. 4	5:453	Sec. 8.....	343	85-508, sec. 6(1).....	Exception.
1850					
Sept. 28	9:519	Ch. 84.....	343	.....do.....	Do.
1856					
June 2	11:448	Sec. 1.....	399	85-541, sec. 1.....	Amendment.
2	11:448	Secs. 4, 5.....	399	85-541, sec. 2.....	Deletion of sec. 4; re- designation of sec. 5 as sec. 4.
1862					
July 2	12:503	Ch. 130.....	343	85-508, sec. 6(1).....	Exception.
1865					
Feb. 14	13:428	Ch. 34.....	404	85-549, sec. 1.....	Amendment.
14	13:428	Sec. 4.....	404	85-549.....	Repeal.
1872					
June 8	17:283	Sec. 245.....	103	85-392, sec. 1.....	Amendment.
1875					
Mar. 3	18:340	Ch. 128(18:359).....	1268	85-857, sec. 14(2)....	Partial repeal.
1876					
Aug. 15	19:143	Sec. 5.....	1116	85-857, sec. 1 (§ 232)...	Exception.
1877					
Mar. 3	19:377	Sec. 1.....	596	85-641, sec. 1.....	Amendment.
3	19:393	Ch. 114.....	1430	85-859, sec. 205.....	Repeal.
1878					
May 17	20:61	Sec. 5.....	104	85-392, sec. 4(3).....	Exception.
June 20	20:206	Ch. 359(20:216).....	256	85-474.....	Do.
1879					
Mar. 3	20:355	Sec. 14.....	139	85-426, sec. 204(d)...	Amendment.
3	20:355	Sec. 25.....	139	85-426, sec. 204(b)...	Exception.
3	20:355	Sec. 26.....	83	85-371, sec. 3.....	Revision.

TABLE 1.—General Legislation—Continued

Provisions affected			Amendatory provisions		
Date	Statutes vol.: page	Identification	72 Stat.	Identification	Comment
1879					
Mar. 3	20:355	Sec. 29-----	84	85-371, sec. 6(e)----	Repeal of second proviso.
3	20:377	Ch. 182(20:390)-----	1268	85-857, sec. 14(3)---	Partial repeal.
1881					
Feb. 26	21:350	Sec. 2-----	1269	85-857, sec. 14(4)---	Repeal.
1882					
Aug. 5	22:219	Sec. 4(22:255)-----	1116	85-857, sec. 1 (§ 232)-	Exception.
7	22:302	Ch. 433(22:322)-----	1269	85-857, sec. 14(5)---	Partial repeal.
1883					
Jan. 16	22:403	Ch. 27-----	408	85-550, sec. 10(c)----	Applicability.
16	22:403	Ch. 27-----	1748	85-908, sec. 301(4)---	Exception.
1884					
May 29	23:31	Sec. 12-----	454	85-573-----	Amendment.
July 5	23:156	Sec. 3-----	84	85-371, sec. 6(e)----	Partial repeal.
1885					
Mar. 3	23:385	Sec. 3-----	84	85-371, sec. 6(f)----	Do.
3	23:478	Ch. 360(23:510)-----	1269	85-857, sec. 14(6)---	Do.
1886					
July 9	24:129	Ch. 756-----	1269	85-857, sec. 14(7)---	Repeal.
1887					
Feb. 4	24:379	Sec. 1-----	570	85-625, sec. 3-----	Amendment.
4	24:379	Sec. 13(4)-----	570	85-625, sec. 4-----	Do.
4	24:379	Sec. 13a-----	571	85-625, sec. 5-----	Addition.
4	24:379	Sec. 15a(3)-----	572	85-625, sec. 6-----	Do.
4	24:379	Sec. 16(3)-----	859	85-762, sec. 1(1)-----	Amendment.
4	24:379	Sec. 16(3)(i)-----	859	85-762, sec. 1(2)-----	Addition.
4	24:379	Sec. 22-----	1264	85-857, sec. 13(a)---	Amendment.
4	24:379	Sec. 203(b)(6)-----	573	85-625, sec. 7-----	Do.
4	24:379	Sec. 203(c)-----	574	85-625, sec. 8-----	Do.
4	24:379	Sec. 204a-----	860	85-762, sec. 1(3)---	Do.
4	24:379	Sec. 204a(7)-----	860	85-762, sec. 1(4)---	Addition.
4	24:379	Sec. 213-----	812	85-728, sec. 1-----	Do.
4	24:379	Sec. 308(f)(1)-----	860	85-762, sec. 1(5)---	Amendment.
4	24:379	Sec. 308(f)(5)-----	860	85-762, sec. 1(6)---	Addition.
4	24:379	Sec. 406a-----	860	85-762, sec. 1(7)---	Amendment.
4	24:379	Sec. 406a(7)-----	860	85-762, sec. 1(8)---	Addition.
4	24:379	Secs. 501-510-----	568-570	85-625, sec. 2-----	Do.
Mar. 2	24:444	Ch. 316-----	1269	85-857, sec. 14(8)---	Repeal.
3	24:492	Ch. 346-----	104	85-392, sec. 4(1)---	Exception.
3	24:509	Ch. 362(24:539)-----	1269	85-857, sec. 14(9)---	Partial repeal.
1888					
Jan. 20	25:1	Ch. 2-----	141	85-426, sec. 208-----	Amendment.
June 29	25:209	Secs. 1-5-----	970	85-802, sec. 1(1)-(6)-	Do.
29	25:209	Sec. 6-----	970	85-802, sec. 1(7)---	Revision.
29	25:209	Sec. 7-----	970, 971	85-802, sec. 1(8)---	Addition.

TABLE 1.—General Legislation—Continued

Provisions affected			Amendatory provisions		
Date	Statutes vol.: page	Identification	72 Stat.	Identification	Comment
1888					
Aug. 27	25:450	Ch. 914.....	1269	85-857, sec. 14(10)...	Repeal.
Oct. 2	25:505	Ch. 1069 (25:543)....	1269	85-857, sec. 14(11)...	Partial repeal.
18	25:560	Ch. 1194.....	1430	85-859, sec. 205.....	Repeal.
1889					
Jan. 16	25:650	Ch. 50.....	84	85-371, sec. 6(f).....	Partial repeal.
Mar. 2	25:888	Sec. 17.....	1765	85-915, sec. 12.....	Continuation provision.
2	25:888	Sec. 17.....	1767	85-916, sec. 7.....	Do.
2	25:939	Sec. 3(25:975).....	1269	85-857, sec. 14(12)...	Partial repeal.
1891					
Mar. 3	26:1117	J. Res. No. 21.....	1269	85-857, sec. 14(13)...	Repeal.
1892					
May 11	27:29	Ch. 67.....	404	85-549, sec. 1.....	Amendment.
July 26	27:268	Ch. 249.....	104	85-392, sec. 3(2).....	Partial repeal.
Aug. 5	27:349	Ch. 380(27:384).....	1269	85-857, sec. 14(14)...	Do.
1893					
Mar. 3	27:646	Ch. 210(27:653).....	1269	85-857, sec. 14(15)...	Do.
1894					
July 31	28:162	Sec. 2.....	543	85-613.....	Exception.
31	28:162	Sec. 2.....	544	85-614, sec. 4.....	Do.
Aug. 18	28:372	Ch. 301(28:411).....	1269	85-857, sec. 14(16)...	Partial repeal.
1895					
Jan. 12	28:601	Sec. 85.....	420	85-560, sec. 3(a).....	Amendment.
Feb. 8	28:645	Sec. 1.....	49	85-350, sec. 1.....	Do.
8	28:645	Sec. 2.....	49	85-350, sec. 2.....	Revision.
Mar. 2	28:910	Ch. 189(28:954).....	1269	85-857, sec. 14(17) (A).	Partial repeal.
1896					
June 9	29:313	Ch. 386.....	1713	85-893, sec. 1.....	Amendment.
11	29:413	Ch. 420(29:448).....	1269	85-857, sec. 14(17) (B).	Partial repeal.
11	29:413	Ch. 420(29:445).....	1270	85-857, sec. 14(18)...	Do.
1897					
June 4	30:11	Ch. 2(30:54).....	1269	85-857, sec. 14(17) (C).	Do.
7	30:96	Sec. 1, art. 3.....	590	85-635, sec. 1.....	Revision.
7	30:96	Sec. 1, art. 10.....	590	85-635, sec. 2.....	Do.
7	30:96	Secs. 2-4.....	612	85-656, sec. 1.....	Do.
1898					
May 14	30:409	Ch. 299.....	730	85-725, sec. 3.....	Amendment.
July 1	30:544	Sec. 62a(2).....	207	85-462, sec. 3(a).....	Do.
1	30:544	Sec. 77(c)(2).....	984	85-824.....	Do.
1	30:544	Sec. 77(c)(6).....	357	85-515.....	Revision.
1	30:544	Secs. 323, 331.....	820	85-732, secs. 1, 2.....	Do.
1	30:544	Secs. 334-336.....	820	85-732, secs. 3-5.....	Do.
1	30:544	Sec. 337(2).....	821	85-732, sec. 6.....	Do.
1	30:544	Secs. 363, 376.....	821	85-732, secs. 7, 8.....	Do.

TABLE 1.—General Legislation—Continued

Provisions affected			Amendatory provisions		
Date	Statutes vol.: page	Identification	72 Stat.	Identification	Comment
1898					
July	1	30:544	822	85-732, sec. 9	Addition.
	1	30:597	1269	85-857, sec. 14(17) (D).	Partial repeal.
	1	30:597	1270	85-857, sec. 14(19), (20).	Do.
1899					
Mar.	3	30:1012	815	85-730, sec. 8(b)	Repeal.
	3	30:1074	1269	85-857, sec. 14(17) (E).	Partial repeal.
1900					
Apr.	30	31:141	379	85-534, sec. 2(b)	Exception.
	30	31:141	628	85-677, sec. 1	Supplemental provision.
	30	31:141	684	85-690, sec. 4	Revision.
	30	31:141	684	85-690, secs. 1, 2	Do.
	30	31:141	684	85-690, sec. 3	Do.
	30	31:141	685	85-691, sec. 3	Amendment.
	30	31:141	707	85-714	Do.
	30	31:141	971	85-803, secs. 1, 2	Do.
	30	31:141	707	85-713, sec. 1	Exception.
	30	31:141	709	85-718	Amendment.
	30	31:141	379	85-534, sec. 1	Do.
	30	31:141	606	85-650, sec. 2	Do.
	30	31:141	628	85-677, sec. 1	Exception.
	30	31:141	957	85-793, secs. 1, 2	Amendment.
	30	31:141	709	85-719, sec. 1	Do.
	30	31:141	606	85-650, sec. 1	Do.
May	26	31:205	1270	85-857, sec. 14(21)	Partial repeal.
June	6	31:280	1270	85-857, sec. 14(22)	Do.
	6	31:321	615	85-662	Amendment.
	6	31:588	1269	85-857, sec. 14(17) (F).	Partial repeal.
	6	31:588	1270	85-857, sec. 14(23)	Do.
1901					
Jan.	28	31:745	1270	85-857, sec. 14(24)	Repeal.
Mar.	3	31:1133	1264	85-857, sec. 13(b)	Amendment.
	3	31:1133	1269	85-857, sec. 14(17) (G).	Partial repeal.
	3	31:1133	1270	85-857, sec. 14(25)	Do.
	3	31:1189	30, 31	85-338, sec. 1	Supplemental provision.
	3	31:1189	815	85-730, sec. 8(a)	Repeal.
	3	31:1189	815	85-730, sec. 7	Revision.
	3	31:1189	815	85-730, sec. 8(a)	Repeal.
	3	31:1449	1712	85-890, sec. 2	Amendment.
	3	31:1449	1711	85-890, sec. 1	Addition.
1902					
June	17	32:388	19	85-333, sec. 3	Supplement.
	17	32:388	82	85-370	Exception.
	28	32:419	1269	85-857, sec. 14(17) (H).	Partial repeal.
July	1	32:552	1270	85-857, sec. 14(26)	Do.
1903					
Mar.	2	32:943	86	85-375	Amendment.
	3	32:1083	1269	85-857, sec. 14(17) (I).	Partial repeal.
	3	32:1083	1270	85-857, sec. 14(27)	Do.

TABLE 1.—General Legislation—Continued

Provisions affected			Amendatory provisions		
Date	Statutes vol.: page	Identification	72 Stat.	Identification	Comment
1904					
Mar. 31	33:585	Pub. Res. 15-----	1270	85-857, sec. 14(28)--	Repeal.
Apr. 28	33:429	Sec. 7-----	420	85-860, sec. 3(b)(1), (2).	Amendment.
28	33:452	Pub. L. 194(33:503)--	1269	85-857, sec. 14(17) (J).	Partial repeal.
1905					
Mar. 3	33:1156	Pub. L. 216(33:1203)-	1269	85-857, sec. 14(17) (K).	Do.
1906					
Mar. 23	34:84	Sec. 6-----	320	85-501-----	Exception.
June 26	34:467	Pub. L. 297-----	255	85-474-----	Do.
30	34:697	Pub. L. 383(34:746)--	1270	85-857, sec. 14(29) (A).	Partial repeal.
30	34:808	Secs. 1-3, 5-----	815	85-730, sec. 8(c)-----	Repeal.
1907					
Mar. 4	34:1295	Pub. L. 253(34:1352)-	1270	85-857, sec. 14(29) (B).	Partial repeal.
1908					
May 20	35:169	Pub. L. 125-----	100	85-387, sec. 4-----	Limitation.
27	35:317	Pub. L. 141(35:369)--	1270	85-857, sec. 14(29) (C).	Partial repeal.
27	35:317	Pub. L. 141(35:372)--	1270	85-857, sec. 14(30) (A).	Repeal.
1909					
Mar. 4	35:945	Pub. L. 328(35:1008)-	1270	85-857, sec. 14(29) (D).	Partial repeal.
4	35:945	Pub. L. 328(35:1012)-	1270	85-857, sec. 14(30) (B).	Repeal.
1910					
Feb. 25	36:202	Pub. L. 62(36:208)---	293	85-491, sec. 3-----	Partial repeal.
May 12	36:355	Pub. L. 173-----	104	85-392, sec. 3(1)-----	Do.
June 25	36:703	Pub. L. 266(36:732)--	1270	85-857, sec. 14(29) (E).	Do.
25	36:814	Sec. 1-----	589	85-634-----	Amendment.
25	36:864	Pub. L. 315-----	216	85-463, sec. 2-----	Partial repeal.
1911					
Mar. 1	36:961	Pub. L. 435-----	425	85-565-----	Applicability.
1	36:961	Pub. L. 435-----	608	85-651, sec. 2-----	Do.
4	36:1353	Pub. L. 505-----	624	85-672, sec. 9-----	Repeal.
4	36:1363	Pub. L. 525(36:1409)-	1270	85-857, sec. 14(29) (F).	Partial repeal.
1912					
May 27	37:118	Sec. 1-----	149	85-430, sec. 1-----	Revision.
Aug. 23	37:360	Sec. 7-----	217	85-464, sec. 6-----	Exception.
24	37:417	Pub. L. 302(37:460)--	161	85-439-----	Do.
24	37:417	Pub. L. 302(37:444)--	507	85-594, sec. 1-----	Do.
24	37:417	Pub. L. 302(37:449)--	1270	85-857, sec. 14(29) (G).	Partial repeal.

TABLE 1.—General Legislation—Continued

Provisions affected			Amendatory provisions		
Date	Statutes vol.: page	Identification	72 Stat.	Identification	Comment
1913					
Mar. 2	37:718	Pub. L. 401.....	294	85-493, sec. 2.....	Partial repeal.
4	37:828	Pub. L. 430(37:843) ..	216	85-464, sec. 1.....	Amendment.
June 23	38:4	Pub. L. 3(38:39).....	1270	85-857, sec. 14(29)(H)	Partial repeal.
23	38:4	Pub. L. 3(38:43).....	1270	85-857, sec. 14(31) ..	Do.
Dec. 23	38:251	Sec. 2.....	350	85-508, sec. 19.....	Amendment.
23	38:251	Sec. 13b.....	697	85-699, sec. 601.....	Repeal.
23	38:251	Sec. 14(b).....	261	85-476.....	Amendment.
23	38:251	Sec. 24.....	396	85-536, sec. 3.....	Do.
1914					
Aug. 31	38:609	Pub. L. 161(38:639) ..	1270	85-857, sec. 14(32) ..	Partial repeal.
Sept. 26	38:717	Pub. L. 203.....	388, 393	85-536, sec. 2.....	Exception.
26	38:717	Sec. 5(a)(6).....	809	85-726, sec. 1411.....	Amendment.
26	38:717	Sec. 5(a)(6).....	1750	85-909, sec. 3.....	Do.
26	38:717	Sec. 5(b), (c).....	942	85-791, sec. 3(a), (b).	Do.
26	38:717	Sec. 5(d).....	943	85-791, sec. 3(c).....	Revision.
Oct. 15	38:730	Sec. 1.....	770	85-726, sec. 414.....	Exception.
15	38:730	Sec. 11.....	943	85-791, sec. 4(a)-(d)	Amendment.
19	38:780	Pub. Res. 53.....	1270	85-857, sec. 14(33) ..	Partial repeal.
20	38:741	Pub. L. 216.....	342	85-508, sec. 6(h).....	Supplemental provision pertaining to leases.
20	38:741	Sec. 2.....	351	85-508, sec. 20.....	Repeal.
20	38:741	Sec. 9.....	351	85-508, sec. 28.....	Amendment.
1915					
Mar. 3	38:822	Pub. L. 263 (38:850, 853).	1271	85-857, sec. 14(34) ..	Partial repeal.
4	38:1062	Pub. L. 292.....	808	85-726, sec. 1407.....	Amendment.
4	38:1214	Sec. 1.....	343	85-508, sec. 6(k).....	Repeal.
4	38:1214	Sec. 1.....	929	85-771, sec. 3.....	Revision.
1916					
Apr. 27	39:54	Pub. L. 57.....	544	85-614, sec. 3.....	Exception.
May 10	39:66	Sec. 6.....	500	85-594, sec. 1.....	Do.
10	39:66	Sec. 6.....	543	85-613.....	Do.
10	39:66	Sec. 6.....	544	85-614, sec. 4.....	Do.
18	39:123	Sec. 9.....	958	85-794, secs. 4, 5.....	Amendment.
18	39:159	Sec. 15.....	81	85-368.....	Revision.
July 1	39:262	Pub. L. 132 (39:297) ..	1271	85-857, sec. 14(35) ..	Partial repeal.
11	39:355	Pub. L. 156.....	919	85-767, sec. 2, 1.....	Repeal.
28	39:413	Sec. 2.....	943	85-791, sec. 5.....	Amendment.
Aug. 11	39:482	Sec. 6.....	352	85-509.....	Revision.
25	39:535	Sec. 3.....	152	85-434.....	Amendment.
Sept. 1	39:676	Sec. 12(d)(1).....	686	85-693, sec. 1.....	Revision.
7	39:728	Sec. 14.....	574	85-626, sec. 1.....	Amendment.
7	39:742	Pub. L. 267.....	408	85-550, sec. 9(2).....	Applicability.
7	39:742	Sec. 1(a), (b).....	538	85-608, title III, sec. 301.	Revision.
7	39:742	Sec. 40 (j)-(m).....	539	85-608, title III, sec. 302.	Addition.
1917					
Sept. 24	40:288	Sec. 21.....	27	85-336.....	Amendment.
24	40:288	Sec. 21.....	1758	85-912.....	Revision.
24	40:288	Pub. L. 43.....	423	85-561, sec. 1(14) ..	Supplemental provision.
Oct. 6	40:345	Pub. L. 64(40:368) ..	1271	85-857, sec. 14(36) ..	Partial repeal.
6	40:411	Sec. 39(c).....	1708	85-884.....	Addition.

TABLE 1.—General Legislation—Continued

Provisions affected			Amendatory provisions		
Date	Statutes vol.: page	Identification	72 Stat.	Identification	Comment
1918					
Feb. 12	40:438	Pub. Res. 22.....	1271	85-857, sec. 14(37) ..	Repeal.
June 7	40:602	Pub. L. 165.....	1758	85-911, sec. 12.....	Exception; future re- peal.
	20	40:607	49	85-351.....	Supplemental provision.
	25	40:609	1271	85-857, sec. 14(38) ..	Repeal.
July 8	40:821	Pub. L. 191(40:826) ..	1569	85-861, sec. 36A.....	Partial repeal.
	9	40:845	1569	85-861, sec. 36A.....	Do.
1919					
Feb. 26	40:1179	Pub. L. 279.....	1271	85-857, sec. 14(39) ..	Repeal.
	28	40:1189	919	85-767, sec. 2, 2.....	Do.
	28	40:1212	1271	85-857, sec. 14(40) ..	Do.
Mar. 1	40:1213	Sec. 11.....	181	85-448, sec. 1.....	Exception.
	1	40:1213	245, 246	85-474.....	Do.
Dec. 18	41:368	Secs. 1-3.....	815	85-730, sec. 8(d).....	Repeal.
1920					
Jan. 15	41:387	Pub. L. 111.....	98	85-385.....	Supplemental provision.
Feb. 25	41:437	Pub. L. 146.....	323	85-505, sec. 2.....	Applicability.
	25	41:437	342	85-508, sec. 6(h).....	Supplemental provision pertaining to leases.
	25	41:437	547	85-618.....	Exception.
	25	41:437	324	85-505, sec. 10.....	Revision.
	25	41:437	688	85-698.....	Amendment.
	25	41:437	343	85-508, sec. 6(k).....	Partial repeal.
	25	41:437	351	85-508, sec. 28(b).....	Amendment.
May 22	41:614	Pub. L. 215.....	98	85-385.....	Supplemental provisions.
June 5	41:874	Pub. L. 246(41:905) ..	1271	85-857, sec. 14(41) ..	Partial repeal.
	5	41:988	351	85-508, sec. 27.....	Amendment.
	5	41:988	1736	85-902.....	Addition.
1921					
Mar. 3	41:1355	Sec. 6.....	531	85-605.....	Exception.
May 27	42:9	Sec. 201(a), (b).....	583	85-630, sec. 1(1), (2).....	Amendment.
	27	42:9	585	85-630, sec. 4(b).....	Do.
	27	42:9	583	85-630, sec. 1(3).....	Addition.
	27	42:9	585	85-630, sec. 4(b).....	Amendment.
	27	42:9	583	85-630, sec. 2.....	Revision.
	27	42:9	584	85-630, secs. 3, 4(a) ..	Do.
	27	42:9	585	85-630, sec. 4(b).....	Amendment.
	27	42:9	585	85-630, sec. 5.....	Sec. 212 renumbered as sec. 213; new sec. 212 added.
June 10	42:20	Sec. 201 (b)-(f).....	852	85-759, sec. 1.....	Addition.
July 9	42:108	Sec. 207(c) (1) (A).....	822	85-733.....	Amendment.
	9	42:108	706	85-710, sec. 1.....	Do.
	9	42:108	705	85-708.....	Do.
Aug. 15	42:159	Sec. 213(f) (3).....	1749	85-909, sec. 1(1).....	Do.
	15	42:159	944	85-791, sec. 6(a).....	Revision.
	15	42:159	944	85-791, sec. 6(b).....	Do.
	15	42:159	944	85-791, sec. 6(c).....	Amendment.
	15	42:159	1750	85-909, sec. 2(1).....	Do.
	15	42:159	1750	85-909, sec. 2(2), (3).....	Do.
	15	42:159	1750	85-909, sec. 2(4), (5).....	Do.
	15	42:159	1749	85-909, sec. 1(2).....	Revision.

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1921					
Aug. 15	42:159	Sec. 407(a), (b)-----	1750	85-909, sec. 4-----	Designation of existing text as subsec. (a); subsec. (b) added.
24	42:202	Pub. Res. 19-----	1271	85-857, sec. 14(42) --	Repeal.
Nov. 9	42:212	Pub. L. 87-----	919	85-767, sec. 2, 3-----	Do.
9	42:212	Sec. 13-----	94	85-381, sec. 10-----	Amendment.
1922					
Mar. 8	42:415	Secs. 1, 2-----	730	85-725, sec. 1, 2-----	Do.
Apr. 20	42:496	Pub. L. 194-----	1271	85-857, sec. 14(43) --	Repeal.
May 11	42:507	Pub. L. 217(42:521)---	218	85-464, sec. 8-----	Amendment.
11	42:507	Pub. L. 217-----	1249	85-857, sec. 1 (§ 4202).	Exception.
June 19	42:652	Sec. 4-----	919	85-767, sec. 2, 4-----	Repeal.
30	42:716	Pub. L. 259(42:763)---	1271	85-857, sec. 14(44) --	Partial repeal.
Sept. 22	42:1038	Pub. L. 361-----	1271	85-857, sec. 14(45) --	Repeal.
1923					
Mar. 2	42:1377	Pub. L. 465(42:1424)---	1271	85-857, sec. 14(46)---	Partial repeal.
1924					
Mar. 10	43:17	Sec. 1-----	919	85-767, sec. 2, 5-----	Repeal.
May 3	43:115	Sec. 1-----	149	85-430, sec. 2-----	Amendment.
19	43:121	Pub. L. 120-----	1271	85-857, sec. 14(47)---	Repeal.
June 5	43:389	Pub. L. 196-----	1271	85-857, sec. 14(48)---	Do.
7	43:477	Pub. L. 213-----	1271	85-857, sec. 14(49) (A), (B).	Partial repeal.
7	43:534	Pub. L. 217-----	1271	85-857, sec. 14(50)---	Repeal.
7	43:607	Secs. 1-31 (title I)---	1271	85-857, sec. 14(51)---	Do.
7	43:607	Secs. 200-213 (title II).	1271	85-857, sec. 14(51)---	Do.
7	43:607	Sec. 605-----	1271	85-857, sec. 14(51)---	Do.
1925					
Jan. 31	43:803	356-----	1249	85-857, sec. 1 (§ 4202).	Exception.
Feb. 12	43:889	Pub. L. 407-----	919	85-767, sec. 2, 6-----	Repeal.
12	43:892	Pub. L. 413(43:933)---	1271	85-857, sec. 14(52) (A).	Partial repeal.
28	43:1053	Sec. 202(a) (4)-----	139	85-426, sec. 204(e)---	Addition.
28	43:1053	Sec. 202(a) (4)-----	143	85-426, sec. 214(a) (2).	Repeal.
28	43:1053	Sec. 202(b)-----	143	85-426, sec. 214(a) (3).	Do.
28	43:1053	Sec. 204-----	143	85-426, sec. 214(a) (4).	Do.
28	43:1053	Sec. 207(a)-----	141	85-426, sec. 206(c) (2).	Amendment.
Mar. 3	43:1119	Sec. 10(b)-----	30, 31	85-338, sec. 1-----	Supplemental provision.
3	43:1133	Sec 5-----	218	85-464, sec. 9-----	Amendment.
3	43:1198	Pub. L. 586(43:1211)---	1271	85-857, sec. 14(53) --	Partial repeal.
1926					
Apr. 15	44:254	Pub. L. 123(44:294)---	1271	85-857, sec. 14(52) (B).	Do.
May 20	44:568	Pub. L. 250-----	806	85-726, sec. 1401-----	Repeal.
25	44:630	Sec. 5-----	1710	85-886, sec. 4-----	Partial repeal.
June 22	44:760	Pub. L. 411-----	919	85-767, sec. 2, 7-----	Repeal.
July 3	44:826	Pub. L. 426-----	1271	85-857, sec. 14(54) --	Do.

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1927					
Feb. 23	44:1106	Pub. L. 630(44:1145)	1271	85-857, sec. 14(52) (C).	Partial repeal.
Mar. 3	44:1379	Secs. 1-4	815	85-730, sec. 8(e)	Repeal.
	44:1398	Pub. L. 773	919	85-767, sec. 2, 8	Do.
	44:1410	Pub. L. 784	1271	85-857, sec. 14(55)	Do.
	44:1411	Pub. L. 785	1271	85-857, sec. 14(56)	Do.
	44:1421	Pub. L. 798	1271	85-857, sec. 14(57)	Do.
	44:1424	Pub. L. 803	397	85-538, secs. 1, 2	Applicability.
	44:1424	Sec. 41	835	85-742, sec. 1	Revision.
Dec. 22	45:2	Pub. L. 2(45:39)	1271	85-857, sec. 14(52) (D).	Partial repeal.
1928					
Mar. 23	45:326	Pub. L. 181(45:362)	1271	85-857, sec. 14(52) (E).	Do.
	26	45:366	1271	85-857, sec. 14(49) (A).	Repeal.
May 21	45:683	Pub. L. 458	919	85-767, sec. 2, 9	Do.
	24	45:728	806	85-726, sec. 1402(a)	Amendment.
	26	45:750	919	85-767, sec. 2, 10	Repeal.
	29	45:940	420	85-560, sec. 1	Revision.
	29	45:947	1272	85-857, sec. 14(58)	Repeal.
Dec. 21	45:1057	Pub. L. 642	1735	85-900, sec. 14	Supplemental Act.
1929					
Feb. 18	45:1222	Pub. L. 770	487	85-585, sec. 3	Exception.
	20	45:1248	1272	85-857, sec. 14(59)	Repeal.
	28	45:1349	1271	85-857, sec. 14(52) (F).	Partial repeal.
	28	45:1409	1702	85-879	Amendment.
Mar. 4	45:1558	Pub. L. 1027	369	85-527	Supplemental provision.
1930					
Apr. 4	46:141	Pub. L. 90	919	85-767, sec. 2, 11	Repeal.
	23	46:253	1451	85-861, sec. 1(28)(B)	Exception.
May 5	46:261	Pub. L. 179	919	85-767, sec. 2, 12	Repeal.
	9	46:264	83	85-371, sec. 5	Amendment.
	16	46:366	1272	85-857, sec. 14(60)	Repeal.
	27	46:391	159	85-439	Exception.
	28	46:432	1271	85-857, sec. 14(52) (G).	Partial repeal.
	29	46:468	1264	85-857, sec. 13(c)	Amendment.
	29	46:468	143	85-426, sec. 214(b)	Repeal of last sentence and reversal of its purpose.
	29	46:468	614	85-661, sec. 1	Revision.
	29	46:482	705	85-707	Amendment.
June 5	46:496	Secs. 4, 5	1272	85-857, sec. 14(61)	Repeal.
	9	46:523	143	85-426, sec. 214(a) (1).	Do.
	17	46:590	976	85-808, sec. 1	Amendment.
	17	46:590	976	85-808, sec. 2	Repeal.
	17	46:590	976	85-808, sec. 3	Former subpars. (d)-(h) redesignated (c)-(g).
	17	46:590	687	85-696, sec. 1	Amendment.
	17	46:590	120	85-418, sec. 1	Do.
	17	46:590	602	85-645, sec. 3	Revision.
	17	46:590	185	85-454, sec. 1	Amendment.
	17	46:590	120	85-417	Do.
	17	46:590	119	85-414, sec. 2	Revision.
		(e)(3).			

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1930					
June 17	46:590	Sec. 201, par. 1631(a)	187	85-458, sec. 1	Designation and amendment.
17	46:590	Sec. 201, par. 1631(b)	187	do	Addition.
17	46:590	Sec. 201, par. 1670(b)	602	85-645, sec. 4	Amendment.
17	46:590	Sec. 201, par. 1723	117	85-110, sec. 1	Revision.
17	46:590	Sec. 201, par. 1772	602	85-645, sec. 1	Amendment.
17	46:590	Sec. 201, par. 1773	115	85-408	Do.
17	46:590	Sec. 201, par. 1798(h), (i).	1776	85-925, sec. 7	Redesignation of subpar. (h) as (i); addition of new subpar. (h).
17	46:590	Sec. 201, par. 1820	107	85-397	Time extension.
17	46:590	Sec. 201, par. 1821	976	85-808, sec. 4	Addition.
17	46:590	Sec. 306(a), (c)	1685	85-867	Amendment.
17	46:590	Sec. 308(1)	118	85-414, sec. 1	Revision.
17	46:590	Sec. 308(13)	88	85-379	Addition.
17	46:590	Sec. 313(b)	624	85-673, sec. 1	Revision.
17	46:590	Sec. 333(a)	679	85-686, sec. 9(a)	Do.
17	46:590	Sec. 333(d)	679	85-686, sec. 9(b)	Amendment.
17	46:590	Sec. 336(a)	679	85-686, sec. 9(c)	Do.
17	46:590	Sec. 350	673	85-686, sec. 2	Time extension.
17	46:590	Sec. 350(a)	673, 674	85-686, sec. 3(a)	Amendment.
17	46:590	Sec. 350(b)	674	85-686, sec. 3(b)	Do.
17	46:590	Sec. 350(c)(2)(A)	675	85-686, sec. 3(c)	Do.
17	46:590	Sec. 350(e)(1)	675	85-686, sec. 3(d)	Do.
17	46:590	Sec. 350(f)	675	85-686, sec. 3(e)	Addition.
17	46:590	Sec. 641(b)	945	85-791, sec. 8	Amendment.
17	46:590	Sec. 776	87, 88	85-378	Do.
21	46:792	Pub. L. 405	1272	85-857, sec. 14(62)	Repeal.
24	46:805	Pub. L. 426	919	85-767, sec. 2, 13	Do.
July 3	46:852	Pub. L. 505	1272	85-857, sec. 14(63)	Do.
3	46:1016	Pub. L. 536	1262	85-857, sec. 4	Continuation of authority.
1931					
Feb. 20	46:1173	Pub. L. 688	919	85-767, sec. 2, 14	Repeal.
23	46:1355	Pub. L. 720(46:1375)	1272	85-857, sec. 14(64)(A).	Partial repeal.
23	46:1415	Pub. L. 722	919	85-767, sec. 2, 15	Repeal.
27	46:1429	Secs. 3, 4	1272	85-857, sec. 14(65)	Do.
1932					
May 2	47:144	Pub. L. 114	36	85-343	Retrocession of police jurisdiction.
June 30	47:382	Pub. L. 212	258	85-474	Exception.
30	47:382	Sec. 212	431	85-568, sec. 203(b)(11).	Applicability.
30	47:382	Sec. 212	544	85-614, sec. 4	Exception.
30	47:382	Sec. 212	714	85-724	Do.
30	47:382	Sec. 212(b)	1264	85-857, sec. 13(d)	Amendment.
30	47:382	Sec. 322	1066	85-844, sec. 101	Exception.
30	47:452	Pub. L. 228(47:472)	1272	85-857, sec. 14(64)(B).	Partial repeal.
July 8	47:654	Pub. Res. 35	1272	85-857, sec. 14(66)	Repeal.
21	47:709	Sec. 304	919	85-767, sec. 2, 16	Do.
22	47:725	Sec. 10(b)	1264	85-857, sec. 13(e)	Amendment.
1933					
Mar. 3	47:1425	Sec. 2	977	85-810	Revision.
3	47:1482	Sec. 8(a)	396	85-537	Amendment.
May 27	48:74	Sec. 3(c)	694	85-699, sec. 307(a)	Addition.
27	48:74	Sec. 9(a)	945	85-791, sec. 9	Amendment.

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1933					
June 13	48:128	Sec. 5(c)-----	1264	85-857, sec. 13(f)---	Amendment.
16	48:195	Sec. 204(g)-----	919	85-767, sec. 2, 17----	Repeal.
16	48:283	Pub. L. 78(48:302)---	1272	85-857, sec. 14(68)---	Partial repeal.
16	48:283	Sec. 20-----	1272	do-----	Repeal.
1934					
Jan. 24	48:319	Sec. 15 (a)-(e)-----	132	85-423-----	Designation of existing text as subsecs. (a) and (b); addition of new subsecs. (c)-(e).
24	48:319	Sec. 23(c), (d)-----	418	85-558, secs. 1, 2---	Revision.
24	48:319	Sec. 23(e)-----	419	85-558, sec. 3-----	Amendment.
24	48:319	Sec. 23(i)-----	419	85-558, sec. 4-----	Do.
24	48:319	Sec. 23(k)-----	419	85-558, sec. 5-----	Revision.
Mar. 10	48:401	Pub. L. 121-----	563	85-624, sec. 1-----	Amendment.
10	48:401	Secs. 1-4-----	563	85-624, sec. 2-----	Revision.
16	48:451	Sec. 2-----	486	85-585, sec. 1-----	Amendment.
16	48:451	Sec. 4(a), (b)-----	486	85-585, sec. 2-----	Revision.
16	48:451	Sec. 4(c)-----	487	85-585, sec. 3-----	Addition.
26	48:500	Pub. Res. 17-----	269	85-477, sec. 401(b)---	Exception.
May 30	48:816	Sec. 1-----	280, 284	85-482, secs. 1, 2---	Do.
June 6	48:881	Sec. 25(a)-----	945	85-791, sec. 10-----	Amendment.
12	48:943	Sec. 4-----	185	85-454, sec. 2(a)---	Exception.
13	48:948	Sec. 2-----	967	85-800, sec. 12-----	Amendment.
18	48:984	Sec. 14-----	1765	85-915, sec. 12-----	Continuation function.
18	48:984	Sec. 14-----	1767	85-916, sec. 7-----	Do.
18	48:984	Sec. 14-----	1774	85-923, sec. 7-----	Do.
18	48:993	Pub. L. 393-----	919	85-767, sec. 2, 18---	Repeal.
18	48:998	Sec. 18(c)-----	945	85-791, sec. 11-----	Amendment.
19	48:1064	Sec. 303(l)-----	981	85-817, sec. 1-----	Do.
19	48:1064	Sec. 310(a)-----	981	85-817, sec. 2-----	Do.
19	48:1064	Sec. 310(a)(1)-----	981	do-----	Exception.
19	48:1064	Sec. 402(d)-----	945	85-791, sec. 12-----	Amendment.
19	48:1125	Sec. 5-----	19	85-334, sec. 1-----	Revision.
19	48:1125	Sec. 6-----	20	85-334, sec. 2-----	Do.
19	48:1125	Sec. 27-----	21	85-334, sec. 3-----	Do.
27	48:1246	Sec. 203(b)(2)-----	73	85-364, sec. 1-----	Amendment.
27	48:1246	Sec. 217-----	176	85-442-----	Do.
27	48:1246	Sec. 220(d)(3)-----	73	85-364, sec. 1-----	Do.
27	48:1246	Sec. 223(a)(3)-----	1735	85-900, sec. 12-----	Do.
27	48:1246	Sec. 305(c), (f)-----	73	85-364, secs. 2, 3---	Do.
27	48:1246	Sec. 305(g)-----	74	85-364, sec. 4-----	Addition.
27	48:1246	Sec. 512-----	1265	85-857, sec. 13(h)---	Amendment.
27	48:1246	Sec. 803(b)-----	73	85-364, sec. 3-----	Do.
1935					
Jan. 28	49:1	Pub. Res. 1-----	1272	85-857, sec. 14(69)---	Repeal.
Apr. 27	49:163	Sec. 8-----	414	85-553-----	Amendment.
June 17	49:385	Sec. 802(a)-----	30, 31	85-338, sec. 1-----	Supplemental provision.
28	49:425	Sec. 1-----	272	85-477, sec. 502(b)---	Amendment.
Aug. 7	49:540	Pub. L. 253-----	574	85-627-----	Do.
14	49:620	Sec. 2(a)(11)-----	1051	85-840, sec. 510-----	Do.
14	49:620	Sec. 3(a)-----	1047	do-----	Revision.
14	49:620	Sec. 201(h)-----	1021	85-840, sec. 205(a)---	Amendment.
14	49:620	Sec. 202(b)-----	1021	85-840, sec. 205(b)---	Do.
14	49:620	Sec. 202(c)(1)-----	1022	85-840, sec. 205(c) (2), (3).	Do.
14	49:620	Sec. 202(c)(1)(C)-----	1022	85-840, sec. 205(c) (1).	Revision.

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1935					
Aug. 14	49:620	Sec. 202(c)(2), (3) ----	1026	85-840, sec. 301(a)(1).	Designation of former par. (2) as par. (3); addition of new par. (2).
14	49:620	Sec. 202(d)(1) -----	1022	85-840, sec. 205(d) --	Revision.
14	49:620	Sec. 202(d)(3)-(6) ----	1030	85-840, secs. 306(a), 307(a).	Amendment of pars. (3)-(5); deletion of par. (6); addition of new par. (6).
14	49:620	Sec. 202(e)(1) -----	1031	85-840, sec. 307(b) --	Exception.
14	49:620	Sec. 202(e)(3)(B) -----	1027	85-840, sec. 301(b)(1).	Amendment.
14	49:620	Sec. 202(e)(4) -----	1031	85-840, sec. 307(b) --	Addition.
14	49:620	Sec. 202(f)(1) -----	1027	85-840, sec. 301(c)(1).	Exception.
14	49:620	Sec. 202(f)(1)(D) -----	1023	85-840, sec. 205(e) --	Revision.
14	49:620	Sec. 202(f)(2), (3) ----	1027	85-840, sec. 301(c)(1).	Redesignation of par. (2) as par. (3); addition of new par. (2).
14	49:620	Sec. 202(f)(4) -----	1031	85-840, sec. 307(c) --	Addition.
14	49:620	Sec. 202(g)(1)(F) -----	1023	85-840, sec. 205(f) --	Amendment.
14	49:620	Sec. 202(g)(3) -----	964	85-798, sec. 1 -----	Addition.
14	49:620	Sec. 202(g)(3) -----	1029	85-840, sec. 303(a), (b).	New par. (3) added; former par. (3) repealed.
14	49:620	Sec. 202(g)(4) -----	1031	85-840, sec. 307(d) --	Addition.
14	49:620	Sec. 202(h)(1) -----	1029	85-840, sec. 304(a)(1).	Revision.
14	49:620	Sec. 202(h)(1) -----	1032	85-840, sec. 307(e) --	Exception.
14	49:620	Sec. 202(h)(1)(B) -----	1023	85-840, sec. 205(g) --	Revision.
14	49:620	Sec. 202(h)(4) -----	1032	85-840, sec. 307(e) --	Addition.
14	49:620	Sec. 202(i) -----	1030	85-840, sec. 305(a) --	Amendment.
14	49:620	Sec. 202(k) -----	1023	85-840, sec. 205(h) --	Do.
14	49:620	Sec. 202(m) -----	1017	85-840, sec. 101(e) --	Do.
14	49:620	Sec. 202(o) -----	1265	85-857, sec. 13(i)(1) --	Do.
14	49:620	Sec. 202(q)(5)(B) -----	1024	85-840, sec. 205(i) --	Revision.
14	49:620	Sec. 202(q)(5)(D) -----	1024	85-840, sec. 205(i)(2) --	Addition.
14	49:620	Sec. 202(q)(6)(A) -----	1024	85-840, sec. 205(i)(3).	Revision.
14	49:620	Sec. 202(q)(6)(A)-(D).	1024	85-840, sec. 205(i)(4).	Amendment; and redesignation of subpar. (C) as subpar. (D); addition of new subpar. (C).
14	49:620	Sec. 202(t) -----	1783	85-927, sec. 301 -----	Amendment.
14	49:620	Sec. 203(a) -----	1017	85-840, sec. 101(f) --	Revision.
14	49:620	Sec. 203(c) -----	1024	85-840, sec. 205(j) --	Amendment.
14	49:620	Sec. 203(c) -----	1032	85-840, sec. 307(f) --	Do.
14	49:620	Sec. 203(c)(2) -----	1032	85-840, sec. 307(f) --	Addition.
14	49:620	Sec. 203(e)(2) -----	1033	85-840, sec. 308(a) --	Amendment.
14	49:620	Sec. 203(e)(2)(D) -----	1033	85-840, sec. 308(c) --	Do.
14	49:620	Sec. 203(e)(3)(A) -----	1033	85-840, sec. 308(b) --	Do.
14	49:620	Sec. 203(e)(3)(B)(ii) -----	1033	85-840, sec. 308(c) --	Do.
14	49:620	Sec. 203(g)(1) -----	1033	85-840, sec. 308(d) --	Revision.
14	49:620	Sec. 203(h) -----	1024	85-840, sec. 205(k) --	Do.
14	49:620	Sec. 203(l) -----	1034	85-840, sec. 308(e) --	Amendment.
14	49:620	Sec. 206 -----	1034	85-840, sec. 309 -----	Do.
14	49:620	Sec. 208 -----	1034	85-840, sec. 310 -----	Revision.
14	49:620	Sec. 209(a)(2) -----	1019	85-840, sec. 102(a)(1).	Do.
14	49:620	Sec. 209(a)(3) -----	1019	85-840, sec. 102(a)(2).	Addition.
14	49:620	Sec. 209(i) -----	938	85-786, sec. 1 -----	Amendment.
14	49:620	Sec. 210(a)(1) -----	1035	85-840, sec. 311(a) --	Revision.
14	49:620	Sec. 210(a)(8)(B) -----	1035	85-840, sec. 312(a) --	Do.
14	49:620	Sec. 211(b)(1) -----	1019	85-840, sec. 102(b) --	Do.

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Aug. 14	49:620	Sec. 211(f)-----	1036	85-840, sec. 313(a) --	Addition.
14	49:620	Sec. 213(a) (2) (B) (ii), (iii).	1019	85-840, sec. 102(c)---	Revision.
14	49:620	Sec. 214(b)-----	1025	85-840, sec. 205(l)---	Amendment.
14	49:620	Sec. 215(a)-----	1013	85-840, sec. 101(a) --	Revision.
14	49:620	Sec. 215(b) (1)-----	1015	85-840, sec. 101(b) (1).	Amendment.
14	49:620	Sec. 215(b) (5)-----	1015	85-840, sec. 101(b) (2).	Addition.
14	49:620	Sec. 215(b) (5)-----	1016	85-840, sec 101(d)---	Exception.
14	49:620	Sec. 215(c), (d)-----	1016	85-840, sec. 101(c), (d).	Revision.
14	49:620	Sec. 215(e)-----	1020	85-840, sec. 102(d) (2).	Amendment.
14	49:620	Sec. 215(e) (1)-----	1020	85-840, sec. 102(d) (1).	Revision.
14	49:620	Sec. 215(g)-----	1025	85-840, sec. 205(m)---	Amendment.
14	49:620	Sec. 216(b)-----	1028	85-840, sec. 301(d) --	Do.
14	49:620	Sec. 216(c)-----	1027	85-840, sec. 301(b) (2).	Revision.
14	49:620	Sec. 216(d), (e)-----	1028	85-840, secs. 301(e), 302.	Do.
14	49:620	Sec. 216(f)-----	1026	85-840, sec. 301(a) (2).	Do.
14	49:620	Sec. 216(g)-----	1027	85-840, sec. 301(c) (2).	Do.
14	49:620	Sec. 216(h) (3)-----	1030	85-840, sec. 305(b) --	Deletion.
14	49:620	Sec. 216(i) (2)-----	1020	85-840, sec. 201-----	Amendment.
14	49:620	Sec. 216(i) (3)-----	1021	85-840, sec. 204(a) --	Revision.
14	49:620	Sec. 216(i) (4)-----	1021	85-840, sec. 203-----	Amendment.
14	49:620	Sec. 217(b) (2)-----	1265	85-857, sec. 13(i) (2) --	Do.
14	49:620	Sec. 217(g) (1), (2)-----	1037	85-840, sec. 314(b) (1), (2).	Do.
14	49:620	Sec. 217(h)-----	1036	85-840, sec. 314(a) --	Addition.
14	49:620	Sec. 218(d)-----	1040	85-840, sec. 316-----	Exception.
14	49:620	Sec. 218(d) (1), (3), (5) (A).	964	85-798, sec. 2-----	Do.
14	49:620	Sec. 218(d) (6)-----	939	85-787-----	Amendment.
14	49:620	Sec. 218(d) (6)-----	1038	85-840, sec. 315(a) (1).	Revision.
14	49:620	Sec. 218(d) (7)-----	1039	85-840, sec. 315(a) (2).	Amendment.
14	49:620	Sec. 218(d) (8) (A)-----	1040	85-840, sec. 315(b) --	Addition.
14	49:620	Sec. 218(f)-----	1040	85-840, sec. 315(c) (1).	Redesignation of exist- ing text as par. (1) and clauses (1)-(4) as (A)- (D); addition of par. (2).
14	49:620	Sec. 218(k) (2)-----	1039	85-840, sec. 315(a) (3).	Amendment.
14	49:620	Sec. 218(k) (3)-----	964	85-798, sec. 2-----	Addition.
14	49:620	Sec. 218(p)-----	965	85-798, sec. 3-----	Amendment.
14	49:620	Sec. 222(b)-----	1032	85-840, sec. 307(g) --	Do.
14	49:620	Sec. 222(b) (2)-----	1032	85-840, sec. 307(g) --	Addition.
14	49:620	Sec. 222(b) (3)-----	1025	85-840, sec. 205(n) --	Do.
14	49:620	Sec. 223(b)-----	1020	85-840, sec. 202(a) --	Amendment.
14	49:620	Sec. 223(c) (1) (A)-----	1021	85-840, sec. 204(b) --	Do.
14	49:620	Sec. 223(c) (3)-----	1020	85-840, sec. 202(b) --	Revision.
14	49:620	Sec. 224-----	1025	85-840, sec. 206-----	Repeal.
14	49:620	Sec. 225-----	1025	85-840, sec. 205(o) --	Amendment.
14	49:620	Sec. 403(a)-----	1048	85-840, sec. 502-----	Revision.
14	49:620	Sec. 501-----	1054	85-840, sec. 602(a) --	Amendment.
14	49:620	Sec. 502(a) (2)-----	1051	85-840, sec. 508-----	Exception.
14	49:620	Sec. 502(a) (2), (b)-----	1055	85-840, sec. 602(b), (c).	Amendment.
14	49:620	Sec. 511-----	1055	85-840, sec. 603(a) --	Do.

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1935					
Aug. 14	49:620	Sec. 512(a)(2)-----	1051	85-840, sec. 508-----	Exception.
14	49:620	Sec. 512(a)(2), (b)-----	1055	85-840, sec. 603(b), (c).-----	Amendment.
14	49:620	Secs. 521-525-----	1052- 1054	85-840, sec. 601-----	Revision.
14	49:620	Sec. 522(a)-----	1051	85-840, sec. 508-----	Exception.
14	49:620	Sec. 904(a)-----	1782	85-927, sec. 204(a)-----	Amendment.
14	49:620	Sec. 904(e), (f)-----	1782	85-927, sec. 204(b), (c).-----	Do.
14	49:620	Sec. 1003(a)-----	1049	85-840, sec. 503-----	Revision.
14	49:620	Sec. 1101(a)(1)-----	1051	85-840, sec. 506-----	Amendment.
14	49:620	Sec. 1101(a)(8)-----	1050	85-840, sec. 505-----	Addition.
14	49:620	Sec. 1106(b)-----	1055	85-840, sec. 701-----	Revision.
14	49:620	Sec. 1108-----	1051	85-840, secs. 507(a), (b), 508.-----	Amendment.
14	49:620	Sec. 1111-----	1052	85-840, sec. 511(a)-----	Addition.
14	49:620	Sec. 1403(a)-----	1049	85-840, sec. 504-----	Revision.
14	49:620	Sec. 1501(a)-----	1087	85-848, sec. 2-----	Amendment.
14	49:620	Sec. 1504-----	1088	85-848, sec. 3-----	Exception.
14	49:620	Sec. 1507(a)-----	1089	85-848, sec. 4-----	Amendment.
14	49:620	Sec. 1511(a)-(i)-----	1087	85-848, sec. 3-----	Addition.
14	49:620	Sec. 1511(g)-(i)-----	1265	85-857, sec. 13(i)(3)-----	Amendment.
23	49:729	Sec. 5-----	1272	85-857, sec. 14(70)-----	Repeal.
24	49:750	Sec. 58(b)(49:781)-----	454	85-574-----	Revision.
26	49:803	Sec. 24(a)-----	946	85-791, sec. 15-----	Amendment.
26	49:838	Sec. 313(a), (b)-----	947	85-791, sec. 16(a), (b).-----	Do.
26	49:863	Pub. L. 333-----	302	85-500, sec. 108-----	Applicability.
27	49:885	Sec. 3-----	294	85-493, sec. 2-----	Partial repeal.
28	49:946	Sec. 1(b)(5)(S)-----	417	85-557, sec. 1-----	Addition.
28	49:946	Sec. 4(b)-----	417	do-----	Amendment.
28	49:946	Sec. 4(c)-----	417	do-----	Revision.
28	49:946	Sec. 19(e)-----	417	do-----	Do.
29	49:977	Sec. 4(h)-----	946	85-791, sec. 14-----	Amendment.
30	49:1051	Sec. 18(d)-----	358	85-518-----	Do.
1936					
Jan. 16	49:1093	Sec. 2-----	1057	85-842-----	Do.
27	49:1099	Pub. L. 425-----	1272	85-857, sec. 14(71)-----	Repeal.
May 26	49:1373	Sec. 1-----	110	85-401, sec. 1-----	Amendment.
June 15	49:1491	Sec. 6(a), (b)-----	944	85-791, sec. 7(a), (b)-----	Do.
16	49:1519	Pub. L. 686-----	919	85-767, sec. 2, 19-----	Repeal.
20	49:1543	Pub. L. 719-----	404	85-549, sec. 1-----	Amendment.
22	49:1570	Sec. 3-----	305	85-500, sec. 201-----	Applicability.
23	49:1891	Pub. L. 766-----	919	85-767, sec. 2, 20-----	Repeal.
29	49:1985	Sec. 201(e)-----	337	85-507, sec. 21(b)(4)-----	Partial repeal.
29	49:1985	Sec. 216(b)-----	16, 17	85-331-----	Amendment.
29	49:1985	Sec. 510(a)(2)-----	17	85-332-----	Revision of proviso.
29	49:1985	Sec. 607(d)(1), (2)-----	592	85-637-----	Designation.
29	49:1985	Sec. 607(d)(3)(A)-(D)-----	592	do-----	Addition.
29	49:1985	Sec. 611(b)-----	947	85-791, sec. 17-----	Amendment.
29	49:1985	Sec. 901(b)-----	269	85-477, sec. 401(b)-----	Exception.
29	49:1985	Sec. 1105(b)-----	358	85-520-----	Amendment.
29	49:2031	Sec. 404-----	1272	85-857, sec. 14(72)-----	Repeal.
1937					
June 24	50:307	Sec. 1(q)-----	1056	85-840, sec. 703-----	Amendment.
24	50:307	Sec. 3(e)-----	1778	85-927, sec. 1(a)-----	Do.
24	50:307	Sec. 3(e)-----	1778	85-927, sec. 1(b)-----	Do.
24	50:307	Sec. 3(f)-----	1778	85-927, sec. 1(c)-----	Revision.
24	50:307	Sec. 3(h)-----	1779	85-927, sec. 1(d)-----	Amendment.
24	50:307	Sec. 3(i)-----	1779	85-927, sec. 1(e)-----	Addition.
24	50:307	Sec. 5(f)(1), (2)-----	1779	85-927, sec. 2(a), (b)-----	Amendment.

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1937					
June 24	50:307	Sec. 5(h), (i)(3)-----	1780	85-927, sec. 2(c), (d)---	Amendment.
24	50:307	Sec. 5(k)(3)-----	1780	85-927, sec. 2(e)-----	Do.
24	50:307	Sec. 5(l)(6)-(9)-----	1781	85-927, sec. 2(f)-(i)---	Do.
24	50:307	Sec. 10(b)(4)-----	1781	85-927, sec. 3-----	Do.
24	50:307	Sec. 13(a), (b)-----	1781	85-927, sec. 4-----	Designation of existing text as subsec. (a); new subsec. (b) added.
28	50:323	Pub. L. 165-----	287	85-483, sec. 2-----	Amendment.
July 8	50:478	Pub. L. 191-----	410	85-550, sec. 13(1)-----	Applicability.
22	50:522	Sec. 1(b)(2)-----	1265	85-857, sec. 13(j)-----	Amendment.
22	50:522	Sec. 13(b)-----	841	85-748, sec. 1(b)-----	Revision.
22	50:522	Sec. 15(a)-----	841	85-748, sec. 1(c)-----	Amendment.
22	50:522	Sec. 18-----	840	85-748, sec. 1(a)-----	Addition.
22	50:522	Sec. 32(c)-----	939	85-788-----	Exception.
Aug. 28	50:869	Sec. 11-----	841	85-748, sec. 2-----	Addition.
1938					
Feb. 16	52:31	Pub. L. 430-----	995	85-835, sec. 501-----	Exception.
16	52:31	Sec. 313(g)-----	291	85-489-----	Amendment.
16	52:31	Sec. 313(h)-----	996	85-835, sec. 501-----	Repeal.
16	52:31	Sec. 315-----	703	85-705-----	Addition.
16	52:31	Sec. 330-----	994	85-835, sec. 201-----	Do.
16	52:31	Sec. 334(a)-(c)-----	78	85-366-----	Amendment.
16	52:31	Sec. 334(d)-----	996	85-835, sec. 501-----	Repeal.
16	52:31	Sec. 334(h)-----	78	85-366-----	Amendment.
16	52:31	Sec. 334(i)-----	101	85-390-----	Addition.
16	52:31	Sec. 342-----	989	85-835, sec. 103(1), (2).-----	Amendment.
16	52:31	Sec. 344(a), (b)-----	990	85-835, secs. 103(4), 104(a).-----	Do.
16	52:31	Sec. 344(e), (f)-----	991	85-835, sec. 104 (b)-(d).-----	Do.
16	52:31	Sec. 344(f)(2)-----	991	85-835, sec. 104(d)---	Exception.
16	52:31	Sec. 344(f)(2), (6)-----	992	85-835, sec. 106-----	Do.
16	52:31	Sec. 344(f)(7), (8)-----	991	85-835, secs. 105, 106.-----	Addition.
16	52:31	Sec. 344(h)-----	996	85-835, sec. 501-----	Repeal.
16	52:31	Sec. 344(m)(2)-----	992	85-835, sec. 107-----	Amendment.
16	52:31	Sec. 344(n)-----	186	85-456-----	Addition.
16	52:31	Sec. 347(b)-----	990	85-835, sec. 103(3)---	Amendment.
16	52:31	Sec. 353(b), (c)(1)-----	177	85-443, secs. 1, 2(a) and (b).-----	Do.
16	52:31	Sec. 353(c)(6)-----	994	85-835, sec. 301-----	Do.
16	52:31	Sec. 353(f)-----	178	85-443, sec. 3-----	Addition.
16	52:31	Sec. 353(f)-----	996	85-835, sec. 501-----	Repeal.
16	52:31	Sec. 356(a)-----	178	85-443, sec. 4(1)-----	Amendment.
16	52:31	Sec. 356(h)-----	178	85-443, sec. 4(2)-----	Addition.
16	52:31	Sec. 358(h)-----	996	85-835, sec. 501-----	Repeal.
16	52:31	Sec. 358(i)-----	709	85-717, sec. 1-----	Addition.
16	52:31	Sec. 359(b)-----	709	85-717, sec. 2-----	Revision.
16	52:31	Sec. 378-----	995	85-835, sec. 501-----	Addition.
Mar. 18	52:110	Sec. 1(c)-----	582	85-629-----	Do.
31	52:149	Pub. L. 455-----	383	85-535-----	Amendment.
Apr. 15	52:218	Pub. L. 486-----	808	85-726, sec. 1408-----	Do.
June 8	52:633	Pub. L. 584-----	919	85-767, sec. 2, 21-----	Repeal, except sec. 4.
10	52:640	Pub. L. 587-----	921	85-768-----	Revision.
21	52:821	Sec. 19(a), (b)-----	947	85-791, sec. 19(a), (b).-----	Amendment.
23	52:973	Pub. L. 706-----	806	85-726, sec. 1401(b)---	Repeal, with conditions.
23	52:973	Sec. 307(a)-----	337	85-507, sec. 21(b)(3)---	Deletion of designation "(a)".
23	52:973	Sec. 307(b), (c)-----	337	85-507, sec. 21(b)(3)---	Repeal.
23	52:973	Sec. 406(b)-----	84	85-373-----	Amendment.
23	52:973	Sec. 803-----	338	85-507, sec. 21(c)-----	Do.

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1938					
June 23	52:973	Sec. 1006(c)-----	947	85-791, sec. 18-----	Revision.
25	52:1040	Sec. 201(s), (t)-----	1784	85-929, sec. 2-----	Addition.
25	52:1040	Sec. 301(j)-----	1788	85-929, sec. 5-----	Amendment.
25	52:1040	Sec. 402(a)(2)-----	1784	85-929, sec. 3(a)-----	Revision.
25	52:1040	Sec. 406(a)-----	1785	85-929, sec. 3(b), (c)-----	Amendment.
25	52:1040	Sec. 408(i)-----	947, 948	85-791, sec. 20(a), (b)-----	Do.
25	52:1040	Sec. 409-----	1785	85-929, sec. 4-----	Addition.
25	52:1040	Sec. 701(f)-----	948	85-791, sec. 21(a), (b)-----	Amendment.
25	52:1060	Sec. 8(a)-----	844	85-750-----	Do.
25	52:1060	Sec. 10(a)-----	948	85-791, sec. 22-----	Do.
25	52:1094	Sec. 1(k), (q)-----	1782	85-927, sec. 201-----	Do.
25	52:1094	Sec. 4(a-1)(ii)-----	1782	85-927, sec. 202-----	Do.
25	52:1094	Sec. 5(f)-----	948	85-791, sec. 23-----	Do.
25	52:1094	Sec. 8(a)-----	1782	85-927, sec. 203-----	Do.
25	52:1094	Sec. 11(a)-----	1783	85-927, sec. 205-----	Do.
25	52:1094	Sec. 12(l)-----	1783	85-927, sec. 206-----	Do.
28	52:1215	Sec. 2-----	305	85-500, sec. 201-----	Applicability.
29	52:1233	Pub. L. 775-----	952	85-792, sec. 2-----	Revision.
29	52:1246	Sec. 1-----	377	85-533, sec. 2-----	Do.
1939					
May 17	53:747	Pub. L. 80-----	321	85-502-----	Supplemental provision.
July 19	53:1066	Pub. L. 195-----	919	85-767, sec. 2, 22-----	Repeal.
19	53:1068	Sec. 7-----	1272	85-857, sec. 14(73)-----	Do.
Aug. 1	53:1145	Sec. 2-----	1272	85-857, sec. 14(74)-----	Do.
3	53:1149	Sec. 304(e)-----	694	85-699, sec. 307(b)-----	Addition.
4	53:1187	Sec. 2(h)-----	543	85-611, sec. 3-----	Repeal.
4	53:1187	Sec. 2(i)-(k)-----	543	do-----	Relettered (h)-(j).
4	53:1187	Sec. 4-----	543	do-----	Repeal.
4	53:1187	Sec. 9(d)(3)-----	542	85-611, secs. 1, 2-----	Revision; extension of benefits.
4	53:1187	Sec. 9(d)(5)-----	543	85-611, sec. 3-----	Repeal.
4	53:1187	Sec. 17-----	543	do-----	Amendment.
7	53:1257	Pub. L. 332-----	535	85-607-----	Exception; implementation.
9	53:1275	Sec. 101(a)-----	476	85-581, sec. 1-----	Amendment.
9	53:1275	Sec. 101(a)(24)-----	476	85-581, sec. 2-----	Addition.
9	53:1275	Sec. 101(a)(25)-----	476	85-581, sec. 3-----	Do.
9	53:1275	Sec. 102-----	476	85-581, sec. 4-----	Do.
9	53:1275	Sec. 201(a)(8)-----	476	85-581, sec. 5-----	Revision.
9	53:1275	Sec. 201(b)(1), 2-----	476	85-581, secs. 6, 7-----	Do.
9	53:1275	Sec. 201(i)-----	476	85-581, sec. 8-----	Addition.
9	53:1275	Sec. 202-----	477	85-581, sec. 9-----	Revision.
9	53:1275	Sec. 203(b)-----	477	85-581, sec. 10(a)-----	Amendment.
9	53:1275	Sec. 203(b)(2)-----	477	85-581, sec. 10(b)-----	Revision.
9	53:1275	Sec. 204-----	478	85-581, sec. 11-----	Do.
9	53:1275	Sec. 301(a)(4)-----	478	85-581, sec. 12-----	Addition.
9	53:1275	Sec. 302(a)-----	478	85-581, sec. 13-----	Amendment.
9	53:1275	Sec. 302(d)-----	479	85-581, sec. 14-----	Addition.
9	53:1275	Sec. 306(c)-----	479	85-581, sec. 15-----	Do.
9	53:1275	Sec. 409(c)-----	949	85-791, sec. 24(a)-----	Revision.
9	53:1275	Sec. 410-----	949	85-791, sec. 24(b)-----	Amendment.
9	53:1275	Sec. 411-----	949	85-791, sec. 24(c)-----	Do.
11	53:1409	Pub. L. 391-----	236	85-469, sec. 202-----	Exception.
1940					
Jan. 17	54:14	Secs. 1-3-----	625	85-675, sec. 1-----	Revision.
Apr. 25	54:163	Sec. 13-----	1756	85-911, sec. 6-----	Do.
25	54:163	Sec. 16-----	1756	85-911, sec. 6(b)-----	Amendment.

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1940					
Apr. 25	54:163	Sec. 21-----	1758	85-911, sec. 12-----	Exception; future re- peal.
25	54:163	Sec. 22(a), (b)-----	1756	85-911, sec. 6(c)-----	Addition.
June 13	54:387	Sec. 2-----	37	85-346-----	Amendment.
21	54:497	Secs. 5-7-----	595	85-640-----	Do.
29	54:686	Pub. L. 674-----	807	85-726, sec. 1402(f)---	Amendment.
July 19	54:774	Pub. L. 756-----	1735	85-900, sec. 14-----	Supplemental Act.
Aug. 22	54:789	Sec. 18(k)-----	694	85-699, sec. 307(c)---	Addition.
22	54:789	Sec. 43(a)-----	949	85-791, sec. 25-----	Amendment.
22	54:789	Sec. 213(a)-----	949	85-791, sec. 26-----	Do.
27	54:862	Pub. L. 774-----	809	85-726, sec. 1409---	Do.
Sept. 5	54:867	Pub. L. 780-----	919	85-767, sec. 2, 23-----	Repeal.
18	54:898	Sec. 322-----	860	85-762, sec. 2(1), (2)---	Amendment.
Oct. 8	54:1008	Secs. 601-618 (title VI)-----	1272	85-857, sec. 14(75)---	Repeal.
8	54:1008	Sec. 602(v)(1)-----	630	85-678, sec. 1, 2-----	Amendment.
9	54:1063	Sec. 3-----	21	85-334, sec. 4-----	Revision.
9	54:1063	Sec. 30-----	22	85-334, sec. 5-----	Do.
9	54:1063	Sec. 32-----	23	85-334, sec. 6-----	Do.
9	54:1063	Secs. 35, 36-----	25	85-334, sec. 7, 8-----	Do.
9	54:1063	Secs. 38, 39-----	26	85-334, sec. 9, 10-----	Do.
14	54:1175	Pub. L. 856-----	809	85-726, sec. 1410---	Amendment.
17	54:1178	Sec. 407-----	1272	85-857, sec. 14(76)---	Partial repeal.
Nov. 26	54:1211	Sec. 2(b)-----	151	85-432, sec. 5-----	Amendment.
1941					
July 29	55:607	Pub. L. 191-----	624	85-672, sec. 9-----	Repeal.
Aug. 16	55:622	Sec. 1(a)(5)-----	272	85-477, sec. 502(a) (1)-----	Addition.
16	55:622	Sec. 1(a)(6)-----	537	85-608, title II, sec. 201(a)-----	Do.
16	55:622	Sec. 1(b)-----	537	85-608, title II, sec. 201(b)-----	Revision.
16	55:622	Sec. 1(e)-----	272	85-477, sec. 502(a) (2)-----	Amendment.
16	55:622	Sec. 1(e)-----	538	85-608, title II, sec. 201(c)-----	Do.
16	55:622	Sec. 1(f)-----	272	85-477, sec. 502(a) (3)-----	Do.
16	55:622	Sec. 1(f)-----	538	85-608, title II, sec. 201(d)-----	Revision.
16	55:622	Sec. 5-----	538	85-608, title II, sec. 202-----	Addition.
Oct. 14	55:737	Pub. L. 270-----	141	85-426, sec. 207-----	Amendment.
Nov. 19	55:765	Pub. L. 295-----	919	85-767, sec. 2, 24-----	Repeal.
19	55:765	Sec. 16-----	338	85-507, sec. 21(b)(6)---	Do.
1942					
Feb. 10	56:87	Pub. L. 448-----	1272	85-857, sec. 14(77)---	Do.
16	56:90	Sec. 3(g)-----	686	85-692-----	Addition.
Mar. 13	56:171	Sec. 1(b)-----	184	85-453, sec. 3-----	Amendment.
Apr. 1	56:190	Sec. 6-----	398	85-539-----	Do.
29	56:261	Sec. 2, art. II-----	97	85-383-----	Addition.
July 2	56:562	Pub. L. 646-----	919	85-767, sec. 2, 25-----	Repeal.
11	56:657	Sec. 4-----	1272	85-857, sec. 14(78)---	Do.
Nov. 24	56:1022	Pub. L. 775-----	808	85-726, sec. 1405---	Amendment.
Dec. 2	56:1028	Sec. 101(a)(2), (3)---	536	85-608, title I, sec. 101(a), (b)-----	Revision.
2	56:1028	Sec. 101(a)(4)-----	273	85-477, sec. 502(g)---	Addition.
2	56:1028	Sec. 101(a)(5)-----	536	85-608, title I, sec. 101(c)-----	Do.
2	56:1028	Sec. 101(c)-----	539	85-608, title IV, sec. 401-----	Reenacted.

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Provisions affected			Amendatory provisions		
Date	Statutes vol.: page	Identification	72 Stat.	Identification	Comment
1942					
Dec. 2	56:1028	Sec. 101(d) -----	536	85-608, title I, sec. 101(d).	Revision.
2	56:1028	Sec. 102(a) -----	536	85-608, title I, sec. 102.	Amendment.
2	56:1028	Sec. 201(b) -----	536	85-608, title I, sec. 103(a).	Do.
2	56:1028	Sec. 201(b)(3), (c) ----	537	85-608, title I, sec. 103(b), (c).	Revision.
2	56:1028	Sec. 201(d), (e) -----	537	85-608, title I, sec. 103(d), (e).	Do.
2	56:1028	Sec. 201(f) -----	537	85-608, title I, sec. 103(f).	Repeal.
2	56:1028	Sec. 208 -----	537	85-608, title I, sec. 105.	Addition.
3	56:1038	Sec. 2 -----	1272	85-857, sec. 14(79) --	Repeal.
18	56:1066	Sec. 2 -----	1272	85-857, sec. 14(80) --	Do.
1943					
Mar. 24	57:43	Secs. 3, 4 -----	1264	85-857, sec. 12(a) ----	Exception to repeal.
24	57:43	Secs. 3, 4 -----	1272	85-857, sec. 14(81) --	Repeal.
July 12	57:431	Pub. L. 132(57:434) ---	1272	85-857, sec. 14(82) --	Partial repeal.
13	57:560	Pub. L. 146 -----	919	85-767, sec. 2, 26. ---	Repeal, except sec. 7(a).
Oct. 25	57:575	Pub. L. 170 -----	1272	85-857, sec. 14(83) --	Repeal.
Nov. 22	57:590	Pub. L. 187 -----	1272	85-857, sec. 14(84) --	Do.
Dec. 17	57:603	Sec. 2 -----	1272	85-857, sec. 14(85) --	Do.
1944					
Feb. 3	58:8	Pub. L. 225 -----	1272	85-857, sec. 14(86) --	Do.
Apr. 4	58:189	Pub. L. 288 -----	919	85-767, sec. 2, 27. ---	Do.
June 5	58:270	Sec. 1 -----	147	85-428 -----	Amendment.
22	58:284	Pub. L. 346 -----	1273	85-857, sec. 14(87) --	Repeal.
22	58:284	Secs. 500-514 (title III).	1264	85-857, sec. 12(e) ----	Amendment.
22	58:284	Sec. 500(a), (b), (g) ---	77	85-364, sec. 5 -----	Do.
22	58:284	Sec. 501(b), (c) -----	77	do -----	Do.
22	58:284	Sec. 507 -----	77	do -----	Do.
22	58:284	Sec. 512 -----	74	do -----	Revision.
22	58:284	Sec. 513(a), (c), (d) ---	76, 77	do -----	Amendment.
22	58:284	Sec. 1507 -----	1264	85-857, sec. 12(a) ----	Exception to repeal.
28	58:509	Sec. 6 -----	511	85-594, sec. 12 -----	Exception.
July 1	58:682	Sec. 208(g) -----	214	85-462, sec. 12(e) ----	Amendment.
1	58:682	Sec. 208(g) -----	1789	85-929, sec. 9 -----	Do.
1	58:682	Sec. 221(a) -----	1547	85-861, sec. 4(1) ----	Do.
1	58:682	Sec. 221(a) (1)-(6) ---	1547	85-861, sec. 4(2), (3).	Deletion of clause (1); clauses (2)-(6) renumbered (1)-(5).
1	58:682	Sec. 221(a) (1), (2), (5).	1547	85-861, sec. 4 (4)-(6) -	Revision.
1	58:682	Sec. 221(a) (6) -----	1547	85-861, sec. 4(7) ----	Addition.
1	58:682	Sec. 314(c) -----	400	85-544, sec. 1 -----	Amendment.
1	58:682	Sec. 351(d) -----	1704	85-881, sec. 2 -----	Do.
1	58:682	Sec. 621 -----	616	85-664 -----	Do.
1	58:682	Sec. 632(b) (1), (2) ---	950	85-791, sec. 27(a), (b).	Revision.
1	58:682	Sec. 651 -----	616	85-664 -----	Amendment.
1	58:682	Secs. 661-664 (pt. H) -	488	85-589 -----	Addition.
1	58:682	Secs. 704, 705(a) -----	933	85-777 -----	Amendment.
Sept. 21	58:734	Sec. 202 -----	217	85-464, sec. 4 -----	Revision.
27	58:747	Pub. L. 434 -----	929	85-771, sec. 2 -----	Exception.
27	58:752	Sec. 4 -----	1273	85-857, sec. 14(88) --	Repeal.
30	58:764	Secs. 1, 3 -----	1273	85-857, sec. 14(89) --	Do.
Dec. 20	58:819	Sec. 1 (i)-(k) -----	292, 293	85-491, sec. 1 -----	Addition.

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Date	Statutes vol.: page	Identification	72 Stat.	Identification	Comment
1944					
Dec. 20	58:838	Pub. L. 521-----	919	85-767, sec. 2, 28----	Repeal.
21	58:846	Secs. 3, 5-----	851	85-757, secs. 1, 2----	Amendment.
21	58:846	Secs. 15, 16-----	851	85-757, sec. 3-----	Former sec. 15 renum- bered as sec. 16; new sec. 15 added.
22	58:887	Sec. 1-----	305	85-500, sec. 202-----	Applicability.
1945					
Mar. 2	59:10	Sec. 1-----	297	85-500, sec. 101-----	Do.
June 30	59:295	Secs. 201-203, 301, 302 (titles II and III).	1712	85-890, sec. 1-----	Exception.
30	59:295	Sec. 302(a)-----	377	85-533, sec. 1-----	Amendment.
30	59:295	Sec. 401, par. (1)-----	363	85-525-----	Do.
30	59:295	Sec. 408-----	1265	85-857, sec. 13(k)-----	Do.
30	59:295	Sec. 604(d)-----	214	85-462, sec. 15-----	Revision.
July 28	59:505	Sec. 5(b)-----	539	85-608, title III, sec. 303.	Repeal.
31	59:507	Pub. L. 165-----	919	85-767, sec. 2, 29-----	Do.
31	59:526	Secs. 6, 7-----	133	85-424-----	Amendment.
Sept. 20	59:533	Sec. 3-----	1273	85-857, sec. 14(90)-----	Repeal.
Oct. 6	59:538	Sec. 14-----	1112	85-857, sec. 1-----	Exception.
Dec. 6	59:597	Sec. 101-----	272	85-477, sec. 502(c)-----	Amendment.
6	59:597	Sec. 104-----	170	85-439-----	Exception.
6	59:597	Sec. 104-----	235	85-469, secs. 201, 203.	Do.
6	59:597	Sec. 104-----	237	85-474-----	Do.
6	59:597	Sec. 104-----	1101	85-853-----	Do.
28	59:632	Pub. L. 269 (59:642)-----	1273	85-857, sec. 14(91)-----	Partial repeal.
1946					
Apr. 18	60:92	Sec. 5-----	1569	85-861, sec. 36A-----	Repeal.
May 1	60:159	Sec. 2(a), (b)-----	1265	85-857, sec. 13(l)-----	Amendment.
13	60:170	Pub. L. 377-----	806	85-726, sec. 1402(b) (1)-(3).	Do.
24	60:216	Sec. 5-----	207	85-462, sec. 4(a)-----	Do.
June 11	60:237	Pub. L. 404-----	152	85-433, sec. 2-----	Exception.
11	60:237	Pub. L. 404-----	155	85-439-----	Do.
11	60:237	Sec. 4-----	487	85-585, sec. 2-----	Applicability.
14	60:257	Sec. 6-----	294	85-493, sec. 2-----	Repeal.
28	60:338	Pub. L. 469-----	101	85-389-----	Amendment.
July 1	60:386	Pub. L. 479(60:392)-----	442	85-570, sec. 101-----	Do.
5	60:427	Sec. 17-----	540	85-609, sec. 1(a)-----	Revision.
5	60:427	Secs. 20, 21, 24, 31-----	540	85-609, sec. 1(b)-(e)-----	Amendment.
16	60:566	Sec. 1-----	320	85-501-----	Do.
23	60:600	Pub. L. 521(60:615)-----	1273	85-857, sec. 14(92)-----	Partial repeal.
29	60:709	Pub. L. 562-----	919	85-767, sec. 2, 30-----	Repeal.
30	60:712	Sec. 5-----	273	85-477, sec. 502(e)-----	Amendment.
Aug. 1	60:775	Secs. 301-307-----	1598- 1600	85-864, sec. 802-----	Addition.
2	60:790	Sec. 3(g)-----	1102	85-854, sec. 1(1)-----	Revision.
2	60:790	Sec. 3(j)-----	1102	85-854, sec. 1(2)-----	Amendment.
2	60:790	Sec. 3(l)-----	1102	85-854, sec. 1(3)-----	Revision.
2	60:790	Sec. 7(a), (b)-----	1103	85-854, sec. 1(4)-(6)-----	Amendment.
2	60:790	Sec. 7(d), (e)-----	1103	85-854, sec. 1(7), (8)-----	Do.
2	60:790	Sec. 7(f)-----	1103	85-854, sec. 1(10)-----	Do.
2	60:790	Sec. 7 (f)-(i)-----	1103	85-854, sec. 1(9), (11)-----	Former subsecs. (g)-(i) redesignated (f)-(h); new subsec. (i) added.
2	60:790	Sec. 10-----	1103	85-854, sec. 1(12)-----	Amendment.
2	60:790	Sec. 11(c)-----	1104	85-854, sec. 1(13)-----	Revision.
2	60:790	Sec. 12-----	1104	85-854, sec. 1(14)-----	Amendment.
2	60:806	Sec. 1(b)-----	14	85-326-----	Do.

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Date	Statutes vol.: page	Identification	72 Stat.	Identification	Comment
1946					
Aug. 2	60:806	Sec. 15-----	509	85-594, sec. 1-----	Exception.
2	60:810	Sec. 7-----	1274	85-858-----	Amendment.
2	60:810	Sec. 7 (a)-(d)-----	843	85-749-----	Existing text designated (a); new subsecs. (b)-(d) added.
2	60:812	Sec. 202(e)-----	209	85-462, sec. 4(o)-----	Amendment.
2	60:853	Sec. 10-----	1569	85-861, sec. 36A-----	Repeal.
7	60:875	Pub. L. 624-----	98	85-385-----	Supplemental provision.
7	60:896	Sec. 1-----	15	85-328, sec. 1-----	Amendment.
7	60:896	Sec. 5-----	15	85-328, secs. 2, 4-----	Revision; applicability.
7	60:896	Sec. 6-----	15	85-328, sec. 3-----	Amendment.
7	60:896	Sec. 6-----	708	85-715, sec. 1-----	Do.
9	60:963	Sec. 3(c)-----	1567	85-861, sec. 33(d)-----	Do.
9	60:963	Sec. 4(a)(1)-----	129	(1). 85-422, sec. 5-----	Do.
9	60:963	Sec. 10-----	1567	85-861, sec. 33(d)(2)-----	Do.
13	60:999	Sec. 412-----	211	85-462, sec. 6(a)(1)-----	Do.
13	60:999	Sec. 415-----	212	and (2). 85-462, sec. 6(a)(3)-----	Do.
13	60:999	Sec. 571(c)-----	273	85-477, sec. 502(h)-----	Do.
13	60:1040	Sec. 632(b)(1), (2)-----	950	85-791, sec. 27(a), (b).-----	Revision.
1947					
May 19	61:102	Secs. 2, 3-----	541	85-610, secs. 1, 2-----	Do.
June 21	61:136	Pub. L. 100-----	919	85-767, sec. 2, 31-----	Repeal.
23	61:136	Sec. 101 ("sec. 10d")-----	945	85-791, sec. 13(a)-----	Revision.
23	61:136	Sec. 101 ("sec. 10e")-----	945	85-791, sec. 13(b)-----	Amendment.
23	61:136	Sec. 101 ("sec. 10f")-----	946	85-791, sec. 13(c)-----	Do.
30	61:213	Sec. 1-----	138	85-426, sec. 202(a)-----	Do.
July 16	61:328	Art. VI, sec. 2(a)-----	183	85-451, sec. 2-----	Revision.
17	61:361	Sec. 105-----	980	85-815, sec. 1(a)-----	Partial repeal.
23	61:409	Sec. 16-----	1555	85-861, sec. 6-----	Revision.
26	61:495	Sec. 2-----	514	85-599, sec. 2-----	Do.
26	61:495	Sec. 202(c), (d)-----	514, 516	85-599, sec. 3(a), (b)-----	Do.
26	61:495	Sec. 202(j)-----	518	85-599, sec. 5(b)-----	Addition.
26	61:495	Sec. 203 (b)-(d)-----	520	85-599, sec. 9(a)-----	Former subsecs. (b) and (c) redesignated (c) and (d); new subsec. (b) added.
26	61:495	Sec. 203(c)-----	521	85-599, sec. 10(a)-----	Amendment of redesignated subsec. (c).
30	61:585	Pub. L. 269(61:606)-----	1273	85-857, sec. 14(93)-----	Partial repeal.
30	61:678	Pub. L. 289-----	807	85-726, sec. 1402(c)-----	Amendment.
Aug. 1	61:715	Sec. 1(a), (b)-----	213	85-462, sec. 12(a), (b).-----	Do.
1	61:715	Sec. 1(d)-(h)-----	213	85-462, sec. 12(c)-----	Addition.
1	61:715	Sec. 3-----	214	85-462, sec. 12(d)-----	Amendment.
4	61:727	Sec. 8-----	1265	85-857, sec. 13(m)-----	Do.
4	61:747	Pub. L. 349-----	1266	85-857, sec. 13(n)-----	Do.
6	61:791	Sec. 5-----	1273	85-857, sec. 14(94)-----	Repeal.
7	61:795	Sec. 211(e)(1)-----	1556	85-861, sec. 8-----	Amendment.
7	61:795	Sec. 316(b)-----	1569	85-861, sec. 36A-----	Repeal.
8	61:916	Pub. L. 383-----	324	85-505-----	Exception.
8	61:922	Sec. 205(c)-----	950	85-791, sec. 28-----	Amendment.
1948					
Jan. 27	62:6	Sec. 1011(h)-----	274	85-477, sec. 502(i)-----	Addition.
Apr. 24	62:198	Sec. 12-----	454	85-573-----	Amendment.
May 18	62:237	Sec. 2-----	1273	85-857, sec. 14(95)-----	Repeal.
28	62:277	Pub. L. 562-----	807	85-726, sec. 1402(d)-----	Amendment.
28	62:277	Sec. 5-----	321	85-503-----	Revision.
June 3	62:292	Pub. L. 577-----	1273	85-857, sec. 14(96)-----	Repeal.

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1948					
June 3	62:297	Sec. 16(a) -----	132	85-422, sec. 11(c) ---	Amendment.
4	62:339	Sec. 8 -----	423	85-561, sec. 2(a) ---	Do.
14	62:441	Sec. 6 -----	275	85-477, sec. 502(m) ---	Addition.
16	62:450	Pub. L. 647 -----	808	85-726, sec. 1403 ---	Amendment.
19	62:500	Sec. 3 -----	1273	85-857, sec. 14(97) ---	Repeal.
24	62:604	Sec. 4(a) -----	424	85-564 -----	Amendment.
24	62:604	Sec. 4(d) (3) -----	1556	85-861, sec. 9 -----	Do.
24	62:604	Sec. 6(c) (2) (F) -----	711	85-722 -----	Addition.
24	62:644	Pub. L. 760 -----	1709	85-886, sec. 2 -----	Amendment.
28	62:1061	Secs. 1(d), 6 -----	862	85-764, sec. 3(a), (b) ---	Do.
29	62:1098	Pub. L. 820 -----	1569	85-861, sec. 36A -----	Repeal.
29	62:1105	Pub. L. 834 -----	919	85-767, sec. 2, 32 ---	Do.
29	62:1112	Pub. L. 841 (62:1130) ---	1732	85-900, sec. 7 -----	Partial repeal.
30	62:1151	Sec. 2(a) -----	273	85-477, sec. 502(f) ---	Amendment.
July 1	62:1206	Sec. 302(b) -----	1265	85-857, sec. 13(g) ---	Do.
1	62:1210	Pub. L. 865 -----	203	85-461, sec. 5 -----	Repeal.
1	62:1215	Sec. 1 -----	601	85-644, sec. 1(1) ---	Amendment.
1	62:1215	Sec. 1 -----	978	85-811 -----	Revision.
1	62:1215	Sec. 2 -----	602	85-644, sec. 1(2) ---	Do.
3	62:1260	Sec. 201 -----	138	85-426, sec. 203 -----	Amendment.
3	62:1260	Sec. 203 -----	139	85-466, sec. 204(f) ---	Do.
3	62:1260	Sec. 204(a) -----	140	85-466, sec. 206(a) ---	Do.
3	62:1260	Sec. 204(d), (e) -----	140	85-466, sec. 206(b) ---	Revision.
1949					
Feb. 26	63:7	Sec. 12 -----	220	85-466 -----	Amendment.
Apr. 6	63:43	Sec. 2(c) -----	357	85-516 -----	Do.
May 26	63:111	Sec. 1 -----	274	85-477, sec. 502(j) (1) ---	Do.
26	63:111	Sec. 1 -----	363	85-524, sec. 1 -----	Do.
26	63:111	Sec. 2(a), (b) -----	274	85-477, sec. 502(j) (2) ---	Existing text designated as subsec. (a); new subsec. (b) added.
June 9	63:166	Pub. L. 92 -----	257	85-474 -----	Exception.
16	63:176	Sec. 402 -----	1710	85-886, sec. 4 -----	Repeal.
16	63:176	Sec. 407 -----	294	85-493, sec. 2 -----	Do.
16	63:176	Sec. 410 -----	399	85-542 -----	Revision.
20	63:208	Secs. 4-12 -----	337	85-507, sec. 21(b) (2) ---	Repeal of sec. 4; re-designation of secs. 5, 6, 7, 8, 10, 11, and 12 as 4, 5, 6, 7, 8, 9 and 10.
22	63:216	Sec. 105 -----	980	85-815, sec. 1(b) ---	Partial repeal.
30	63:350	Sec. 4(a) -----	1759	85-913, sec. 1 -----	Revision.
30	63:350	Sec. 4(i) -----	1759	85-913, sec. 2 -----	Amendment.
30	63:350	Sec. 4(o), (p) -----	1759	85-913, sec. 3 -----	Addition.
30	63:350	Sec. 6(a) -----	1760	85-913, sec. 4 -----	Amendment.
30	63:350	Sec. 8(a) -----	1760	85-913, sec. 5 -----	Revision.
30	63:350	Sec. 9 -----	1760	85-913, sec. 6 -----	Amendment.
30	63:377	Pub. L. 152 -----	808	85-726, sec. 1406 ---	Do.
30	63:377	Pub. L. 152 -----	1759	85-913, sec. 1 -----	Exception.
30	63:377	Sec. 3(d) -----	29	85-337, sec. 5 -----	Revision.
30	63:377	Sec. 201(d) -----	936	85-781 -----	Addition.
30	63:377	Sec. 203(e) -----	288	85-486 -----	Revision.
30	63:377	Sec. 204(a) -----	294	85-493, sec. 1 -----	Exception.
30	63:377	Sec. 207 -----	631	85-680 -----	Revision.
30	63:377	Sec. 210(a) (11), (12) ---	1709	85-886, sec. 1(1), (2) ---	Amendment.
30	63:377	Sec. 210(a) (13) -----	1709	85-886, sec. 1(3) ---	Addition.
30	63:377	Sec. 210(f) -----	1709	85-886, sec. 3 -----	Amendment.
30	63:377	Sec. 210(h) -----	294	85-493, sec. 1 -----	Addition.
30	63:377	Sec. 302(a), (c) (3) ---	966	85-800, secs. 1, 2(a) ---	Revision.
30	63:377	Sec. 302(c) (9)-(15) ---	966	85-800, sec. 2(b), (c) ---	Former pars. (9)-(14) renumbered as (10)-(15); new par. (9) added.

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1949					
June 30	63:377	Sec. 302(e)-----	966	85-800, sec. 3-----	Amendment.
30	63:377	Sec. 305-----	966	85-800, sec. 4-----	Revision.
30	63:377	Secs. 307, 310(b)-----	967	85-800, secs. 5(a), 6-----	Amendment.
30	63:377	Sec. 507 (g)-(j)-----	34	85-341-----	Former subsecs. (g)-(i) redesignated as (h)-(j); new subsec. (g) added.
30	63:377	Sec. 602(a)(34)-----	34	-----do-----	Addition.
30	63:377	Secs. 703, 704-----	456	85-579-----	Amendment.
Aug 4	63:495	Pub. L. 207-----	808	85-726, sec. 1404-----	Do.
24	63:627	Sec. 6-----	626	85-675, sec. 1-----	Exception.
29	63:670	Sec. 3(a)-----	993	85-835, sec. 108-----	Repeal.
Oct. 1	63:700	Pub. L. 311-----	807	85-726, sec. 1402(c)-----	Amendment.
10	63:733	Pub. L. 340-----	285, 286	85-482, secs. 2, 7-----	Exception.
12	63:765	Pub. L. 350(63:784)-----	1732	85-900, sec. 7-----	Partial repeal.
12	63:802	Sec. 201(a), (b)-----	122, 124	85-422, sec. 1(1), (2)-----	Revision.
12	63:802	Sec. 201(c)-----	124	85-422, sec. 1(3)-----	Additional provision.
12	63:802	Sec. 201(d)-----	124	85-422, sec. 1(4)-----	Amendment.
12	63:802	Sec. 201(f)-----	124	85-422, sec. 1(5)-----	Repeal.
12	63:802	Secs. 204(b), 206-----	124, 125	85-422, sec. 1(6), (7)-----	Partial revision.
12	63:802	Secs. 209, 210-----	125, 126	85-422, sec. 1(8)-----	Addition.
12	63:802	Secs. 301-303-----	1556, 1557	85-861, sec. 11-----	Exception.
12	63:802	Sec. 301(a)-----	1556	85-861, sec. 10-----	Amendment.
12	63:802	Sec. 302(f)-----	127	85-422, sec. 1(9)-----	Partial revision.
12	63:802	Sec. 302(h)-----	127	85-422, sec. 1(10)-----	Amendment.
12	63:802	303(c)-----	37	85-347-----	Do.
12	63:802	Sec. 304(c)-----	127	85-422, sec. 1(11)-----	Additional provision.
12	63:802	305(b)-----	1568	85-861, sec. 33(f)-----	Amendment.
12	63:802	Sec. 307-----	1556	85-861, sec. 11-----	Addition.
25	63:888	Sec. 1-----	985	85-828-----	Amendment.
25	63:889	Pub. L. 375-----	358	85-518-----	Do.
27	63:936	Pub. L. 415-----	433	85-568, sec. 301(d)-----	Do.
28	63:954	Pub. L. 429-----	227, 228, 234, 237	85-469-----	Exception.
28	63:954	Pub. L. 429-----	254	85-474-----	Do.
28	63:954	Pub. L. 429-----	428	85-568, sec. 201(f)-----	Do.
28	63:954	Pub. L. 429-----	450	85-570, sec. 101-----	Do.
28	63:954	Pub. L. 429-----	544	85-614, sec. 3-----	Do.
28	63:954	Pub. L. 429-----	742, 746, 781	85-726, secs. 202(e), 302(h), 701(b).-----	Do.
28	63:954	Pub. L. 429-----	1060	85-843, sec. 204-----	Do.
28	63:954	Pub. L. 429-----	1092	85-850, sec. 4-----	Do.
28	63:954	Pub. L. 429-----	1116, 1249	85-857, sec. 1 (§ 232), (§ 4202).-----	Do.
28	63:954	Pub. L. 429-----	1703	85-880, sec. 3-----	Do.
28	63:954	Pub. L. 429-----	1744	85-906, sec. 4-----	Do.
28	63:954	Sec. 202(3)-----	1266	85-857, sec. 13(o)-----	Amendment.
28	63:954	Sec. 202(21)-----	411	85-550, sec. 16(a)-----	Revision.
28	63:954	Sec. 202(23), (25)-----	1266	85-857, sec. 13(o)-----	Amendment.
28	63:954	Sec. 202(32)-----	411	85-550, sec. 16(b)(1)-----	Repeal.
28	63:954	Sec. 505-----	1781	85-927, sec. 3-----	Exception.
28	63:954	Sec. 505(b),(e)-----	213	85-462, sec. 11(a), (b).-----	Amendment.
28	63:954	Sec. 505 (f)-(i)-----	213	85-462, sec. 10-----	Addition.
28	63:954	Sec. 507-----	830	85-737, sec. 1-----	Revision.
28	63:954	Sec. 602-----	214	85-462, sec. 13(a)-----	Amendment.
28	63:954	Sec. 603(b)-----	203	85-462, sec. 2(a)-----	Revision.

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Date	Statutes vol.: page	Identification	72 Stat.	Identification	Comment
1949					
Oct. 28	63:954	Sec. 802(a)-----	151	85-432, sec. 4(a)-----	Amendment.
28	63:954	Sec. 802(c)-----	151	85-432, sec. 4(b)-----	Addition.
31	63:1051	Sec. 101-----	989, 994	85-835, secs. 102, 201.	Exception.
31	63:1051	Sec. 101(a)-----	994	85-835, sec. 302-----	Amendment.
31	63:1051	Sec. 101(d)(4)-----	994	85-835, sec. 201-----	Repeal.
31	63:1051	Sec. 101(f)-----	296	85-497-----	Amendment.
31	63:1051	Secs. 102, 103-----	988, 989	85-835, secs. 101, 102.	Addition.
31	63:1051	Secs. 104, 105-----	993, 994	85-835, sec. 201-----	Do.
31	63:1051	Sec. 201(b)-----	996	85-835, sec. 503-----	Do.
31	63:1051	Sec. 201(c)-----	276	85-478-----	Exception.
31	63:1051	Sec. 202(a), (b)-----	996	85-835, sec. 504-----	Amendment.
31	63:1051	Sec. 344(m)(2)-----	989	85-835, sec. 101-----	Exception.
31	63:1051	Sec. 403-----	993	85-835, sec. 108-----	Partial repeal.
31	63:1051	Sec. 403-----	993	85-835, sec. 111-----	Amendment.
31	63:1051	Sec. 405-----	996	85-835, sec. 502-----	Do.
31	63:1051	Sec. 407-----	635	85-683-----	Exception.
31	63:1051	Sec. 407-----	993	85-835, sec. 109-----	Amendment.
31	63:1051	Sec. 416(3)-----	286	85-483, sec. 1-----	Do.
31	63:1051	Sec. 509-----	934	85-779-----	Do.
1950					
Mar. 10	64:12	Sec. 207(b)-----	951	85-791, sec. 33-----	Do.
10	64:12	Sec. 304-----	531	85-604, sec. 2-----	Addition.
10	64:12	Sec. 311(b)-----	531	85-604, sec. 3-----	Amendment.
10	64:12	Secs. 401-417 (title IV).-----	527-530	85-604, sec. 1-----	Addition.
18	64:27	Pub. L. 463-----	807	85-726, sec. 1402(e)---	Amendment.
Apr. 11	64:43	Pub. L. 472-----	338	85-507, sec. 21(b)(5)---	Repeal.
11	64:43	Sec. 6-----	48	85-349-----	Revision.
19	64:44	Sec. 1-----	834	85-740-----	Amendment.
20	64:48	Sec. 505-----	1266	85-857, sec. 13(q)-----	Do.
20	64:48	Sec. 507-----	1072	85-844, sec. 101-----	Conditional exception.
24	64:82	Sec. 10-----	217	85-464, sec. 6-----	Revision.
May 10	64:149	Sec. 3(a)-----	353	85-510, sec. 1-----	Amendment.
10	64:149	Sec. 3(a)(9)-----	353	do-----	Addition.
10	64:149	Secs. 14-17-----	353	85-510, sec. 2-----	Secs. 14-16 redesignated as 15-17; new sec. 14 added.
17	64:163	Sec. 204-----	982	85-820-----	Recission of authorization for Waldo Lake Tunnel and regulating works.
June 17	64:236	Sec. 408(b)-----	662	85-685, sec. 508-----	Repeal.
23	64:254	Sec. 2-----	1273	85-857, sec. 14(98)---	Do.
July 21	64:370	Pub. L. 618-----	1712	85-890, sec. 3-----	Do.
28	64:380	Sec. 4-----	349	85-508, sec. 12(q)-----	Amendment.
Aug. 1	64:384	Sec. 22(a)-----	178, 179	85-444, secs. 1, 2-----	Do.
1	64:384	Sec. 24(a)-----	179	85-444, sec. 3-----	Revision.
1	64:384	Sec. 31-----	681	85-688, sec. 1-----	Do.
3	64:395	Sec. 2(6)-----	1761	85-914, sec. 1-----	Do.
8	64:418	Sec. 1(b)-----	546	85-617, sec. 1-----	Additional construction authorization.
19	64:465	Secs. 1, 2-----	49	85-351-----	Amendment.
25	64:470	Sec. 1-----	968	85-801, sec. 1-----	Revision.
25	64:470	Sec. 7-----	969	85-801, sec. 2-----	Amendment.
25	64:470	Sec. 8(a), (c)-----	969	85-801, sec. 3-----	Revision.
26	64:476	Sec. 1-----	432	85-568, sec. 301(c)---	Amendment.
28	64:477	Sec. 344(b)-----	1051	85-840, sec. 509-----	Do.
Sept. 6	64:595	Pub. L. 759(64:638)---	883	85-766, ch. XIV-----	Nonavailability of appropriation.

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Date	Statutes vol.: page	Identification	72 Stat.	Identification	Comment
1950					
Sept. 6	64:595	Pub. L. 759(64:718)---	1273	85-857, sec. 14(99)---	Partial repeal.
7	64:770	Pub. L. 762-----	807	85-726, sec. 1402(g)---	Amendment.
7	64:770	Sec. 12-----	354	85-511-----	Revision.
7	64:785	Pub. L. 769-----	919	85-767, sec. 2, 33---	Repeal.
8	64:798	Sec. 717(a)-----	241	85-471-----	Amendment.
11	64:829	Sec. 3-----	665	85-685, sec. 602-----	Do.
23	64:906	Sec. 223-----	4	85-319-----	Do.
23	64:967	Pub. L. 815-----	548	85-620, sec. 101-----	Revision.
23	64:967	Sec. 207(b)-----	951	85-791, sec. 32-----	Amendment.
23	64:987	Sec. 14(a)-----	950	85-791, sec. 29-----	Do.
23	64:987	Sec. 110(e)-----	950	85-791, sec. 30(a)---	Revision.
23	64:987	Sec. 111(c), (d)-----	950, 951	85-791, sec. 30(b), (c)-----	Amendment.
27	64:1044	Pub. L. 843(64:1050)---	143	85-426, sec. 213-----	Do.
27	64:1067	Pub. L. 844-----	1569	85-861, sec. 36A-----	Repeal.
30	64:1093	Sec. 2-----	184	85-453, sec. 1-----	Amendment.
30	64:1098	Sec. 2(b)(3)-----	1266	85-857, sec. 13(p)---	Do.
30	64:1100	Sec. 2(a), (b)-----	559	85-620, sec. 201-----	Do.
30	64:1100	Sec. 3(a)-(e)-----	559, 560	85-620, sec. 202(a)-(e)-----	Do.
30	64:1100	Sec. 4(a), (c)(A)-----	560	85-620, sec. 203-----	Do.
30	64:1100	Sec. 8(d)-----	560	85-620, sec. 204-----	Do.
30	64:1100	Sec. 9-----	560	85-620, sec. 205-----	Do.
30	64:1100	Sec. 10-----	561	85-620, sec. 206-----	Repeal.
Dec. 28	64:1121	Pub. L. 894-----	1273	85-857, sec. 14(100)---	Do.
29	64:1129	Sec. 6-----	951	85-791, sec. 31(a)---	Revision.
29	64:1129	Sec. 7(c)-----	951	85-791, sec. 31(b)---	Amendment.
1951					
Jan. 11	64:1240	Sec. 15-----	97	85-382, sec. 1-----	Revision.
11	64:1240	Sec. 16(b)-----	97	85-382, sec. 2-----	Amendment.
12	64:1245	Sec. 2-----	532	85-606, sec. 2-----	Revision.
12	64:1245	Sec. 201(e), (h), (i)---	532, 533	85-606, sec. 3-----	Amendment.
12	64:1245	Sec. 201(g)-----	534	85-606, sec. 4-----	Applicability.
12	64:1245	Sec. 205-----	533	85-606, sec. 4-----	Addition.
12	64:1245	Sec. 307-----	356	85-514-----	Amendment.
12	64:1245	Sec. 401(h)-----	534	85-606, secs. 4, 5-----	Applicability; addition.
12	64:1245	Sec. 408-----	534	85-606, sec. 6-----	Amendment.
Mar. 23	65:7	Sec. 102(c)(1)-----	1789	85-930, sec. 1-----	Do.
23	65:7	Sec. 103(a), (b)-----	1789	85-930, sec. 2(a)---	Do.
June 16	65:72	Sec. 3-----	185	85-454, sec. 2(a)---	Exception.
16	65:72	Sec. 3(a), (b)-----	675	85-686, sec. 4(a), (b)---	Amendment.
16	65:72	Sec. 3(b)(1), (2)-----	675	85-686, sec. 4(c)---	Designation of existing text as (1); addition of (2).
16	65:72	Sec. 4-----	185	85-454, sec. 2(a)---	Exception.
16	65:72	Sec. 7(a)-----	676	85-686, sec. 5(a), (b)---	Amendment.
16	65:72	Sec. 7(c)(1)-(3)-----	676	85-686, sec. 6-----	Designation of existing text as (c)(1); addition of (2), (3).
16	65:72	Sec. 7(f)-----	676	85-686, sec. 5(c)-----	Addition.
Oct. 8	65:367	Sec. 6-----	1735	85-901-----	Amendment.
15	65:421	Pub. L. 175-----	919	85-767, sec. 2, 34---	Repeal, except sec. 1.
16	65:422	Pub. L. 177-----	919	85-767, sec. 2, 35---	Repeal.
20	65:452	Sec. 497-----	260	85-475, sec. 3(b)(4)---	Amendment.
24	65:607	Secs. 1, 2-----	377, 378	85-533, sec. 4(a), (b)---	Do.
24	65:610	Sec. 1-----	141	85-426, sec. 206(c)(1)---	Do.
25	65:637	Sec. 1(c)-----	411	85-550, sec. 16(b)(2)---	Repeal.
30	65:672	Sec. 1-----	138	85-426, sec. 202(b)---	Amendment.
30	65:672	Sec. 2(a), (c)-----	138, 139	85-426, sec. 204(a), (b)-----	Do.
30	65:672	Sec. 2(c)-----	1089	85-849-----	Do.

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Date	Statutes vol.: page	Identification	72 Stat.	Identification	Comment
1951					
Oct.	30	65:672	139	85-426, sec. 204(c)---	Amendment.
	30	65:672	139, 140	85-466, sec. 205---	Do.
	30	65:672	83	85-371, sec. 2-----	Do.
1952					
Mar.	6	66:16	543	85-611, sec. 3-----	Do.
	10	66:23	84	85-372-----	Do.
May	19	66:79	127	85-422, sec. 2-----	Revision.
June	19	66:138	397	85-538, sec. 1-----	Do.
	25	66:158	919	85-767, sec. 2, 36 (a)-(j).	Partial repeal.
	27	66:163	1713	85-892, sec. 5-----	Exception.
	27	66:163	351	85-508, sec. 22-----	Amendment.
	27	66:163	351	85-508, sec. 23-----	Do.
	27	66:163	699	85-700, sec. 1-----	Revision.
	27	66:163	546	85-616-----	Do.
	27	66:163	351	85-508, sec. 24-----	Exception.
	27	66:163	351	85-508, sec. 25-----	Do.
	27	66:163	687	85-697, sec. 2-----	Do.
	27	66:163	351	85-508, sec. 26-----	Do.
July	9	66:445	1575	85-863-----	Exception.
	9	66:481	1266	85-857, sec. 13(r)---	Amendment.
	14	66:606	647	85-685, sec. 205(a)---	Do.
	14	66:606	647	85-685, sec. 205(b)---	Do.
	16	66:663	1273	85-857, sec. 14(101)---	Repeal.
	16	66:663	200	85-460, sec. 1-----	Amendment.
	16	66:663	975	85-807, sec. 2(a), (b)---	Amendment; exception.
	16	66:663	1224	85-857, sec. 1 (§ 2105 (d)).	Restriction.
	16	66:663	593	85-638-----	Amendment.
1953					
May	22	67:29	343	85-508, sec. 6(m)---	Applicability.
June	18	67:64	1273	85-857, sec. 14(102)---	Repeal.
	18	67:65	216	85-463, sec. 2-----	Exception.
	20	67:72	486	85-584, sec. 507-----	Repeal, except title III and sec. 405.
	20	67:72	122	85-421, sec. 1(a)-----	Amendment.
	20	67:72	122	85-421, sec. 1(b)-----	Do.
	20	67:72	485	85-584, sec. 502(b)---	Do.
	20	67:72	378	85-533, sec. 5-----	Revision.
	30	67:134	539	85-608, title IV, sec. 401.	Repeal.
	30	67:134	539	85-608, title III, sec. 303.	Do.
July	27	67:187	1273	85-857, sec. 14(103)---	Partial repeal.
	30	67:232	384	85-536, sec. 1-----	Made a separate Act.
	30	67:232	27	85-335-----	Amendment.
	31	67:245	1735	85-900, sec. 17-----	Partial repeal.
Aug.	5	67:365	147	85-427-----	Time extension.
	5	67:366	416, 417	85-556-----	Amendment.
	7	67:440	640	85-685, sec. 105(a)---	Do.
	7	67:440	640	85-685, sec. 105(b)---	Do.
	15	67:614	420	85-560, sec. 3(c)-----	Do.
1954					
Feb.	20	68:17	410	85-550, sec. 13(1)---	Applicability.
Apr.	1	68:47	659	85-685, sec. 309-----	Amendment.

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1954					
May 6	68:70	Pub. L. 350-----	920	85-767, sec. 2, 37 (a)-(k).	Partial repeal.
17	68:98	Sec. 4-----	1794	85-936-----	Revision.
17	68:98	Sec. 5-----	1794	do-----	Deletion.
25	68:120	Sec. 4-----	954	85-792, sec. 3-----	Amendment.
25	68:120	Sec. 7-----	954	85-792, sec. 4(a), (b)-----	Do.
25	68:120	Sec. 12(b)-----	955	85-792, sec. 5-----	Do.
25	68:120	Sec. 18(4)-----	955	85-792, sec. 6-----	Do.
25	68:120	Sec. 22(d)-----	955	85-792, sec. 7-----	Addition.
25	68:120	Sec. 24(e)-----	955	85-792, sec. 8-----	Do.
25	68:120	Sec. 37-----	955	85-792, sec. 9-----	Revision.
25	68:120	Sec. 39-----	956	85-792, sec. 10-----	Do.
25	68:120	Sec. 41-----	957	85-792, sec. 11-----	Amendment.
25	68:120	Sec. 43-----	957	85-792, sec. 12-----	Do.
25	68:120	Secs. 72, 73-----	957	85-792, secs. 13, 14-----	Do.
25	68:120	Sec. 78-----	957	85-792, sec. 15-----	Revision.
June 17	68:250	Secs. 6, 7-----	290	85-488, sec. 1(a), (b)-----	Do.
17	68:250	Sec. 8-----	291	85-488, sec. 1(c)-----	Amendment.
24	68:272	Pub. L. 428(68:290, 291).	1273	85-857, sec. 14(104)-----	Partial repeal.
24	68:272	Pub. L. 428(68:295)-----	974	85-806, sec. 1-----	Transfer of funds.
July 1	68:360	Sec. 2 (a)-(e)-----	678	85-686, sec. 8(a)-----	Designation of existing text as subsec. (a); addition of (b)-(e).
2	68:396	Sec. 103-----	980	85-815, sec. 1(c)-----	Partial repeal.
6	68:450	Sec. 1-----	309	85-500, sec. 203-----	Amendment.
10	68:454	Sec. 101-----	1790	85-931, sec. 1-----	Do.
10	68:454	Sec. 103(b)-----	1790	85-931, sec. 2-----	Revision.
10	68:454	Sec. 104-----	1790	85-931, sec. 3(a)-----	Amendment.
10	68:454	Sec. 104(k)-----	275	85-477, sec. 502(l)-----	Addition.
10	68:454	Sec. 104 (l)-(o)-----	1790	85-931, sec. 3(b)-----	Do.
10	68:454	Sec. 109-----	1791	85-931, sec. 4-----	Amendment.
10	68:454	Sec. 204-----	1791	85-931, sec. 5-----	Do.
10	68:454	Sec. 303-----	1791	85-931, sec. 6-----	Revision.
15	68:477	Pub. L. 494-----	1273	85-857, sec. 14(105)-----	Repeal.
22	68:497	Sec. 3-----	1094	85-851, sec. 1-----	Amendment.
22	68:497	Sec. 8(a)-----	1094	85-851, sec. 2-----	Revision.
22	68:497	Sec. 8(b)-----	1095	85-851, sec. 10-----	Amendment.
22	68:497	Sec. 8(e)-----	1094	85-851, sec. 3-----	Do.
22	68:497	Sec. 17(a)-----	1094	85-851, sec. 4-----	Do.
22	68:497	Sec. 17(e), (f)-----	1095	85-851, sec. 5-----	Revision.
22	68:497	Sec. 20(c)-----	1095	85-851, sec. 6(a)-----	Do.
22	68:497	Sec. 24-----	1095	85-851, sec. 7-----	Amendment.
22	68:497	Sec. 26-----	1095	85-851, sec. 8-----	Do.
22	68:497	Sec. 27-----	1095	85-851, sec. 9-----	Do.
27	68:535	Sec. 202-----	647	85-685, sec. 206(a)-----	Do.
27	68:535	Sec. 501(b)-----	1569	85-861, sec. 36A-----	Repeal.
27	68:535	Sec. 502(2)-----	647	85-685, sec. 206(b)-----	Amendment.
27	68:568	Sec. 2-----	104	85-393, sec. 3-----	Applicability.
29	68:579	Pub. L. 549-----	1569	85-861, sec. 36A-----	Repeal.
Aug. 2	68:590	Secs. 602(a), 607, 801-----	1266	85-857, sec. 13(s)-----	Amendment.
4	68:666	Sec. 4(2)(A)-----	1605	85-865, sec. 1-----	Do.
4	68:666	Sec. 12-----	567	85-624, sec. 3-----	Addition.
13	68:718	Pub. L. 587-----	819	85-731, sec. 9-----	Exception.
13	68:718	Sec. 4-----	818	85-731, sec. 2-----	Amendment.
13	68:718	Sec. 5-----	816	85-731, sec. 1-----	Exception.
13	68:718	Sec. 5(a)-----	819	85-731, sec. 5-----	Do.
13	68:718	Sec. 5(a)(3)-----	819	85-731, secs. 6, 7-----	Repeal of first proviso; amendment of second proviso.
13	68:718	Sec. 5(a)(5)-----	819	85-731, sec. 8-----	Amendment.
13	68:718	Sec. 6-----	816	85-731, sec. 1-----	Exception.
13	68:718	Sec. 6(b)-----	819	85-731, sec. 10-----	Amendment.
13	68:718	Sec. 8(b)-----	819	85-731, sec. 11-----	Do.
13	68:718	Sec. 28-----	816	85-731, sec. 1-----	Addition.

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1954					
Aug. 17	68:736	Pub. L. 598-----	408	85-550, sec. 9(1)---	Applicability.
17	68:736	Pub. L. 598-----	486	85-584, sec. 508 (b)---	Applicability to changes in compensation rates.
17	68:736	Sec. 5(c)-----	87	85-377, sec. 1-----	Amendment.
17	68:736	Sec. 10(d)-----	87	85-377, sec. 2-----	Revision.
20	68:746	Sec. 8-----	60	85-353, sec. 1-----	Amendment.
21	68:757	Sec. 2-----	1273	85-857, sec. 14(106)---	Repeal.
24	68:782	Sec. 1-----	685	85-691, sec. 1-----	Amendment.
24	68:785	Sec. 2-----	685	85-691, sec. 2-----	Repeal.
26	68:832	Sec. 101-----	261	85-477, sec. 2-----	Amendment.
26	68:832	Sec. 103(a)-----	261	85-477, sec. 101-----	Do.
26	68:832	Sec. 105(b)(1), (4)---	262	85-477, secs. 102, 103.	Do.
26	68:832	Sec. 131(a)-----	270	85-477, sec. 501(3)---	Do.
26	68:832	Sec. 131(b)-----	262	85-477, sec. 201-----	Do.
26	68:832	Sec. 131(d)-----	270	85-477, sec. 501(4)---	Do.
26	68:832	Sec. 141-----	270	85-477, sec. 501(6)---	Do.
26	68:832	Sec. 142(a)-----	271	85-477, sec. 501(7)---	Do.
26	68:832	Sec. 142(b)-----	271	85-477, sec. 501(8)---	Do.
26	68:832	Sec. 142(b)(iii)-----	262	85-477, sec. 202-----	Do.
26	68:832	Sec. 144-----	271	85-477, sec. 501(9)---	Do.
26	68:832	Sec. 202(a)-----	262	85-477, sec. 203(a)(1).	Revision.
26	68:832	Sec. 202(b)-----	263	85-477, sec. 203(a)(2).	Amendment.
26	68:832	Sec. 202(b)-----	271	85-477, sec. 501(10)---	Do.
26	68:832	Sec. 204(b)-----	263	85-477, sec. 203(b)(1).	Do.
26	68:832	Sec. 204(c)-----	263	85-477, sec. 203(b)(2).	Revision.
26	68:832	Sec. 205(a), (b)-----	263	85-477, sec. 203(c)(2).	Do.
26	68:832	Sec. 205(c)-----	264	85-477, sec. 203(c)(3).	Amendment.
26	68:832	Sec. 205(d), (e)-----	265	85-477, sec. 203(c)(4).	Addition.
26	68:832	Sec. 304-----	265	85-477, sec. 204(a)---	Amendment.
26	68:832	Sec. 306-----	265	85-477, sec. 204(b)(1)-(3).	Do.
26	68:832	Sec. 400(a)-----	266	85-477, sec. 205(a)---	Do.
26	68:832	Sec. 401-----	271	85-477, sec. 501(12)---	Redesignated sec. 451.
26	68:832	Sec. 402-----	266	85-477 sec. 205(b)---	Amendment.
26	68:832	Sec. 403-----	266	85-477, sec. 205(c)---	Revision.
26	68:832	Sec. 404-----	266	do-----	Repeal.
26	68:832	Sec. 405(c), (d)-----	266	85-477, sec. 205(d)(1), (2).	Amendment.
26	68:832	Sec. 405(d)-----	271	85-477, sec. 501(13)---	Do.
26	68:832	Sec. 406-----	266	85-477, sec. 205(e)---	Do.
26	68:832	Sec. 407-----	266	85-477, sec. 205(f)---	Do.
26	68:832	Sec. 409(c)-----	267	85-477, sec. 205(g)---	Do.
26	68:832	Sec. 410-----	267	85-477, sec. 205(h)---	Do.
26	68:832	Sec. 410-----	271	85-477, sec. 501(14)---	Do.
26	68:832	Sec. 411(b)-----	267	85-477, sec. 205(i)(1).	Do.
26	68:832	Sec. 411(b)-----	271	85-477, sec. 501(15)---	Do.
26	68:832	Sec. 411(c)-----	267	85-477, sec. 205(i)(2).	Do.
26	68:832	Sec. 413(b)(4)-----	267	85-477, sec. 205(j)(1).	Do.
26	68:832	Sec. 413(c)-----	267	85-477, sec. 205(j)(2).	Addition.
26	68:832	Sec. 414(b)-----	267	85-477 sec. 205(k)---	Amendment.
26	68:832	Sec. 419(a)-----	267	85-477, sec. 205(l)---	Do.
26	68:832	Sec. 420-----	267	85-477, sec. 205(m)---	Do.

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Date	Statutes vol.: page	Identification	72 Stat.	Identification	Comment
1954					
Aug. 26	68:832	Sec. 451-----	268	85-477, sec. 301(a), (b).	Amendment of new sec. 451.
26	68:832	Sec. 451-----	271	85-477, sec. 501(12)---	Former sec. 401 redesignated sec. 451.
26	68:832	Sec. 451(b), (c)-----	268	85-477, sec. 301(c), (d).	Subsec. (b) redesignated as subsec. (c); new subsec. (b) added; new subsec. (c) amended.
26	68:832	Sec. 502-----	268	85-477, sec. 401(a)---	Amendment.
26	68:832	Sec. 502(b)-----	880	85-766, ch. X-----	Do.
26	68:832	Sec. 503-----	271	85-477, sec. 501(17)---	Do.
26	68:832	Sec. 504(a), (c)-----	271	85-477, sec. 501(18)---	Do.
26	68:832	Sec. 509-----	269	85-477, sec. 401(b)---	Do.
26	68:832	Sec. 510-----	269	85-477, sec. 401(c)---	Do.
26	68:832	Sec. 510-----	271	85-477, sec. 501(19)---	Do.
26	68:832	Sec. 511(a), (c)-----	271	85-477, sec. 501(20), (21).	Do.
26	68:832	Sec. 513-----	271	85-477, sec. 501(22)---	Do.
26	68:832	Sec. 516-----	269	85-477, sec. 401(d)---	Addition.
26	68:832	Sec. 517-----	269	do	Do.
26	68:832	Sec. 521(b), (c)-----	271	85-477, sec. 501(24), (25).	Amendment.
26	68:832	Sec. 522(c), (d)-----	272	85-477, sec. 501(26)---	Do.
26	68:832	Sec. 523(c)(2)-----	272	85-477, sec. 501(27)---	Do.
26	68:832	Sec. 524-----	272	85-477, sec. 501(28)---	Do.
26	68:832	Sec. 527(e)-----	269	85-477, sec. 401(e)---	Addition.
26	68:832	Sec. 537(a)-----	272	85-477, sec. 501(29)---	Amendment.
26	68:832	Sec. 537(a)(1), (c)-----	270	85-477, sec. 401(f)---	Do.
26	68:832	Sec. 537(f)-----	270	85-477, sec. 401(f)---	Addition.
26	68:832	Sec. 543(d)-----	270	85-477, sec. 401(g)---	Amendment.
26	68:832	Sec. 544-----	270	85-477, sec. 401(h)---	Do.
26	68:832	Sec. 545(c), (h)-----	272	85-477, sec. 501(31), (32).	Do.
26	68:832	Sec. 545(j), (k)-----	270	85-477, sec. 401(i)---	Do.
26	68:832	Sec. 545(j), (k)-----	272	85-477, sec. 501(33)---	Do.
26	68:832	Sec. 549-----	272	85-477, sec. 501(34)---	Do.
28	68:910	Secs. 703-705-----	994	85-835, secs. 401-403.	Do.
28	68:916	Pub. L. 698-----	1273	85-857, sec. 14(107)---	Repeal.
30	68:919	Sec. 110-----	525	85-602, sec. 1-----	Amendment.
30	68:919	Sec. 53a-----	632	85-681, sec. 1-----	Do.
30	68:919	Sec. 53a, (4)-----	632	85-681, sec. 1-----	Addition.
30	68:919	Sec. 53c-----	632	85-681, sec. 2-----	Amendment.
30	68:919	Sec. 57-----	276	85-479, sec. 1-----	Exception.
30	68:919	Sec. 62-----	276	do	Do.
30	68:919	Sec. 68-----	632	85-681, sec. 3-----	Revision.
30	68:919	Sec. 81-----	276	85-479, sec. 1-----	Exception.
30	68:919	Sec. 91c-----	276	do	Addition.
30	68:919	Sec. 92-----	277	85-479, sec. 2-----	Revision.
30	68:919	Sec. 123a-----	277	85-479, sec. 3-----	Do.
30	68:919	Sec. 123b, c-----	277	85-479, sec. 4-----	Amendment.
30	68:919	Sec. 123c-----	632	85-681, sec. 4-----	Do.
30	68:919	Sec. 123d-----	277	85-479, sec. 4-----	Addition.
30	68:919	Sec. 144a, b-----	278	85-479, secs. 5, 6-----	Revision.
30	68:919	Sec. 144c, d-----	278, 279	85-479, sec. 7-----	Addition.
30	68:919	Sec. 145g-----	633	85-681, sec. 5-----	Do.
30	68:919	Sec. 161d-----	633	85-681, sec. 6-----	Amendment.
30	68:919	Sec. 161n-s-----	337	85-507, sec. 21(b)(1)---	Repeal of par. n; redesignation of o-s as n-r.
30	68:919	Sec. 161t.-v-----	633, 634	85-681, sec. 7-----	Addition.
30	68:919	Sec. 166-----	634	85-681, sec. 8-----	Amendment.

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Date	Statutes vol.: page	Identification	72 Stat.	Identification	Comment
1954					
Aug. 30	68:919	Sec. 170e.....	525	85-602, sec. 2.....	Amendment.
30	68:919	Sec. 170k.....	837	85-744.....	Addition.
30	68:919	Sec. 170l.....	525	85-602, sec. 2.....	Do.
30	68:961	Sec. 101(a).....	180	85-446, sec. 1.....	Amendment.
30	68:961	Sec. 101(b).....	180	85-446, sec. 2(a).....	Revision.
30	68:961	Sec. 101(c).....	180	85-446, sec. 2(b).....	Repeal.
30	68:961	Sec. 101 (c)-(e).....	180	85-446, sec. 2(b).....	Former subsecs. (d) and (e) redesignated as (c) and (d).
Sept. 1	68:1052	Sec. 403(a)(1), (3), (5).....	938	85-785, secs. 1-3.....	Amendment.
1	68:1136	Sec. 101(c).....	120	85-418, sec. 3.....	Do.
3	68:1147	Pub. L. 773.....	1569	85-861, sec. 36A.....	Repeal, except secs. 328, 339(a), (d), 619, 702(c), (f).
1955					
Mar. 14	69:11	Pub. L. 11.....	1569	do.....	Repeal.
31	69:18	Secs. 3, 4.....	1569	do.....	Do.
31	69:18	Sec. 5.....	128	85-422, sec. 4(c).....	Exception.
June 10	69:88	Sec. 301(a).....	145	85-426, sec. 401(a).....	Revision.
10	69:88	Sec. 301(a).....	215	85-462, sec. 16(a).....	Amendment.
10	69:88	Sec. 302(a).....	145	85-426, sec. 401(b).....	Revision.
10	69:88	Sec. 302(c).....	145	85-426, sec. 401(c).....	Amendment.
10	69:88	Sec. 303(a).....	145	85-426, sec. 401(d).....	Revision.
10	69:88	Sec. 304(c).....	146	85-426, sec. 401(e).....	Addition.
10	69:88	Sec. 401(a).....	143	85-426, sec. 212(a).....	Amendment.
10	69:88	Sec. 401(a).....	146	85-426, sec. 403.....	Exception.
10	69:88	Sec. 401(b).....	143	85-426, sec. 212(b).....	Repeal.
10	69:88	Sec. 404(c)(1)(D).....	844	85-751, sec. 1(1).....	Amendment.
10	69:88	Sec. 404(c)(1)(E).....	151	85-432, sec. 2.....	Addition.
10	69:88	Sec. 404(c)(1)(E).....	844	85-751, sec. 1(2).....	Amendment.
10	69:88	Sec. 404(c)(1)(F).....	844	85-751, sec. 1(3).....	Addition.
10	69:88	Sec. 501(a), (b).....	1761	85-914, sec. 2.....	Designation of existing text as subsec. (a); addition of subsec. (b).
10	69:88	Sec. 504.....	146	85-426, sec. 402(a).....	Exception.
10	69:88	Sec. 609(a).....	107	85-399, sec. 1.....	Revision.
10	69:88	Sec. 804.....	411	85-550, sec. 16(b)(3).....	Repeal.
15	69:134	Pub. L. 73.....	1569	85-861, sec. 36A.....	Do.
16	69:136	Secs. 4, 5.....	296	85-499.....	Amendment.
16	69:138	Sec. 3.....	596	85-641, sec. 2.....	Revision.
16	69:161	Sec. 1(b).....	1273	85-857, sec. 14(108).....	Repeal.
21	69:167	Secs. 2(b), 4(b).....	1273	85-857, sec. 14(109).....	Do.
28	69:186	Pub. L. 99.....	1057	85-840, sec. 1.....	Reenactment.
30	69:199	Pub. L. 112(69:209, 210).....	1273	85-857, sec. 14(110).....	Partial repeal.
30	69:218	Pub. L. 115.....	1569	85-861, sec. 36A.....	Repeal, except sec. 5(c).
30	69:242	Sec. 1(b).....	107	85-398.....	Amendment.
July 1	69:244	Pub. L. 129.....	184	85-452.....	Do.
4	69:244	Pub. L. 130.....	82	85-370.....	Exception.
11	69:291	Sec. 101(c).....	358	85-519, sec. 3.....	Amendment.
12	69:295	Pub. L. 147.....	1569	85-861, sec. 36A.....	Repeal, except clauses (3) and (4) of 2nd sentence of sec. 5.
12	69:299	Pub. L. 153.....	1569	85-861, sec. 36A.....	Repeal.
12	69:300	Pub. L. 156.....	1569	do.....	Do.
13	69:301	Sec. 604.....	1569	do.....	Do.
13	69:301	Sec. 614.....	1569	do.....	Do.
15	69:324	Sec. 101.....	640	85-685, sec. 106(a).....	Amendment.
15	69:324	Sec. 201.....	647	85-685, sec. 207 (a), (b).....	Do.

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Date	Statutes vol.: page	Identification	72 Stat.	Identification	Comment
1955					
July	15	69:324	Sec. 301	657, 85-685, secs. 305 (a), 310.	Amendment.
	15	69:324	Sec. 502	659 85-685, sec. 106(b)	Do.
	15	69:324	Sec. 502(2)	648 85-685, sec. 207(c)	Do.
	15	69:324	Sec. 502(3)	658 85-685, sec. 305(b)	Do.
	15	69:324	Sec. 509	1569 85-861, sec. 36A	Repeal.
	15	69:324	Sec. 515	662 85-685, sec. 509	Revision.
Aug.	4	69:492	Pub. L. 229	1569 85-861, sec. 36A	Repeal.
	4	69:493	Sec. 1	1569 do	Do.
	4	69:494	Pub. L. 233	1569 do	Do.
	5	69:499	Pub. L. 242(69:510)	208 85-462, sec. 4(d)	Partial revision.
	5	69:499	Pub. L. 242(69:505)	208 85-462, sec. 4(h)	Amendment.
	5	69:521	Sec. 1	414 85-552, sec. 1	Do.
	5	69:521	Sec. 1	1004 85-838, sec. 1	Revision.
	5	69:521	Sec. 2 (a)-(c)	1007 do	Amendment.
	5	69:521	Sec. 4	1007 do	Revision.
	5	69:521	Sec. 5(b)	1009 do	Amendment.
	5	69:521	Sec. 6	1009 do	Revision.
	5	69:521	Sec. 7(a)	1010 do	Do.
	5	69:521	Secs. 13, 14	1011 do	Do.
	5	69:521	Secs. 15, 16	1012 do	Amendment.
	9	69:547	Sec. 15	1569 85-861, sec. 36A	Repeal.
	9	69:558	Sec. 2	1273 85-857, sec. 14(111)	Do.
	9	69:577	Pub. L. 291	220 85-467, sec. 1	Exception.
	9	69:579	Pub. L. 294	1569 85-861, sec. 36A	Repeal.
	9	69:593	Pub. L. 302	1569 do	Do.
	9	69:593	Par. (a)	665 85-685, sec. 602(a)	Amendment.
	9	69:598	Secs. 2, 3	1569 85-861, sec. 36A	Partial repeal.
	9	69:606	Pub. L. 308	1569 do	Repeal.
	9	69:607	Pub. L. 309	1569 do	Do.
	9	69:614	Pub. L. 318	1569 do	Do.
	11	69:632	Secs. 1, 2	613 85-658	Amendment.
	11	69:635	Sec. 404(c)(1)	663 85-685, sec. 513(d)	Revision.
	11	69:686	Pub. L. 364	1569 85-861, sec. 36A	Repeal.
	11	69:691	Sec. 3	455 85-576	Revision.
	11	69:693	Pub. L. 371	1569 85-861, sec. 36A	Repeal.
1956					
Mar.	29	70:60	Pub. L. 446	1569 do	Do.
Apr.	6	70:104	Pub. L. 481	686 85-694	Amendment.
	11	70:105	Pub. L. 485	964 85-797, sec. 6	Supplement.
	23	70:115	Pub. L. 490	1569 85-861, sec. 36A	Repeal.
	30	70:119	Pub. L. 497	1569 do	Repeal, except secs. 2, 3, 5.
May	3	70:127	Pub. L. 506	493 85-590, sec. 107(b)	Partial repeal.
	3	70:127	Pub. L. 506	495 85-590, sec. 112(a)	Amendment.
	9	70:133	Sec. 9	951 85-791, sec. 34	Do.
	14	70:156	Sec. 3	933 85-776	Addition.
	28	70:188	Pub. L. 540, title I	118 85-413	Addition of new sec. 127.
	28	70:188	Sec. 114	81 85-369	Amendment.
	28	70:188	Sec. 206(a)	1791 85-931, sec. 7	Do.
	28	70:188	Sec. 403	986 85-829	Addition.
	31	70:222	Pub. L. 547	1569 85-861, sec. 36A	Repeal.
June	7	70:250	Pub. L. 569	1569 do	Do.
	7	70:255	Sec. 1	1569 do	Do.
	15	70:282	Pub. L. 580	1569 do	Do.
	15	70:283	Pub. L. 581	1569 do	Do.
	15	70:284	Pub. L. 584	1569 do	Do.
	15	70:285	Pub. L. 585	1569 do	Do.
	20	70:297	Pub. L. 601	1569 do	Do.
	22	70:330	Pub. L. 610	1570 do	Do.
	25	70:333	Pub. L. 614	1570 do	Do.
	27	70:339	Pub. L. 623(70:348)	1273 85-857, sec 14(112)	Partial repeal.

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Date	Statutes vol.: page	Identification	72 Stat.	Identification	Comment
1956					
June 29	70:374	Pub. L. 627.....	920	85-767, sec. 2, 38 (a)-(j).	Partial repeal.
29	70:374	Sec. 108(b).....	93	85-381, sec. 7(a).....	Revision.
29	70:374	Sec. 108(b).....	93	85-381, sec. 7(b).....	Supplemental provision.
29	70:374	Sec. 108(b).....	890, 895	85-767, sec. 1(§104(b) (4)), (§113).	Do.
29	70:374	Sec. 108(d).....	1725	85-899, sec. 2.....	Amendment.
29	70:374	Sec. 108(k).....	983	85-823, sec. 2.....	Do.
29	70:374	Sec. 110(a).....	513	85-597.....	Do.
29	70:374	Sec. 111(a).....	94	85-381, sec. 11.....	Revision.
29	70:374	Sec. 116(c).....	96	85-381, sec. 13.....	Amendment.
29	70:374	Secs. 122, 123.....	95	85-381, sec. 12.....	Former sec. 122 renum- bered as sec. 123; new sec. 122 added.
29	70:387	210(d).....	983	85-823, sec. 1.....	Amendment.
29	70:411	Pub. L. 634.....	1274	85-857, sec. 14(113).....	Repeal.
29	70:411	Sec. 102(a)(11).....	200	85-460, sec. 1.....	Amendment.
29	70:411	Sec. 203(a)(2)-(4).....	1695	85-871.....	Clauses (2), (3), redesign- ated as (3), (4); new (2) added.
29	70:411	Sec. 304(c).....	200	85-460, sec. 3(a).....	Amendment.
29	70:411	Sec. 308(b)(2).....	200	85-460, sec. 3(b).....	Do.
29	70:411	Sec. 312(a).....	1695	85-871.....	Part of existing text designated as (1); new (2) added.
29	70:411	Sec. 314.....	1695	85-871.....	Addition.
29	70:411	Sec. 501(f).....	200	85-460, sec. 3(c).....	Do.
July 2	70:486	Pub. L. 647.....	986	85-831.....	Repeal.
11	70:520	Sec. 1(c).....	582	85-629.....	Addition.
11	70:522	Pub. L. 687.....	424	85-563, sec. 1.....	Reenactment.
11	70:523	Sec. 2.....	273	85-477, sec. 502(d).....	Amendment.
19	70:579	Pub. L. 733.....	155	85-439.....	Exception.
20	70:582	Pub. L. 737.....	1570	85-861, sec. 36A.....	Repeal.
20	70:588	Sec. 1.....	1570	do.....	Do.
24	70:608	Pub. L. 763.....	1570	do.....	Do.
24	70:623	Pub. L. 765.....	1570	do.....	Repeal, except sec. 2 (d), (e).
24	70:625	Sec. 1.....	1702	85-878, sec. 1.....	Revision.
24	70:625	Sec. 1.....	1702	85-878, sec. 2.....	Exception.
24	70:628	Pub. L. 774.....	1570	85-861, sec. 36A.....	Repeal.
24	70:629	Pub. L. 776.....	1570	do.....	Do.
24	70:630	Pub. L. 777.....	1570	do.....	Do.
24	70:631	Pub. L. 780.....	1570	do.....	Repeal, except secs. 2(4), 3.
27	70:699	Pub. L. 821.....	940	85-789.....	Exception.
27	70:699	Sec. 2.....	940	do.....	Revision.
28	70:703	Sec. 1.....	1570	85-861, sec. 36A.....	Repeal.
30	70:729	Pub. L. 845.....	1570	do.....	Do.
31	70:736	Sec. 103(b).....	1570	do.....	Do.
31	70:736	Sec. 106(a)(19)-(21), (42)-(44).	1570	do.....	Do.
31	70:736	Sec. 106(a)(17).....	363	85-524, sec. 2.....	Amendment.
31	70:736	Sec. 106(b)(9).....	1570	85-861, sec. 36A.....	Repeal (as applicable to military depart- ments).
31	70:736	Sec. 110.....	130	85-422, sec. 8.....	Repeal.
31	70:736	Sec. 117(a).....	1570	85-861, sec. 36A.....	Repeal (as applicable to Defense Depart- ment).
31	70:736	Sec. 401.....	143	85-426, sec. 214(b).....	Repeal of last sentence in "Sec. 4(a)" and reversal of its pur- pose.
31	70:736	Sec. 401.....	219	85-465, sec. 5(a).....	Supplemental provi- sion.

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1956					
July 31	70:736	Sec. 401-----	408	85-550, secs. 9(4), 13(2).	Applicability.
31	70:736	Sec. 401, "Sec. 4(h)"	930	85-772, sec. 1(d)	Addition.
31	70:736	Sec. 401, "Sec. 6(f)"	930	85-772, sec. 1(a)	Amendment.
31	70:736	Sec. 401, "Sec.10(c), (d)"	930	85-772, sec. 1(b), (c).	Do.
31	70:736	Sec. 501(a), 1st par	1570	85-861, sec. 36A	Repeal.
Aug. 1	70:775	Sec. 5-----	705	85-706	Amendment.
1	70:781	Pub. L. 862-----	104	85-392, sec. 4(2)	Exception.
1	70:804	Pub. L. 879-----	1570	85-861, sec. 36A	Repeal, except secs. 4, 5.
1	70:807	Sec. 305-----	1052	85-840, sec. 512	Exception.
1	70:807	Sec. 345-----	1052	do	Do.
1	70:857	Sec. 102-----	1274	85-857, sec. 14(114)	Partial repeal.
1	70:857	Sec. 102-----	1570	85-861, sec. 36A	Do.
1	70:857	Secs. 201-209 (title II).	1274	85-857, sec. 14(114)	Repeal.
1	70:857	Sec. 211-----	1557	85-861, sec. 12	Addition.
1	70:857	Secs. 301-304-----	1570	85-861, sec. 36A	Repeal.
1	70:857	Sec. 405-----	1274	85-857, sec. 14(114)	Do.
1	70:857	Sec. 501-----	1274	do	Partial repeal.
1	70:857	Sec. 501-----	1570	85-861, sec. 36A	Do.
1	70:857	Sec. 501(c)(2)-----	1266	85-857, sec. 13(u)	Amendment.
1	70:857	Sec. 502-----	1570	85-861, sec. 36A	Partial repeal.
1	70:857	Sec. 601-----	1274	85-857, sec. 14(114)	Repeal.
1	70:888	Sec. 3-----	524	85-601, sec. 1(a)	Amendment.
1	70:888	Sec. 7-----	524	85-601, sec. 1(b)	Do.
1	70:888	Sec. 8-----	525	85-601, sec. 1(c)	Do.
2	70:933	Pub. L. 916-----	1570	85-861, sec. 36A	Repeal.
2	70:940	Sec. 3-----	112	85-404	Deletion.
2	70:949	Sec. 2-----	532	85-606, sec. 3(3)	Repeal.
3	70:990	Secs. 1, 3-----	921	85-767, sec. 2, 39	Do.
3	70:991	Sec. 101-----	640, 641	85-685, sec. 107(a), (b).	Amendment.
3	70:991	Sec. 201-----	648	85-685, sec. 208(a)	Do.
3	70:991	Sec. 203-----	648	85-685, sec. 208(b)	Do.
3	70:991	Sec. 301-----	658	85-685, sec. 306(a)	Do.
3	70:991	Sec. 402-----	648	85-685, sec. 208(c)	Do.
3	70:991	Sec. 402(1)-----	641	85-685, sec. 107(c)	Do.
3	70:991	Sec. 402(3)-----	658	85-685, sec. 306(b)	Do.
3	70:991	Sec. 406-----	662	85-685, sec. 510	Revision.
3	70:991	Sec. 408(a)(5)-----	662	85-685, sec. 511	Addition.
3	70:1015	Secs. 406-408-----	1570	85-861, sec. 36A	Repeal.
3	70:1015	Sec. 414-----	1570	do	Do.
3	70:1015	Secs. 416, 417-----	1570	do	Do.
6	70:1049	Sec. 1-----	1570	do	Partial repeal.
6	70:1049	Sec. 6-----	1570	do	Repeal.
6	70:1066	Sec. 1-----	107	85-397	Amendment.
6	70:1076	Sec. 2-----	119	85-416	Partial revision.
8	70:1119	Sec. 4(c)-----	1710	85-888	Amendment.
10	70A:1	Sec. 3(a)(2)(70A:619)	1546	85-861, sec. 3(1)	Revision.
10	70A:1	Sec. 3(a)(5)(70A:619)	1546	85-861, sec. 3(2)	Do.
10	70A:1	Sec. 3(a)(6), (7) (70A:619)	1546	85-861, sec. 3(3), (4)	Clause (6) redesignated as (7); new clause (6) added.
10	70A:1	Sec. 29(a)(70A:632)	1557	85-861, sec. 13	Amendment.
10	70A:1	Sec. 33A(70A:633)	1567	85-861, sec. 33(e)	Addition.
1957					
Feb. 19	71:4	Pub. L. 85-5-----	296	85-499	Amendment.
June 11	71:55	Pub. L. 85-49(71:65)	207	85-462, sec. 3(b)	Do.
17	71:83	Pub. L. 85-56-----	1274	85-857, sec. 14(117)	Repeal, except title XXII.
17	71:83	Sec. 103(c)-----	1288	85-857, sec. 13(w)(1)	Addition.

TABLE I.—General Legislation—Continued

Provisions affected			Amendatory provisions			
Date	Statutes vol.: page	Identification	72 Stat.	Identification	Comment	
1957						
June	17	71:83	Sec. 107	611	85-655, sec. 1	Addition.
	17	71:83	Sec. 235	338	85-507, sec. 21(b)(7)	Repeal.
	17	71:83	Sec. 235	1274	85-857, sec. 14(117)	Repeal, with conditions.
	17	71:83	Sec. 315(m)	608	85-652, sec. 1	Amendment.
	17	71:83	Sec. 315(r)	936	85-782, sec. 1	Addition.
	17	71:83	Sec. 351	1268	85-857, sec. 13(w)(2)	Amendment.
	17	71:83	Sec. 352	1268	85-857, sec. 13(w)(3)	Do.
	17	71:83	Sec. 410	133	85-425, sec. 1(9)	Addition.
	17	71:83	Sec. 431	133	85-425, sec. 1(1)	Amendment.
	17	71:83	Secs. 432(a), 433	133	85-425, sec. 1(2), (4)	Do.
	17	71:83	Sec. 432(e)	133	85-425, sec. 1(3)	Addition.
	17	71:83	Secs. 434(a), 435	133	85-425, sec. 1(5), (6)	Amendment.
	17	71:83	Secs. 436(a), 437	133	85-425, sec. 1(7), (8)	Do.
	17	71:83	Sec. 522	201	85-461, sec. 1(b)	Do.
	17	71:83	Sec. 524	200	85-461, sec. 1(a)	Revision.
	17	71:83	Secs. 531-534	201, 202	85-461, sec. 2(a)	Addition.
	17	71:83	Secs. 802, 803	624	85-674, sec. 1	Amendment.
	17	71:83	Sec. 901	1268	85-857, sec. 13(w)(4)	Do.
	17	71:83	Sec. 910(b)	1268	85-857, sec. 13(w)(5)	Do.
	17	71:83	Sec. 921(a)	1268	85-857, sec. 13(w)(6)	Do.
	17	71:83	Sec. 1005	86	85-376	Revision.
	17	71:83	Sec. 1403(b)-(f)	209, 210	85-462, sec. 5(a)-(e)	Amendment.
	17	71:83	Sec. 1404(2)	211	85-462, sec. 5(i)	Revision.
	17	71:83	Sec. 1405(5)(B), (C), (D)	211	85-462, sec. 5(j)(1), (2)	Subpars. (B) and (C) redesignated as (C) and (D); new subpar. (B) added.
	17	71:83	Sec. 1407(a)	210	85-462, sec. 5(f)	Amendment.
	17	71:83	Sec. 1408(d)	211	85-462, sec. 5(g)	Do.
	17	71:83	Sec. 1411(a)	211	85-462, sec. 5(h)(1)	Designation.
	17	71:83	Sec. 1411(b)	211	85-462, sec. 5(h)(2)	Addition.
	17	71:83	Sec. 1413(b), (c)	338	85-507, sec. 21(b)(7)	Repeal.
	17	71:83	Sec. 1413(b), (c)	1274	85-857, sec. 14(117)	Repeal, with conditions.
	17	71:83	Sec. 2101(a)	1268	85-857, sec. 13(w)(7)	Amendment.
	17	71:83	Sec. 2105(a)	202	85-461, sec. 3	Do.
	17	71:83	Sec. 2306(a), (b)	203	85-461, sec. 4	Existing text designated as subsec. (a); new subsec. (b) added.
July	1	71:244	Pub. L. 85-75 (71:249)	209	85-462, sec. 4(q)	Amendment.
	1	71:244	Pub. L. 85-75 (71:253)	449	85-570	Supplemental provision.
Aug.	12	71:294	Sec. 605	77	85-364, sec. 6	Repeal.
	2	71:312	Title II	853	85-760, sec. 1	Exception.
	14	71:349	Pub. L. 85-133	806	85-726, sec. 1401(d)	Repeal.
	21	71:403	Pub. L. 85-162	493	85-590, sec. 107(a)	Partial repeal.
	21	71:403	Pub. L. 85-162	495	85-590, sec. 112(b)	Amendment.
	21	71:403	Sec. 101	117	85-412, sec. 1	Do.
	21	71:403	Sec. 101, 101(e)	358	85-519, secs. 1, 2	Do.
	21	71:403	Sec. 101(e)(16)	118	85-412, sec. 2	Addition.
	21	71:403	Sec. 109(a)(4)	493	85-590, sec. 108	Amendment.
	21	71:403	Sec. 111(a)	493	85-590, sec. 109	Do.
	21	71:403	Sec. 111(a)(2), (3)	493	do	Do.
	21	71:403	Sec. 111(c)-(f)	493	do	Addition.
	27	71:421	Secs. 1, 2, 8	1274	85-857, sec. 14(115)	Repeal.
	28	71:453	Sec. 6(a)	962	85-795, sec. 7	Do.
	29	71:489	Sec. 2	665	85-685, sec. 602(a)	Amendment.
	29	71:489	Sec. 2	1570	85-861, sec. 36A	Repeal.
	30	71:531	Sec. 101	641	85-685, sec. 108(a)	Amendment.
	30	71:531	Sec. 201	648	85-685, sec. 209	Do.
30	71:531	Sec. 301	658	85-685, sec. 307(a)	Do.	

TABLE 1.—General Legislation—Continued

Provisions affected			Amendatory provisions		
Date	Statutes vol.: page	Identification	72 Stat.	Identification	Comment
1957					
Aug. 30	71:531	Sec. 406(a)-----	270	85-477, sec. 401(f)---	Exception.
30	71:531	Sec. 406(a)-----	662	85-685, sec. 512-----	Revision.
30	71:531	Sec. 407(e)-----	664	85-685, sec. 516-----	Amendment.
30	71:531	Sec. 502-----	641	85-685, sec. 108(b)---	Do.
30	71:531	Sec. 502(3)-----	659	85-685, sec. 307(b)---	Do.
Sept. 7	71:619	Secs. 2, 3, 4(a), (c), 5--	421	85-561, sec. 1(1)-(9)-	Do.
7	71:619	Sec. 5(5)-----	422	85-561, sec. 1(10)---	Do.
7	71:619	Sec. 5(11)-----	422	85-561, sec. 1(11)---	Addition.
7	71:619	Sec. 6(a)-----	422	85-561, sec. 1(12)---	Revision.
7	71:619	Sec. 7-----	422	85-561, sec. 1(13)---	Amendment.
7	71:619	Sec. 9-----	422	85-561, sec. 1(14)---	Do.
7	71:619	Sec. 10-----	423	85-561, sec. 1(15)---	Do.
7	71:619	Sec. 11-----	423	85-561, sec. 1(16)---	Addition.
7	71:626	Sec. 9-----	1769	85-918-----	Amendment.
7	71:632	Secs. 1, 2-----	1274	85-857, sec. 14(116)---	Repeal.
11	71:639	Sec. 11-----	687	85-697, sec. 1-----	Amendment.
11	71:639	Sec. 12A-----	699	85-700, sec. 2-----	Addition.
1958					
Feb. 12	72:11	Secs. 1, 3-----	659	85-685, sec. 308(a), (b)-----	Amendment.
12	72:11	Sec. 7-----	520	85-599, sec. 9(b)-----	Revision.
15	72:15	Sec. 4-----	708	85-715, sec. 2-----	Amendment.
Apr. 1	72:73	Sec. 5(e)(2)-----	1274	85-857, sec. 14(118)---	Repeal.
16	72:89	Pub. L. 85-381-----	921	85-767, sec. 2, 40(a) (i)-----	Partial repeal.
16	72:89	Sec. 8-----	1725	85-899, sec. 1-----	Amendment.
May 20	72:122	Sec. 4(a)-----	1104	85-855-----	Do.
27	72:134	Sec. 215(b)-----	1713	85-893, sec. 2-----	Do.
27	72:134	Sec. 215(g)-----	1713	do-----	Addition.
27	72:134	Sec. 401(a)-----	215	85-462, sec. 16(a)---	Amendment.
27	72:134	Secs. 402-405-----	215	85-462, sec. 16(b)---	Applicability.
27	72:134	Sec. 404-----	411	85-550, sec. 16(b)(4)-	Repeal.
June 18	72:200	Sec. 2-----	1274	85-857, sec. 14(119)-	Do.
30	72:242	Sec. 101(b)-----	454	85-572, sec. 2-----	Amendment.
30	72:242	Sec. 102(c)-----	454	85-572, sec. 1-----	Do.
July 18	72:384	Sec. 4(c)-----	690	85-699, sec. 202-----	Do.
18	72:384	Sec. 7(d)-----	698	85-699, sec. 602(c)---	Addition.
Aug. 14	72:608	Sec. 2-----	1274	85-857, sec. 14(120)-	Repeal.
18	72:624	Sec. 2-----	1274	85-857, sec. 14(121)-	Repeal, with exception.
22	72:711	Title II-----	853	85-760, sec. 1-----	Exception.
22	72:711	Sec. 606(a)-----	867	85-766, ch. III-----	Amendment.

TABLE 2.—Revised Statutes

Affected section	Amendatory provisions		
	72 Stat.	Identification	Comment
161-----	547	85-619-----	Amendment.
189-----	1555	85-861, sec. 7(a)-----	Do.
190-----	544	85-614, sec. 3-----	Exception.
190-----	1064	85-844-----	Nonapplicability.
190-----	1238	85-857, sec. 1 (§ 3402(c))-----	Exception.
190-----	1603	85-864, sec. 1003(a)-----	Do.
355-----	13	85-325, sec. 2-----	Do.
355-----	258	85-474-----	Do.
355-----	869, 870	85-766-----	Do.
365-----	1555	85-861, sec. 7(b)-----	Amendment.
367-----	264	85-477, sec. 203(c)(3)-----	Applicability.

TABLE 2.—*Revised Statutes*—Continued

Affected section	Amendatory provisions		
	72 Stat.	Identification	Comment
2103	927	85-770	Amendment.
2275, 2276	928	85-771, secs. 1, 2	Revision.
2324	829	85-736	Amendment.
2378, 2379, 2479	343	85-508, sec. 6(l)	Exception.
3617	880	85-766	Do.
3643	752	85-726, sec. 312(c)	Do.
3648	13	85-325, sec. 2	Do.
3648	249,	85-474	Do.
	256		
3648	332	85-507, sec. 10	Do.
3648	430	85-568, sec. 203(b)(5)	Do.
3648	660,	85-685, secs. 501, 605	Do.
	672		
3648	721	85-724	Do.
3648	869	85-766	Do.
3648	1066	85-844	Do.
3651	257	85-474	Do.
3678	936	85-781	Do.
3679	99	85-386	Do.
3679	212	85-462, sec. 7(a)	Do.
3679	243	85-472, sec. 205	Do.
3679	257	85-474	Do.
3679	1073	85-844	Exception provision.
3679	1084,	85-846, secs. 4, 6(d)	Exception.
	1086		
3679(c)	725	85-724, sec. 612	Do.
3679(d)(2)	242	85-472, sec. 103	Do.
3709	103	85-392, sec. 2	Do.
3709	247,	85-474	Do.
	253		
3709	289	85-486	Do.
3709	331	85-507, sec. 9(a)	Do.
3709	386,	85-536, sec. 2	Do.
	387		
3709	448,	85-570	Do.
	450		
3709	509	85-594, sec. 1	Do.
3709	967	85-800, sec. 7	Amendment.
3709	1063	85-844	Exception.
3709	1084	85-846, secs. 4, 6(e)	Do.
3709	1249	85-857, sec. 1 (§4202)	Do.
3709	1602	85-864, sec. 1001	Do.
3734	13	85-325, sec. 2	Do.
3734	660,	85-685, secs. 501, 605	Do.
	672		
3734	718,	85-724	Do.
	719		
3734	869,	85-766	Do.
	870		
3734	1096-	85-852	Do.
	1098		
3898	84	85-371, sec. 6(b)	Repeal.
3900	84	85-371, sec. 6(c)	Do.
3936	83	85-371, sec. 4	Amendment.
3937	83	85-371, sec. 6(a)	Repeal.
4061	84	85-371, sec. 6(d)	Partial repeal.
4153(i)	611	85-654	Amendment.
4233	590,	85-635, secs. 3, 4	Do.
	591		
4233A	612	85-656, sec. 2	Revision.
4412, 4413	49	85-350, sec. 3	Repeal.
4426	833	85-739, sec. 1	Amendment.
4825-4827	1268	85-857, sec. 14(1)	Repeal.
4829-4831, 4833, 4834	1268	do	Do.
5200	841	85-748, sec. 1(c)	Amendment.

TABLE 3.—Internal Revenue Code of 1939

Affected section	Amendatory provisions		
	72 Stat.	Identification	Comment
1 <i>et seq.</i> -----	1666	85-866, sec. 89(c)-----	Applicability.
22(p)-----	1667	85-866, sec. 92-----	Addition.
42-----	1673	85-866, sec. 99-----	Exception.
106-----	1673	85-866, sec. 100-----	Applicability.
131(e)-----	1675	85-866, sec. 103(a)-----	Amendment.
275, 292-----	1673	85-866, sec. 99-----	Exception.
437(c)-----	1670	85-866, sec. 94(f)(2)-----	Supplemental provision.
458, 718-----	1670	85-866, sec. 94(f)(1)-----	Do.
812(e)(1)(D)-----	4	85-318-----	Amendment.
812(e)(1)(F)-----	1668	85-866, sec. 93-----	Revision.
813(b)(3)-----	1657	85-866, sec. 65(b)-----	Addition.
925, 926-----	1658	85-866, sec. 66(b)(2)(A), (B)-----	Amendment.
927-----	1658	85-866, sec. 66(a)(2)-----	Do.
3771(b)(1)-----	1664	85-866, sec. 83(b)-----	Revision.
3772(a)(2)-----	1673	85-866, sec. 98-----	Exception.
3794-----	1663	85-866, sec. 82(a)(2)-----	Amendment.

TABLE 4.—Internal Revenue Code of 1954

Affected section	Amendatory provisions		
	72 Stat.	Identification	Comment
11(b)-----	259	85-475, sec. 2-----	Amendment.
35(c), (d)-----	1639	85-866, sec. 41(b)-----	Former subsec. (c) redesignated as subsec. (d); new subsec. (c) added.
75(a)-----	1606	85-866, sec. 2(a)(2), (3)-----	Amendment.
75(b)(1)-----	1606	85-866, sec. 2(a)(1)-----	Revision.
101(b)(2)(B)-----	1622	85-866, sec. 23(d)-----	Do.
120-----	1607	85-866, sec. 3(a)-----	Repeal.
121(a)(18)-----	1266	85-857, sec. 13(t)-----	Amendment.
152(a)(9), (b)(3)-----	1607	85-866, sec. 4(a), (b)-----	Revision.
152(b)(5)-----	1607	85-866, sec. 4(c)-----	Addition.
162-----	1672	85-866, secs. 96, 97-----	Exception.
162(c), (d)-----	1608	85-866, sec. 5(a)-----	Former subsec. (c) redesignated as (d); new subsec. (c) added.
164(f), (g)-----	1608	85-866, sec. 6(a)-----	Former subsec. (f) redesignated as (g); new subsec. (f) added.
165(g)(3)(B)-----	1608	85-866, sec. 7-----	Amendment.
165(h)(3), (4)-----	1646	85-866, sec. 57(c)(1)-----	Addition.
165(h)(5)-----	1676	85-866, sec. 202(a)-----	Do.
166(d)(2)(A)-----	1608	85-866, sec. 8-----	Amendment.
167(d)-----	1665	85-866, sec. 89(b)-----	Do.
168(e)(2)(C)-----	1608	85-866, sec. 9(a)-----	Addition.
168(e)(5)-----	1609	85-866, sec. 9(b)-----	Do.
170(b)(1)(C)-----	1609	85-866, sec. 10(a)-----	Amendment.
170(b)(3), (4)-----	1609	85-866, secs. 11, 12(a)-----	Addition.
171(b)(1)(B)-----	1610	85-866, sec. 13(a)(1)-----	Revision.
171(b)(2)-----	1610	85-866, sec. 13(a)(2)-----	Amendment.
172(b)(1)-----	1678	85-866, sec. 203(a)-----	Do.
172(b)(1)(A)-----	1664	85-866, sec. 83(e)-----	Supplemental provision.
172(b)(2)-----	1678	85-866, sec. 203(a)-----	Amendment.
172(f)(3), (4)-----	1611	85-866, sec. 14(a)-----	Addition.
172(g)(3), (4)-----	1611	85-866, sec. 14(b)-----	Former par. (3) renumbered (4); new par. (3) added.

TABLE 4.—Internal Revenue Code of 1954—Continued

Affected section	Amendatory provisions		
	72 Stat.	Identification	Comment
172(h), (i)-----	1656	85-866, sec. 64(b)-----	Former subsec. (h) redesignated as (i); new subsec. (h) added.
172(i), (j)-----	1678	85-866, sec. 203(b)-----	Former subsec. (i) redesignated as (j); new subsec. (i) added.
178-----	1612	85-866, sec. 15-----	Addition.
179-----	1679	85-866, sec. 204(a)-----	Do.
213(c)-----	1614	85-866, sec. 17(b)-----	Amendment.
213(d)(2)(A)-----	1613	85-866, sec. 16-----	Do.
213(g)-----	1613	85-866, sec. 17(a)-----	Addition.
243(a)-----	1645	85-866, sec. 57(b)(1)-----	Amendment.
243(b), (c)-----	1645	85-866, sec. 57(b)(2)-----	Former subsec. (b) redesignated as (c); new (b) added.
243(c)-----	1646	85-866, sec. 57(b)(3)-----	Amendment of redesignated subsec. (c).
246(b)(1)-----	1646	85-866, sec. 57(c)(2)-----	Amendment.
246(c)-----	1614	85-866, sec. 18(a)-----	Addition.
337(d), 341(e)-----	1615	85-866, secs. 19, 20-----	Do.
358(a)(1)(A)(iii)-----	1620	85-866, sec. 21-----	Do.
372(b)-----	1672	85-866, sec. 95(b)(2)-----	Exception to redesignated subsec. (b).
372(b), (c)-----	1671	85-866, sec. 95-----	Former subsec. (b) redesignated as (c); new subsec. (b) added.
381(c)(21)-----	1628	85-866, sec. 29(c)-----	Addition.
391-----	1620	85-866, sec. 22-----	Amendment.
403(a)(1)-----	1622	85-866, sec. 23(b)-----	Revision.
403(b), (c)-----	1620	85-866, sec. 23(a)-----	Former subsec. (b) redesignated as (c); new subsec. (b) added.
403(d)-----	1622	85-866, sec. 23(c)-----	Addition.
404(a), 421(a)-----	1623	85-866, secs. 24, 25-----	Amendment.
421(d)(1)(A)(ii)-----	1624	85-866, sec. 26(a)(1)-----	Revision.
421(d)(6)(C)-----	4	85-320, sec. 1-----	Addition.
421(d)(7)-----	1624	85-866, sec. 26(a)(2)-----	Do.
453(d)(5), 455-----	1624	85-866, secs. 27(a), 28(a)-----	Do.
481(a)(2)-----	1626	85-866, sec. 29(a)(1)-----	Revision.
481(b)(1)-(2)-----	1628	85-866, sec. 29(b)(1)-(5)-----	Amendment.
481(b)(4)-(6)-----	1626- 1628	85-866, sec. 29(a)(2)-----	Addition.
503(h)-----	1629	85-866, sec. 30(a)-----	Do.
503(i)-----	1630	85-866, sec. 30(b)-----	Do.
512(b)(13)-----	80	85-367-----	Do.
534(b)-----	1665	85-866, sec. 89(b)-----	Amendment.
535(b)(2)-----	1631	85-866, sec. 31(a)-----	Do.
535(b)(6)(B)-----	1631	85-866, sec. 31(b)-----	Revision.
535(c)(2), (3)-----	1680	85-866, sec. 205(a)-----	Amendment.
545(b)(2)-----	1631	85-866, sec. 32(a)-----	Revision.
545(b)(4)-----	1631	85-866, sec. 32(b)-----	Amendment.
556(b)(2), (3), (4)-----	1632	85-866, sec. 33(a)-(c)-----	Do.
558-----	1632	85-866, sec. 33(d)-----	Addition.
582(c), 611(b)(4)-----	1632	85-866, secs. 34, 35-----	Amendment.
613(d), 614(b)(4)-----	1633	85-866, secs. 36(a), 37(a)-----	Addition.
614(c), (e)-----	1634	85-866, sec. 37(b)-----	Former subsec. (c) redesignated as (e); new subsec. (c) added.
614(d)-----	1637	85-866, sec. 37(c)-----	Addition.
614(e)(1)-----	1637	85-866, sec. 37(d)-----	Amendment.
802(a), (c), 811(a)-----	36, 37	85-345, secs. 1, 2(c)-----	Do.
821(a)(1)(A)-----	259	85-475, sec. 2-----	Do.
821(b)(1)-----	259	do-----	Do.
851(e)(1), (2)-----	1638	85-866, sec. 38-----	Do.
852(a)-----	1674	85-866, sec. 101(a)-----	Do.
852(b)(4)-----	1638	85-866, sec. 39(a)-----	Addition.
852(c)-----	1674	85-866, sec. 101(b)-----	Amendment.
871(a)(1)-----	1638	85-866, sec. 40(a)-----	Do.
871(b)(2)-----	1639	85-866, sec. 41(a)-----	Do.
871(b)(3)-----	1639	do-----	Deletion.

TABLE 4.—Internal Revenue Code of 1954—Continued

Affected section	Amendatory provisions		
	72 Stat.	Identification	Comment
904(c)	1639	85-866, sec. 42(a)	Addition.
905(b)	1675	85-866, sec. 103(b)	Amendment.
911(c)	1660	85-866, sec. 72(b)	Addition.
1014(d)	5	85-320, sec. 2	Repeal.
1015(d)	1640	85-866, sec. 43(a)	Addition.
1016(a) (6)	1607	85-866, sec. 2(b)	Amendment.
1016(a) (18)	1656	85-866, sec. 64(d) (2)	Addition.
1031(d)	1641	85-866, sec. 44	Amendment.
1033(a) (2)	1641	85-866, sec. 45	Do.
1033(g), (h)	1641	85-866, sec. 46(a)	Former subsec. (g) redesignated as (h); new subsec. (g) added.
1034(i) (2), (3)	1642	85-866, sec. 46(b)	Former par. (2) renumbered as (3); new par. (2) added.
1053	1642	85-866, sec. 47	Amendment.
1071(a)	1642	85-866, sec. 48	Do.
1231(a)	1642	85-866, sec. 49	Do.
1232(a) (2) (A)	1642	85-866, sec. 50	Do.
1232(c)	1643	85-866, sec. 51	Revision.
1233(a)	1644	85-866, sec. 52(b)	Amendment.
1233(c) (4)	1643	85-866, sec. 52(a)	Addition.
1233(g)	1644	85-866, sec. 52(b)	Do.
1234, 1235(d)	1644	85-866, secs. 53, 54	Revision.
1237(a) (1)	1645	85-866, sec. 55	Amendment.
1239(c)	1645	85-866, sec. 56	Addition.
1242, 1243	1645	85-866, sec. 57(a)	Do.
1244	1676	85-866, sec. 202(b)	Do.
1306, 1307	1646	85-866, sec. 58	Former sec. 1306 renumbered as 1307; new sec. 1306 added.
1312(6), (7)	1647	85-866, sec. 59(a)	Former subsec. (6) renumbered as (7); new subsec. (6) added.
1314(c)	1647	85-866, sec. 59(b)	Amendment.
1341(a), (b) (2)	1647	85-866, sec. 60(a)-(c)	Do.
1341(b) (3)	1647	85-866, sec. 60(d)	Addition.
1347	1648	85-866, sec. 61	Amendment.
1371-1377 (ch. 1, sub- ch. S)	1650	85-866, sec. 64(a)	Addition.
1401	1041	85-840, sec. 401(a)	Revision.
1402(b) (1) (B)	1042	85-840, sec. 402(a) (1)	Do.
1402(b) (1) (C)	1042	85-840, sec. 402(a) (2)	Addition.
1402(f)	1043	85-840, sec. 403(a)	Do.
1441(b), (c) (5)	1638	85-866, sec. 40(b)	Amendment.
1482	1648	85-866, sec. 62	Addition.
1504(b) (8)	1657	85-866, sec. 64(d) (3)	Do.
1551	1680	85-866, sec. 205(a)	Amendment.
2011(a)	1674	85-866, sec. 102(c) (1)	Do.
2011(c) (3)	1657	85-866, sec. 65(a)	Addition.
2014(f)	1674	85-866, sec. 102(c) (2)	Do.
2015	1657	85-866, sec. 66(a) (1)	Amendment.
2039(c) (1), (2)	1622	85-866, sec. 23(e) (1)	Do.
2039(c) (2)	1658	85-866, sec. 67(a)	Do.
2039(c) (3)	1623	85-866, sec. 23(e) (2)	Addition.
2053(d) (1)	1675	85-866, sec. 102(c) (3)	Amendment.
2055(e)	1631	85-866, sec. 30(d)	Do.
2106(a) (2) (E)	1631	do	Do.
2208	1674	85-866, sec. 102(a)	Addition.
2501(b)	1641	85-866, sec. 43(b)	Revision of former subsec. (b).
2501(b), (c)	1674	85-866, sec. 102(b)	Former subsec. (b) redesignated as (c); new subsec. (b) added.
2517	1659	85-866, sec. 68	Addition.
2517(a) (3)	1623	85-866, sec. 23(f) (2)	Do.
2517(b)	1623	85-866, sec. 23(f) (3)	Amendment.
2522(c)	1631	85-866, sec. 30(d)	Do.
3101-3504 (subtitle C)	6	85-321, secs. 1, 4	Notification, supplemental provi- sion.
3101	1041	85-840, sec. 401(b)	Revision.
3111	1042	85-840, sec. 401(c)	Do.
3121(a)	1042	85-840, sec. 402(b)	Amendment.
3121(b) (1)	1044	85-840, sec. 404(a)	Revision.

TABLE 4.—Internal Revenue Code of 1954—Continued

Affected section	Amendatory provisions		
	72 Stat.	Identification	Comment
3121(b)(8)(B)-----	1046	85-840, sec. 405(b)	Revision.
3121(k)(1)-----	1044	85-840, sec. 405(a)	Do.
3121(l)(3)-----	1659	85-866, sec. 69	Heading amended.
3122-----	1042	85-840, sec. 402(c)	Amendment.
3122, 3504-----	1660	85-866, secs. 70, 71	Do.
4001-----	1275	85-859, sec. 101	Do.
4003(e), (d)-----	1276	85-859, sec. 102	Addition.
4031-----	1276	85-859, sec. 103	Revision.
4041(e)-----	1286	85-859, sec. 119(b)	Addition.
4053-----	1276	85-859, sec. 104	Amendment.
4053(b), (c)-----	1276	do	Addition.
4057, 4058-----	1277	85-859, sec. 105	Former sec. 4057 renumbered as 4058; new sec. 4057 added.
4061-----	259	85-475, sec. 3(1)	Amendment.
4111-----	1277	85-859, sec. 111(a)	Do.
4112-----	1277	85-859, sec. 111(b)	Repeal.
4121(a)-----	1277	85-859, sec. 112	Amendment.
4121(b)-----	1277	85-859, sec. 112	Deletion.
4141-4143-----	1278	85-859, sec. 113	Revision.
4152-----	1286	85-859, sec. 119(b)	Deletion.
4192-----	1278	85-859, sec. 114	Revision.
4216(b)-----	1279	85-859, sec. 115	Do.
4216(c)-----	1281	85-859, sec. 117(b)	Amendment.
4216(d)-----	1281	do	Repeal.
4216(e)-----	1280	85-859, sec. 116	Addition.
4217-----	1280	85-859, sec. 117(a)	Revision.
4218-----	1281	85-859, sec. 118	Do.
4220-4225 (ch. 32, subch. G)-----	1282	85-859, sec. 119(a)	Former secs. 4220-4225 deleted; new secs. 4221-4225 added.
4231-4294 (ch. 33)-----	5, 6	85-321, secs. 1, 4	Notification, supplemental provi- sion.
4231-----	1287	85-859, sec. 131(b)	Amendment.
4231(1)-----	1286	85-859, sec. 131(a)	Revision.
4231(6)-----	1287	85-859, sec. 131(c)	Amendment.
4232(b)-----	1287	85-859, sec. 131(d)	Do.
4233(a)(1)(A)-----	1287	85-859, sec. 131(e)	Do.
4233(a)(1)(C)-----	89	85-380, sec. 2	Do.
4233(a)(3)-----	88	85-380, sec. 1	Do.
4233(a)(4)-----	1287	85-859, sec. 131(f)	Revision.
4233(a)(11)-----	89	85-380, sec. 3	Addition.
4241(a)(3)-----	1288	85-859, sec. 132(a)	Revision.
4243-----	1288	85-859, sec. 132(b)	Amendment.
4243(b), (c)-----	1288	85-859, sec. 132(b)	Addition.
4251-4254 (subch. B)-----	1289	85-859, sec. 133(a)	Revision.
4251, 4261-----	260, 261	85-475, sec. 4(b)(3), (c)	Exception; applicability.
4263(f)-----	1292	85-859, sec. 134	Addition.
4271-4273 (pt. II)-----	260, 261	85-475, sec. 4(a), (c)	Repeal; applicability.
4281-4283 (pt. III)-----	260, 261	do	Do.
4291-----	1287	85-859, sec. 131(g)	Amendment.
4292-----	260, 261	85-475, sec. 4b(3), (c)	Revision; applicability.
4294, 4295-----	1292	85-859, sec. 135	Former sec. 4294 renumbered 4295; new sec. 4294 added.
4301-4305 (subch. A, pt. I)-----	1293	85-859, sec. 141(a)	Revision.
4311-4315 (subch. A, pt. II)-----	1294	do	Do.
4321-4324 (subch. B, pt. I)-----	1295	do	Do.
4331-4333 (subch. B, pt. II)-----	1296	do	Do.
4341-4346 (subch. B, pt. III, subpart A)-----	1297	do	Do.
4351-4354 (subch. B, pt. III, subpart B)-----	1299	do	Do.

TABLE 4.—Internal Revenue Code of 1954—Continued

Affected section	Amendatory provisions		
	72 Stat.	Identification	Comment
4361-4363 (subch. C)	1299	85-859, sec. 141(a)	Revision.
4371-4375 (subch. D)	1300	do	Do.
4381-4384 (subch. E)	1302	do	Do.
4401(c)	1304	85-859, sec. 151(a)	Amendment.
4402(2)	1305	85-859, sec. 152(b)	Do.
4462	1304	85-859, sec. 152(a)	Revision.
4473(2)	1305	85-859, sec. 153(a)	Amendment.
4473(3)	1305	do	Addition.
4501(c)	1306	85-859, sec. 162(b)	Amendment.
4541	184	85-453, sec. 2	Exception.
4601		85-859, sec. 119(b)	Amendment.
4818	1704	85-881, sec. 1	Do.
4835	1704	85-881, sec. 1(b)	Repeal.
5001-5692 (ch. 51)	1313-1414	85-859, sec. 201	Revision.
5001(a)(1), (3)	259	85-475, sec. 3(a)(2), (3)	Amendment.
5005(d)(1)	1431	85-859, sec. 206(d)	Revision.
5006(a)(2)	1431	85-859, sec. 206(a)	Do.
5022	259	85-475, sec. 3(a)(4)	Amendment.
5041(b)	259	85-475, sec. 3(a)(5)	Do.
5051(a)	259	85-475, sec. 3(a)(6)	Do.
5063	259	85-475, sec. 3(b)(1)	Do.
5134(a)(3)	259	85-475, sec. 3(b)(2)	Do.
5175	1436	85-859, sec. 210(f)	Exception.
5176(a)	1436	do	Do.
5217(c)	357	85-517	Amendment.
5232(a)	1431	85-859, sec. 206(b)	Revision.
5242(b)(5)	1431	85-859, sec. 206(e)	Do.
5243(b)	1431	85-859, sec. 206(c)	Do.
5304	1436	85-859, sec. 210(g)	Exception; extension.
5701-5763 (ch. 52)	1414-1427	85-859, sec. 202	Revision.
5701(e)(1)	259	85-475, sec. 3(a)(7)	Amendment.
5707(a), (b)	259	85-475, sec. 3(b)(3)	Do.
5801(a), (b)	1427	85-859, sec. 203(a)	Do.
5811(a)	1427	85-859, sec. 203(b)	Do.
5814 (e)-(e)	1427	do	Former subsec. (c) deleted; former subssecs. (d) and (e) redesignated as (c) and (d).
5821(a), (b)(2)	1427	85-859, sec. 203(c)	Amendment.
5843	1427	85-859, sec. 203(e)	Revision.
5848(3), (4)	1427	85-859, sec. 203(f)	Amendment.
5848(7)	1427	85-859, sec. 203(f)	Revision.
5849	1428	85-859, sec. 203(g)	Addition.
5851	1428	85-859, sec. 203(h)	Amendment.
5854, 5855	1428	85-859, sec. 203(i)	Former sec. 5854 deleted; new secs. 5854 and 5855 added.
6011(c), (d)	1305	85-859, sec. 161	Former subsec. (c) relettered (d); new subsec. (c) added.
6012(c), (d)	1660	85-866, sec. 72(a)	Do.
6013(b)(2)(C)	1660	85-866, sec. 73	Amendment.
6015(f)	1660	85-866, sec. 74	Do.
6033(b)(8)	1661	85-866, sec. 75(b)	Addition.
6037, 6038	1656	85-866, sec. 64(c)	Former sec. 6037 renumbered as 6038; new sec. 6037 added.
6071(b)	1428	85-859, sec. 204(1)	Amendment.
6104(a), (b)	1660	85-866, sec. 75(a)(1), (2)	Addition.
6161(a)(2)	1684	85-866, sec. 206(c)	Amendment.
6163(b), (c)	1658	85-866, sec. 66(b)(1)	Former subsec. (b) redesignated as (c); new subsec. (b) added.
6164(d)(2)	1665	85-866, sec. 89(b)	Amendment.
6166	1681	85-866, sec. 206(a)	Addition.
6207(4)	1428	85-859, sec. 204(2)	Revision.
6207(6)-(9)	1428	85-859, sec. 204(3)	Former pars. (6) and (7) deleted; former pars. (8) and (9) redesignated as (6) and (7).
6212(a)	1665	85-866, sec. 89(b)	Amendment.
6212(b)(1)	1661	85-866, sec. 76	Do.

TABLE 4.—Internal Revenue Code of 1954—Continued

Affected section	Amendatory provisions		
	72 Stat.	Identification	Comment
6212(b) (2)	1666	85-866, sec. 89(b)	Amendment.
6325(a) (1)	1662	85-866, sec. 77(1)	Revision.
6325(c)-(e)	1662	85-866, sec. 77(2)	Former subsecs. (c) and (d) redesignated as (d) and (e); new subsec. (c) added.
6325(d)	1662	85-866, sec. 77(3)	Amendment of redesignated subsec. (d).
6334(a) (4)	1047	85-840, sec. 406	Addition.
6338(c)	1662	85-866, sec. 78	Amendment.
6339(b) (2)	1662	85-866, sec. 79	Heading amended.
6412(a) (1)	260	85-475, sec. 3(b) (4)	Amendment.
6412(d)	1306	85-859, sec. 162(a)	Do.
6413(c) (1)	1043	85-840, sec. 402(d) (1)	Revision.
6413(c) (2) (A)	1043	85-840, sec. 402(d) (2)	Do.
6415	260	85-475, sec. 4(b) (4)	Amendment.
6415(a)	1311	85-859, sec. 163(d) (1)	Do.
6416(a)	260	85-475, sec. 4(b) (5)	Do.
6416(a)-(c)	1306	85-859, sec. 163(a)	Revision.
6416(b)	1311	85-859, sec. 163(b)	Exception.
6416(f)	260	85-475, sec. 4(b) (6)	Amendment.
6416(g)-(i)	1311	85-859, sec. 163(c)	Addition.
6420(c) (3) (A)	1311	85-859, sec. 163(d) (2)	Amendment.
6421(c)	1312	85-859, sec. 164(a)	Revision.
6421(i)	1312	85-859, sec. 163(d) (3)	Amendment.
6422(14)	1429	85-859, sec. 204(4)	Revision.
6423	8, 9	85-323	Addition.
6501(a)	1313	85-859, sec. 165(a)	Amendment.
6501(d)	1662	85-866, sec. 80	Do.
6501(g) (2)	1662	85-866, sec. 81(a)	Do.
6501(h), (i)	1663	85-866, sec. 81(b)	Former subsec. (h) redesignated as (i); new subsec. (h) added.
6503(d)	1685	85-866, sec. 206(d)	Amendment.
6504(15)	1664	85-866, sec. 84(b)	Addition.
6511(a)	1663	85-866, sec. 82(a)	Amendment.
6511(b) (2) (A)	1663	85-866, sec. 82(b)	Revision.
6511(b) (2) (B)	1663	85-866, sec. 82(c)	Heading amended.
6511(d) (2) (A)	1663	85-866, sec. 82(d)	Amendment.
6532(a) (1), (4)	1666	85-866, sec. 89(b)	Do.
6601(b)	1658, 1685	85-866, secs. 66(c), 206(e)	Do.
6601 (g)-(j)	1663, 1664	85-866, secs. 83(a) (1), 84(a)	Former subsecs. (g) and (h) redesignated as subsecs. (i) and (j); new subsecs. (g) and (h) added.
6611(b) (1)	1664	85-866, sec. 83(b)	Revision.
6611(c)	1664	85-866, sec. 83(c)	Repeal.
6611(g), (h)	1640	85-866, sec. 42(b)	Former subsec. (g) redesignated as (h); new subsec. (g) added.
6652(a)	1664	85-866, sec. 85	Revision.
6653(c) (1)	1665	85-866, sec. 86	Amendment.
6805(a), (c)	1313	85-859, sec. 165(b), (c)	Do.
6851(d)	1665	85-866, sec. 87	Revision.
6871(a), (b)	1665	85-866, sec. 88(a), (b)	Amendment.
7012	260	85-475, sec. 4(b) (7)	Do.
7213(c), (d)	1666	85-866, sec. 90(c)	Former subsec. (c) redesignated as (d); new subsec. (c) added.
7214(c)	1429	85-859, sec. 204(5)	Revision.
7215	6	85-321, sec. 2	Addition.
7272(a), (b)	1429	85-859, sec. 204(6), (7)	Amendment.
7272(b)	260	85-475, sec. 4(b) (8)	Do.
7301(e)	1429	85-859, sec. 204(8)	Revision.
7303(2)	1704	85-881, sec. 1(c)	Repeal.
7324	1429	85-859, sec. 204(9)	Amendment.
7324(c)	1662	85-866, sec. 78	Do.
7325	1429	85-859, sec. 204(10), (11)	Do.
7325(3)	1662	85-866, sec. 78	Do.
7325(4), 7326	1429	85-859, sec. 204 (12), (13)	Revision.
7422(f) (2)	1662	85-866, sec. 78	Amendment.
7455	1666	85-866, sec. 89(b)	Do.
7502(c)	1665	85-866, sec. 89(a)	Revision.

TABLE 4.—Internal Revenue Code of 1954—Continued

Affected section	Amendatory provisions		
	72 Stat.	Identification	Comment
7512	5	85-321, sec. 1	Addition.
7512(a)	6	85-321, sec. 4	Supplemental provision.
7513	1666	85-866, sec. 90(a)	Addition.
7514	1667	85-866, sec. 91	Do.
7608, 7609	1429	85-859, sec. 204 (14), (15)	Former sec. 7608 renumbered as 7609; new sec. 7608 added.
7652(a) (1), (b) (1)	1430	85-859, sec. 204(17), (18)	Amendment.
7655(a) (5), (6)	1430	85-859, sec. 204(19)	Former par. (5) deleted; former par. (6) renumbered as (5).

TABLE 5.—Positive Law Titles of United States Code

(The following titles of the U.S. Code have been enacted into positive law: Titles 1, 3, 4, 6, 9, 10, 13, 14, 17, 18, 23, 28, 32, 35, and 38.)

Provisions affected		Amendatory provisions		
Title	Section	72 Stat.	Identification	Comment
3	204(b)	485	85-584, sec. 502(a)	Amendment.
10	101(25)	1437	85-861, sec. 1(1)	Addition.
10	101(35)	1564	85-861, sec. 33(a)(1)	Do.
10	122, 123	1437	85-861, sec. 1(2)	Do.
10	141(a)(1)	519	85-599, sec. 7	Amendment.
10	143	517	85-599, sec. 5(a)	Revision.
10	171(a) (6)-(10)	521	85-599, sec. 9(c)	Clauses (6)-(9) renumbered as (7)-(10); new clause (6) added.
10	268	1437	85-861, sec. 1(3)	Amendment.
10	269(e) (2)-(6)	1437, 1438	85-861, sec. 1(4)(A), (B)	Addition of new clauses (2) and (3); redesignation of (2)-(4) as (4)-(6).
10	270-272	1438	85-861, sec. 1(5)(A)	Addition.
10	275(b), 279	1439	85-861, sec. 1(5)(B), (C)	Do.
10	280	1564	85-861, sec. 33(a)(2)	Amendment.
10	311(a)	1439	85-861, sec. 1(7)	Do.
10	511(b)(c)	1439	85-861, sec. 1(8)(A), (B)	New subsec. (b) added; former subsec. (b) redesignated as subsec. (c).
10	513	1570	85-861, sec. 36B(1)	Repeal.
10	516	1439	85-861, sec. 1(9)	Addition.
10	560(b)	1564	85-861, sec. 33(a)(3)	Amendment.
10	591(c)	1440	85-861, sec. 1(10)(A)	Do.
10	592	1440	85-861, sec. 1(10)(B)	Addition.
10	593(a)	1440	85-861, sec. 1(10)(C)	Amendment.
10	596	1570	85-861, sec. 36B(2)	Repeal.
10	651(a)	1440	85-861, sec. 1(12)	Revision.
10	651(c)	1570	85-861, sec. 36B(3)	Repeal.
10	672(a)	1440	85-861, sec. 1(13)	Revision.
10	672(a), (c)	1564	85-861, sec. 33(a)(5)	Amendment.
10	673(a)	1441	85-861, sec. 1(14)(A)	Do.
10	673(a)	1564	85-861, sec. 33(a)(5)	Do.
10	673(c)	1441	85-861, sec. 1(14)(B)	Addition.
10	684, 685	1441	85-861, sec. 1(15)	Do.
10	712	269	85-477, sec. 401(e)	Exception.
10	712(b)	275	85-477, sec. 502(k)	Revision.
10	716	521	85-599, sec. 11	Addition.
10	716	1442	85-861, sec. 1(17)	Do.
10	742	1570	85-861, sec. 36B(4)	Repeal.
10	773(c)	66	85-355	Addition.
10	971	1442	85-861, sec. 1(20)	Do.
10	972	1443	do	Do.
10	1002	1443	85-861, sec. 1(22)(A)	Do.
10	1005-1007	1444, 1445	85-861, sec. 1(22)(B)	Do.
10	1037	1445	85-861, sec. 1(24)	Do.

TABLE 5.—Positive Law Titles of United States Code—Continued

Provisions affected		Amendatory provisions		
Title	Section	72 Stat.	Identification	Comment
10	1071-1086	1445, 1570	85-861, secs. 1(25), 36B (5).	Former secs. 1071-1086 repealed; new secs. 1071-1085 added.
10	1162(a)	1450	85-861, sec. 1(27)(A)	Amendment.
10	1162(b)	1451	85-861, sec. 1(27)(B)	Addition.
10	1201-1203	1451	85-861, sec. 1(28)(A)	Amendment.
10	1201-1203	1547	85-861, sec. 4(4)	Exception.
10	1217	1564	85-861, sec. 33(a)(7)	Amendment.
10	1221	1451	85-861, sec. 1(28)(B)	Addition.
10	1331(a)(3)	1564	85-861, sec. 33(a)(8)	Revision.
10	1331(c)	702	85-704	Do.
10	1332(a)(2)(A) (ii).	1565	85-861, sec. 33(a)(9)	Amendment.
10	1332(b)(6)	1558	85-861, sec. 15	Exception.
10	1333(1)-(4)	1565	85-861, sec. 33(a)(10)	Former clauses (2) and (3) re- designated as (3) and (4); former clause (1) deleted; new clauses (1) and (2) added.
10	1374	1451	85-861, sec. 1(29)	Addition.
10	1374-1376(a)	1546, 1547	85-861, secs. 3(1), 4(5)	Exception.
10	1376(b)	1451	85-861, sec. 1(31)	Amendment.
10	1401	129	85-422, sec. 6(7)(B)	Addition of footnote.
10	1401	131	85-422, sec. 11(a)(2)	Amendment.
10	1401-1404 (ch. 71).	129, 130	85-422, sec. 6(7)(A)	Amendment; nonapplicability.
10	1405	130	85-422, sec. 11(a)(1)	Addition.
10	1405	1451	85-861, sec. 1(31A)	Amendment.
10	1431(b)	1565	85-861, sec. 33(a)(11)	Do.
10	1441	1266	85-857, sec. 13(v)(1)	Do.
10	1441	1452	85-861, sec. 1(31B)	Do.
10	1475-1480	1452- 1455	85-861, sec. 1(32)	Addition.
10	1482(d)	708	85-716	Do.
10	1553, 1554	1267	85-857, sec. 13(v)(2)	Do.
10	1581(a)	1456	85-861, sec. 1(34)(A)	Revision.
10	1581(b)	1456	85-861, sec. 1(34)(B)	Amendment.
10	1582	1456	85-861, sec. 1(35)	Do.
10	1585	455	85-577	Addition.
10	2201	516	85-599, sec. 3(c)	Repeal.
10	2232(3)	1456	85-861, sec. 1(36)	Addition.
10	2233	1558	85-861, sec. 16	Limitation of funds.
10	2233a	665, 671	85-685, secs. 601(3), 604	Addition; exception.
10	2233(a)	664	85-685, sec. 601(1)	Amendment.
10	2233(a)(1)	1558	85-861, sec. 16	Exception.
10	2233(a)(2), (3)	1456	85-861, sec. 1(37)	Revision.
10	2233(a)(4)	1456	85-861, sec. 1(37)	Addition.
10	2233(b)	1456	85-861, sec. 1(38)	Revision.
10	2233(d)	1456	85-861, sec. 1(39)	Addition.
10	2233(e), (f)	664	85-685, sec. 601(2)	Do.
10	2236(a), (b)	1456	85-861, sec. 1(40)	Revision.
10	2237, 2238	1457	85-861, sec. 1(47), (43)	Do.
10	2302	432	85-568, sec. 301(b)	Amendment.
10	2302(3)	1457	85-861, sec. 1(43A)	Do.
10	2303	432	85-568, sec. 301(b)	Do.
10	2304(a)	967	85-800, sec. 8	Do.
10	2304(a)(6)	1565	85-861, sec. 33(a)(12)	Do.
10	2305(b)-(d)	1457	85-861, sec. 44	Former subsecs. (b) and (c) re- designated as (c) and (d); new subsec. (b) added.
10	2307	967	85-800, sec. 9	Revision.
10	2310(b), 2311	967	85-800, secs. 10, 11	Amendment.
10	2313(b)	13	85-325, sec. 4	Conditional exception.
10	2351	516	85-599, sec. 3(d)	Repeal.
10	2356(b)	1457	85-861, sec. 1(43A)	Amendment.
10	2387, 2388	1458	85-861, sec. 1(45), (46)	Addition.
10	2451(c)(2), (3)	1565	85-861, sec. 33(a)(13)	Amendment.

TABLE 5.—Positive Law Titles of United States Code—Continued

Provisions affected		Amendatory provisions		
Title	Section	72 Stat.	Identification	Comment
10	2543	1458	85-861, sec. 1(48)	Addition.
10	2571 (a)-(c)	1459	85-861, sec. 1(49)	Former subsecs. (a) and (b) redesignated as (b) and (c); new subsec. (a) added.
10	2663(a), 2664 (a).	1565	85-861, sec. 33(a)(14), (15).	Amendment.
10	2671	29	85-337, sec. 4	Addition.
10	2672-2678	1459, 1460	85-861, sec. 1(51)	Do.
10	2732(a)	1461	85-861, sec. 1(53)	Amendment.
10	2732(d)(2)	1565	85-861, sec. 33(a)(16)	Do.
10	2733(a)	813	85-729, sec. 1(1)(A)	Do.
10	2733(b)	1461	85-861, sec. 1(54)(A), (B)	Do.
10	2733(c)	1461	85-861, sec. 1(54)(C)	Revision.
10	2733(d), (e)	813	85-729, sec. 1(1)(B)	Do.
10	2733(g)	813	85-729, sec. 1(1)(C)	Addition.
10	2734(a), (d), (f)	1461	85-861, sec. 1(55)(A)-(E)	Amendment.
10	2734(h)	1461	85-861, sec. 1(55)(F)	Addition.
10	2771	1461	85-861, sec. 1(56)	Revision.
10	3012(h)	1462	85-861, sec. 1(57)	Amendment.
10	3013(a)	519	85-599, sec. 8(a)	Revision.
10	3013(b)	1462	85-861, sec. 1(58)	Do.
10	3015 (a)-(d)	521	85-599, sec. 12	Former subsecs. (a)-(c) redesignated as (b)-(d); new subsec. (a) added.
10	3018	1462	85-861, sec. 1(59)	Addition.
10	3032(b)(1)	517	85-599, sec. 4(g)	Revision.
10	3033(d)	1565	85-861, sec. 33(a)(17)	Amendment.
10	3034(d)(4)	516	85-599, sec. 4(a)	Revision.
10	3035(c)	519	85-599, sec. 6(a)	Addition.
10	3037(a), 3066 (a).	1565	85-861, sec. 33(a)(18), (19).	Amendment.
10	3067(8)	1462	85-861, sec. 1(60)	Do.
10	3075(b)(2)	522	85-600, sec. 1(1)	Do.
10	3201(a)(5), (b)(4).	1462	85-861, sec. 1(62)	Addition.
10	3202(c), 3203	1463	85-861, sec. 1(63), (64)	Amendment.
10	3204	522	85-600, sec. 1(2)	Revision.
10	3205(2)	1462	85-861, sec. 1(60)	Amendment.
10	3205(3)	522	85-600, sec. 1(3)	Do.
10	3205(a), (b)	1463	85-861, sec. 1(65)	Existing text amended and designated as subsec. (a); new subsec. (b) added.
10	3209(a)	1462	85-861, sec. 1(60)	Amendment.
10	3210(a)	1463	85-861, sec. 1(66)(A)	Do.
10	3210 (c)-(e)	1463	85-861, sec. 1(66)(B)	Former subsec. (c) deleted; former subsecs. (d) and (e) redesignated as subsecs. (c) and (d).
10	3211(a)	1463	85-861, sec. 1(67)	Amendment.
10	3212	1463	85-861, sec. 1(68)	Revision.
10	3214	1463	85-861, sec. 1(64)	Amendment.
10	3217-3220	1463, 1464	85-861, sec. 1(69)(A)	Addition.
10	3230	1464	85-861, sec. 1(69)(B)	Do.
10	3258	526	85-603, sec. 1(1)	Revision.
10	3261(b)	1565	85-861, sec. 33(a)(20)	Amendment.
10	3262(b)	1464	85-861, sec. 1(71)(A)	Do.
10	3263	1465	85-861, sec. 1(71)(B)	Addition.
10	3283(a)	522	85-600, sec. 1(4)	Amendment.
10	3285-3288	1465, 1466	85-861, sec. 1(72)-(75)	Revision.
10	3294	1467	85-861, sec. 1(77), (78)	Do.
10	3296(a)	522	85-600, sec. 1(5)	Amendment.
10	3299(h)	1565	85-861, sec. 33(a)(21)	Do.
10	3311	1462	85-861, sec. 1(60)	Do.
10	3314	1467	85-861, sec. 1(79)	Addition.

TABLE 5.—Positive Law Titles of United States Code—Continued

Provisions affected		Amendatory provisions		
Title	Section	72 Stat.	Identification	Comment
10	3351-3395 (ch. 337).	1445	85-861, sec. 1(22)(B) ----	Exception.
10	3352(a) -----	1468	85-861, sec. 1(80)(A) ----	Amendment.
10	3353, 3354(b) ---	1468	85-861, sec. 1(80)(B), (C) ---	Addition.
10	3355(4) -----	1565	85-861, sec. 33(a)(22) ----	Amendment.
10	3357 -----	1462, 1468	85-861, sec. 1(60), (80)(D) -----	Do.
10	3359, 3360 -----	1469	85-861, sec. 1(80)(E) ----	Addition.
10	3362-3366 -----	1470-1472	do -----	Do.
10	3366, 3367 -----	1559	85-861, sec. 20 -----	Nonapplicability.
10	3367-3370 -----	1473, 1474	85-861, sec. 1(80)(E) ----	Addition.
10	3370, 3371 -----	1559	85-861, sec. 20 -----	Nonapplicability.
10	3371, 3375 -----	1475	85-861, sec. 1(80)(E) ----	Addition.
10	3378, 3380, 3382 -----	1476	do -----	Do.
10	3383-3385 -----	1477, 1478	do -----	Do.
10	3388-3393 -----	1478, 1479	do -----	Do.
10	3443 -----	1570	85-861, sec. 36B(6) -----	Repeal.
10	3444(d) -----	1480	85-861, sec. 1(81)(A) ----	Addition.
10	3445(b) -----	1480	85-861, sec. 1(81)(B) ----	Amendment.
10	3446 -----	1480	85-861, sec. 1(81)(C) ----	Revision.
10	3447(a) -----	1480	85-861, sec. 1(81)(D) ----	Amendment.
10	3448(d) -----	526	85-603, sec. 1(2) -----	Repeal.
10	3452, 3494 -----	1480, 1481	85-861, sec. 1(81)(E), (82) -----	Addition.
10	3504(c)(2) -----	1481	85-861, sec. 1(83) -----	Amendment.
10	3546 -----	1570	85-861, sec. 36B(7) -----	Repeal.
10	3571, 3574(c) ---	1481	85-861, sec. 1(85), (86) ---	Revision.
10	3574(c) -----	1565	85-861, sec. 33(a)(24) ----	Amendment.
10	3579(a) -----	1462	85-861, sec. 1(60) -----	Do.
10	3579(b) -----	1462, 1482	85-861, sec. 1(60), (87) ---	Do.
10	3638, 3681 -----	1570	85-861, sec. 36B(8), (9) ---	Repeal.
10	3685(b), 3687 (1).	1482	85-861, sec. 1(89), (90) ---	Amendment.
10	3688 -----	1570	85-861, sec. 36B(10) -----	Repeal.
10	3721(1), 3722 -----	1482	85-861, sec. 1(92) -----	Amendment.
10	3752(b) -----	1565	85-861, sec. 33(a)(23) ----	Do.
10	3819, 3820(c) ---	1482	85-861, sec. 1(93) -----	Addition.
10	3841-3854 -----	1483-1486	85-861, sec. 1(94) -----	Do.
10	3841-3854 (ch. 363).	1445	85-861, sec. 1(22)(B) ----	Exception.
10	3883, 3886 -----	522	85-600, sec. 1(6), (7) -----	Amendment.
10	3888 -----	1487	85-861, sec. 1(96) -----	Revision.
10	3888(1) -----	131	85-422, sec. 11(a)(3) ----	Amendment.
10	3914 -----	1565	85-861, sec. 33(a)(25) ----	Do.
10	3925(b) -----	1488	85-861, sec. 1(97) -----	Do.
10	3927 -----	1488	85-861, sec. 1(98) -----	Revision.
10	3927(b)(1) -----	131	85-422, sec. 11(a)(4) ----	Amendment.
10	3962(c), (d) -----	1489	85-861, sec. 1(99) -----	Former subsec. (c) deleted; former subsec. (d) redesignated as (c).
10	3963(a),(b) -----	1462, 1489	85-861, sec. 1(60), (100) --	Amendment.
10	3964, 3966 -----	1489	85-861, sec. 1(100), (101) --	Do.
10	3991 -----	129-131	85-422, secs. 6 (1) and (8), 11(a)(5). -----	Amendment; nonapplicability.
10	3991 -----	1489	85-861, sec. 1(101A) -----	Amendment.
10	4021 -----	1570	85-861, sec. 36B(11) -----	Repeal.
10	4331(a)(5) -----	711	85-723 -----	Revision.
10	4331(a)(8), (9) --	522	85-600, sec. 1(8)(A), (B) --	Former subsecs. (8) and (9) redesignated (9) and (10); new subsec. (8) added.

TABLE 5.—Positive Law Titles of United States Code—Continued

Provisions affected		Amendatory provisions		
Title	Section	72 Stat.	Identification	Comment
10	4333 (c)-(e)-----	522	85-600, sec. 1(9)(A), (B)---	Former subsec. (c) redesignated as (e); new subsecs. (c) and (d) added.
10	4334(d)-----	523	85-600, sec. 1(10)-----	Amendment.
10	4335(b), 4336-----	1567	85-861, sec. 33(a)(46)-----	Do.
10	4336 (a)-(c)-----	523	85-600, sec. 1(11)-----	Existing text designated as subsec. (a); new subsecs. (b) and (c) added.
10	4342(c)-----	1565	85-861, sec. 33(a)(26)-----	Amendment.
10	4353(b)-----	1489	85-861, sec. 1(103)-----	Revision.
10	4384-----	1489	85-861, sec. 1(104)-----	Amendment.
10	4774-----	870	85-766, ch. V-----	Exception.
10	4774(d)-----	13	85-325, sec. 2-----	Do.
10	4774(d)-----	660,672	85-685, secs. 501, 605-----	Do.
10	4774(d)-----	869	85-766, ch. V-----	Do.
10	4774(d)-----	1096,	85-852-----	Do.
		1097		
10	4780-----	1489	85-861, sec. 1(105)-----	Addition.
10	4837(b), (f)-----	1566	85-861, sec. 33(a)(27)-----	Amendment.
10	5014-----	1490	85-861, sec. 1(106)-----	Addition.
10	5031(d), 5033 (c)-----	1490	85-861, sec. 1(107), (108)---	Amendment.
10	5034-----	519	85-599, sec. 8(b)(1)-----	Revision.
10	5034(d)-----	1490	85-861, sec. 1(109)-----	Amendment.
10	5035-----	519	85-599, sec. 8(b)(2)-----	Repeal.
10	5035(c)-----	1571	85-861, sec. 36B(12)-----	Do.
10	5081(e)-----	516	85-599, sec. 4(b)-----	Revision.
10	5083-----	129,130	85-422, sec. 6(2)-----	Amendment; nonapplicability.
10	5085(b)-----	519	85-599, sec. 6(b)-----	Revision.
10	5149(b)-----	1566	85-861, sec. 33(a)(28)-----	Amendment.
10	5201(c)-----	129,130	85-422, sec. 6(3)-----	Amendment; nonapplicability.
10	5201(d)-----	517	85-599, sec. 4(c)-----	Addition.
10	5202(c)-----	519	85-599, sec. 6(c)-----	Do.
10	5233-----	129	85-422, sec. 6(4)-----	Amendment.
10	5414-5417-----	1490	85-861, sec. 1(110)-----	Addition.
10	5452-----	1491	85-861, sec. 1(111)-----	Revision.
10	5453-----	1491	85-861, sec. 1(112)-----	Amendment.
10	5457, 5458-----	1491,	85-861, sec. 1(113)-----	Addition.
		1492		
10	5506-----	1492	85-861, sec. 1(114)-----	Do.
10	5536-----	1571	85-861, sec. 36B(13)-----	Repeal.
10	5539(a), 5572-----	1493	85-861, sec. 1(116), (117)---	Amendment.
10	5573a-----	1493	85-861, sec. 1(118)-----	Addition.
10	5574(b), (c)-----	1493,	85-861, sec. 1(119)(A),(B)---	Revision.
		1494		
10	5574(d)-----	1494	85-861, sec. 1(119)(C)-----	Addition.
10	5578(b)-----	1494	85-861, sec. 1(120)(A)-----	Revision.
10	5578(c)-----	1494	85-861, sec. 1(120)(B)-----	Addition.
10	5600, 5601-----	1494,	85-861, sec. 1(121)-----	Do.
		1495		
10	5652(a)-----	1495	85-861, sec. 1(122)(A)-----	Revision.
10	5652(b)-----	1495	85-861, sec. 1(122)(B)-----	Amendment.
10	5652a.-5652c-----	1495,	85-861, sec. 1(123)-----	Addition.
		1496		
10	5653-----	1496	85-861, sec. 1(124)-----	Amendment.
10	5665-----	1496	85-861, sec. 1(125)-----	Addition.
10	5752(a)(3)-----	1497	85-861, sec. 1(126)-----	Revision.
10	5763-----	1497	85-861, sec. 1(127)-----	Amendment.
10	5785-----	1566	85-861, sec. 33(a)(29)-----	Do.
10	5787a., 5787b-----	1497	85-861, sec. 1(128)-----	Addition.
10	5787(c)-----	1566	85-861, sec. 33(a)(30)-----	Do.
10	5861, 5862-----	1497,	85-861, sec. 1(129),(131)---	Revision.
		1498		
10	5863, 5866-----	1571	85-861, sec. 36B(14),(15)---	Repeal.
10	5867-----	1498	85-861, sec 1(132)-----	Addition.
10	5891-5912 (ch. 549).-----	1499,	85-861, sec. 1(133)-----	Do.
		1507		

TABLE 5.—Positive Law Titles of United States Code—Continued

Provisions affected		Amendatory provisions		
Title	Section	72 Stat.	Identification	Comment
10	5891-5912 (ch. 549).	1561	85-861, sec. 25	Applicability.
10	6016	1571	85-861, sec. 36B(16)	Repeal.
10	6018(2)	488	85-588	Amendment.
10	6115	1566	85-861, sec. 33(a)(31)	Do.
10	6115	1571	85-861, sec. 36B(17)	Repeal.
10	6148(b)	1507	85-861, sec. 1(137)(A)	Amendment.
10	6148(c), (e)	1507	85-861, sec. 1(137)(B), (C).	Revision.
10	6148(f)	1571	85-861, sec. 36B(18)	Repeal.
10	6150(a)	1566	85-861, sec. 33(a)(32)	Amendment.
10	6151	1508	85-861, sec. 1(139)	Do.
10	6151(a)	1507	85-861, sec. 1(138)	Revision.
10	6151(b)	131	85-422, sec. 11(a)(6)(A)	Amendment.
10	6160	1268	85-857, sec. 13(v)(4)	Do.
10	6201(c)	1571	85-861, sec. 36B(19)	Repeal.
10	6222, 6323	1508, 1509	85-861, sec. 1(140), (142).	Revision.
10	6325(a)	1509	85-861, sec. 1(143)	Amendment.
10	6325(a)(2), (b)(2).	131	85-422, sec. 11(a)(6)(B)	Do.
10	6326(c)(2)	329, 130	85-422, sec. 6(9)	Amendment; nonapplicability.
10	6326(d)	1571	85-861, sec. 36B(20)	Repeal.
10	6327(e)	480	85-583, sec. 1(1)	Revision.
10	6330(a), (b)	480	85-583, sec. 1(2), (3)	Amendment.
10	6331(a)	480	85-583, sec. 1(4)	Revision.
10	6331(b), (c)	480	85-583, sec. 1(5), (6)	Amendment.
10	6332	480	85-583, sec. 1(7)	Do.
10	6332	1566	85-861, sec. 33(a)(33)	Do.
10	6371-6409 (ch. 573).	1445	85-861, sec. 1(22)(B)	Exception.
10	6381(a)(2)	131	85-422, sec. 11(a)(6)(C)	Amendment.
10	6383(c)(2)	131	85-422, sec. 11(a)(6)(D)	Do.
10	6389	1509	85-861, sec. 1(144)(A)	Addition.
10	6390(b)(2)	131	85-422, sec. 11(a)(6)(E)	Amendment.
10	6391	1510	85-861, sec. 1(144)(B)	Addition.
10	6394(g)(2)	131	85-422, sec. 11(a)(6)(F)	Amendment.
10	6394(g), (h)	1511	85-861, sec. 1(144)(C)	Former subsec. (g) deleted; new subsecs. (g), (h) added.
10	6396(c)(2)	131	85-422, sec. 11(a)(6)(G)	Amendment.
10	6397	1511	85-861, sec. 1(144)(D)	Addition.
10	6398(b)(2)	131	85-422, sec. 11(a)(6)(H)	Amendment.
10	6399(c)(2)	131	85-422, sec. 11(a)(6)(I)	Do.
10	6400(b)(2)	131	85-422, sec. 11(a)(6)(J)	Do.
10	6401	1561	85-861, sec. 23(b)	Restriction.
10	6403, 6410	1511, 1512	85-861, sec. 1(144)(E), (F).	Addition.
10	6483(c)	129	85-422, sec. 6(5)	Do.
10	6521	1571	85-861, sec. 36B(21)	Repeal.
10	6901(d)-(f)	1512	85-861, sec. 1(146)	Former subsec. (d) deleted; former subsec. (f) amended; former subsecs. (e) and (f) redesignated as (d) and (e); new subsec. (f) added.
10	6911	456	85-578	Revision.
10	6912, 7043	1513	85-861, sec. 1(147), (148).	Revision.
10	7203(b)	1566	85-861, sec. 33(a)(34)	Amendment.
10	7206	1571	85-861, sec. 36B(22)	Repeal.
10	7299	839	85-747	Revision.
10	7307	376	85-532, sec. 1	Exception.
10	7434	1566	85-861, sec. 33(a)(35)	Amendment.
10	7471, 7578	1571	85-861, sec. 36B(23), (24).	Repeal.
10	8012(g)	1513	85-861, sec. 1(152)	Amendment.
10	8013(a)	520	85-599, sec. 8(e)	Revision.
10	8013(b)	1513	85-861, sec. 1(153)	Amendment.
10	8018	1513	85-861, sec. 1(154)	Addition.

TABLE 5.—Positive Law Titles of United States Code—Continued

Provisions affected		Amendatory provisions		
Title	Section	72 Stat.	Identification	Comment
10	8032(b)(1)-----	517	85-599, sec. 4(h)-----	Revision.
10	8033(d)-----	1565	85-861, sec. 33(a)(17)-----	Amendment.
10	8034(d)(4)-(7)---	517	85-599, sec. 4(d), (e)-----	Former clause (4) deleted; former clause (5) revised and renumbered as clause (4); former clauses (6) and (7) renumbered as clauses (5) and (6).
10	8035(d)-----	519	85-599, sec. 6(d)-----	Addition.
10	8066(a)-----	1566	85-861, sec. 33(a)(36)-----	Amendment.
10	8067(e), (f)-----	1513	85-861, sec. 1(156)-----	Do.
10	8074(a)-----	517	85-599, sec. 4(f)(1)-----	Revision.
10	8074(b), (c)-----	517	85-599, sec. 4(f)(2)-----	Repeal.
10	8074(b), (d)-----	517	85-599, sec. 4(f)(2)-----	Subsec. (d) redesignated as "(b)."
10	8075(b)(2)-----	523	85-600, sec. 1(13)-----	Amendment.
10	8201(a)(6), (b)(4)---	1514	85-861, sec. 1(157)(A)-(F).	Addition.
10	8202(c), 8203-----	1514	85-861, sec. 1(158), (159)---	Amendment.
10	8204-----	523	85-600, sec. 1(14)-----	Revision.
10	8205-----	523	85-600, sec. 1(15)-----	Amendment.
10	8205(a)-----	1514	85-861, sec. 1(160)(A), (B).	Do.
10	8205(b)-----	1514	85-861, sec. 1(160)(C)---	Addition.
10	8209-----	1513	85-861, sec. 1(156)-----	Amendment.
10	8210-----	1514	85-861, sec. 1(161)-----	Revision.
10	8211(a)-----	1514	85-861, sec. 1(162)-----	Amendment.
10	8212-----	1515	85-861, sec. 1(163)-----	Revision.
10	8214-----	1514	85-861, sec. 1(159)-----	Amendment.
10	8217-8219-----	1515	85-861, sec. 1(164)(A)---	Addition.
10	8230-----	1515	85-861, sec. 1(164)(B)---	Do.
10	8257(e)-----	1566	85-861, sec. 33(a)(37)-----	Do.
10	8258-----	526	85-603, sec. 1(3)-----	Revision.
10	8262(b)-----	1516	85-861, sec. 1(166)(A)---	Amendment.
10	8263-----	1516	85-861, sec. 1(166)(B)---	Addition.
10	8285-8287-----	1516, 1517	85-861, sec. 1(167)-(169)---	Revision.
10	8288(a)-----	1518	85-861, sec. 1(170)-----	Do.
10	8294, 8295-----	1518, 1519	85-861, sec. 1(173), (174)---	Do.
10	8296(a)-----	523	85-600, sec. 1(16)-----	Amendment.
10	8296(a)-----	1513	85-861, sec. 1(156)-----	Do.
10	8296(b)-----	1519	85-861, sec. 1(175)-----	Do.
10	8296(c)-----	1513	85-861, sec. 1(156)-----	Do.
10	8299(h)-----	1565	85-861, sec. 33(a)(21)-----	Do.
10	8303-----	1562	85-861, sec. 26(a)-----	Restriction.
10	8314-----	1519	85-861, sec. 1(177)-----	Addition.
10	8351-8395 (ch. 837).	1445	85-861, sec. 1(22)(B)-----	Exception.
10	8353-----	1520	85-861, sec. 1(178)(A)---	Addition.
10	8354(a)-----	1520	85-861, sec. 1(178)(B)---	Amendment.
10	8354(b)-----	1520	do-----	Addition.
10	8355(4)-----	1565	85-861, sec. 33(a)(22)-----	Amendment.
10	8358-8363-----	1520, 1522	85-861, sec. 1(178)(C)---	Addition.
10	8365-8368-----	1523, 1526	do-----	Do.
10	8370-8381-----	1526, 1531	do-----	Do.
10	8392, 8393-----	1531	do-----	Do.
10	8443-----	1571	85-861, sec. 36B(25)-----	Repeal.
10	8444(d)-----	1532	85-861, sec. 1(180)(A)---	Addition.
10	8445(b)-----	1532	85-861, sec. 1(180)(B)---	Amendment.
10	8446-----	1532	85-861, sec. 1(180)(C)---	Revision.
10	8447(a)-----	1532	85-861, sec. 1(180)(D)---	Amendment.
10	8448(a)-----	1566	85-861, sec. 33(a)(39)-----	Do.
10	8448(d)-----	526	85-603, sec. 1(4)-----	Repeal.
10	8452-----	1532	85-861, sec. 1(180)(E)---	Addition.
10	8494-----	1532	85-861, sec. 1(181)-----	Do.
10	8546-----	1571	85-861, sec. 36B(26)-----	Repeal.

TABLE 5.—Positive Law Titles of United States Code—Continued

Provisions affected		Amendatory provisions		
Title	Section	72 Stat.	Identification	Comment
10	8571	1533	85-861, sec. 1(183)	Revision.
10	8571(c)(2)	1566	85-861, sec. 33(a)(41)	Amendment.
10	8574(c)	1533	85-861, sec. 1(184)	Revision.
10	8574(c)	1565	85-861, sec. 33(a)(24)	Amendment.
10	8579(b)	1513, 1533	85-861, sec. 1(156), (185).	Do.
10	8638,8681	1571	85-861, sec. 36B(27), (28)	Repeal.
10	8683(4)(B)	1513	85-861, sec. 1(156)	Amendment.
10	8685(b)	1534	85-861, sec. 1(187)	Do.
10	8687(1)	1534	85-861, sec. 1(188)	Do.
10	8688	1571	85-861, sec. 36B(29)	Repeal.
10	8721(1), 8722	1534	85-861, sec. 1(190)	Amendment.
10	8752(b)	1565	85-861, sec. 33(a)(23)	Do.
10	8819	1534	85-861, sec. 1(191)	Addition.
10	8841-8853 (ch. 863).	1445	85-861, sec. 1(22)(B)	Exception.
10	8841-8853 (ch. 863).	1534, 1538	85-861, sec. 1(192)	Addition.
10	8841-8853 (ch. 863).	1562	85-861, sec. 27(a)	Exception.
10	8883	523	85-600, sec. 1(17)	Amendment.
10	8885	1567	85-861, sec. 33(a)(42)	Do.
10	8886	523	85-600, sec. 1(18)	Do.
10	8888	1538	85-861, sec. 1(194)	Revision.
10	8888(1)	131	85-422, sec. 11(a)(7)	Amendment.
10	8925(b)	1540	85-861, sec. 1(195)	Do.
10	8927(a)	1540	85-861, sec. 1(196)(A)	Revision.
10	8927(b)(1)	131	85-422, sec. 11(a)(8)	Amendment.
10	8927(b)(2)	1541	85-861, sec. 1(196)(B)	Do.
10	8962(b), (c)	1541	85-861, sec. 1(197)	Former subsec. (b) deleted; former subsec. (c) redesignated as (b).
10	8963(a)	1541	85-861, sec. 1(198)	Amendment.
10	8963(b)	1513	85-861, sec. 1(156)	Do.
10	8964	1541	85-861, sec. 1(198A)	Do.
10	8966(a), (b)	1541	85-861, sec. 1(199)	Do.
10	8991	129, 131	85-422, secs. 6(6) and (8), 11(a)(9).	Do.
10	8991	1541	85-861, sec. 1(199A)	Do.
10	9021	1571	85-861, sec. 36B(30)	Repeal.
10	9331(b)(6), 9333(c).	523	85-600, sec. 1(19), (20)	Addition.
10	9334(b)	524	85-600, sec. 1(21)	Amendment.
10	9335(b), 9336	1567	85-861, sec. 33(a)(46)	Do.
10	9336 (a)-(c)	524	85-600, sec. 1(22)	Existing text designated as subsec. (a); new subsections (b) and (c) added.
10	9353(a)	1567	85-861, sec. 33(a)(43)	Revision.
10	9353(b)	1541	85-861, sec. 1(201)	Do.
10	9382(c)(3)	1567	85-861, sec. 33(a)(44)	Amendment.
10	9384	1541	85-861, sec. 1(202)	Do.
10	9774	720	85-724	Exception.
10	9774(d)	13	85-325, sec. 2	Do.
10	9774(d)	660, 672	85-685, sec. 501, 605	Do.
10	9774(d)	1098	85-852	Do.
10	9780	1542	85-861, sec. 1(203)	Addition.
10	9837(b), (f)	1567	85-861, sec. 33(a)(45)	Amendment.
14	423	132	85-422, sec. 11(b)	Do.
14	435(a), 436(a)	1555	85-861, sec. 6	Exception.
14	440	1567	85-861, sec. 33(b)(1)	Addition.
14	490	832	85-738, sec. 2	Exception.
14	490(a)	832	85-738, sec. 1(1)	Amendment.
14	490 (b)-(e)	832	85-738, sec. 1(2), (3)	Former subsections (b)-(d) redesignated as (c)-(e); new subsection (b) added; redesignated subsection (c) revised.
14	640	1571	85-861, sec. 36C(1)	Repeal.
14	645(a)	832	85-738, sec. 4	Amendment.

TABLE 5.—Positive Law Titles of United States Code—Continued

Provisions affected		Amendatory provisions		
Title	Section	72 Stat.	Identification	Comment
14	645(b)-----	833	85-738, sec. 5-----	Revision.
14	770-795-----	1547- 1555	85-861, sec. 5(2)-----	Addition.
18	7-----	346	85-508, sec. 10(d)(1)-----	Applicability.
18	15-----	1771	85-921, sec. 3-----	Addition.
18	216-----	544	85-614, sec. 3-----	Exception.
18	217, 218-----	698	85-699, sec. 701(a), (b)-----	Amendment.
18	221-----	698	85-699, sec. 702-----	Do.
18	281-----	544	85-614, sec. 3-----	Exception.
18	281-----	1064	85-844, sec. 101-----	Nonapplicability.
18	281-----	1238	85-857, sec. 1 (§ 3402(c))-----	Exception.
18	281-----	1603	85-864, sec. 1003(a)-----	Do.
18	283-----	544	85-614, sec. 3-----	Do.
18	283-----	1064	85-844, sec. 101-----	Nonapplicability.
18	283-----	1238	85-857, sec. 1 (§ 3402(c))-----	Exception.
18	283-----	1603	85-864, sec. 1003(a)-----	Do.
18	284-----	544	85-614, sec. 3-----	Do.
18	284-----	1603	85-864, sec. 1003(a)-----	Do.
18	434-----	544	85-614, sec. 3-----	Do.
18	504-----	1771	85-921, sec. 1-----	Revision.
18	657-----	698	85-699, sec. 703-----	Amendment.
18	799-----	434	85-568, sec. 304(c)-----	Addition.
18	955-----	263	85-477, sec. 203(a)(2)-----	Exception.
18	1006-----	698	85-699, sec. 704-----	Amendment.
18	1014-----	699	85-699, sec. 705-----	Do.
18	1114-----	434	85-568, sec. 304(d)-----	Do.
18	1162(a), 1360(a)-----	545	85-615, secs. 1, 2-----	Do.
18	1461, 1462-----	962	85-796-----	Do.
18	1716-----	562	85-623, sec. 5-----	Do.
18	1914-----	336	85-507-----	Exception.
18	1914-----	544	85-614, sec. 3-----	Do.
18	1914-----	1603	85-864, sec. 1003-----	Do.
18	3237-----	512	85-595-----	Existing text designated as sub-sec. (a); new subsec. (b) added.
18	3241, 3401(e)-----	348	85-508, sec. 12(i), (j)-----	Amendment.
18	3651-----	216	85-463, sec. 1-----	Do.
18	3651-----	834	85-741-----	Do.
18	3656-----	207	85-462, sec. 3(a)-----	Do.
18	3771, 3772-----	348	85-508, sec. 12(k), (l)-----	Do.
18	4201-----	1783	85-928-----	Do.
18	4208, 4209-----	845, 846	85-752, secs. 3, 4-----	Addition.
23	101-320-----	885	85-767, sec. 1-----	Laws relating to highways revised, codified, and enacted into positive law as title 23, U.S. Code.
28	45(a)-----	497	85-593, sec. 1-----	Revision.
28	81A-----	348	85-508, sec. 12(b)-----	Addition.
28	133-----	348	85-508, sec. 12(c)-----	Amendment.
28	136(a)-----	497	85-593, sec. 2-----	Revision.
28	211-----	848	85-755, sec. 1-----	Amendment.
28	291-294-----	848, 849	85-755, secs. 2-5-----	Revision.
28	295-----	850	85-755, sec. 6-----	Amendment.
28	331-----	356	85-513-----	Do.
28	333-----	348	85-508, sec. 12(e)-----	Do.
28	334-----	845	85-752, sec. 1-----	Addition.
28	373, 376(q)-----	348	85-508, sec. 12(d)(n)-----	Amendment.
28	460-----	348	85-508, sec. 12(e)-----	Do.
28	507(b)-----	264	85-477, sec. 203(c)(3)-----	Applicability.
28	544(a), (b)-----	1104	85-856-----	Revision.
28	603, 604(a)(5)-----	207	85-462, sec. 3(a)-----	Amendment.
28	610-----	348	85-508, sec. 12(e)-----	Do.
28	672-675-----	207	85-462, sec. 3(a)-----	Do.
28	753-----	348	85-508, sec. 12(e)-----	Do.
28	753(e)-----	207	85-462, sec. 3(c)-----	Do.

TABLE 5.—Positive Law Titles of United States Code—Continued

Provisions affected		Amendatory provisions		
Title	Section	72 Stat.	Identification	Comment
28	1252	348	85-508, sec. 12(e), (f)	Amendment.
28	1291, 1292	348	85-508, sec. 12(e)	Do.
28	1292(a), (b)	1770	85-919	Existing text designated as subpar. (a); new subpar. (b) added.
28	1294(2)	348	85-508, sec. 12(g)	Repeal.
28	1294 (3)-(7)	348	85-508, sec. 12(g)	Subsecs. (3)-(7) renumbered (2)-(6).
28	1331, 1332	415	85-554, secs. 1, 2	Revision.
28	1346	348	85-508, sec. 12(e)	Amendment.
28	1402(a)	1770	85-920	Revision.
28	1445(c)	415	85-554, sec. 5(a)	Addition.
28	1963	349	85-508, sec. 12(o)	Partial repeal.
28	1964	683	85-689, sec. 1	Addition.
28	2072	348	85-508, sec. 12(m)	Amendment.
28	2112	941	85-791, sec. 2	Addition.
28	2201	349	85-508, sec. 12(p)	Amendment.
28	2410(a)	348	85-508, sec. 12(h)	Do.
28	2679	264	85-477, sec. 203(c)(3)	Applicability.
32	101 (2)-(18)	1542	85-861, sec. 2(1)	Former clauses (2)-(16) redesignated as (3)-(17); new clauses (2) and (18) added.
32	107	715	85-724	Exception.
32	109(a), (b)	1542	85-861, sec. 2(2)(A)	Amendment.
32	109 (c)-(e)	1542	85-861, sec. 2(2)(B)	Addition.
32	111	1543	85-861, sec. 2(3)	Do.
32	305(a)	1543	85-861, sec. 2(5)(A)	Amendment.
32	305(b)	1543	85-861, sec. 2(5)(B)	Addition.
32	307(a)(3)	1543	85-861, sec. 2(6)(A)	Amendment.
32	307(e), (f)	1543	85-861, sec. 2(6)(B)	Addition.
32	309, 310	1543	85-861, sec. 2(7)	Do.
32	313(b)	1544	85-861, sec. 2(9)	Revision.
32	314(b)	1713	85-894	Amendment.
32	318	1567	85-861, sec. 33(c)(1)	Do.
32	321	1544	85-861, sec. 2(10)	Revision.
32	323(b)(1),(2)	1567	85-861, sec. 33(c)(2)	Do.
32	323(d)	1546	85-861, sec. 2(11)	Addition.
32	710(c)	1567	85-861, sec. 33(c)(3)	Amendment.
32	714	1546	85-861, sec. 2(12)	Addition.
35	3, 7	1793	85-933, secs. 1, 2	Amendment.
38	101-5228	1105	85-857	Laws relating to veterans' benefits revised, codified, and enacted into positive law as title 38, U.S. Code.
38	314(r)	936	85-782, sec. 2	Addition.
38	412, 422(a)	1133	85-857, sec. 1 (§ 422(c))	Exception.
38	505(a)	1135	85-857, sec. 1 (§ 505(b), (c))	Do.
38	521	1136	85-857, sec. 1 (§ 522)	Do.
38	717	1156	85-857, sec. 1 (§ 722(b)(4))	Do.
38	723(b),(c)	1716	85-896	Former subsec. (b) redesignated as (c); new subsec. (b) added; redesignated subsec. (c) revised.
38	1701(c)	1232	85-857, sec. 1 (§ 3202(a))	Exception.
38	3101(a)	1229	85-857, sec. 1 (§ 3101(c))	Do.
38	5201	1257	85-857, sec. 1 (§ 5202(a))	Do.
<i>Canal Zone Code</i>				
2	282	37	85-346	Addition.
2	412(c)	829	85-735	Revision.
5	831	121	85-419	Do.

TABLE 6.—*Reorganization Plans*

Provisions affected			Amendatory provisions		
Year	Statutes vol.: page	Plan	72 Stat.	Identification	Comment
1940	54:1231	No. III, sec. 7	806	85-726, sec. 1401(c)	Repeal.
1940	54:1234	No. IV, sec. 7	806	do	Do.
1953	67:638	No. 6	521	85-599, sec. 10(b)	Do.
1953	67:644	No. 10	806	85-726, sec. 1401(c)	Do.
1958	72:1799	No. 1	535	85-606	Applicability.
1958	72:1799	No. 1	861	85-763	Amendment.

TABLE 7.—*Veterans' Regulations*

Provisions affected		Amendatory provisions		
Vets. regs.	Identification	72 Stat.	Identification	Comment
1(a)	Pt. VII, par. 9	338	85-507, sec. 21(o)(7)	Partial repeal.
1(a)	Pt. VII, pars. 10, 11	1264	85-857, sec. 12	Exception to repeal.
1(a)	Pt. VII	1272	85-857, sec. 14(67)	Repeal, with conditions.
1(a)	Pt. VIII	1264	85-857, sec. 12(a)	Exception to repeal.
1(a)	Pt. VIII	1272	85-857, sec. 14(67)	Repeal.
1(a)	Pt. VIII, par. 1	975	85-807, sec. 1	Amendment; exception.

TABLE 8.—*Executive Orders and Proclamations*

Number	Date	Amendatory provisions		
		72 Stat.	Identification	Comment
None				

TABLE 9.—*Treaties and International Agreements*

Provisions affected				Amendatory provisions		
Date	Series No.	Stat.	Identification	72 Stat.	Identification	Comment
None						

TABLE 10.—*Provisions Respecting General Repeals, Conflicts, Etc.*

72 Stat.	Identification	Comment
14	85-327	John Redmond Dam and Reservoir.
16	85-329	William Bacon Oliver Lock and Dam.
27	85-337, sec. 1	Public land withdrawals.
48	85-348, sec. 2	Federal cooperation with Bear River Commission.
70	85-359	Alaska, land conveyance.
73	85-363	Walter F. George lock and dam.
78	85-365, sec. 1	VIII Olympic Winter Games, 1960, Armed Forces activities.
83	85-371, sec. 6	Short paid and undeliverable mail.
96	85-381, sec. 14	Highways.
97	85-383	D.C. Recreation Board employees, night pay differential.

TABLE 10.—Provisions Respecting General Repeals, Conflicts, Etc.—Continued

72 Stat.	Identification	Comment
98	85-384	Foreign students, attendance at D.C. Teachers College.
128, 130	85-422, secs. 3, 4, 7	Armed Forces, retirement pay.
148	85-429, sec. 4	Real property added to Capitol Grounds, jurisdiction of Architect of the Capitol.
164	85-439	Trust Territory of the Pacific Islands, distribution of surplus food commodities.
168	do	Twine, purchase of.
203-207	85-462, sec. 2(b) (1)-(9)	Federal employees, adjustment of General Schedule rates.
207, 208	85-462, sec. 4 generally	Senate and House employees, adjustment of compensation.
214	85-462, sec. 14	Agricultural extension work and experiment station employees, salary increase provisions.
218, 219	85-465, secs. 1-4	Civil service retirement annuities, increase.
221	85-468	Expenditures by the President.
225	do	Government-owned quarters, occupancy.
230	85-469	Ship construction, exception to appropriation limitations.
239	85-470, sec. 4	Civil-service laws and regulations, exception.
244	85-473	Alaskan transportation on Canadian vessels.
246	85-474	Civil-service and classification laws, exception.
253	do	Classification and retirement acts, exception.
256	do	Civil-service and classification laws, exception.
257	do	Standardized Government Travel Regulations, exception.
346	85-508, sec. 10(d)	Alaska, lands in withdrawal areas, applicability of laws to.
352	85-508, sec. 30	Alaska, repeal of previous conflicting acts.
387	85-536, sec. 2	Civil-service and classification laws, exception.
388, 393	do	Antitrust laws, exception.
396	85-536, sec. 2	Small Business Act, repeal of inconsistent laws.
408	85-550, sec. 9(3), (5), (6)	Government employee benefits based on compensation, determination.
412	85-551, sec. 3	Civil-service and classification laws, exception.
428, 429	85-568, secs. 201(f), 203(b)(2)	Civil-service laws, exception.
430	85-568, sec. 203(b)(6)	Aeronautics and space, agency cooperation.
450	85-570, sec. 101	Botanic Garden, purchase of materials and services by contract.
496	85-591, sec. 4	Real property added to Capitol Grounds, jurisdiction of Architect of the Capitol.
509	85-594, sec. 1	Civil-service and classification laws, exception.
544	85-614, sec. 3	Civil-service laws, exception.
661	85-685, sec. 507	Military public works, authorizations repealed; exceptions.
662, 663	85-685, secs. 512(a), 513(a)	Family housing units at military installations, restrictions; exceptions.
682	85-688, sec. 1(h)	Guam Territorial income tax, jurisdiction of District Court.
726	85-724, sec. 615	Armed Forces, proficiency flying and flight pay.
741, 742	85-726, sec. 202(a), (c)	Civil-service and classification laws, exception.
770	85-726, sec. 414	Anti-trust laws, exception.
781	85-726, sec. 701(b)	Civil-service laws, exception.
806	85-726, sec. 1401(e)	Federal Aviation Act, repeal of inconsistencies.
838	85-745, sec. 1(b)	Civil-service and classification laws, exception.
847	85-754, sec. 1	Armed Forces officers, retired pay.
869	85-766, ch. V	Ryukyu Islands, administration, exception to civil-service and classification laws.
935	85-780, sec. 2	Mineral leases, renewal.
979	85-813	Fort Custer Military Reservation, jurisdiction.
987	85-834	Hawaii, sale of public lands.
988, 992	85-835, secs. 101, 105	Cotton acreage allotments.
993	85-835, sec. 201	Price support program, referendum.
994	do	Corn acreage allotments.
1056, 1057	85-840, secs. 704(b), 705(b)	Civil-service laws, exception.
1060	85-843, sec. 204	Do.
1092	85-850, sec. 4	Do.

TABLE 10.—Provisions Respecting General Repeals, Conflicts, Etc.—Continued

72 Stat.	Identification	Comment
1102	85-853, sec. 108	Foreign currencies, use of.
1167	85-857, sec. 1 (§ 788)	Veterans' benefits, savings provision.
1249	85-857, sec. 1 (§ 4202)	Veterans' Canteen Service personnel, civil-service laws regarding, exception.
1263	85-857, sec. 6	Appropriations, continuing availability for effecting veterans laws repealed by Pub. L. 85-857.
1556	85-861, sec. 11	Uniformed services, restrictions on allowances of members while participating in international sports.
1562	85-861, sec. 27(a)	Air Force officers, service credit.
1571	85-862	National forests lands.
1596,	85-864, secs. 761(a), 762	Civil-service laws, exception.
1597		
1648	85-866, sec. 62	Federal renegotiation laws, applicability.
1672	85-866, sec. 96	Income tax refunds based on education expenses in 1954.
1673	85-866, sec. 100	Income tax refunds based on reasonable cause for failure to file.
1690	85-869, sec. 1	Armed Forces, validation of certain overpayments.
1703	85-880, sec. 3	Civil-service laws, exception.
1712	85-890, sec. 1	Civil-service and classification laws, exception.
1712	85-892, sec. 1	Nonquota immigrant visas, special authorization.
1735	85-900, sec. 13	Federally owned property, disposal.
1736	85-902	Corporations owning vessels, citizenship determination.
1744	85-906, sec. 4(a), (c)	Civil-service and classification laws, exception.
1759	85-913, sec. 2	Do.
1778	85-927, sec. 1(b)	Railroad Retirement Board, determination of "period of disability".
1792	85-931, sec. 9	Surplus commodities, distribution.

TABLES OF PRIOR LAWS AND OTHER FEDERAL INSTRUMENTS REFERRED TO IN TEXT

TABLE 11.—General Legislation

Date	Public law	72 Stat.	Date	Public law	72 Stat.
1787			1882		
Sept. 17	Constitution	347, 363, 371, 839, 848	July 1	Ch. 263	498
			Aug. 5	Ch. 389	1116
			7	Ch. 433	1269
1841			1883		
Sept. 4	Ch. 16	343	Jan. 16	Ch. 27	408, 1748
1850			1884		
Sept. 28	Ch. 85	343	May 29	Ch. 60	189, 454
1856			July 5	Ch. 234	84
June 2	Ch. 35	399	1885		
1862			Mar. 3	Ch. 342	84
July 2	Ch. 130	343	3	Ch. 360	1269
1865			1886		
Feb. 14	Ch. 34	404	July 9	Ch. 756	1269
1872			1887		
June 8	Ch. 335	103	Feb. 4	Ch. 104	357, 568-574, 767, 768, 770, 791, 812, 859, 861, 984, 1264, 1750
1874			Mar. 2	Ch. 314	189
June 20	Ch. 337	498	2	Ch. 316	1269
1875			3	Ch. 346	104
Mar. 3	Ch. 128	1268	3	Ch. 362	1269
1876			1888		
Aug. 15	Ch. 287	1116	Jan. 20	Ch. 2	141
1877			June 29	Ch. 496	970
Mar. 3	Ch. 103	136	Aug. 1	Ch. 728	663, 749
3	Ch. 107	596	27	Ch. 914	1074, 1269
3	Ch. 114	1430	Oct. 2	Ch. 1069	1269
1878			18	Ch. 1194	1430
May 17	Ch. 107	104	1889		
June 11	Ch. 180	509	Jan. 16	Ch. 50	84
20	Ch. 359	256	Mar. 2	Ch. 405	1765, 1767, 1774
1879			2	Ch. 411	1269
Mar. 3	Ch. 180	83, 84, 136, 139, 940	1890		
3	Ch. 182	1268	July 2	Ch. 647	632
3	Ch. 186	461	Aug. 30	Ch. 837	152
June 10	Ch. 16	498	1891		
1881			Mar. 3	J. Res. No. 21	1269
Feb. 26	Ch. 80	1269	1892		
			May 11	Ch. 67	404
			July 26	Ch. 249	104
			Aug. 5	Ch. 380	1269

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Date	Public law	72 Stat.	Date	Public law	72 Stat.
1893			1903		
Mar. 3	Ch. 199-----	498	Mar. 2	133-----	86
3	Ch. 210-----	1269	3	157-----	1269, 1270
1894			1904		
July 31	Ch. 174-----	543, 544	Mar. 4	242-----	1784, 1785
Aug. 11	Ch. 253-----	498	31	Pub. Res. 15---	1270
18	Ch. 299-----	970	Apr. 22	140-----	498
18	Ch. 301-----	1269	27	171-----	136
27	Ch. 349-----	632	28	191-----	420
			28	194-----	1269
1895			1905		
Jan. 12	Ch. 23-----	197, 420, 452	Feb. 23	96-----	498
Feb. 8	Ch. 64-----	49	Mar. 3	139-----	498
19	Ch. 102-----	833	3	216-----	1269
Mar. 2	Ch. 189-----	1269			
1896			1906		
June 9	Ch. 386-----	1713	Mar. 23	65-----	320, 355, 425
11	Ch. 420-----	1269, 1270	June 8	209-----	913
1897			26	297-----	255
June 4	Ch. 2-----	1269	26	298-----	340
7	Ch. 4-----	590, 612	30	382-----	163
1898			30	383-----	1270
May 14	Ch. 299-----	70, 730	30	401-----	815
July 1	Ch. 541-----	207, 357, 820-822, 984, 1302, 1665	1907		
1	Ch. 546-----	1269, 1270	Mar. 4	242-----	863, 1789
1899			4	253-----	1270
Mar. 3	Ch. 417-----	815	1908		
3	Ch. 424-----	1269	May 20	125-----	99, 100
1900			27	141-----	1270
Apr. 30	Ch. 339-----	163, 379, 606, 628, 684, 685, 707, 709, 710, 851, 957, 958, 971	1909		
May 26	Ch. 586-----	1270	Mar. 4	328-----	1270
June 2	Ch. 612-----	498	1910		
6	Ch. 785-----	1270	Feb. 25	62-----	293
6	Ch. 786-----	163, 255, 615	May 12	173-----	104
6	Ch. 791-----	1269, 1270	17	181-----	166
1901			June 22	227-----	596
Jan. 28	Ch. 184-----	1270	25	266-----	1270
Mar. 1	Ch. 670-----	462	25	268-----	81, 589
3	Ch. 853-----	1264, 1269, 1270	25	315-----	216
3	Ch. 854-----	30, 815	1911		
3	Ch. 872-----	234, 1711	Mar. 1	289-----	168
1902			1	435-----	166, 425, 567, 608, 817, 818, 979, 1571
June 17	161-----	19, 82, 104, 147, 154, 320, 565, 1574, 1576.	4	505-----	230, 624
28	182-----	1269	4	525-----	1270
July 1	217-----	1270	Aug. 8	5-----	345
			1912		
			Apr. 9	116-----	471
			May 27	167-----	149
			Aug. 23	299-----	217
			24	302-----	161, 507, 1270

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Date	Public law	72 Stat.	Date	Public law	72 Stat.
1912			1918		
Aug. 24	334	163	Feb. 12	Pub. Res. 22	1271
24	336	136, 411	June 7	165	1758
1913			20	174	49
Mar. 2	401	294	25	175	1271
4	426	458	July 3	186	814
4	430	167, 216	8	191	1569
June 23	3	1270	9	193	1569
Dec. 23	43	261, 350, 396, 697, 698	1919		
1914			Feb. 26	279	1271
May 8	95	189, 190	28	299	919
July 17	128	596	28	312	1271
Aug. 1	161	1270	Mar. 1	314	181, 245, 246
Sept. 2	193	1167	Dec. 18	101	815
26	203	388, 393, 394, 632, 809, 942, 943, 1372, 1718, 1720-1723, 1750.	1920		
Oct. 15	212	632, 770, 943, 1646	Jan. 15	111	98
19	Pub. Res. 53	1270	Feb. 11	137	1571
20	216	342, 351	25	146	33, 323, 324, 342, 343, 351, 547, 688, 935.
1915			May 22	215	98, 410, 1064
Mar. 3	263	1271	June 5	246	1271
4	292	808	5	259	461
4	323	594, 595, 605, 606	5	261	351, 1736
4	330	343	1921		
4	331	929	Mar. 3	365	502
1916			3	375	531
Apr. 27	57	544	May 27	10	583-587
May 10	73	500, 543, 544	June 10	13	164, 852, 1190, 1200
18	80	958	July 9	34	705, 706, 822
18	81	81	Aug. 15	51	944, 1749, 1750
June 3	85	1487, 1488, 1538, 1540	24	Pub. Res. 19	1271
July 1	132	1271	Nov. 9	87	91, 94, 167, 232, 233, 416, 834, 919
11	155	232	1922		
11	156	89, 90, 96, 919	Mar. 8	165	730
28	169	943	Apr. 20	194	1271
Aug. 11	190	352	May 11	217	218, 1249
25	235	69, 152, 153, 421, 1753, 1772	June 19	244	919
Sept. 1	250	686	30	259	1271
7	259	574, 1736, 1737	Sept. 22	342	1571
7	267	164, 408, 457, 460, 538, 837, 838, 960, 1111, 1131, 1132, 1220.	22	361	1271
1917			1923		
Feb. 23	347	1186, 1597, 1598, 1600	Mar. 2	465	1271
Mar. 3	378	498	4	516	1266, 1783
June 15	24	835	1924		
Sept. 24	43	27, 359, 423, 1215, 1758, 1760	Mar. 10	35	463, 919
Oct. 6	64	1271	Apr. 23	104	498, 505
6	91	252, 1298, 1708	May 3	114	149
			19	120	1074, 1264, 1271
			26	139	375
			26	147	165
			June 5	196	1271
			6	204	340

TABLE 11.—General Legislation—Continued

Date	Public law	72 Stat.	Date	Public law	72 Stat.
1924			1929		
June 7	Pub. Res. 33	136	Feb. 11	719	499, 868
7	213	1271	14	749	137
7	217	1271	18	770	486, 487
7	224	498	20	Pub. Res. 89	163
7	242	1161, 1163, 1167, 1271	20	780	1272
7	276	452	28	843	1271
1925			28	858	1702
Jan. 31	356	1249	Mar. 1	867	148, 496
Feb. 12	407	919	4	1027	369
12	413	1271	June 20	17	453
28	506	136, 139, 141, 143	1930		
Mar. 3	544	160	Apr. 4	90	919
3	561	30	23	165	1451
3	575	166, 218	May 5	179	919
3	586	1271	9	184	83
1926			14	215	69
Mar. 3	36	498	16	230	1272
Apr. 14	119	498	27	271	159
15	123	1271	28	278	1271
May 7	186	245	29	279	143, 147, 213, 219, 265, 405, 408, 410, 614, 838, 930, 959, 985.
20	250	806	29	284	507, 705
20	257	474, 757	June 5	303	1272
25	281	1066, 1067, 1710, 1794	5	305	499
25	284	963	9	316	143
June 22	411	919	17	361	72, 73, 88, 107, 112, 114, 115, 117- 120, 185, 187, 238, 602, 624, 673, 676, 678- 680, 687, 945, 976, 1317, 1322, 1327, 1334, 1335, 1363, 1394, 1685, 1722, 1776.
July 2	450	190	21	405	1272
3	472	1271	24	426	919
1927			26	445	224
Feb. 23	630	1271	July 3	505	1272
Mar. 3	740	50	3	520	1572
3	746	815	3	536	1262
3	773	919	1931		
4	784	1271	Jan. 31	592	92, 920
4	785	1271	Feb. 20	688	919
4	798	1271	23	720	1272
4	803	1271	23	722	919
Dec. 22	2	397, 398, 460, 835, 1271	26	736	663, 664, 749, 892, 909
1928			27	743	1272
Feb. 16	Pub. Res. 9	321	Mar. 3	787	451
Mar. 3	92	620	3	791	463
8	107	765	3	798	533, 1703
23	181	1271	1932		
26	184	1271	May 2	114	36
May 4	342	835, 836	June 30	122	544
15	391	308, 1574	30	212	165, 258, 431, 714, 1066, 1264, 1579
17	419	837	30	218	898
21	458	919			
24	499	806			
24	506	488			
26	519	919, 920			
26	520	93			
29	566	420			
29	570	1272			
29	620	446			
Dec. 21	642	1576, 1727, 1728, 1733, 1735			

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Date	Public law	72 Stat.	Date	Public law	72 Stat.
1932			1935		
June 30	228-----	1272	Aug. 19	286-----	965, 1013-1057, 1087-1089, 1128, 1130, 1132, 1218, 1219, 1226, 1265, 1778-1783.
July 1	237-----	952	21	292-----	247
1	240-----	969	23	Pub. Res. 54	706, 1577
8	Pub. Res. 35	1272	23	305-----	321
21	302-----	919	23	312-----	1079, 1080
22	304-----	1077, 1078, 1264	24	320-----	1272
1933			26	333-----	164, 194, 454, 1792
Jan. 14	Pub. Res. 47	509	28	386-----	946, 947, 1001, 1303
Feb. 25	373-----	1165	29	392-----	417
Mar. 1	403-----	1687	29	401-----	247
3	415-----	977	29	401-----	946, 1349, 1361, 1367, 1388
3	422-----	396	30	403-----	551, 896
May 18	17-----	1579	30	411-----	358
27	22-----	694, 945	1936		
June 6	30-----	173, 458, 459, 1218	Jan. 16	418-----	1057
13	43-----	1077, 1264	27	425-----	1264, 1272
16	67-----	557, 919	Feb. 29	461-----	191, 192, 414
1934			May 20	605-----	195
Jan. 24	85-----	132, 418, 419	26	617-----	110
Mar. 10	121-----	563, 567	June 4	Pub. Res. 99	321
16	124-----	486, 487, 818	4	638-----	158
26	Pub. Res. 17	269	4	642-----	1571
27	140-----	765	4	648-----	247
28	141-----	411	8	673-----	500
Apr. 16	167-----	559, 560	15	675-----	944, 1013
May 7	211-----	253	15	679-----	194
30	267-----	280, 284	16	686-----	509, 919
June 6	291-----	945	20	719-----	404
12	307-----	1072	22	738-----	191, 305, 315
12	316-----	185	23	766-----	919
13	324-----	533, 967	29	835-----	16, 17, 52, 229-232, 269, 337, 358- 360, 525, 592, 622, 623, 947.
18	383-----	621, 931, 1765, 1767, 1774	29	844-----	1272
18	393-----	919	30	846-----	461, 835, 839
18	397-----	945, 1317, 1327, 1363	1937		
19	416-----	945, 981	Mar. 24	Pub. Res. 14	169
19	431-----	512	Apr. 13	28-----	50
19	436-----	19-21, 24	15	37-----	137
26	473-----	1236, 1257, 1259	June 23	159-----	1507
27	479-----	73, 77, 176, 1077, 1078, 1080, 1098, 1205, 1265, 1266, 1460, 1730, 1735	24	162-----	1056, 1128, 1778, 1779, 1781, 1783
28	482-----	157	28	165-----	287
1935			28	169-----	341
Jan. 28	Pub. Res. 1	1272	July 8	191-----	410
Feb. 22	14-----	155	8	192-----	63, 802
Apr. 8	Pub. Res. 11	557	22	210-----	74, 168, 196, 197, 438, 840-842, 939, 1208, 1265.
27	46-----	190, 191	Aug. 16	308-----	458, 1175
June 17	150-----	30	17	311-----	399
28	170-----	272	28	399-----	196, 197, 840, 841
29	182-----	463	28	405-----	156, 157
July 5	198-----	474, 945	Sept. 1	412-----	557, 1071, 1081
26	220-----	452	2	415-----	341
Aug. 7	253-----	574			
12	262-----	1265			
14	271-----	187, 458, 459, 471, 472, 878, 938, 939, 958, 964,			

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Date	Public law	72 Stat.	Date	Public law	72 Stat.
1938			1940		
Feb. 16	430	78, 79, 101, 104, 177, 178, 186, 192-195, 291, 703, 709, 988- 996.	Aug. 27	Pub. Res. 96	458
			27	774	809
			Sept. 5	780	919
			16	783	457, 1073
			18	785	860, 861
Mar. 8	442	198	Oct. 8	801	630, 1075, 1112, 1132, 1151, 1152, 1154, 1156-1158, 1164, 1167, 1272, 1716.
18	446	582			444
31	455	383	9	812	21-26
Apr. 15	486	762, 808	9	824	1228, 1232, 1268
May 11	505	167	9	828	191
11	506	935	14	848	70
June 8	582	255	14	849	1717
8	584	508, 509, 919	14	850	809
10	587	921	14	856	809
21	688	947	17	861	487
23	706	84, 237, 337, 338, 741, 773, 806, 808-810, 947, 973.	17	871	1272
			Nov. 26	880	151
25	717	462, 947, 948, 1723, 1784, 1789	1941		
25	718	461, 474, 844, 948	June 28	136	247
25	722	948, 1782, 1783	July 1	145	447
28	761	295, 305, 306, 309- 311, 315	29	191	624
29	Pub. Res. 127	377	Aug. 16	208	272, 537, 837
29	775	952	18	213	458
1939			18	228	314
Apr. 13	Pub. Res. 9	169	Sept. 20	250	447
May 17	80	321	Oct. 14	270	136, 141
24	85	156	Nov. 15	291	345
July 18	Pub. Res. 30	34	19	295	338, 919, 1099
18	191	355	Dec. 18	354	1298
19	195	919	26	375	866
19	198	1272	1942		
Aug. 1	250	1272	Jan. 15	401	498
2	252	193	Feb. 10	448	1272
3	253	694	16	454	498, 686
4	259	230	Mar. 7	490	1112
4	260	320, 542, 565, 1711	13	497	184
7	332	535	Apr. 1	512	398
9	354	476-479, 949	29	534	97
9	355	249	July 2	646	919
11	391	236, 724	9	663	1688
11	398	191, 542	11	667	1272
1940			20	671	1568
Jan. 17	403	625	Nov. 24	775	808
Apr. 25	484	1756-1758	Dec. 2	784	273, 536, 537, 539
June 13	626	37	3	786	1272
18	640	1729, 1730	10	796	452
21	647	595	18	816	1155, 1162, 1272
27	668	445, 447	1943		
28	671	557	Mar. 24	16	1264
29	674	807	24	17	1272
29	683	137	July 1	106	340
July 2	711	169	7	115	1073
11	Pub. Res. 93	475	12	132	1272
18	751	355	13	146	919
19	753	1063	Oct. 25	170	1272
19	756	1576, 1726, 1732- 1735	Nov. 22	187	1272
Aug. 22	768	694, 695, 949, 1001	Dec. 17	202	1272

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Date	Public law	72 Stat.	Date	Public law	72 Stat.
1944			1946		
Feb. 3	225	1222, 1264-1266, 1272	June 11	404	152, 155, 197, 487, 554, 750, 754, 788, 836, 943, 951.
26	237	162, 341	14	413	294
Apr. 4	288	919	28	464	59, 255
May 29	319	1064	28	469	101
June 5	329	147	July 1	479	442
22	346	74-77, 458, 975, 1075, 1203, 1205, 1214, 1264, 1273	5	489	540
27	359	411, 1249	16	516	320
28	369	1577	23	520	1068, 1069
28	371	511, 868	23	521	1273
July 1	410	214, 399, 465-469, 489, 616, 933, 950, 1547, 1704, 1789.	24	525	291, 302, 309, 1058
Sept. 21	425	167, 168, 188, 190, 191, 193, 196, 197, 217.	24	526	360
27	435	342, 929	26	549	460
27	439	1273	29	562	233, 919
30	453	1273	30	563	196
Oct. 3	457	249, 984	30	565	245, 273
Dec. 13	476	721	31	570	148, 496
20	506	292	Aug. 1	584	226
20	521	89, 90, 93, 96, 509, 919	1	585	632
21	526	851	1	586	463, 1597
22	534	294, 305, 307, 311, 314, 316, 319, 320, 542, 1062, 1094, 1578, 1762	2	592	983, 1102
23	554	721	2	600	14, 52, 53, 55, 61- 64, 155, 165-169, 187, 188, 191, 193, 196, 197, 221-225, 232, 234-237, 245, 248, 249, 253, 256, 258, 332, 429, 431, 452, 475, 499, 500, 509-511, 723, 747, 828, 843, 869, 870, 874, 880, 913, 1063- 1066, 1068, 1070- 1073, 1076, 1082, 1274, 1574, 1708, 1744.
1945			2	601	209, 441, 444, 447, 451, 879
Mar. 2	14	297, 300	2	604	1569
Apr. 19	34	1576, 1577	7	624	98, 1768
25	40	247	7	636	1250, 1266
May 7	Pri. L. 58	137	7	648	15, 507, 708, 872
31	71	321	8	658	467
June 30	106	97, 214, 363, 377, 411, 1265, 1712	8	663	208
July 28	161	539	9	704	129, 1089, 1567
31	165	919	13	724	211, 212, 225, 244- 246, 249, 256, 273, 1705.
31	173	133	13	725	950
Sept. 20	182	1273	13	726	168
Oct. 6	190	1112	14	731	196
Dec. 6	248	64, 170, 198, 225, 235, 237, 258, 263, 272, 804, 805, 870, 1101, 1250.	14	733	189, 190, 193, 194, 199
28	269	1273	1947		
28	281	1487, 1488, 1538, 1540	Feb. 28	8	189
1946			Apr. 16	36	1539, 1540
Jan. 3	293	1266	May 19	74	541, 935
Feb. 20	304	221	June 21	100	919
Mar. 8	321	710	23	101	457, 474, 475
23	333	130	26	118	498
Apr. 18	347	1569	30	144	138
May 1	372	1265			
13	377	227, 753, 806			
24	390	207			
June 4	396	194, 1735, 1736			

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Date	Public law	72 Stat.	Date	Public law	72 Stat.
1947			1949		
July 16	195	183, 498	Jan. 19	2	221
17	197	980	Feb. 26	11	220, 865
18	204	163	Apr. 6	38	357, 389
23	219	1555	May 24	71	196, 442
26	253	514, 516-518, 520, 521	26	73	274, 363
30	268	226, 1069, 1077	June 9	92	257, 332, 387, 503, 843, 1063, 1744
30	269	1273	10	93	252
30	289	807	16	105	294, 399, 1066, 1710
31	299	231	20	109	515
Aug. 1	313	8, 213A, 746	20	110	337
4	330	1265	22	118	980
4	349	1266	28	132	191
5	361	161	30	149	1759, 1761
6	373	228, 865	30	152	29, 34, 257, 288, 294, 316, 416, 430, 452, 456, 473, 618, 631, 748, 808, 936, 966, 967, 972, 984, 1003, 1068, 1070, 1704, 1709, 1759.
6	377	1273	July 11	162	457
7	381	1466, 1487, 1488, 1539, 1541, 1556, 1569	15	171	74, 196, 1070, 1208
8	383	324	Aug. 4	207	808
8	388	195, 950	12	223	235
Dec. 22	534	937	24	264	164, 555, 626
1948			24	265	249
Jan. 27	402	249, 256, 274, 883, 1790	29	272	093
Feb. 5	407	1686	Sept. 7	290	136
Apr. 24	496	188, 454	Oct. 1	311	807
May 14	527	502, 507	10	340	285, 286
18	531	1273	12	350	1732
18	534	162	12	351	37, 63, 122-128, 230, 329, 332, 726, 1108, 1126, 1513, 1544, 1545, 1556, 1568.
25	553	1728	13	352	504
28	561	724	14	356	937
28	562	228, 321, 807	25	370	985
June 2	573	234	25	375	358
3	577	1273	25	387	872, 1081
3	587	132	26	390	234
4	605	422, 423	27	415	433
12	625	1487, 1488, 1538, 1540	27	421	51
14	643	275	27	429	8, 97, 150, 151, 164, 203-209, 211, 213, 214, 227, 228, 234, 237, 254, 255, 385, 406, 411, 428- 430, 472, 544, 633, 723, 742, 746, 747, 781, 830, 831, 1060, 1092, 1116, 1221, 1247, 1249, 1266, 1696, 1703, 1744, 1781, 1783.
16	647	808	31	439	104, 164, 276, 287, 296, 460, 635, 934, 988, 989, 993, 994, 996, 1035, 1044, 1792.
19	702	1273			
19	722	1266			
24	755	469			
24	759	424, 458, 711, 1073, 1438-1440, 1452, 1556.			
24	760	1709, 1710			
25	785	148, 196, 495, 496			
26	791	130			
28	795	701, 861, 862			
29	806	1791			
29	820	1569			
29	834	919			
29	841	1732			
30	843	273			
30	858	307, 513			
July 1	865	201, 203, 1075, 1145, 1263			
1	871	601, 978			
2	883	1069			
2	886	250			
3	896	224, 460, 1708			
3	900	137-140			

TABLE 11.—General Legislation—Continued

Date	Public law	72 Stat.	Date	Public law	72 Stat.
1950			1951		
Mar. 10	455	252, 527-531, 951	Mar. 23	9	1789
16	460	400	Apr. 25	23	1075, 1131
18	462	463, 1598	June 2	45	52, 231, 710
18	463	807	14	47	226
Apr. 11	472	48, 337	16	50	185, 675-677
19	474	834	July 12	78	460
20	475	1070, 1072, 1079, 1266	Aug. 8	110	1720
		166, 167, 217	31	135	50, 196
May 24	478	196	Sept. 28	155	661, 1096, 1098
May 3	499	847	Oct. 8	159	1735
5	506	353, 1072, 1601	11	172	780, 799
10	507	301, 304, 307, 308, 315, 497, 601, 982	15	175	919
17	516	498	16	177	908, 919
June 2	533	662	20	183	260
17	564	1273	24	195	377, 378
23	571	866, 1712	25	207	411
July 21	618	250, 349	30	233	83, 136-139, 1089
21	619	252	Nov. 1	253	1087
28	626		1952		
28	627		Mar. 6	273	543
Aug. 1	630	163, 178, 179, 681, 683	10	277	84
3	636	146, 213, 485, 1012, 1696, 1761	May 19	346	127, 230
8	672	546	June 19	397	397
9	681	341	25	413	233, 919, 1709
17	712	64, 151	27	414	351, 375, 419, 420, 546, 687, 699, 1712, 1713.
19	719	49, 1064	July 3	448	155, 1706, 1708, 1760
25	728	968, 969	9	470	1575
26	733	432	9	476	1193, 1266, 1438, 1440, 1509, 1561
28	734	171, 173, 174, 1016, 1051	10	493	868
Sept. 1	746	710	14	534	311, 647, 661, 728, 1096, 1097
6	759	883, 1273	15	547	225, 226
6	760	191, 196	15	548	1075
7	762	354, 807, 865, 984	16	550	171, 173, 174, 187, 200, 458, 459, 593, 975, 1089, 1175, 1217, 1220, 1222-1224, 1265, 1268, 1273.
7	769	90, 93, 233, 919, 920, 1099	16	564	595
8	771	230	19	592	55, 168, 183
8	774	241, 874	1953		
11	783	665	May 22	31	343, 836
12	784	164, 1190, 1200	June 18	68	1273
13	786	247	18	69	216
18	Pri. L. 957	130	20	74	122, 378, 482, 485, 486
21	797	350	26	83	189, 190
23	814	4	30	100	539, 540
23	815	56, 464, 548, 877, 951	July 27	149	1273
23	831	176, 950, 951	27	153	279
27	843	143	30	163	27, 186, 384, 396
27	844	1569	31	170	1735
29	861	249	Aug. 5	191	147
30	873	211, 1247, 1266	5	193	416, 417
30	874	63, 465, 559, 724, 878	7	209	640, 661, 1097
30	875	389, 1337, 1420, 1432, 1434	7	212	27, 28, 835, 836
30	869	184	8	232	161
Dec. 28	894	1273	8	239	63, 229, 470, 713
29	901	951			
1951					
Jan. 11	917	97			
12	920	356, 532, 871, 1064, 1065			

TABLE 11.—General Legislation—Continued

Date	Public law	72 Stat.	Date	Public law	72 Stat.
1953			1954		
Aug. 13	264-----	61, 865	Sept. 1	761-----	938, 1015-1017
15	284-----	935	1	763-----	61, 62, 64, 65, 165, 167, 169, 199, 204, 228, 235, 236, 247, 253, 448, 449, 457, 473, 474, 728, 873, 1065, 1071, 1072, 1074, 1080, 1081, 1574, 1761
15	286-----	420, 447			638, 646, 655, 660, 1096, 1097
1954					173
Feb. 20	299-----	410	1	765-----	120
Apr. 1	325-----	659, 661, 1097			1444, 1569
May 6	350-----	158, 161, 920	1	767-----	300, 301, 308, 309, 315, 591
6	352-----	48			
17	361-----	1794			
18	364-----	498, 507			
25	365-----	954-957	1	768-----	
June 16	Pri. L. 419	467	1	769-----	
17	399-----	290	3	773-----	
18	420-----	462	3	780-----	
24	426-----	987, 1571			
24	428-----	974, 1273			
28	Pri. L. 480	220	1955		
30	451-----	163	Mar. 14	11-----	1569
July 1	464-----	678	31	20-----	128, 1569
2	470-----	980	Apr. 22	24-----	449, 1714
6	476-----	309	June 10	68-----	107, 143, 145, 146, 150, 151, 215, 411, 844, 1761.
10	480-----	51, 275, 635, 639, 646, 655, 870, 871, 1068, 1790- 1792.			1569
15	494-----	1273	15	73-----	296, 876
16	503-----	687	16	75-----	596
22	517-----	163, 1094, 1095	16	76-----	1273
22	518-----	948	21	83-----	678
22	519-----	66, 1066, 1067	21	86-----	1273
26	531-----	464	28	88-----	204
27	534-----	662, 1097, 1569	28	94-----	1057
27	540-----	104	28	100-----	1706
28	545-----	199	29	111-----	1273
29	549-----	1569	30	112-----	1569
29	555-----	935	30	115-----	107
Aug. 2	560-----	1070, 1265, 1266	30	126-----	161
3	565-----	56, 464	July 1	127-----	184
4	566-----	191, 567, 1605	1	129-----	82, 1576
5	568-----	468	4	130-----	358
13	587-----	816, 818, 819	11	141-----	1569
13	589-----	561	12	147-----	1569
16	591-----	173, 976, 1041, 1042	12	153-----	1569
17	598-----	87, 147, 215A, 408, 486, 831, 838, 868, 960, 1012, 1064, 1697.	12	156-----	1569
			13	157-----	466
			14	159-----	640, 647, 648, 657- 660, 662, 1096, 1097, 1569.
20	601-----	60	15	161-----	228
21	613-----	1273	Aug. 3	211-----	880, 1608
23	620-----	710	4	221-----	1569
24	640-----	685	4	229-----	1569
24	643-----	685	4	231-----	1569
26	663-----	269, 1101	4	233-----	1569
26	665-----	261, 262, 265, 266, 268, 270, 272, 273, 275, 376, 869, 880, 1100- 1102.	5	242-----	208, 445
			5	243-----	414, 1004
			9	255-----	969
			9	268-----	13, 661, 665, 1569
			9	280-----	1273
			9	291-----	220
28	690-----	50, 194, 994, 995	9	294-----	1569
28	698-----	1273	9	296-----	137
30	703-----	276-278, 337, 434, 490, 525, 632- 634, 837, 880, 881, 1084-1086.	9	302-----	1569
			9	305-----	458, 1193, 1569
			9	308-----	1569
			9	309-----	1569
30	704-----	180	9	318-----	1569

TABLE 11.—General Legislation—Continued

Date	Public law	72 Stat.	Date	Public law	72 Stat.
1957			1958		
June 27	85-61	867	May 29	85-429	449
29	85-67	56	June 4	85-439	875
29	85-69	52-54	6	85-441	187
July 1	85-75	208, 209, 449	6	85-450	882
1	85-77	875	13	85-459	865
12	85-104	77	18	85-460	1274
Aug. 2	85-117	853	20	85-462	243, 877
2	85-118	51, 192, 864	25	85-465	1769
14	85-132	158	25	85-468	213A
14	85-133	747, 806	25	85-469	742, 747, 866
14	85-141	270	28	85-470	876
16	85-147	452	30	85-472	454, 884
17	85-151	468	July 7	85-507	753, 806, 1272, 1274
21	85-157	686, 875, 883	18	85-536	690, 698
21	85-162	117, 358, 493-495	29	85-568	1789
27	85-168	1274	31	85-570	241
28	85-170	59, 864	Aug. 1	85-580	241, 878
28	85-172	1784, 1789	1	85-584	884
28	85-177	962	6	85-591	879
29	85-215	665, 1570	6	85-594	241
30	85-241	270, 641, 648, 658, 659, 661, 662, 664, 1096-1099	8	85-614	876
Sept. 2	85-255	473, 729, 883	14	85-652	1274
2	85-262	55, 876	18	85-674	1274
7	85-300	421-423	21	85-699	867, 1645
7	85-305	55, 876, 1769	21	85-701	874
7	85-311	1274	21	85-706	1575
11	85-316	687, 699	21	85-715	872
1958			22	85-724	241, 853, 867
Feb. 12	85-325	520, 659, 1098	25	85-745	1069
15	85-328	708	28	85-798	1029
Mar. 28	85-357	1700	28	85-826	1082
Apr. 1	85-364	1274	28	85-838	884
3	85-365	109, 1099	28	85-843	1082
16	85-381	167, 905, 921, 1725	28	85-844	241, 871-873
May 20	85-422	243, 1104	28	85-846	881
27	85-426	215, 243, 411, 1089, 1713	28	85-850	1082
			Sept. 2	85-863	241
			2	85-864	1082
			2	85-895	880
			2	85-908	1082

TABLE 12.—Revised Statutes

Section	72 Stat.	Section	72 Stat.	Section	72 Stat.
161	547	3617	880	3734	13, 660, 672,
189	1555	3643	752		718, 719, 869,
190	544, 1064, 1238, 1603, 1744	3648	13, 250, 256, 332, 430, 660, 672, 721, 869, 1066, 1458.		870, 1096-1098, 1458.
291	246			3898	84
355	13, 258, 660, 672, 718-720, 869, 870, 1097.			3900	84
		3651	257	3936	83
365	1555	3678	936	3937	83
367	264	3679	99, 166, 189, 198, 212, 242, 243, 257, 725, 864, 867, 1073, 1084, 1086, 1577.	4061	84
1765	959			4153	611
1803	498			4233	590, 591
1805	498			4233A	612
2103	927	3709	103, 247, 253, 289, 331, 386, 387, 448, 450, 468, 469, 509, 913, 967, 1063, 1084, 1086, 1213, 1249, 1602.	4370	1736
2275	928, 930, 1689			4399-4500 (title 52)	835
2276	928, 930, 1689				49
2324	829, 1701			4413	49
2378	343			4426	833
2379	343			4825-4827	1268
2479	343			4829-4831	1268

TABLE 12.—*Revised Statutes*—Continued

Section	72 Stat.	Section	72 Stat.	Section	72 Stat.
4833, 4834	1268	<i>D. C.</i>		198	498
5200	841	195	498	203-208	498
5294	1737	197	498	214-220	498

TABLE 13.—*Internal Revenue Code of 1939*

Section	72 Stat.	Section	72 Stat.	Section	72 Stat.
1 <i>et seq.</i>	681	710-784 (ch. 2, sub-ch. E)	1647	3760	1612, 1633, 1668, 1673
22(b)(5)	1673	718	1670		
22(p)	1666	812(e)	4, 1668		
26(b), (h)	1611	813(b)(3)	1657	3761	1612, 1633, 1668, 1673
42	1673	925-927	1658		
106	1673	1000-1031 (ch. 4)	1659		
122(c), (d)	1611	1400-1432 (ch. 9, subch. A)	1034	3771(b)(1)	1664
131	1675	1630-1636 (ch. 9, subch. E)	1034	3772(a)(2)	1673
275	1673	3150(a)	1432	3794(a)	1663
292	1673			3794(b)	1664
437(c)	1670				
458	1670				
480-482 (ch. 1, sub-ch. E)	1034				

TABLE 14.—*Internal Revenue Code of 1954*

Section	72 Stat.	Section	72 Stat.	Section	72 Stat.
1-1552 (sub-title A, not including ch. 2 and sec. 931)	681	170(b)	1609, 1610	358(a)(1)(A)	1620
1-1552 (sub-title A)	1606, 1661	171(b)	1610	368(a)(1)(F)	1678
1-1361 (ch. 1)	1661, 1683	172	1609, 1645, 1653, 1654, 1677, 1678	368(D), (E), (F)	1683
1	1648	172(b)(1)(A)	1664	372(b)	1671, 1672
11(b)	259	172(f), (g)	1611	372(c)	1671
31(b)	1043	172(h), (i)	1656	373(b)	1671
34	1654	178	1612	374(b)	1671
35(b)-(d)	1639	179	1679	381(c)(21)	1627, 1628
37	1654	213(c)	1614	391	1620
72	1621, 1622	213(d)(2)(A)	1613	393	1620
75	1606	213(g)	1613	401	1293
101(b)(2)	1622	241-247 (pt. VIII, subch. B, except sec. 248)		401(a)	1622, 1629-1631, 1658, 1659
105(d)	1621		1631, 1632,	402(a)	1622, 1638
112	1291		1653	403(a)	1620, 1622, 1638
116	1639, 1654	242	1677	403(b)	1620, 1622, 1623
120	1607	243	1614, 1645, 1646, 1677		
121(a)(18)	1266	244, 245	1614, 1677	403(c)	1620, 1622
152(a), (b)	1607	246(b)(1)	1646	403(d)	1622
153	1607	246(c)	1614, 1638	404(a)	1623
162	1672	267	1679	421(a)	1623
162(c), (d)	1608	267(b)	1612, 1644, 1647	421(d)	4, 1624
164	1608		1613, 1619,	451	1626
165(g)(3)(B)	1608	267(c)	1644	453(d)	1624
165(h)	1646, 1676		1682	455	1625
166(d)(2)(A)	1608	303	1682	481	1629
167	1679	304	1620, 1682	481(a)	1626
167(a), (f), (g)	1680	316(a)(2)	1653, 1654	481(b)	1626, 1628
167(d)	1665	332(b)(1)	1615	501	336, 1661
168(d)(1)	1609	333	1617	501(a)	998, 1044, 1046, 1277, 1283, 1287, 1292, 1363, 1620-1623
168(e)(2)	1608, 1609	337	1615-1617		
168(e)(5)	1609	341(e)	1615		
170	1631, 1632	355, 356	1683		

TABLE 14.—Internal Revenue Code of 1954—Continued

Section	72 Stat.	Section	72 Stat.	Section	72 Stat.
501(c)-----	999, 1035, 1044, 1046, 1287, 1620, 1621, 1660	1212-----	1631	2501(c)-----	1674
501(d)-----	1660	1221-----	1644	2503(a)-----	1640
503-----	1631	1223-----	1615	2511(a)-----	1641
503(b)-----	1277, 1283, 1292, 1363, 1622, 1623	1231(a)-----	1642	2513-----	1640
503(c)(1)-----	1631	1231(b)-----	1616, 1618, 1619	2517-----	1623, 1659
503(h)-----	1629, 1631	1232(a)(2)(A)---	1642	2521-----	1640
503(i)-----	1630	1233(a), (c)-----	1644	2522-----	1640
504-----	1631	1233(e)(4)-----	1643	2522(c)-----	1631
512(b), (c)-----	80	1233(g)-----	1644	2523-----	1640
521-----	1302	1234-----	1644	3101-3125	
534(b)-----	1665	1235(d)-----	1644	(ch. 21)-----	1034, 1041, 1042
535(b)-----	1631	1236-----	1643	3101-3504	
535(c)-----	1680	1237(a)(1)-----	1645	(subtitle C)---	5, 6
545(b)-----	1631, 1632	1239(c)-----	1645	3101-----	1041, 1043
556(b)(2), (3), (4)-----	1632	1242-----	1646	3111-----	1042
558-----	1632	1243-----	1645, 1646	3121(a)-----	1041, 1042
581-----	5	1244-----	1676	3121(b)-----	1041, 1042, 1044, 1046
582(c)-----	1632	1305-----	1646	3121(k)-----	1035, 1044, 1047
584-----	1293	1306-----	1646	3121(l)(3)-----	1659
611(b)(4)-----	1632	1307-----	1646	3122-----	1042, 1043, 1660
613(d)-----	1633	1312(6), (7)-----	1647	3401-3404	
614(b)(4)-----	1633	1313(a)-----	1647	(ch. 24)-----	681
614(c), (d)-----	1637	1314(c)-----	1647	3501-3504	
614(c), (e)-----	1634	1341(a), (b)-----	1647	(ch. 25)-----	681
614(e)(1)-----	1637	1347-----	1648	3504-----	1660
615(a)-----	1637	1361-----	1649	4001-4057	
643-----	1683	1371-1377 (ch. 1, subch. S)-----	1650, 1656	(ch. 31)-----	1305-1307, 1311
661(a)(1), (2)---	1683	1371(a)-----	1651, 1652, 1656	4001-----	1275, 1276, 1286
676-----	1298	1371(b)-----	1657	4003, 4031-----	1276
704(e)(3)-----	1654	1373(b)-----	1654- 1656	4041-----	1277, 1305, 1306, 1308, 1309
707(b)-----	1679	1373(d)-----	1654, 1656	4041(a), (b)-----	1306, 1307
708-----	1303, 1304	1374-----	1653	4041(e)-----	1286
801(a)-----	1624	1374(b)-----	1655	4053-----	1276
802(a), (c)-----	36	1374(c)-----	1655, 1656	4053(b)(1)-----	1310
811(a)-----	37	1375-----	1654	4056-4058-----	1277
816-----	1300	1376-----	1653, 1655, 1657	4061-4226	
821(a)(1)(A), (b)(1)-----	259	1377-----	1656	(ch. 32)-----	1306, 1307, 1309-1312
851(e)(1), (2)---	1638	1401-1403		4061-----	259
852(a)-----	1674	(ch. 2)-----	1034, 1044	4061(a)-----	1309, 1311
852(b)(4)-----	1638	1401-----	1041	4061(b)-----	1282, 1283, 1309
852(c)-----	1674	1402-----	1043	4063(b)-----	1283, 1285
871(a)-----	1638, 1639	1402(b)(1)-----	1042	4071-----	1281, 1284, 1309-1311
871(b)(2), (3)---	1639	1402(f)-----	1044	4072(c)-----	1309
904(c)-----	1639	1441(b), (c)(5)---	1638	4083-----	1283, 1285
905(b)-----	1675	1481, 1482-----	1648	4092(b)-----	1309
911-----	1621, 1660	1503(c)-----	1647	4093-----	1283, 1285
1014(a)-----	1680	1504-----	1612, 1680	4111-----	1277, 1311
1014(d)-----	5	1504(b)-----	1657	4112-----	1277
1015(d)-----	1640, 1641	1551-----	1680	4121-----	1277, 1279, 1311
1016(a)-----	1606, 1607, 1641, 1656, 1657, 1669- 1671, 1680	2001-----	1658, 1681- 1683	4141-----	1278, 1281- 1284, 1309- 1311
1016(b)-----	1641	2011(a)-----	1674	4142, 4143-----	1278
1031(d)-----	1641	2011(c)(3)-----	1657	4151-----	1284, 1309
1033(a)(2), (3)---	1641	2014(f)-----	1674	4152-----	1286
1033(f)-(h)-----	1641	2015-----	1657	4171-----	1282, 1283, 1309
1034(i)(2), (3)---	1642	2039(c)-----	1622, 1658	4182(b)-----	1285
1035(a)-----	1641	2053(d)(1)-----	1674		
1036(a)-----	1641	2055(e)-----	1631		
1053-----	1642	2101-----	1658		
1071(a)-----	1642	2106(a)(2)(E)---	1631		
1083(a)-----	1303	2208-----	1674		
		2501-2524			
		(ch. 12)-----	1661		
		2501(b)-----	1641, 1674		

TABLE 14.—Internal Revenue Code of 1954—Continued

Section	72 Stat.	Section	72 Stat.	Section	72 Stat.
4191, 4192	1278	4362, 4363	1300	5008	1323
4201	1284, 1285	4371	1300, 1301	5008(a)	1317, 1318, 1321, 1383
4216	1286	4372	1300	5008(d)	1364
4216(b)	1279-1281	4373-4375	1301	5008(f)	1393
4216(c), (d)	1281	4381	1294, 1296, 1302	5009	1327
4216(e)	1280, 1310	4382	1294, 1296, 1298, 1300 1302	5021-5026 (sub- part B, pt. I, subch. B)	1339
4217	1280	4383	1303, 1304	5021	1328-1330, 1338, 1351, 1381, 1387
4218	1281, 1311	4384	1294, 1296, 1299-1301, 1303	5022	259, 1328, 1330, 1351
4218(d)	1285	4401(c)	1304	5023	1328, 1330, 1368
4220	1286	4402(2)	1305	5024	1328
4221	1282, 1284	4412	1304	5025	1328, 1338
4221(a)(1)	1285	4423	1430	5025(d)	1366
4221(d)	1285, 1286	4461	1305, 1429	5025(e)(7)	1435
4222	1284	4462	1304	5025(f)	1368
4223	1285	4462(a)(2)	1305, 1429	5026	1330
4223(b)	1282, 1307	4473(2), (3)	1305	5041-5045 (sub- part C, pt. I, subch. A)	1407
4224	1286	4501(c)	1306	5041	1331, 1332
4225	1286	4541	184	5041(b)	259
4231-4294 (ch. 33)	5, 6, 1311	4597	1430	5041(c)	1316
4231	1286, 1287, 1306, 1307, 1311	4601	1286	5042	1331, 1365, 1378
4232(b)	1287	4702(a)	1430	5043	1332
4233(a)	88, 89, 1287	4705	1430	5044	1332
4241	1288, 1289	4714	1429	5045	1333
4243	1288, 1289	4721	1430	5051-5056 (subpart D)	1333
4251	260, 1289- 1292	4733	1429	5051	259, 1333- 1335, 1408
4252	1290	4742	1430	5052	1333
4253	1290	4745(d)	1429	5053	1334, 1388
4254	1291	4753(b)	1430	5054	1333, 1334, 1389, 1408, 1409
4261	260, 1292, 1308	4773	1430	5055, 5056	1335
4262	260	4815(b)	1430	5061	1322, 1330, 1332, 1334, 1335, 1413
4263(f)	1292	4818	1704	5062	1327, 1336
4264(a)	1287	4835	1704	5063	259, 1336
4271-4273 (ch. 33, subch. C, pt. II)	260	5001-5862 (sub- title E)	1429, 1430	5064	1337, 1435
4281-4283 (ch. 33, subch. C, pt. III)	260	5001-5692 (ch. 51)	9, 1313, 1435	5065	1337
4281	260, 261	5001-5692 (ch. 51 except subch. F, (5351-5392), and subch. G, (5401-5416))	1400	5066	1338
4291	1287	5001-5066 (pt. I, subch. A)	1410, 1411	5081	1328-1330, 1338, 1356, 1381
4292	260	5001	1314, 1366, 1387	5082	1316, 1328- 1330, 1338, 1381, 1387
4293	1285, 1292	5001(a)	259, 1317, 1318, 1320, 1322, 1324, 1326, 1357, 1367, 1372, 1376, 1392	5083	1338
4294	1292	5002	1315, 1328	5084	1339
4295	1292	5002(a)	1372-1374	5091	1339, 1408
4301	1293, 1294, 1302	5003	1316	5092	1334, 1339, 1389
4302, 4303	1293	5004	1317	5093	1339
4304, 4305	1294	5004(b)(1)	1317, 1318, 1431	5101	1339, 1340
4311	1294, 1302	5005	1323, 1351, 1359, 1366, 1431	5102	1316, 1339
4312-4315	1294	5006	1323, 1351, 1359, 1366, 1431	5103, 5104	1339
4321	1295-1299, 1302, 1303	5006(a)	1323, 1351, 1359, 1366, 1431	5105	1339, 1355, 1405
4322	1295, 1298	5006(c), 5007	1322	5106	1340
4323, 4324	1296				
4331	1296-1299, 1302, 1303				
4332	1296, 1298				
4333	1296				
4341-4345	1296-1298				
4346	1298				
4351-4353	1296, 1299				
4354	1299				
4361	1299, 1300, 1302, 1303				

TABLE 14.—Internal Revenue Code of 1954—Continued

Section	72 Stat.	Section	72 Stat.	Section	72 Stat.
5111-5117 (subpart D) ..	1340	5201	1330, 1356	5314	1315, 1375,
5111	1340-1342,	5202	1357, 1358	5315	1430
	1344, 1356	5203	1357, 1391,	5318	1377
5112	1316, 1340,		1392	5351-5392	1430
	1413	5204	1358	(subch. F)	1333, 1407
5113	1339, 1340,	5204(c)	1360	5351	1378, 1380
	1344, 1345,	5205	1343, 1358,	5352	1378, 1381
	1410		1367, 1369,	5353	1379
5114	1342	5206	1401	5354	1351, 1379
5115	1342, 1410		1343, 1360,	5355-5357	1379
5116	1343	5207	1367	5361	1332, 1380
5117	1341, 1343,		1406	5362	1332, 1365,
	1345	5211	1362, 1366		1380
5121-5125 (subpart E) ..	1340	5212	1319, 1362	5363	1370, 1381
5121	1340-1344,	5213	1322, 1362	5364-5369	1381
	1356	5214	1315-1317,		1332, 1381
5122	1316, 1342,		1328, 1352,	5370	1382
	1344		1362	5371	1332, 1382
5123	1344	5214(a)	1314, 1319,	5372	1316, 1327,
5124, 5125	1345		1327, 1329,	5373	1363, 1378,
5131	1327, 1345,		1359, 1370,		1382
	1346		1372, 1373,	5381	1383, 1387
5132	1327, 1345		1376-1378,	5382	1383, 1386
5133	1327, 1346		1402, 1403	5383	1384, 1386
5134	259, 1327,	5215	1326, 1364,	5384	1384, 1385
	1346		1366, 1404	5385-5387	1386, 1387
5141-5148 (subpart G) ..	1340	5216	1364	5388	1387
5141	1346	5217(c)	357	5391	1320, 1330,
5142	1346, 1428	5221	1364, 1399,		1338, 1387
5143	1339, 1347		1405	5392	1387
5144	1348	5222	1365, 1389	5401-5416	
5145	1348	5223	1318, 1320,	(subch. G)	1333
5146	1342, 1345,		1329, 1362,	5401	1388
	1348		1365, 1403	5402, 5403, 5411	1389
5147	1348	5231	1366	5412	1389, 1408
5148	1348	5232	1314, 1316,	5413	1339, 1389
5171-5217 (subch. B) ..	1339, 1398		1322, 1366,	5414	1388, 1389
5171	1315, 1349,		1431	5415	1390, 1408
	1353, 1398,	5233	1354, 1358,	5416	1390
	1410		1359, 1366,	5501, 5502 (pt.	
5172	1349		1369, 1404	1, subch. H) ..	1365
5173	1349, 1352,	5234	1328, 1329,	5501	1390, 1391
	1353		1364, 1367,	5502	1390
5173(b) (1) (C) ..	1317, 1318		1435	5503, 5504	1391
5173(c)	1320	5235	1353, 1359,	5505	1316, 1391
5174	1319, 1322,		1360, 1369,	5511	1314, 1316,
	1352, 1353,		1401		1330, 1392
	1362	5236	1369	5512, 5521	1392
5175	1352, 1353,	5241	1363, 1369	5522	1317, 1360,
	1363, 1436	5242	1363, 1369,		1363, 1393
5176	1353, 1436		1431	5523	1330, 1338,
5177	1353	5243	1370, 1412,		1394
5178	1353, 1392,		1431	5551	1353, 1379,
	1398	5244	1370		1389, 1394
5178(a) (3) (C) ..	1357	5251, 5252	1370	5552	1355, 1389,
5178(a) (4) (A) ..	1366, 1369	5271	1349, 1363,		1391, 1392,
5179	1355, 1391,		1370, 1372	5553	1395
	1392, 1398,	5272	1372	5554	1391, 1395
	1405	5273	1363, 1372,	5555	1391, 1395
5180	1355, 1410		1402, 1403	5556	1391, 1396
5181	1356	5274	1349, 1372	5557	1396, 1430
5201-5252 (subch. C) ..	1339	5275	1373	5558-5560	1396
5201-5207 (pt. 1,		5291	1316, 1373,	5561, 5562	1397
subch. C) ..	1364, 1370		1402	5601-5692 (sub-	
		5301	1361, 1374,	ch. J)	1333, 1339,
			1402		1348
		5304	1436	5601-5615	
		5311, 5312	1375	(pt. I)	1407
		5313	1316, 1375		

TABLE 14.—Internal Revenue Code of 1954—Continued

Section	72 Stat.	Section	72 Stat.	Section	72 Stat.
5601	1340, 1349, 1353, 1355, 1365, 1391, 1398	5848	1411	6423	9
5602	1400	5849	1427, 1428	6501-6533 (ch. 66)	1656
5603	1342, 1361, 1391, 1400	5851, 5854, 5855	1428	6501(a)	1321, 1418
5604	1360, 1401	5862	1411, 1429	6501(d)	1313
5605	1373, 1402	6001-7852 (subtitle F)	681, 1034, 1294, 1296, 1299-1301, 1338, 1339, 1347, 1348, 1396, 1606, 1660	6501(g)(2)	1662
5606	1374, 1402	6001	1660	6501(h), (i)	1663
5607	1372, 1402	6011	1305, 1307, 1660	6503	1684, 1685
5608	1403	6012	1656, 1660	6504(15)	1664
5609	1403	6013	1613, 1660, 1676	6511	1657, 1663
5610	1404	6015(f)(2)	1660	6532(a)(1), (4)	1666
5611	1404	6033(b)(8)	1661	6601	1411, 1682
5612	1404	6035	1632	6601(b)	1658, 1684, 1685-
5613	1360, 1404	6037	1656	6601(g)-(j)	1663
5614	1405	6038	1656	6601(h)	1664
5615	1340, 1353, 1355, 1361, 1365, 1391, 1405	6041	1664	6611(b)(1), (c)	1664
5661-5663	1407	6042(1)	1664	6611(f)-(h)	1640
5671-5676	1408	6044	1664	6651	1046, 1411, 1425
5681-5690 (pt. IV)	1407	6051(d)	1664	6652(a)	1664
5681	1343, 1355	6071(b)	1428	6653	1411, 1425
5681-5684	1410	6075(a)	1685	6653(c)(1)	1665
5685	1411	6103(d)	1661	6656, 6659	1411, 1425
5686	1391, 1411	6104(a), (b)	1660	6801-6808 (ch. 69)	1360
5687	1340, 1343, 1358, 1391, 1412	6151(a)	1682, 1684	6805(a), (c)	1313
5688	1322, 1412	6161(a)(2)	1684, 1685	6851(d)	1665
5689	1336, 1413	6163	1658	6871(a), (b)	1665
5690	1413	6164(d)(2)	1665	7011(a)	1346
5691	1345, 1348, 1413	6165	1684	7012	260
5692	1413	6166	1681, 1684, 1685	7121-7123 (ch. 74)	1649, 1672
5701-5763 (ch. 52)	10, 1414, 1428	6201(a)	1322	7121	1612, 1633, 1668, 1673
5701	1414, 1417	6207(4), (6)-(9)	1428	7122	1612, 1633, 1668, 1674
5701(c)(1)	259, 1419	6212(a)	1665	7201-7344 (ch. 75)	681
5702	1415	6212(b)	1661, 1666	7201-7214 (ch. 75, subch. A, pt. I)	6
5703	1417, 1428	6213	1660, 1663	7201	512, 1411
5704	1417, 1418, 1424	6324	1662	7203	1411
5705, 5706	1419	6325(a)(1), (c), (d), (e)	1662	7206	512
5707	259, 1419	6331-6344 (ch. 64, subch. D)	1229	7208, 7209	1360
5708	1421, 1422	6334(a)	1047	7213	1666
5711	1421, 1422	6338(c)	1662	7214(c)	1429
5712	1421	6339(b)(2)	1662	7215	6
5713	1421	6411-6423 (ch. 65, subch. B)	8, 9	7272	260, 1429
5721, 5722	1422	6412(a)(1)	260	7273(a)	1413
5723	1422, 1424, 1426	6412(d)	1306	7301	1429
5731, 5732, 5741	1423	6413(c)(1), (c)(2)(A)	1043	7302	1343, 1412, 1427, 1429, 1430
5751	1424, 1426	6415	260, 1311	7303	1704
5752	1424, 1426	6416	1311	7324, 7325	1429, 1662
5753, 5761, 5762	1425	6416(a)	260, 1306	7326	1429
5763	1426	6416(b)	1277, 1280, 1306, 1312	7422(a)	9
5801(a)(b)	1427	6416(c)	1306	7422(f)(2)	1662
5802	1428	6416(f)	260	7455	1666
5811(a)	1427	6420(c)	1308, 1311	7501-7511 (ch. 77)	5
5814, 5821	1427, 1428	6421(b)(2)	1308	7502(c)	1665
5841-5848 (ch. 53, subch. B)	1427	6421(c)	1312	7510	1314, 1315, 1317, 1319, 1328, 1329, 1352, 1363
5841	1428	6421(d)(2)	1308		
5843	1427	6421(i)	1312		
		6422(14)	1429		5, 6

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Section	72 Stat.	Section	72 Stat.	Section	72 Stat.
7513-----	1666	7609-----	1429, 1430	7701 (ch. 79)---	1316, 1328
7514-----	1667	7652-----	1315, 1376,	7701(a)(3)-----	1302
7601-7607 (ch.			1430	7851-----	1606
78, subch. A)---	1430	7653(b)-----	1317		
7607-----	1429	7653(c)-----	1327		
7608-----	1396, 1429,	7655(a)(5), (6)---	1430		
	1430				

TABLE 15.—Positive Law Titles of United States Code

(The following titles of the U. S. Code have been enacted into positive law: Titles 1, 3, 4, 6, 9, 10, 13, 14, 17, 18, 23, 28, 32, 35, and 38.)

U. S. Code		72 Stat.	U. S. Code		72 Stat.
Title	Section		Title	Section	
3	102-----	485			1529, 1534,
3	204(b)-----	485			1536, 1546
3	401-----	485	10	1006-----	1437, 1444, 1482,
6	15-----	1353, 1389			1484, 1529,
10	101-----	1564			1534, 1536,
10	101(25)-----	1437			1546, 1560
10	122, 123-----	1437	10	1007-----	1437, 1445
10	141(a)(1)-----	519	10	1037-----	1445, 1555
10	143-----	517	10	1071-1085 (ch. 55)---	1445-1450
10	171(a)-----	521	10	1071-1086-----	1570
10	265-----	715, 722	10	1074-----	1447
10	268-----	1437	10	1076-----	1448, 1449
10	269(b)-----	1438	10	1077-----	1449
10	269(e) (2)-(6)---	1437, 1438	10	1078-----	1447, 1449
10	270-272-----	1438	10	1079-----	1449
10	270(b)-----	1451, 1482,	10	1161-----	847
		1507, 1534	10	1162(a)-----	1450
10	275-----	1439	10	1162(b)-----	1451
10	279-----	1439	10	1201-1203-----	1451, 1547
10	280-----	1564	10	1201-1217 (ch. 61)---	1222, 1547
10	311(a)-----	1439	10	1211(a)-----	1463, 1515
10	511(b), (c)-----	1439	10	1217-----	1564
10	513-----	1570	10	1221-----	1451
10	516-----	1439	10	1331-1337 (ch. 67)---	1446, 1447,
10	541-----	1463, 1515,			1558
		1557	10	1331-----	131
10	560(b)-----	1564	10	1331(a)(3)-----	1564
10	591(c)-----	1440	10	1331(c)-----	702
10	592-----	1437, 1440	10	1332-----	1444, 1485,
10	593-----	1440, 1468			1498, 1511
10	596-----	1570	10	1332(a)(1)-----	702, 1564
10	651-----	1444	10	1332(a)(2)-----	1443, 1481, 1533,
10	651(a)-----	1440			1547, 1565
10	651(c)-----	1570	10	1332(b)(6)-----	1558
10	672(a)-----	1440	10	1333-----	131, 1565
10	672(a), (c)-----	1564	10	1371-1376 (ch. 69)---	1546, 1547
10	673(a)-----	1564	10	1374-----	1437, 1451
10	673(a), (c)-----	1441	10	1376(a), (b)-----	1451
10	684, 685-----	1441	10	1401-1404 (ch. 71)---	129
10	712-----	269, 275	10	1401-----	130, 131
10	716-----	521, 1442, 1556,	10	1405-----	130, 1451, 1487,
		1557			1488, 1509,
10	742-----	1570			1511, 1538
10	773-----	66	10	1431-1444 (ch. 73)---	1134
10	801-940-----	1445	10	1431(b)-----	1565
10	971-----	1442	10	1441-----	1266, 1452
10	972-----	1443, 1464	10	1475-1488 (ch. 75)---	1546, 1547
10	1002-----	1437, 1443,	10	1475-1477-----	1455, 1545
		1521	10	1475-----	1452-1455
10	1005-----	1437, 1443, 1444,	10	1476-----	1452-1454
		1482, 1484,	10	1476(a)-----	1133, 1557
		1509, 1512,	10	1477-----	1452-1454

TABLE 15.—Positive Law Titles of United States Code—Continued

U. S. Code		72 Stat.	U. S. Code		72 Stat.
Title	Section		Title	Section	
10	1478	1454	10	3201	1462, 1463
10	1479	1455, 1545	10	3202(a), (c)	1463
10	1480	1452, 1455, 1545	10	3203	1463
			10	3204	522
10	1481, 1482	708	10	3205	522, 1462, 1463
10	1552	975, 1176, 1226, 1264	10	3206, 3207	522
			10	3209(a)	1462
10	1553	1176, 1264, 1267	10	3210, 3211(a)	1463
			10	3212, 3214	1463
10	1554	1267	10	3217-3220	1437, 1463, 1464
10	1581, 1582	1456			
10	1585	455	10	3217, 3219	1477
10	2201	516	10	3230	1464
10	2231-2238 (ch. 133)	661, 665, 1097	10	3258	526
10	2232	1456	10	3261(b)	1565
10	2233	664, 665, 1558	10	3262(b)	1464
10	2233(a)	664, 665, 671, 1456, 1457, 1558	10	3263	1465
			10	3283(a)	522
			10	3285-3288	1465, 1466
10	2233(b), (d)	1456	10	3287(a)	1465, 1487
10	2234, 2235	664			1488, 1558
10	2236	664, 1456	10	3294	1467, 1559
10	2237	1457	10	3294(b)	1480, 1487, 1488
10	2238	664, 1457			
10	2301-2314 (ch. 137)	13, 661	10	3295	1467
10	2302	432, 1457	10	3296(a)	522
10	2303	432, 966	10	3298, 3299	1463
10	2304(a)	967, 972, 1565	10	3299(h)	1565
10	2305	1457	10	3304	1463
10	2307	967	10	3311	1462
10	2310(b), 2311	967	10	3314	1467
10	2313	13, 660	10	3351-3395 (ch. 337)	1444, 1445, 1560
10	2351	516			
10	2353	727	10	3352	1440
10	2354	468, 469	10	3352(a)	1437, 1468
10	2356(b), 2386	1457	10	3353	1437, 1468-1470, 1486, 1561
10	2387, 2388	1458			
10	2451(c)	1565			
10	2543	1458	10	3354	1437, 1468
10	2571	1459	10	3355(4)	1565
10	2661-2671 (ch. 159)	29	10	3357	1462, 1468
10	2662	642	10	3359, 3360	1437, 1469
10	2663(a), 2664	1565	10	3360(a)	1544
10	2671	29	10	3360(b)	1470-1473, 1475, 1476, 1482
10	2672-2678	1459, 1460			
10	2732(a)	1461	10	3360(c)	1559
10	2732(d)(2)	1565	10	3362-3371	1437
10	2733	813, 1461, 1558	10	3362	1470, 1471
10	2734	1461	10	3363-3367	1469
10	2771	1461, 1546, 1547, 1563	10	3363	1470, 1471
			10	3363(a)	1477
10	3012(h)	1462	10	3363(b)	1477, 1543
10	3013(a)	519	10	3363(g)	1477
10	3013(b)	1462	10	3364	1471, 1473, 1475
10	3015	521			
10	3018	1462	10	3365	1472
10	3032(b)(1)	517	10	3365(a)	1463
10	3033(d)	1565	10	3366	1463, 1471, 1472, 1474, 1484, 1544, 1559
10	3034(d)(4)	516			
10	3035	519			
10	3036	1463			
10	3037(a)	1565	10	3367-3371(a)	1469
10	3062(b)	515	10	3367	1471-1474, 1484, 1544, 1559
10	3066(a)	1565			
10	3067(8)	1462			
10	3075(b)(2)	522			

TABLE 15.—Positive Law Titles of United States Code—Continued

U. S. Code		72 Stat.	U. S. Code		72 Stat.
Title	Section		Title	Section	
10	3368	1471, 1474	10	3913	1488
10	3369	1469, 1474,	10	3914	1565
		1478	10	3915, 3916, 3919	1488
10	3370	1471, 1474,	10	3921-3923, 3925(b)	1488
		1544, 1559	10	3927	1488
10	3371	1471, 1475,	10	3927(b)	130, 131
		1559	10	3962, 3963(a)	1489
10	3375	1437, 1475	10	3963(b)	1462
10	3378	1437, 1476	10	3964, 3966	1489
10	3380	1437, 1471,	10	3991	129-131, 1489
		1473, 1475,	10	4021	1456, 1570
		1476	10	4331	522
10	3382-3386	1437	10	4331(a)(5)	711
10	3382	1469, 1476	10	4333(c)-(e)	522
10	3383	1477, 1478,	10	4334(d)	523
		1544	10	4335(b)	1567
10	3383(b)	1470	10	4336	523, 1567
10	3384	1477, 1478	10	4342(c)	1565
10	3385	1477	10	4353	1463
10	3386	1478	10	4353(b)	1465, 1489
10	3388-3393	1437	10	4384	1489
10	3388-3390	1478	10	4385(c)	1454
10	3390	1472-1475	10	4774	870
10	3391-3393	1479	10	4774(d)	13, 660, 672,
10	3443	1480, 1570			869, 1096,
10	3444	1480, 1559			1097, 1458
10	3445(b), 3446, 3447(a)	1480	10	4778	714
10	3448(d)	526	10	4780	1489
10	3452	1480	10	4837	1566
10	3494	1437, 1481	10	5012, 5013	515
10	3504(c)(2)	1481	10	5014, 5031(d)	1490
10	3546	1570	10	5033(c)	1490
10	3571	1437, 1481	10	5034	519
10	3572-3574	1481	10	5034(d)	1490
10	3574(c)	1481, 1565	10	5035	519
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10	5862	1498	10	6912	1513
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10	5867	1437, 1498	10	7085	1563
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10	8361-8363	1522	10	8752(b)	1565
10	8361	1521	10	8811-8820 (ch. 861)	1444
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10	8368	1437, 1525	10	8885	1567
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10	9780-----	1542	28	375-----	254
10	9837-----	1567	28	376(q), 460-----	348
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18	216-----	544	28	1402-----	1770
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28	331-334 (ch. 15)-----	845			
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38	522-----	1265	38	4114(b), 4202-----	1266
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38	1501-1510 (ch. 31)-----	1265			
38	1801-1824 (ch. 37)-----	1264-1266			
38	2001-2009 (ch. 41, subch. I)-----	1265	2	282-----	37
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E. O. 9079-----	Feb. 26, 1942	467	E. O. 10422-----	Jan. 9, 1953	1063, 1064
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STATUTES AT LARGE

CONTAINING THE
LAWS AND CONCURRENT RESOLUTIONS
ENACTED DURING THE SECOND SESSION OF THE
EIGHTY-FIFTH CONGRESS
OF THE UNITED STATES OF AMERICA

1958

AND

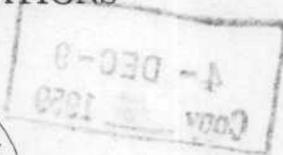
REORGANIZATION PLAN AND PROCLAMATIONS

VOLUME 72

IN TWO PARTS

PART 2

PRIVATE LAWS, CONCURRENT RESOLUTIONS
AND PROCLAMATIONS



UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1959

UNITED STATES
STATES AT LARGE
CONCURRENT RESOLUTIONS
THE SECOND SESSION OF THE
EIGHTY-FIFTH CONGRESS
OF THE UNITED STATES OF AMERICA

KF 50
U.S.
94308
vol. 72
pt. 2

PUBLISHED BY AUTHORITY OF LAW UNDER THE DIRECTION OF THE
ADMINISTRATOR OF GENERAL SERVICES BY THE OFFICE OF THE
FEDERAL REGISTER, NATIONAL ARCHIVES AND RECORDS SERVICE

PROLEGATIONARY TAX AND PROLEGATIONARY

VOLUME 72

TWO PARTS

PART 2

PRIVATE LAW CONCURRENT RESOLUTIONS

4- DEC-9
COPY # 1959



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PRIVATE LAWS

PRIVATE LAWS

SECOND SESSION, EIGHTY-FIFTH CONGRESS

Begun and held at the City of Washington on Tuesday, January 7, 1958, and adjourned sine die on Sunday, August 24, 1958. DWIGHT D. EISENHOWER, President; RICHARD M. NIXON, Vice President; SAM RAYBURN, Speaker of the House of Representatives.

Private Law 85-342

AN ACT

For the relief of Karl L. Larson.

February 19, 1958
[H. R. 1392]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Karl L. Larson, Mount Shasta, California, the sum of \$503.25. The payment of such sum shall be in full settlement of all claims of such person against the United States for compensation for personal property destroyed by fire on July 20, 1955, while employed by the Forest Service on the Shasta-Trinity National Forest, California: *Provided*, That no part of the amount appropriated in this Act for the payment of any one claim shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with such claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.*

Karl L. Larson.

Approved February 19, 1958.

Private Law 85-343

AN ACT

For the relief of Lieutenant Percy Hamilton Hebert.

February 19, 1958
[H. R. 1538]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That First Lieutenant Percy Hamilton Hebert, Air Force of the United States, retired, serial number AO-888402, is hereby relieved of all liability to pay to the United States the sum of \$2,238. Such sum represents certain amounts erroneously paid to the said Percy Hamilton Hebert

Lt. Percy H. Hebert.

during the period between November 19, 1944, and June 30, 1950, inclusive, as a result of errors made in the computation of his retired pay.

The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Percy Hamilton Hebert an amount equal to the aggregate of amounts paid by him, or which have been withheld from sums otherwise due him, in complete or partial satisfaction of such claim of the United States.

Approved February 19, 1958.

Private Law 85-344

AN ACT

For the relief of Doctor Royal W. Williams.

February 19, 1958
[H. R. 1792]

Dr. Royal W.
Williams.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Doctor Royal W. Williams, Greenville, Mississippi, the sum of \$1,160.37. Payment of such sum shall be in full settlement of all claims of Doctor Royal W. Williams against the United States for mileage allowance for travel between Savannah, Georgia, and Charleston, South Carolina, and for per diem for temporary duty performed as senior surgeon (R) at the United States Public Health Service Outpatient Clinic at Charleston, South Carolina, during the period November 17, 1953, to April 14, 1954: *Provided,* That no part of the amount appropriated shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved February 19, 1958.

Private Law 85-345

AN ACT

For the relief of William F. Kempe.

February 19, 1958
[H. R. 2705]

William F.
Kempe.
39 Stat. 746.
5 USC 765-770.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 15 to 20, inclusive, of the Federal Employees' Compensation Act are hereby waived in favor of William F. Kempe, La Porte, Indiana, and his claim for compensation for disability sustained by him as a result of disease alleged to have been contracted prior to May 14, 1951, while he was employed at the Kingsbury Ordnance Plant, La Porte, Indiana, shall be acted upon under the remaining provisions of such Act if he files such claim with the Bureau of Employees' Compensation, Department of Labor, within sixty days after the date of the enactment of this Act: *Provided,* That no benefits shall accrue by reason of the enactment of this Act for any period prior to its enactment, except in the case of medical or hospitalization expenditures which may be deemed reimbursable.

Approved February 19, 1958.

Private Law 85-346

AN ACT

For the relief of Mrs. Madeleine A. Work.

February 19, 1958
[H. R. 5161]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be and he hereby is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$4,675.60 to Mrs. Madeleine Work of 19 Rue de Grenoble, Evreux, France. Such sum represents the amount of death benefits to which the said Mrs. Work would have been entitled from the date of the death of her husband, Captain John L. Work, who died on December 17, 1943, if claim for such death benefits had been filed with the Veterans' Administration within one year after the death of her husband: *Provided*, That no part of the amount appropriated in this Act in excess of ten per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Madeleine Work.

Approved February 19, 1958.

Private Law 85-347

AN ACT

For the relief of Colonel Jack C. Jeffrey.

February 19, 1958
[H. R. 6069]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of money in the Treasury not otherwise appropriated, to Colonel Jack C. Jeffrey, of APO 343, care postmaster, San Francisco, California, the sum of \$435.63, as a refund of excess costs collected from Colonel Jeffrey on shipments of household effects to Madison, Wisconsin, from overseas and from certain locations in the United States, during April, May and August 1950: *Provided*, That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Col. Jack C.
Jeffrey.

Approved February 19, 1958.

Private Law 85-348

AN ACT

For the relief of the estate of Isa Hajime.

February 19, 1958
[H. R. 7200]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the estate of Isa Hajime, deceased, formerly of Yontan, Okinawa, the

Isa Hajime,
estate.

sum of \$2,000, in full satisfaction of all claims against the United States for compensation for the death of Isa Hajime, sustained on September 4, 1949, as a result of a criminal assault by an enlisted man of the United States Air Force at Yontan, Okinawa: *Provided*, That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with such claim, any contract to the contrary notwithstanding. Any person violating any of the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved February 19, 1958.

Private Law 85-349

February 19, 1958
[H. R. 7591]

AN ACT

For the relief of Anton N. Nyerges.

Anton N. Nyerges.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Anton N. Nyerges, the sum of \$3,600. The payment of such sum shall be in full satisfaction of any and all claims against the United States for compensation for reasonable and necessary personal property lost while in the course of his duties as Foreign Service officer at the American Legation, Budapest, Hungary, on November 4, 1956, as a result of a revolution: *Provided*, That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved February 19, 1958.

Private Law 85-350

February 19, 1958
[H. R. 8618]

AN ACT

For the relief of Henry M. Lednicky.

Henry M. Lednicky.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Henry M. Lednicky, West, Texas, the sum of \$317.25, which represents payment for janitor service performed by Mr. Lednicky while he was in charge of the local post office at the request of the Post Office Department: *Provided*, That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved February 19, 1958.

Private Law 85-351

AN ACT

For the relief of the Thomas Cruse Mining and Development Company.

February 26, 1958
[S. 652]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Thomas Cruse Mining and Development Company, of Helena, Montana, the sum of \$7,500. Payment of such sum shall be in full settlement of all claims of such company against the United States arising when, on October 8, 1942, its mining mill located near Marysville, Montana, and the machinery and equipment therein, were extensively damaged as a result of demolition operations carried on by personnel of the United States Army: *Provided,* That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved February 26, 1958.

Thomas Cruse
Mining and Development Co.

Private Law 85-352

AN ACT

For the relief of Margie C. Stewart.

February 26, 1958
[H. R. 8038]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Margie C. Stewart, of Cedarville, Ohio, the sum of \$3,417, in full satisfaction of her claim against the United States for payment of compensation during the period of erroneous removal from General Services Administration dating from June 8, 1955, to April 15, 1957: *Provided,* That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved February 26, 1958.

Margie C. Stewart.

Private Law 85-353

AN ACT

For the relief of Acme Bag and Burlap Company and others.

March 4, 1958
[S. 1805]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is authorized and directed to pay, out of the unobligated balance of funds appropriated for the fiscal year 1956 in the Department of Agriculture and Farm Credit Appropriation Act, 1956 (Public Law 40), under the appropriation "Salaries and Expenses, Agricultural Research Service, Plant and Animal Disease

69 Stat. 51.

and Pest Control," the following persons or firms in the amounts set out after their names to reimburse said persons or firms the direct expenses incurred during fiscal years 1955 and 1956 for fumigation of premises under the quarantine and supervision of the Agricultural Research Service and appropriate State agencies for the eradication of the khapra beetle and thereby provide equitable treatment to said persons or firms who were required to bear these costs prior to the policy established through the enactment of the Second Supplemental Appropriation Act, 1956 (Public Law 533):

70 Stat. 161.
Acme Bag and
Burlap Co., and
others.

Acme Bag and Burlap Company, and Delinting and Seed Treating Company, Phoenix, Arizona, \$1,200.00; Advance Seed and Grain Company, Phoenix, Arizona, \$9,445.88; Arizona Flour Mills Company, Casa Grande, Arizona, \$7,548.00; Arizona Flour Mills Company, Glendale, Arizona, \$3,092.20; Arizona Flour Mills Company, Phoenix, Arizona, \$12,645.00; Arizona Flour Mills Company, Tucson, Arizona, \$8,100.00; Arizona Grain and Storage Company, Chandler, Arizona, \$5,400.00; Boyd and Kuhn, Brawley, California, \$300.00; Browns Farm Store, Phoenix, Arizona, \$95.00; Buckeye Feed and Seed Company, Incorporated, Buckeye, Arizona, \$6,400.00; Capital Feed and Seed Company, Coolidge, Arizona, \$1,825.00; Capital Feed and Seed, Gilbert, Arizona, \$2,449.90; Capital Feed and Seed Company, Phoenix, Arizona, \$11,051.00; Casey Seed Company, Phoenix, Arizona, \$912.00; Neal Collins Farm, Yuma, Arizona, \$75.50; Curry County Grain and Elevator Company, Clovis, New Mexico, \$919.80; Desert Feed Store, Phoenix, Arizona, \$28.50; Edward Beals Feed Lot, San Luis, Arizona, \$54.00; Farm Equipment and Supply Company, Parker, Arizona, \$647.26; Farmers Cooperative Marketing Association, Roll, Arizona, \$1,175.00; Farmers Marketing Corporation, Yuma, Arizona, \$1,210.00; Farmers Marketing Corporation Mill, Yuma, Arizona, \$5,675.40; Feeder's Supply Company, Mesa, Arizona, \$225.00; H. P. Fites Ranch, Yuma, Arizona, \$116.00; Henry Frauenfelder Farm, Somerton, Arizona, \$147.14;

Grubbs Hatchery
and others.

Grubbs Hatchery, Yuma, Arizona, \$143.47; Hafley's Market Warehouse, Kingman, Arizona, \$50.23; Hayden Flour Mills, Tempe, Arizona, \$11,100.00; A. W. Johnson, Yuma, Arizona, \$209.42; C. A. Johnson Farm, Somerton, Arizona, \$112.50; Dave Johnson Farm, Somerton, Arizona, \$152.00; Frank Kornegay Farm, Yuma, Arizona, \$231.00; Henry Leivas Farm, Parker, Arizona, \$245.50; R. W. Livingston Farm, Yuma, Arizona, \$73.14; Long's Dairy, Buckeye, Arizona, \$280.00; Arthur McCoy Ranch, Yuma, Arizona, \$50.00; Pearl McCreary Ranch, Gilbert, Arizona, \$64.43; R. H. McElhaney Ranch, Wellton, Arizona, \$953.00; Northrup-King Company, Phoenix, Arizona, \$2,731.50; Northrup-King Seed Company, Yuma, Arizona, \$60.00; Pablo Ortiz Farm, Yuma, Arizona, \$16.00; Phoenix Hay and Feed Company, Phoenix, Arizona, \$460.00; Pratt Feed and Supply Company, Phoenix, Arizona, \$675.00; Quick Seed and Feed Company, Phoenix, Arizona, \$1,829.00; R. F. Richter Feed Store, Parker, Arizona, \$131.51; Robert Seed Company, Texico, New Mexico, \$964.46; Saint Anthony's Ranch, Mecca, California, \$200.00; Shank Brothers Imperial Company, Brawley, California, \$300.00; Slone Grain Company, Portales, New Mexico, \$891.10;

Arthur Jannusch
and others.

Arthur Jannusch, Phoenix, Arizona, \$72.60; Southwest Flour and Seed Company, Glendale, Arizona, \$13,632.00; Sterner Farm, Goodyear, Arizona, \$65.50; Strange's Market Warehouse, Ajo, Arizona, \$45.50; Jesse P. Stump Farm, Tolleson, Arizona, \$675.00; Hubert Thacker Farm, Yuma, Arizona, \$38.25; Valley Feed and Seed Company, Phoenix, Arizona, \$9,385.88; Western Grain Elevator Company, Mesa, Arizona, \$10,042.00; Whitman Seed Company, Yuma, Arizona, \$4,718.40; Worley Mills, Incorporated, Portales, New Mexico,

\$1,664.00; and Yuma County Feed and Seed Company, Yuma, Arizona, \$154.16: *Provided*, That before payment is made these persons and firms shall submit certified vouchers in support of such claims for reimbursement of direct fumigation costs incurred by them.

SEC. 2. Not more than 10 per centum of any payment provided for by this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with the claim for which such payment is made, and the receipt of any sum in excess of said 10 per centum shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

SEC. 3. No payment shall be made under this Act to the Hayden Flour Mills or the Southwest Flour and Feed Company unless each such corporation and any Member of Congress who holds stock in either of such corporations at the time such payment is made has made a written agreement with the Secretary of Agriculture that from any funds thereafter payable to any such Member of Congress as dividends (ordinary or liquidating) on such stock there will be repaid to the Secretary of the Treasury to be covered into miscellaneous receipts a sum which bears the same ratio to the aggregate payments made under this Act to such corporations by the Secretary of Agriculture as the number of shares of stock so held by such Member of Congress at the time such payment is made bears to the total number of shares of stock of the corporation outstanding at the time such payment is made.

Approved March 4, 1958.

Restrictions.

Private Law 85-354

AN ACT

For the relief of Roma H. Sellers.

March 6, 1958
[S. 1714]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Roma H. Sellers of Preston, Mississippi, the sum of \$12,500. The payment of such sum shall be in full satisfaction of all her claims against the United States for compensation for permanent personal injuries and pain and suffering sustained by her, and for reimbursement of hospital, medical, and other expenses incurred by her, as a result of a toxic reaction to the medication used in preparation for and in the course of an operation performed on her January 7, 1955, by United States Air Force doctors at the Nazareth Hospital, Mineral Wells, Texas: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved March 6, 1958.

Roma H. Sellers.

Private Law 85-355

JOINT RESOLUTION

For the relief of Edward H. Turri and Mario Guiffre.

March 6, 1958
[H. J. Res. 417]Edward H. Turri.
54 Stat. 1170.
8 USC 801 note.
66 Stat. 269.
8 USC 1484.
65 Stat. A3.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of section 404 of the Nationality Act of 1940, section 352 of the Immigration and Nationality Act, and Private Law Numbered 2 of the Eighty-second Congress, Edward H. Turri shall be held and considered to have retained his United States citizenship: *Provided,* That he returns to the United States to reside within six months following the effective date of this Act.

Mario Guiffre.

8 USC 1421.

8 USC 1448.

SEC. 2. Mario Guiffre, who lost United States citizenship under the provisions of section 352 (a) (1) of the Immigration and Nationality Act, may be naturalized by taking prior to one year after the effective date of this Act, before any court referred to in subsection (a) of section 310 of the Immigration and Nationality Act or before any diplomatic or consular officer of the United States abroad, the oaths prescribed by section 337 of said Act. From and after naturalization under this Act, the said Mario Guiffre shall have the same citizenship status as that which existed immediately prior to its loss.

Approved March 6, 1958.

Private Law 85-356

JOINT RESOLUTION

To facilitate the admission into the United States of certain aliens.

March 6, 1958
[H. J. Res. 429]Sarah R. Tochman.
66 Stat. 169, 180.
8 USC 1101,
1155.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Sarah Reiko Tochman, shall be held and considered to be the natural-born alien child of Mrs. Stella M. Tochman, a citizen of the United States.

Margherita Alongi.

SEC. 2. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Margherita Alongi, shall be held and considered to be the natural-born alien child of Dominic and Josephine Alongi, citizens of the United States.

Mary and Anton Derzay.

SEC. 3. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor children, Mary Derzay and Anton Derzay, shall be held and considered to be the natural-born alien children of Mr. and Mrs. Anton Derzay, citizens of the United States.

Antonio Quijano and others.

SEC. 4. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, Antonio Quijano, Lilia Quijano, and Aurora Quijano, shall be held and considered to be the minor alien children of Teodolfo Quijano, a citizen of the United States.

Yio Gik Him.
66 Stat. 175, 177.
8 USC 1151,
1152.

SEC. 5. In the administration of the Immigration and Nationality Act, section 201 (a) and section 202 (a) (5) and (b) of such Act shall not apply in the case of Mrs. Yio Gik Him (nee Guadalupe Reyes Chip).

Kenichi Sugahara.

SEC. 6. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, Kenichi Sugahara, shall be held and considered to be the natural-born minor alien child of Master Sergeant and Mrs. Fred W. Baars, citizens of the United States.

SEC. 7. For the purposes of sections 203 (a) (3) and 205 of the Immigration and Nationality Act, Teresa Pecchia and Mauro Pecchia shall be held and considered to be the minor alien children of Mrs. Giuseppina Pecchia, a lawful resident of the United States.

Teresa and
Mauro Pecchia.
66 Stat. 173, 180.
8 USC 1153,
1155.

SEC. 8. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor children, Myra Joyce Carroll and Sheila Jeanne Carroll, shall be held and considered to be the natural-born alien children of Sergeant and Mrs. Herbert G. Carroll, citizens of the United States.

Myra J. and
Sheila J. Carroll.

Approved March 6, 1958.

Private Law 85-357

JOINT RESOLUTION

For the relief of certain aliens.

March 6, 1958
[H. J. Res. 435]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Lisa El Aneed, Alfred El Aneed and Maria Gounaris Stephenson shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fees: *Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General be deposited as prescribed by section 213 of the said Act in the case of Alfred El Aneed.

Lisa El Aneed
and others.
66 Stat. 163.
8 USC 1101 note.

8 USC 1183.

SEC. 2. The Attorney General is authorized and directed to cancel any outstanding orders and warrants of deportation, warrant of arrest, and bonds, which may have issued in the case of Joseph (Josip) Torbar. From and after the date of the enactment of this Act, the said Joseph (Josip) Torbar shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and orders have issued.

Joseph Torbar.

SEC. 3. For the purposes of the Immigration and Nationality Act, Ludmilla Jungbauer, Nicola Parente, Eugenia Dlugopolska and May Ping Lee shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fees. Upon the granting of permanent residence to each alien as provided for in this section of this Act, if such alien was classifiable as a quota immigrant at the time of the enactment of this Act, the Secretary of State shall instruct the proper quota-control officer to reduce by one the quota for the quota area to which the alien is chargeable for the first year that such quota is available: *Provided*, That unless Ludmilla Jungbauer is entitled to care under the Dependents' Medical Care Act, a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the Immigration and Nationality Act, and the provisions of this section of this Act shall be applicable in her case upon compliance with such conditions and controls which the Attorney General, after consultation with the Surgeon General of the United States Public Health Service, Department of Health, Education, and Welfare, may deem necessary to impose.

Ludmilla Jung-
bauer and others.
66 Stat. 163.
8 USC 1101 note.

Quota deduc-
tions.

70 Stat. 250.
37 USC 401 note.

8 USC 1183.

Approved March 6, 1958.

Private Law 85-358

JOINT RESOLUTION

To facilitate the admission into the United States of certain aliens.

March 6, 1958
[H. J. Res. 436]

Florentina Laurente.
66 Stat. 169, 180,
8 USC 1101,
1155.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, Florentina Laurente shall be held and considered to be the minor alien child of Anselmo Laurente, a citizen of the United States.

Joon Wong Choi.

SEC. 2. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Joon Wong Choi, shall be held and considered to be the natural-born alien child of Chaplain (Captain) Albert L. Gamble, a citizen of the United States.

Carolyn Foster.
66 Stat. 177, 188,
8 USC 1152,
1183.

SEC. 3. In the administration of the Immigration and Nationality Act, section 202 (c) (1) shall not be applicable in connection with the application for an immigrant visa by Carolyn Foster: *Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act.

Elio Rotondo.
8 USC 1153,
1155.

SEC. 4. For the purposes of sections 203 (a) (3) and 205 of the Immigration and Nationality Act, Elio Rotondo shall be held and considered to be the natural-born minor alien child of Giovanni and Elisa Rotondo, lawfully resident aliens in the United States.

Lee Tai Chon.
8 USC 1101,
1155.

SEC. 5. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Lee Tai Chon, shall be held and considered to be the natural-born alien child of Donald Nichols, a citizen of the United States.

Rosario M. Basante.
8 USC 1101,
1155.

SEC. 6. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Rosario Munez Basante, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Francisco Basante dos Santos, citizens of the United States.

Slobodan Galeb.
8 USC 1101,
1155.

SEC. 7. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Slobodan Galeb, shall be held and considered to be the natural-born alien child of Mr. and Mrs. B. T. Galeb, citizens of the United States.

Approved March 6, 1958.

Private Law 85-359

JOINT RESOLUTION

To waive certain provisions of section 212 (a) of the Immigration and Nationality Act in behalf of certain aliens.

March 6, 1958
[H. J. Res. 437]

Joseph J. Teuchberg.
66 Stat. 182,
8 USC 1182.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 212 (a) (9) of the Immigration and Nationality Act, Joseph Juda Teuchberg may be issued a visa and be admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act.

Vova Rubin.
8 USC 1182.

SEC. 2. Notwithstanding the provision of section 212 (a) (1) of the Immigration and Nationality Act, Miss Vova Rubin may be issued a visa and admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of that Act: *Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act.

8 USC 1183.

SEC. 3. Notwithstanding the provision of section 212 (a) (4) of the Immigration and Nationality Act, Bruno Lagomarsino may be issued a visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act: *Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act.

Bruno Lagomarsino.
8 USC 1182.

SEC. 4. Notwithstanding the provision of section 212 (a) (4) of the Immigration and Nationality Act, Jose Domingo Quintanar may be issued a visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of such Act: *Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act.

8 USC 1183.
Jose D. Quintanar.
8 USC 1182.

SEC. 5. In the administration of the Immigration and Nationality Act, Margaret Weydmann, the fiancée of Sergeant William R. Casey, a citizen of the United States, and her minor child, Billi, shall be eligible for visas as nonimmigrant temporary visitors for a period of three months: *Provided*, That the administrative authorities find that the said Margaret Weydmann is coming to the United States with a bona fide intention of being married to the said Sergeant William R. Casey and that they are found otherwise admissible under the provisions of that Act, except that section 212 (a) (9) of that Act shall not be applicable in the case of the said Margaret Weydmann. In the event the marriage between the above-named persons does not occur within three months after the entry of the said Margaret Weydmann and her minor child, Billi, they shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of sections 242 and 243 of the Immigration and Nationality Act. In the event that the marriage between the above-named persons shall occur within three months after the entry of the said Margaret Weydmann and her minor son, Billi, the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Margaret Weydmann and her minor son, Billi, as of the date of the payment by them of the required visa fees.

8 USC 1183.
Margaret Weydmann and child.

8 USC 1182.

66 Stat. 208, 212.
8 USC 1252,
1253.

SEC. 6. The exemptions provided for in this Act shall apply only to grounds for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

Approved March 6, 1958.

Private Law 85-360

AN ACT

For the relief of Mrs. Margot M. Draughon.

March 15, 1958
[H. R. 1692]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Mrs. Margot M. Draughon, of Denver, Colorado, is hereby relieved of all liability to refund to the United States the sum of \$2,625. Such sum represents the amount of class E allotment payments which were erroneously made to Mrs. Margot M. Draughon, the wife of Charles R. Draughon, Army serial number 6971596, during the period October 1, 1942, through August 31, 1945, after the said Charles R. Draughon had discontinued such allotment. The Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Margot M. Draughon any

Margot M.
Draughon.

amount refunded by her to the United States on account of these erroneous payments of class E allotment. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States full credit shall be given for the amount for which liability is relieved by this Act.

SEC. 2. Nothing in this Act shall be construed to relieve Charles R. Draughon, Army serial number 6971596, of any liability to refund to the United States any amounts which have been determined to be erroneous payments as the result of his authorizing a class E allotment to Mrs. Margot M. Draughon during the period August 1, 1942, through August 31, 1945.

Approved March 15, 1958.

Private Law 85-361

March 15, 1958
[H. R. 2901]

AN ACT

For the relief of Ralph H. Weeks.

Ralph H. Weeks.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Ralph H. Weeks, the sum of \$1,998.70. The payment of such sum shall be in full settlement of all claims of such person against the United States for payment for damages to his personal effects, alleged to have been sustained while being shipped on the steamship Alaska at Government expense, as an employee of the Department of the Interior, on February 2, 1947, on which date said ship was wrecked: *Provided,* That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved March 15, 1958.

Private Law 85-362

March 15, 1958
[H. R. 4541]

AN ACT

For the relief of Leslie A. Batdorf.

Leslie A. Batdorf.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$500 to Leslie A. Batdorf, 625 North Second Street, Shamokin, Pennsylvania, in full settlement of all claims against the United States as reimbursement for bond posted for Gretel Parks (nee Weckler) on September 17, 1948: *Provided,* That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved March 15, 1958.

Private Law 85-363

AN ACT

For the relief of Forest H. Byroade.

March 15, 1958
[H. R. 5163]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$2,688.34 to Forest H. Byroade, of 13 Kinship Road, Dundalk, Baltimore County, Maryland, in full settlement of all claims against the United States for personal injuries, medical and other expenses incurred as the result of an accident on January 30, 1952, involving a United States Navy vehicle on U. S. Highway Numbered 1, Guilford, Howard County, Maryland, 250 feet north of the intersection of U. S. Highway Numbered 1 and Maryland State Route Numbered 32. Such claim is not cognizable under the Federal Tort Claims Act of 1946: *Provided,* That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Forest H. Byroade.

62 Stat. 982.
28 USC 2671 et
seq.

Approved March 15, 1958.

Private Law 85-364

AN ACT

Conferring jurisdiction upon the United States Court of Claims to hear, determine, and render judgment upon a certain claim of Mrs. Walter E. von Kalinowski.

March 15, 1958
[S. 573]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any statute of limitations or lapse of time or any limitation upon the jurisdiction of the United States Court of Claims to hear, determine, and render judgment on claims against the United States, jurisdiction is hereby conferred upon the United States Court of Claims to hear, determine, and render judgment upon the claim of Mrs. Walter E. von Kalinowski. Suit upon such claim may be instituted by Mrs. Walter E. von Kalinowski at any time within three years after the date of enactment of this Act.

Mrs. Walter E. von Kalinowski.

Sec. 2. The provisions of sections 1492 and 2509 of title 28, United States Code, shall be applicable to this Act.

62 Stat. 941, 977.

Approved March 15, 1958.

Private Law 85-365

AN ACT

For the relief of Alex P. Collins.

March 15, 1958
[S. 888]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Alex P. Collins, the sum of \$2,000 in full satisfaction of his claim against the United States for refund of the amount of the bonds posted with the Immi-

Alex P. Collins.

gration and Naturalization Service of the Department of Justice in the case of his niece, Maria Karvelis, and her three minor children, Boeleta Karvelis, Martha Karvelis, and Euterpi Karvelis, and declared breached by such Service when the said Maria Karvelis, Boeleta Karvelis, Martha Karvelis, and Euterpi Karvelis failed to depart in accordance with the terms of such bonds although they were subsequently granted permanent residence in the United States: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved March 15, 1958.

Private Law 85-366

March 17, 1958
[H. R. 6182]

AN ACT

To provide for the conveyance of certain real property of the United States to the former owners thereof.

Martha V. and
Damaris E. Gilkeson.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services shall convey without consideration to Martha V. Gilkeson and Damaris E. Gilkeson, Moorefield, West Virginia, all right, title, and interest of the United States in and to the real property containing nine acres, more or less, which is described in section 2 of this Act.

SEC. 2. The real property referred to in the first section of this Act, known as the Moorefield Fish Cultural Station, is the same property conveyed by deed dated the 21st day of March 1938, from Martha V. Gilkeson and Damaris E. Gilkeson to the United States of America, said deed recorded on the 2d day of June 1939 in the clerk's office of the county court of Hardy County, West Virginia, the exact legal description of which shall be determined by the Administrator of General Services.

Approved March 17, 1958.

Private Law 85-367

March 17, 1958
[H. R. 6623]

AN ACT

To provide for the conveyance of certain real property of the United States in Massachusetts to the Woods Hole Yacht Club.

Woods Hole
Yacht Club, Mass.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, not withstanding any other provision of law and upon determination by the Administrator of General Services that the property described in section 2 of this Act is surplus to the needs of the Government, the Administrator of General Services shall convey to the Woods Hole Yacht Club, Woods Hole, Massachusetts, subject to such terms, conditions, reservations, and restrictions as may be determined by the Administrator of General Services to be necessary to protect the interests of the United States, all right, title and interest of the United States in and to the real property described in section 2, upon the payment to the United States by such yacht club of the fair market value of such property, as determined by the Administrator of General Services, within a two-year period beginning on the date the property is determined to be

surplus. In determining the fair market value for the purposes of this Act the Administrator of General Services shall not include the value of improvements constructed on such property by such yacht club during the period of the lease referred to in section 2. The money received from the conveyance authorized by this section shall be covered into the Treasury as miscellaneous receipts.

SEC. 2. The property referred to in the first section was leased from the United States by the Woods Hole Yacht Club for the twenty-five-year period beginning on January 1, 1935, under authority of Private Law 341, Seventy-third Congress, approved June 25, 1934 (48 Stat. 1430), being that portion of the property owned by the United States at Penzance Point, or Long Neck, Woods Hole, and more particularly described as follows:

Side A, from boundary mark in direction 224 degrees 14 minutes 45 seconds true, a distance of 90 feet, which comes to high-water mark; side B, from boundary mark in direction 111 degrees 14 minutes 45 seconds true, a distance of 215 feet; side C, from easterly end of side B in direction 190 degrees 29 minutes 15 seconds true, a distance of 74 feet, which comes to the high-water mark; side D, from the southerly end of side C in a westerly direction along the irregular high-water line to the southerly end of side A and including the rocks lying offshore.

Approved March 17, 1958.

Private Law 85-368

AN ACT

For the relief of Mrs. Catherine Pochon Dike.

March 17, 1958
[H. R. 8139]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Mrs. Catherine Pochon Dike, who lost United States citizenship under the provisions of section 407 of the Act of October 14, 1940, may be naturalized by taking prior to one year after the effective date of this Act, before any court referred to in subsection (a) of section 310 of the Immigration and Nationality Act or before any diplomatic or consular officer of the United States abroad, the oaths prescribed by section 337 of the said Act. From and after naturalization under this Act, the said Mrs. Catherine Pochon Dike shall have the same citizenship status as that which existed immediately prior to its loss.

Approved March 17, 1958.

Catherine P.
Dike.

54 Stat. 1170.
8 USC 801 note.

66 Stat. 239.
8 USC 1421,
1448.

Private Law 85-369

AN ACT

To authorize the National Society of the Sons of the American Revolution to use certain real estate in the District of Columbia as the national headquarters of such society.

March 28, 1958
[H. R. 9271]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the National Society of the Sons of the American Revolution, incorporated by the Act entitled "An Act to incorporate the National Society of the Sons of the American Revolution", approved June 9, 1906 (34 Stat. 227), is authorized to use the real estate described as lots 806, 807, 808, 809, 810, 811, and 816, in square numbered 2507, situated in the city of Washington, District of Columbia, as the national headquarters of such society.

Approved March 28, 1958.

National Society
of the Sons of the
American Revolution.

Private Law 85-370

March 28, 1958
[S. 147]

AN ACT

For the relief of Guido William Grambergs.

Guido W. Grambergs.
66 Stat. 163.
8 USC 1101 note.

Quota deduction.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Guido William Grambergs shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

Approved March 28, 1958.

Private Law 85-371

March 28, 1958
[S. 161]

AN ACT

For the relief of Elias Youssef Mikhael (Ellis Joseph Michael).

Elias Y. Mikhael.
66 Stat. 163.
8 USC 1101 note.

Quota deduction.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Elias Youssef Mikhael (Ellis Joseph Michael) shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

Approved March 28, 1958.

Private Law 85-372

March 28, 1958
[S. 285]

AN ACT

For the relief of Paul Gustin.

Paul Gustin,
legal guardian.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the legal guardian of Paul Gustin, the minor child of Technical Sergeant and Mrs. Roger W. Gustin, the sum of \$26,000. Such sum shall be in full satisfaction of the claim of the said Paul Gustin against the United States for compensation for permanent personal injuries, including loss of the left hand, part of the left forearm, and four toes of the left foot, pain and suffering, medical expenses, and future loss of earnings sustained as the result of the said Paul Gustin touching live electrical contacts inside an unguarded high voltage transformer building located near family housing quarters on Rhein-Main Air Force Base, Frankfurt, Germany, on September 14, 1955: *Provided,* That no part of the amount appropriated in this Act in excess of \$1,000 shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall

be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved March 28, 1958.

Private Law 85-373

AN ACT

For the relief of Martha A. Calvert.

March 28, 1958
[S. 1249]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Martha A. Calvert, who lost United States citizenship under the provisions of section 401 (e) of the Nationality Act of 1940, may be naturalized by taking, prior to one year after the date of the enactment of this Act, before any court referred to in subsection (a) of section 310 of the Immigration and Nationality Act or before any diplomatic or consular officer of the United States abroad, an oath as prescribed by section 337 of such Act. From and after naturalization under this Act, the said Martha A. Calvert shall have the same citizenship status as that which existed immediately prior to its loss.

Approved March 28, 1958.

Martha A. Calvert.

54 Stat. 1168.
8 USC 801 note.

66 Stat. 239.
8 USC 1421,
1448.

Private Law 85-374

AN ACT

For the relief of Heinz August Schwarz.

March 28, 1958
[S. 1287]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Heinz August Schwarz shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available: *Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act.

Approved March 28, 1958.

Heinz A. Schwarz.
66 Stat. 163.
8 USC 1101 note.

Quota deduction.

8 USC 1133.

Private Law 85-375

AN ACT

For the relief of John P. Souvaldzis.

March 28, 1958
[S. 1331]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the requirements of section 15 through 20 of the Federal Employees' Compensation Act with respect to timely filing of notice of injury and claim for compensation are hereby waived in favor of John P. Souvaldzis and his claim for compensation for disability alleged to have resulted from an injury sustained while in the performance of his duties on January 29, 1951, as a civilian employee of the United States at an Army Ordnance

John P. Souvaldzis.
39 Stat. 746.
5 USC 765-770.

Depot at Ankara, Turkey, shall be considered and acted upon under the remaining provisions of such Act in the same manner as if such notice and claim had been timely filed, if such claim is filed within six months after the date of the enactment of this Act.

Approved March 28, 1958.

Private Law 85-376

March 28, 1958
[S. 1359]

AN ACT

For the relief of Franz Hehn.

Franz Hehn.
66 Stat. 182.
8 USC 1182.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 212 (a) (6) of the Immigration and Nationality Act, Franz Hehn may be issued a visa and be admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act under such conditions and controls which the Attorney General, after consultation with the Surgeon General of the United States Public Health Service, Department of Health, Education, and Welfare may deem necessary to impose: *Provided,* That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act: *Provided further,* That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this Act.

8 USC 1183.

Approved March 28, 1958.

Private Law 85-377

March 28, 1958
[S. 1403]

AN ACT

For the relief of Michael James Bolger.

Michael J. Bolger.
66 Stat. 163.
8 USC 1101 note.

Quota deduction.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Michael James Bolger shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

Approved March 28, 1958.

Private Law 85-378

March 28, 1958
[S. 1519]

AN ACT

For the relief of Isaac Lidji, Henry Isaac Lidji, and Sylvio Isaac Gattegno.

Issac Lidji and others.
66 Stat. 163.
8 USC 1101 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Isaac Lidji, Henry Isaac Lidji, and Sylvio Isaac Gattegno shall be held and considered

to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct three numbers from the number of immigrant visas authorized to be issued to refugee-escapees pursuant to section 15 of the Act of September 11, 1957 (71 Stat. 643-644).

Approved March 28, 1958.

Quota deductions.

50 USC app. 1971a note.

Private Law 85-379

AN ACT

For the relief of Dorene I. Fast.

March 28, 1958
[S. 1543]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of paragraph (4) of section 212 (a) of the Immigration and Nationality Act, Dorene I. Fast may be issued a visa and be admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of such Act: *Provided,* That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act. This Act shall apply only to grounds for exclusion under such paragraph known to the Secretary of State or the Attorney General prior to the date of the enactment of this Act.

Dorene I. Fast.
66 Stat. 182.
8 USC 1182.

8 USC 1183.

Approved March 28, 1958.

Private Law 85-380

AN ACT

For the relief of the C-L Electric Company.

March 28, 1958
[S. 1600]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the C-L Electric Company, of 410 South Main Street, Pocatello, Idaho, the sum of \$45,852.06, in full satisfaction of its claim against the United States for reimbursement of losses sustained by it under contract numbered 14-06-D-152 entered into on June 27, 1952, with the Bureau of Reclamation for the construction of the Lovell-Yellowtail one hundred and fifty-five kilovolt transmission line, Missouri Basin project, such contract having been terminated on August 26, 1953, because of the failure of the Congress to appropriate funds for the carrying out of such contract subsequent to June 30, 1953: *Provided,* That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

C-L Electric Co.

Approved March 28, 1958.

Private Law 85-381

April 7, 1958
[S. 1082]

AN ACT

For the relief of Katina Apostolou.

Katina Aposto-
lou.
66 Stat. 169, 180.
8 U S C 1101,
1155.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Katina Apostolou, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Lionel C. Saint, citizens of the United States: Provided, That the natural parents of Katina Apostolou shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Approved April 7, 1958.

Private Law 85-382

April 7, 1958
[S. 2062]

AN ACT

For the relief of Yasna Trevizan.

Yasna Trevizan.
66 Stat. 169, 180.
8 U S C 101,
1155.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Yasna Trevizan, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Warren H. Hornsby, citizens of the United States: Provided, That the natural parents of Yasna Trevizan shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Approved April 7, 1958.

Private Law 85-383

April 7, 1958
[S. 2124]

AN ACT

For the relief of Tasia J. Somas.

Tasia J. Somas.
66 Stat. 169, 180.
8 U S C 1101,
1155.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child Tasia J. Somas shall be held and considered to be the natural-born alien child of Mr. John Somas, a United States citizen: Provided, That the natural parents of Tasia J. Somas shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Approved April 7, 1958.

Private Law 85-384

April 11, 1958
[S. 1562]

AN ACT

For the relief of Winifred C. Lydick.

Winifred C. Ly-
dick.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money

in the Treasury not otherwise appropriated, to Winifred C. Lydick, of Oklahoma City, Oklahoma, the sum of \$2,500. Such sum shall be in full satisfaction of the claim of the said Winifred C. Lydick against the United States for compensation for permanent personal injuries and pain and suffering sustained by her as the result of an accident occurring on April 14, 1955, on the island of Okinawa, in which a United States Army vehicle struck the automobile in which the said Winifred C. Lydick was a passenger: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved April 11, 1958.

Private Law 85-385

AN ACT

For the relief of Louis G. Whitcomb.

April 11, 1958
[S. 1877]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States is authorized and directed to credit the accounts of Louis G. Whitcomb, United States attorney for the State of Vermont, in the sum of \$2,185.50 paid to himself as per diem in lieu of subsistence for time spent in Burlington, Vermont, on official business, and including certain per diem in lieu of subsistence for fractional days while in a travel status during the period November 23, 1953, to August 31, 1955, and no repayment of that amount shall be required.

Louis G. Whitcomb.

Approved April 11, 1958.

Private Law 85-386

AN ACT

For the relief of Leonard C. Fink.

April 11, 1958
[S. 2132]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the provisions of the Act entitled "An Act providing for the barring of claims against the United States", approved October 9, 1940 (54 Stat. 1061), the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Leonard C. Fink, of Kenmare, North Dakota, the sum of \$125, representing the amount the United States Army failed to withhold from his Army pay for Class E family allotment payments made to his parents from January 1944 through May 1944, which amount the said Leonard C. Fink paid on September 29, 1944, after such amount had previously been collected from his parents by the Department of the Army: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any

Leonard C. Fink.

31 USC 71a, 237.

person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved April 11, 1958.

Private Law 85-387

April 23, 1958
[S. 2230]

AN ACT

To authorize the Secretary of the Interior to convey certain lands to the Charlotte Rudland Dansie Association.

Charlotte Rudland Dansie Association.
Conveyance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized and directed to convey by patent, without monetary consideration therefor, the south half northeast quarter southwest quarter southeast quarter northeast quarter, section 21, township 27 north, range 102 west, sixth principal meridian, Wyoming, to the Charlotte Rudland Dansie Association for maintenance as a memorial grave site.

Conditions.

SEC. 2. The patent issued pursuant to section 1 of this Act shall contain a reservation to the United States of all mineral deposits in the lands and of the right to mine and remove the same under applicable laws, regulations to be established by the Secretary, and terms and conditions which shall not be inconsistent with the use of the lands as a memorial grave site.

Reversal of title.

SEC. 3. If at any time after issuance of patent under section 1 of this Act the Charlotte Rudland Dansie Association or its successor attempts to transfer title to or control over the lands to another without the consent of the Secretary or the lands are devoted to a use other than as a grave-site memorial to Charlotte Rudland Dansie or the Association or its successor shall after due notice from the Secretary, fail to maintain the site in a manner which the Secretary deems fitting and proper, title to the lands shall revert to the United States.

Approved April 23, 1958.

Private Law 85-388

April 23, 1958
[S. 2725]

AN ACT

To exempt from taxation certain property of the National Council of Negro Women, Incorporated, in the District of Columbia.

National Council of Negro Women, Inc., D. C.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the real estate described as lot numbered 55, in square numbered 242, situated in the city of Washington, District of Columbia, owned by the National Council of Negro Women, Incorporated, is hereby exempt from all taxation so long as the same is owned and occupied by the National Council of Negro Women, Incorporated, and is not used for commercial purposes, subject to the provisions of sections 2, 3, and 5 of the Act entitled "An Act to define the real property exempt from taxation in the District of Columbia", approved December 24, 1942 (56 Stat. 1089).

D. C. Code 47-801b, c, and e.

Approved April 23, 1958.

Private Law 85-389

AN ACT

For the relief of Agapito Jorolan.

April 24, 1958
[S. 230]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, on the date of enactment of this Act, Agapito Jorolan, of Orlando, Florida, is relieved of any liability to repay to the United States the remaining unpaid balance of the sum which was erroneously paid him during the period from April 1952 to August 1955 by the Military Sea Transportation Service, Department of the Navy, as the result of the failure of such Service to deduct from his salary (pursuant to sec. 2 (b) of the Civil Service Retirement Act of May 29, 1930, as amended, 5 U. S. C. 715 (b)) an amount equal to the amount he was entitled to receive in civil service retirement annuity payments during such period, the said Agapito Jorolan having been reemployed by such Service subsequent to his retirement on March 31, 1952, under the Civil Service Retirement Act of May 29, 1930, as amended.

Approved April 24, 1958.

Agapito Jorolan.

70 Stat. 745.
5 USC 2252.70 Stat. 743.
5 USC 2251 et
seq.

Private Law 85-390

AN ACT

To amend the Act of August 3, 1956, to authorize certain personnel of the Uniformed Services to accept and wear decorations conferred by the Philippine Government.

May 5, 1958
[H. R. 8437]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of August 3, 1956 (Private Law 850, Eighty-fourth Congress, ch. 921), is amended (a) by striking out the words "Armed Forces" and inserting in lieu thereof "Uniformed Services" and, (b) by inserting the name of the former members and the names of members of the Uniformed Services of the United States as follows:

Uniformed Services.
Philippine decorations for certain members.
70 Stat. A171.

(1) In that part of section 1 captioned "Army", immediately following "Colonel Howard R. Whittaker, O29408, United States Army, Legion of Honor, degree of officer;" insert "Lieutenant Colonel Bienvenido M. Alba, O16939, United States Army, retired, Philippine Wounded Soldier's Medal and Philippine Bronze Cross Medal;"

(2) In that part of section 1 captioned "Navy", immediately following "Rear Admiral Carroll D. Reynolds, 59466, United States Navy, retired, Military Medal of Merit;" insert "Rear Admiral Louis Dreler, 34020, United States Navy, retired, Legion of Honor, degree of officer;"

(3) In that part of section 1 captioned "Navy", immediately following "Commander Charles M. Keyes, 71572, United States Navy, Legion of Honor;" insert "Commander Claude Olen Lowe, 95475, United States Navy, Legion of Honor, degree of officer;" and "Commander George G. McLintock, 65883, United States Naval Reserve, Legion of Honor, degree of officer;"

(4) In that part of section 1 captioned "Air Force", immediately following the said caption insert "Major General John W. Sessums, Junior, 489A, Legion of Honor, degree of commander;"

(5) In that part of section 1 captioned "Air Force", which reads "Colonel Ned B. Chase, 1101A, Air Force Senior Pilot Aeronautical Badge;" delete the semicolon and add the following "and Legion of Honor;"

(6) In that part of section 1 captioned "Air Force", immediately following "Colonel Ned B. Chase, 1101A, Air Force Senior Pilot Aeronautical Badge;" insert "Colonel James M. Vande Hey, 3941A, Air Force Aviation Badge;"

(7) In that part of section 1 captioned "Air Force", immediately following "Colonel Lloyd H. Watnee, 482A, Command Pilot Badge;" insert "Lieutenant Colonel Julian M. Niemczyk, 20671A, Legion of Honor, degree of officer;"

(8) In that part of section 1 captioned "Air Force", immediately following "Captain Jesse F. Jory, 8639A, Air Force Pilot Badge;" insert "First Lieutenant Marlin R. Blake, AO3005209, Honorary Pilot Wings; First Lieutenant Willard H. Colley, AO225161, Air Force Aviation Badge; Technical Sergeant Calvin R. Hogg, AF 6930319, Legion of Honor, degree of Legionnaire;"

(9) Following that part of section 1 captioned "Air Force" add a new paragraph as follows:

"COAST AND GEODETIC SURVEY

"Captain Charles Pierce, 1030, Legion of Honor, degree of commander."

Approved May 5, 1958.

Private Law 85-391

May 9, 1958
[H. R. 5624]

AN ACT

To clear the title to certain Indian land.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States hereby disclaims on behalf of itself and any Indian allottee, or his heirs or devisees, any interest in land described as: Lot 6, section 17, township 19 south, range 24 east, sixth principal meridian, Miami County, Kansas, and the east half northwest quarter and lots 2 and 3, section 20, township 19 south, range 24 east, sixth principal meridian, Linn County, Kansas, containing 153.10 acres more or less, which lands were conveyed under guardian's deed to G. Lehr on April 6, 1868, by A. G. McKensie, guardian of So-we-lah-shing or Brown Cabbage, and approved by O. H. Browning, Secretary of the Interior, on November 5, 1868.

Approved May 9, 1958.

Private Law 85-392

May 9, 1958
[H. R. 7057]

AN ACT

For the relief of Henryk Bigajer and Maria Bigajer.

Henryk Bigajer
and wife.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$1,000 to Henryk Bigajer and Maria Bigajer, of 321 Division Avenue, Brooklyn, New York, in full settlement of all claims against the United States. Such sum represents the amount of departure bonds posted by Henryk Bigajer and Maria Bigajer and breached

on October 27, 1949: *Provided*, That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved May 9, 1958.

Private Law 85-393

AN ACT

For the relief of Maud Claer Wahl.

May 16, 1958
[S. 1062]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Maud Claer Wahl shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

Maud C. Wahl.
66 Stat. 163.
8 USC 1101 note.

Quota deduction.

Approved May 16, 1958.

Private Law 85-394

AN ACT

For the relief of Hovhannes H. Haidostian.

May 16, 1958
[S. 1578]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Hovhannes H. Haidostian shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such is available.

Hovhannes H.
Haidostian.
66 Stat. 163.
8 USC 1101 note.

Quota deduction.

Approved May 16, 1958.

Private Law 85-395

AN ACT

For the relief of Norma Josephine Hodges Dowd.

May 16, 1958
[S. 1943]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Norma Josephine Hodges Dowd shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date

Norma J. H.
Dowd.
66 Stat. 163.
8 USC 1101 note.

Quota deduction.

of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

Approved May 16, 1958.

Private Law 85-396

May 16, 1958
[S. 2166]

AN ACT

For the relief of John J. Griffin.

John J. Griffin.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Labor is authorized and directed (1) to consider any claim filed within sixty days after the date of enactment of this Act by John J. Griffin, of Charlestown, Massachusetts, for compensation under section 5 (a) (21) of the Federal Employees' Compensation Act for facial disfigurement resulting from an injury sustained by him on August 15, 1941, while he was employed by the Department of the Navy as a laborer in the Boston Navy Yard, Boston, Massachusetts; and (2) to award to the said John J. Griffin any compensation to which he would have been entitled had he elected to make application for such compensation within the time provided therefor in section 303 (d) (1) of the Federal Employees' Compensation Act Amendments of 1949.

Approved May 16, 1958.

63 Stat. 855.
5 USC 755.

63 Stat. 867.
5 USC 755 note.

Private Law 85-397

May 16, 1958
[H. J. Res. 528]

JOINT RESOLUTION

To waive certain provisions of section 212 (a) of the Immigration and Nationality Act in behalf of certain aliens.

Virgilio Fiordaliso.
66 Stat. 182.
8 USC 1182.

8 USC 1183.

Parania Mykycej.
Edgars Pedraudze.
8 USC 1182.

70 Stat. 250.
37 USC 401 note.

8 USC 1183.

Jose T. M. Ortiz.
8 USC 1182.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of section 212 (a) (1) and (4) of the Immigration and Nationality Act, Virgilio Fiordaliso may be issued a visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act: *Provided,* That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act.

SEC. 2. Notwithstanding the provision of section 212 (a) (6) of the Immigration and Nationality Act, Parania Mykycej and Edgars Pedraudze may be issued visas and admitted to the United States for permanent residence if they are found to be otherwise admissible under the provisions of that Act, upon compliance with such conditions and controls as the Attorney General, after consultation with the Surgeon General of the United States Public Health Service, Department of Health, Education, and Welfare, may deem necessary to impose: *Provided,* That, unless the beneficiaries are entitled to care under the Dependents' Medical Care Act, suitable and proper bonds or undertakings, approved by the Attorney General, be deposited as prescribed by section 213 of that Act.

SEC. 3. Notwithstanding the provisions of section 212 (a) (31) of the Immigration and Nationality Act, Jose Trinidad Maldonado

Ortiz may be issued a visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act.

SEC. 4. The exemptions provided for in this Act shall apply only to grounds for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

Approved May 16, 1958.

Private Law 85-398

AN ACT

For the relief of Apolonia Quiles Quetglas.

May 16, 1958
[H. R. 2935]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Apolonia Quiles Quetglas shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

Apolonia Q. Quet-
glas.
66 Stat. 163.
8 USC 1101 note.

Quota deduction.

Approved May 16, 1958.

Private Law 85-399

AN ACT

For the relief of Harry J. Madenberg.

May 16, 1958
[H. R. 7508]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Harry J. Madenberg of Chicago, Illinois, a city letter carrier, is relieved of all liability to pay to the United States any unpaid portion of the \$666.91, for which he has been held liable on account of the theft from his custody on December 22, 1955, of nine registered letters.

Harry J. Maden-
berg.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Harry J. Madenberg an amount equal to all amounts which he has paid to the United States on account of the theft of registered letters referred to in the first section of this Act: *Provided,* That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved May 16, 1958.

Private Law 85-400

AN ACT

For the relief of Maria Dittenberger.

May 16, 1958
[H. R. 8239]

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

Maria Ditten-
berger.

66 Stat. 163.
8 USC 1101 note.

istration of the Immigration and Nationality Act, Maria Dittenberger, the fiancée of Ralph Johnson Kiefer, a citizen of the United States, shall be eligible for a visa as a nonimmigrant temporary visitor for a period of three months: *Provided*, That the administrative authorities find that the said Maria Dittenberger is coming to the United States with a bona fide intention of being married to the said Ralph Johnson Kiefer and that she is found otherwise admissible under the immigration laws. In the event the marriage between the above-named persons does not occur within three months after the entry of the said Maria Dittenberger, she shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of sections 242 and 243 of the Immigration and Nationality Act. In the event that the marriage between the above-named persons shall occur within three months after the entry of the said Maria Dittenberger, the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Maria Dittenberger as of the date of the payment by her of the required visa fee.

Approved May 16, 1958.

8 USC 1252,
1253.

Private Law 85-401

May 16, 1958
[H. R. 8348]

AN ACT

For the relief of Michael Romanoff.

Michael Romanoff.
66 Stat. 163.
8 USC 1101 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Michael Romanoff shall be held and considered to have been lawfully admitted to the United States for permanent residence as of December 22, 1932, upon payment of the required visa fee.

Approved May 16, 1958.

Private Law 85-402

May 29, 1958
[H. R. 1342]

AN ACT

For the relief of Mrs. Helen Harvey.

Helen Harvey.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Mrs. Helen Harvey, of Alexandria, Virginia, is hereby relieved of all liability to refund to the United States the sum of \$1,750. Such sum represents the amount of the voluntary allotment payments which were erroneously made by the Department of the Army to the said Mrs. Helen Harvey, as the wife of Warrant Officer (junior grade) Merle L. Harvey, United States Army, during the period beginning April 1, 1953, and ending October 31, 1953, after the said Merle L. Harvey had been discharged from the Army. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given for the amount for which liability is relieved by this Act.

Approved May 29, 1958.

Private Law 85-403

AN ACT

For the relief of the estate of Mr. Shirley B. Stebbins.

May 29, 1958
[H. R. 4445]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the estate of Mr. Shirley B. Stebbins, late of Mecklenburg County, Virginia, the sum of \$1,170. The payment of such sum shall be in full settlement of all claims of such estate against the United States for damage to real property owned by Mr. Shirley B. Stebbins in Goochland County, Virginia, caused when heavy equipment of the Army was recovering an airplane of the United States Army Air Forces which crashed into the James River adjacent to such real property on September 26, 1944: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Shirley B. Stebbins, estate.

Approved May 29, 1958.

Private Law 85-404

AN ACT

For the relief of Alexander Grossman.

May 29, 1958
[H. R. 9012]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Alexander Grossman, of 1270 Forty-fourth Street, Brooklyn, New York, the sum of \$500. The payment of such sum shall be in full settlement of all claims of said Alexander Grossman against the United States, in connection with the \$500 departure bond posted by the said Alexander Grossman on behalf of himself, and which was declared breached on March 2, 1950: *Provided,* That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Alexander Grossman.

Approved May 29, 1958.

Private Law 85-405

AN ACT

For the relief of Valleydale Packers, Incorporated.

May 29, 1958
[H. R. 9514]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is authorized and directed to pay, out of money here-

Valleydale Packers, Inc.

tofore made available for the eradication of the disease vesicular exanthema in swine, to Valleydale Packers, Incorporated, of Bristol, Virginia, the sum of \$2,569.91, an amount equal to that heretofore paid to Valleydale Packers, Incorporated, by the State of Virginia. The payment of such sum shall be in full settlement of all claims of Valleydale Packers, Incorporated, against the United States arising out of the destruction of swine at its plant in Bristol, Virginia, in January 1953, because of the infection and exposure of these swine to the contagious disease, vesicular exanthema. Such swine were destroyed by order of the Department of Agriculture of the State of Virginia, cooperating with the United States Department of Agriculture, under an agreement whereby such losses were to be indemnified on the basis of 50 per centum by the State and 50 per centum by the United States: *Provided*, That no part of the amount paid to Valleydale Packers, Incorporated, under authority of this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved May 29, 1958.

Private Law 85-406

AN ACT

For the relief of Felix Garcia.

May 29, 1958
[H. R. 9991]

Felix Garcia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury shall pay, out of money in the Treasury not otherwise appropriated, to Felix Garcia, of Barrio Naranjito, Hatillo, Puerto Rico, the sum of \$204.65, in settlement of all claims arising out of a vehicular collision in Puerto Rico, on April 21, 1941, involving a United States Army vehicle and a truck owned by Mr. Garcia.

SEC. 2. Notwithstanding any contract, no part of the amounts appropriated in this Act shall be paid, or delivered to, or received by any agent or attorney on account of services rendered in connection with such claim. Any person who violates any provision of this section is guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$1,000.

Approved May 29, 1958.

Private Law 85-407

AN ACT

For the relief of James R. Martin and others.

May 29, 1958
[H. R. 9992]

Lt. (j.g.) James
R. Martin and
others.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the following disbursing officers and former disbursing officers of the United States Navy the amounts listed opposite their names. The amounts listed represent moneys paid from their personal funds to liquidate deficiencies incurred in their accounts, which deficiencies were not as a result of bad faith or lack of due care on their part:

Lieutenant (junior grade) James R. Martin, Supply Corps, United States Navy, \$30.93; Lieutenant Carl C. Mueller, Supply Corps, United States Navy, \$37.65; Lieutenant Jackson Leroy Schultz, Supply Corps, United States Navy, \$45.30; Lieutenant Leroy Spratling, Supply Corps, United States Navy, \$17.50; Lieutenant Commander Kern A. Ulrich, Supply Corps, United States Navy, \$150; Lieutenant (junior grade) William D. Warne, Supply Corps, United States Navy, \$25.

SEC. 2. The relief herein authorized shall not bar recovery from the payees or beneficiaries of the amounts improperly received by them.

Approved May 29, 1958.

Private Law 85-408

AN ACT

For the relief of Matthew M. Epstein.

June 4, 1958
[S. 2498]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Matthew M. Epstein of Washington, District of Columbia, the sum of \$281.87. Such payment shall be in full satisfaction of all claims of the said Matthew M. Epstein against the United States for reimbursement of personal property losses incurred by him as a result of an accident which occurred on October 10, 1956, when a twelve-hundred-pound weight fell from a tower clock of a United States Government building: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Matthew M.
Epstein.

Approved June 4, 1958.

Private Law 85-409

AN ACT

For the relief of Doctor Thomas B. Meade.

June 4, 1958
[H. R. 1466]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of funds of the District of Columbia, to Doctor Thomas B. Meade, of Brooklyn, New York, the sum of \$159.87. Such sum represents reimbursement to the said Doctor Thomas B. Meade for repairing, at his own cost, his automobile which was damaged while being towed by the Metropolitan Police Department of the District of Columbia, on September 10, 1954: *Provided,* That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Dr. Thomas B.
Meade.

Approved June 4, 1958.

Private Law 85-410

June 4, 1958
[H. R. 6176]

AN ACT

For the relief of Fouad George Baroody.

Fouad G. Baroody.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Fouad George Baroody, of 105 Main Street, Timmonsville, South Carolina, the sum of \$500. The payment of such sum shall be in full settlement of all claims of said Fouad George Baroody against the Government of the United States, in connection with the \$500 departure bond posted by the said Fouad George Baroody, on behalf of himself on approximately May 22, 1950: *Provided,* That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved June 4, 1958.

Private Law 85-411

June 4, 1958
[H. R. 6528]

AN ACT

For the relief of Mrs. Lyman C. Murphey.

Mrs. Lyman C. Murphey.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Lyman C. Murphey, Avondale Estates, Georgia, the widow of Lyman C. Murphey (Veterans' Administration claim numbered XC3862082), a sum equal to the amount which would have been paid to, or on behalf of, the two minor children of the said veteran for the period beginning January 25, 1945, and ending March 8, 1953, both dates inclusive, if a claim for pension, by or on behalf of such minor children, had been filed with the Administrator of Veterans' Affairs within one year after the death of the said Lyman C. Murphey, and had been allowed: *Provided,* That no part of the amount paid under this section in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

SEC. 2. The Administrator of Veterans' Affairs shall certify to the Secretary of the Treasury the sum which is to be paid to Mrs. Lyman C. Murphey under the first section of this Act.

Approved June 4, 1958.

Private Law 85-412

AN ACT

For the relief of Harry Slatkin.

June 4, 1958
[H. R. 6731]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Harry Slatkin, 46 East Main Street, Paterson, New Jersey, the sum of \$500. The payment of such sum shall be in full settlement of all claims of said Harry Slatkin against the United States, in connection with the \$500 departure bond posted by the said Harry Slatkin, on behalf of Erno Kraus on January 3, 1949: *Provided,* That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Harry Slatkin.

Approved June 4, 1958.

Private Law 85-413

AN ACT

For the relief of Dwight J. Brohard.

June 4, 1958
[H. R. 7203]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Dwight J. Brohard, of Alameda, California, is relieved of all liability to pay to the United States the sum of \$2,132.62 representing reimbursement of compensation paid him for work at Bureau of Federal Credit Unions of the Department of Health, Education, and Welfare, by the United States Government for the employment period of January 3, 1956, until October 6, 1956. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given for any amount disbursed to Dwight J. Brohard for which relief from liability is accorded to him by this Act.

Dwight J. Brohard.

Approved June 4, 1958.

Private Law 85-414

AN ACT

For the relief of Edward L. Munroe.

June 4, 1958
[H. R. 8039]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$335.60 to Edward L. Munroe, of Boston, Massachusetts, in full settlement of all claims against the United States. Such sum represents base and longevity pay for the period September 1 to 21, 1943, incident to his service as captain, O255625, United States Army: *Provided,* That no part of the amount appropriated in this Act shall

Edward L. Munroe.

be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved June 4, 1958.

Private Law 85-415

June 4, 1958
[H. R. 8433]

AN ACT

For the relief of Captain Laurence D. Talbot (retired).

Capt. Laurence
D. Talbot (Ret.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Captain Laurence D. Talbot (retired), of Alamo, Texas, be, and he is hereby, relieved of all liability to refund to the United States the sum of \$1,072.50. Such sum represents overpayment of disability retirement for the period July 1, 1952, through December 31, 1955, received from the Retired Pay Division, Finance Center, United States Army, and the Veterans' Administration.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Captain Laurence D. Talbot (retired), a sum equal to the aggregate of all amounts which have been withheld by the United States from amounts otherwise due him from the United States, by reason of the liability of which he is relieved by the first section of this Act: *Provided*, That no part of the amount appropriated in this section shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved June 4, 1958.

Private Law 85-416

June 4, 1958
[H. R. 8448]

AN ACT

For the relief of Willie C. Williams.

Willie C. Wil-
liams.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster General be authorized and directed to pay to Mr. Willie C. Williams, 307 Perry Street, Marlin, Texas, the amount of \$101.52. This sum represents the amount which Mr. Williams, who is a retired postal employee, earned while assisting in the post office at Marlin, Texas, during the Christmas rush during December 1956 at the request of the assistant postmaster who thought the employment of Mr. Williams was in accordance with laws and regulations: *Provided*, That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved June 4, 1958.

Private Law 85-417

AN ACT

For the relief of John A. Tierney.

June 4, 1958
[H. R. 9109]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That John A. Tierney, of Bethesda, Maryland, a former employee of the Department of State, is hereby relieved of all liability to refund to the United States the sum of \$1,116, representing payments of a per diem allowance in lieu of subsistence paid to him for the period from October 27, 1952, through February 28, 1953, in connection with service rendered to the Department of State as budget specialist in Washington, District of Columbia. In the audit and settlement of accounts of any certifying or disbursing officer of the United States, full credit shall be given for the amount for which liability is relieved by this Act.

John A. Tierney.

Approved June 4, 1958.

Private Law 85-418

AN ACT

To provide for the conveyance of certain real property of the United States to Post 924, Veterans of Foreign Wars of the United States.

June 4, 1958
[H. R. 9362]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army is authorized and directed to convey to the George N. Meredith Post 924, Veterans of Foreign Wars of the United States, Anniston, Alabama, all right, title, and interest of the United States in and to the real property containing three and five-tenths acres, more or less, more particularly described in section 2, upon payment by such post to the United States of an amount equal to the fair market value of such real property as determined by the Secretary. Such amount shall be covered into the Treasury of the United States as miscellaneous receipts.

George N. Meredith Post 924,
V.F.W.
Conveyance.

SEC. 2. The real property referred to in the first section of this Act is more particularly described as follows:

All that tract or parcel of land lying and being in the southeast quarter of the northwest quarter of section 29, township 15 south, range 8 east, Huntsville meridian, Calhoun County, Alabama, more particularly described as follows:

Beginning at a point which is on the boundary of the reservation of Fort McClellan and at boundary marker 59, at the southwest corner of said southeast quarter of the northwest quarter of section, thence north 00 degrees 38 minutes east along said boundary 430.0 feet, thence north 75 degrees east 185 feet more or less to the western right-of-way of a proposed State highway opposite center-line station 26 plus 00 of said highway, thence south 39 degrees 26 minutes 30 seconds east along said right-of-way line 243.39 feet to a point opposite the P T at center-line station 23 plus 56.61 of said proposed highway, thence southeasterly from a tangent bearing of south 39 degrees 26 minutes 30 seconds east around a curve to the right with a radius of 1,091.9 feet along said right-of-way line an arc distance of 345.5 feet more or less to the south line of aforesaid southeast quarter of the northwest quarter of section 29, thence north 89 degrees 14 minutes west along said south line 512.1 feet more or less to the point of beginning containing 3.5 acres more or less.

Approved June 4, 1958.

Private Law 85-419

June 4, 1958
[H. R. 9395]

AN ACT

For the relief of Cornelia V. Lane.

Cornelia V. Lane.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay out of any money in the Treasury not otherwise appropriated, the sum of \$1,500 to Cornelia V. Lane, of North Hollywood, California, in full settlement of all claims against the United States for compensation for injuries and permanent disability which she sustained while living with her husband in Japan, as a result of being burned after an operation performed on her in the United States Naval Hospital, Yokosuka, Japan, on July 8, 1954. This claim is not cognizable under the Federal Tort Claims Act, since it arose in a foreign country: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

62 Stat. 982.
28 USC 2671 et
seq.

Approved June 4, 1958.

Private Law 85-420

June 4, 1958
[H. R. 9490]

AN ACT

For the relief of Sidney A. Coven

Sidney A. Coven.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Sidney A. Coven, Boston, Massachusetts, the sum of \$221.20. The payment of such sum shall be in full settlement of all claims of Sidney A. Coven against the United States for payment of accrued annual leave equitably due him at the time of his resignation from employment with the National Labor Relations Board on April 19, 1957, which he failed to receive because of an alleged administrative error: *Provided,* That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved June 4, 1958.

Private Law 85-421

June 4, 1958
[H. R. 9775]

AN ACT

For the relief of William J. McGarry.

William J. McGarry.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That William J. McGarry, chief warrant officer, retired, is relieved of all liability to repay to the United States the sum of \$1,444.48. Such sum represents

compensation paid him for the period May 23, 1956, through August 3, 1956, while employed as boilermaker at the New York Naval Shipyard, New York, New York. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States full credit shall be given for all amounts for which liability is relieved by this section.

Approved June 4, 1958.

Private Law 85-422

JOINT RESOLUTION

To facilitate the admission into the United States of certain aliens.

June 6, 1958
[H. J. Res. 552]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Yoe Chul Koo, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Ralph T. Gardner, citizens of the United States.

Yoe C. Koo.
66 Stat. 169, 180.
8 USC 1101,
1155.

SEC. 2. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Pero Corak, shall be held and considered to be the natural-born alien child of Pete Corak, a citizen of the United States.

Pero Corak.

SEC. 3. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, Jamie H. Salva and Fred H. Salva shall be held and considered to be the minor alien children of Master Sergeant Calvin V. Salva, a United States citizen.

Jamie H. and
Fred H. Salva.

SEC. 4. For the purposes of the Immigration and Nationality Act, Teruko Miesse, the widow of a United States citizen, shall be deemed to be within the purview of section 101 (a) (27) (A) of that Act, and the provisions of section 205 of that Act shall not be applicable in this case.

Teruko Miesse.

SEC. 5. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Athos Benedos Perin, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Peter Perin, citizens of the United States.

Athos B. Perin.

SEC. 6. The natural parents of the beneficiaries of sections 1, 2, and 5 of this Act shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

66 Stat. 163.
8 USC 1101 note.

Approved June 6, 1958.

Private Law 85-423

JOINT RESOLUTION

To facilitate the admission into the United States of certain aliens.

June 11, 1958
[H. J. Res. 527]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Anka Scirkovich, shall be held and considered to be the natural-born alien child of Mrs. Mary Vojkovich, a citizen of the United States.

Anka Scirkovich.
66 Stat. 169, 180.
8 USC 1101,
1155.

SEC. 2. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Kata Genero, shall be held and considered to be the natural-born alien child of Mrs. Katherine Genero, a citizen of the United States.

Kata Genero.

Kazuko and
Takako Inoue.
66 Stat. 169, 180.
8 USC 1101,
1155.

SEC. 3. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor children, Kazuko Inoue and Takako Inoue, shall be held and considered to be the natural-born alien children of Mr. and Mrs. Julian P. Weir, citizens of the United States.

Michael H. Fish.

SEC. 4. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Michael Hamilton Fish (formerly Miho Sinko), shall be held and considered to be the natural-born alien child of Hamilton Fish, a citizen of the United States.

66 Stat. 163.
8 USC 1101 note.

SEC. 5. The natural parents of the beneficiaries of this joint resolution shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Approved June 11, 1958.

Private Law 85-424

June 13, 1958
[S. 59]

AN ACT

Directing the Secretary of the Interior to convey certain property in the State of Colorado to William M. Proper.

William M.
Proper.
Conveyance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to convey by quitclaim deed, without consideration, to William M. Proper of Montrose, Colorado, all right, title, and interest of the United States in and to the water ditch situated near the town of Montrose, Colorado, known as the reservation (United States) ditch, together with any water rights to the water carried by such ditch which were acquired by the United States under a decree entered by the district court in and for the county of Montrose, Colorado, on November 14, 1888 (clause numbered 149), such ditch being more particularly described in a plat of such ditch recorded in book 2, ditch plats, Montrose County clerk and recorder, Montrose, Colorado.

Approved June 13, 1958.

Private Law 85-425

June 13, 1958
[S. 1657]

AN ACT

For the relief of Lloyd C. King.

Lloyd C. King.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Lloyd C. King, of East Braintree, Massachusetts, the sum of \$1,000. The payment of such sum shall be in full satisfaction of all claims of the said Lloyd C. King against the United States for compensation for personal injuries and loss of earnings sustained by him, and reimbursement of hospital, medical, and other expenses incurred by him, as a result of his being struck by a United States Navy vehicle in Boston, Massachusetts, on March 18, 1949: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person vio-

lating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved June 13, 1958.

Private Law 85-426

AN ACT

For the relief of Barbara Hollinger.

June 13, 1958
[S. 1979]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of section 212 (a) (6) of the Immigration and Nationality Act, Barbara Hollinger may, if found to be otherwise admissible under the provisions of that Act, be issued a visa and admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of that Act under such conditions and controls as the Attorney General, after consultation with the Surgeon General of the United States Public Health Service, Department of Health, Education, and Welfare, may deem necessary to impose: *Provided,* That suitable and proper bond or undertakings, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act: *And provided further,* That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this Act.

Approved June 13, 1958.

Barbara Hollinger.
66 Stat. 182.
8 USC 1182.

8 USC 1183.

Private Law 85-427

JOINT RESOLUTION

For the relief of certain aliens.

June 13, 1958
[H. J. Res. 529]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Lillian Schaffer shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee: *Provided,* That a suitable and proper bond or undertaking, approved by the Attorney General be deposited as prescribed by section 213 of that Act.

SEC. 2. For the purposes of the Immigration and Nationality Act, Ellen Yui-Shang Chung Au, Mosche Davidovitz, Frieda Davidovitz, Theodore Elie Hadjithomas, Mabel Dorothy Hoffman (Clarke), Jahangir Afkhami Mohajer, Fatima Afkhami Mohajer, Frantisek Hanisko, Mrs. Young Chong How, Chu Fung Lau, and Shu-Yuan Yen (Jane Yen) shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fees. Upon the granting of permanent residence to each alien as provided for in this section of this Act, if such alien was classifiable as a quota immigrant at the time of the enactment of this Act, the Secretary of State shall instruct the proper quota-control officer to reduce by one the quota for the quota area to which the alien is chargeable for the first year that such quota is available.

Lillian Schaffer.
66 Stat. 163.
8 USC 1101 note.

8 USC 1183.

Ellen Y. C. Au
and others.
8 USC 1101 note.

Quota deductions.

Lina Miloslavsky.
8 USC 1101 note.

SEC. 3. For the purposes of the Immigration and Nationality Act, Lina Miloslavsky shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this section of this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the number of immigrant visas authorized to be issued to refugee-escapees pursuant to section 15 of the Act of September 11, 1957 (71 Stat. 643-644).

Approved June 13, 1958.

Quota deduction.

50 USC app.
1971a note.

Private Law 85-428

JOINT RESOLUTION

June 13, 1958
[H. J. Res. 553]

To waive certain provisions of section 212 (a) of the Immigration and Nationality Act in behalf of certain aliens.

Nino H. Treichler.
66 Stat. 182.
8 USC 1182.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 212 (a) (22) of the Immigration and Nationality Act, Nino H. Treichler may be issued a visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act: *Provided,* That nothing in this section of this Act shall be construed to waive the provisions of section 315 of the Immigration and Nationality Act.

8 USC 1426.
Nachum Pfeifenmacher and Sheu S. Lan.
8 USC 1182.

SEC. 2. Notwithstanding the provision of section 212 (a) (6) of the Immigration and Nationality Act, Nachum Pfeifenmacher and Sheu Shei Lan may be issued visas and be admitted to the United States for permanent residence if they are found to be otherwise admissible under the provisions of that Act, under such conditions and controls which the Attorney General, after consultation with the Surgeon General of the United States Public Health Service, Department of Health, Education, and Welfare, may deem necessary to impose: *Provided,* That, unless the beneficiaries are entitled to care under the Dependents' Medical Care Act, a suitable and proper bond or undertaking, approved by the Attorney General, be deposited in each case as prescribed by section 213 of the Immigration and Nationality Act.

70 Stat. 250.
37 USC 401 note.
8 USC 1183.

Samuel J. Edgecombe.
8 USC 1182.

SEC. 3. Notwithstanding the provision of section 212 (a) (3) of the Immigration and Nationality Act, Samuel John Edgecombe may be issued a visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act: *Provided,* That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act.

8 USC 1183.
Caterina Mileto.
8 USC 1182.

SEC. 4. Notwithstanding the provision of section 212 (a) (1) of the Immigration and Nationality Act, Caterina Mileto may be issued a visa and admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of that Act: *Provided,* That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act.

8 USC 1183.

SEC. 5. The exemptions provided for in this Act shall apply only to grounds for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

Approved June 13, 1958.

Private Law 85-429

AN ACT

For the relief of the General Box Company.

June 20, 1958
[S. 118]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the General Box Company, of Des Plaines, Illinois, the sum of \$10,801. Such sum shall be in full satisfaction of all claims of such company against the United States for the destruction by the United States in 1947 of certain timber which was owned by such company in the State of Louisiana and for the loss of which such company brought suit against the United States in civil cases numbered 2536 and 2804 in the United States District Court for the Western District of Louisiana, Alexandria Division: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

General Box Co.

Approved June 20, 1958.

Private Law 85-430

AN ACT

For the relief of Elizabeth Biro.

June 20, 1958
[S. 2060]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Elizabeth Biro, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Mancill E. Clayton, citizens of the United States: *Provided,* That the natural father of Elizabeth Biro shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Elizabeth Biro.
66 Stat. 169, 180.
8 USC 1101,
1155.

8 USC 1101 note.

Approved June 20, 1958.

Private Law 85-431

AN ACT

For the relief of Gillous M. Young.

June 20, 1958
[H. R. 1492]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Second Lieutenant Gillous M. Young, United States Air Force, retired, of San Antonio, Texas, is hereby relieved of all liability to refund to the United States any sum representing the unrefunded portion of the retired pay (originally totaling \$5,127.12) received by the said Gillous M. Young for the period beginning January 8, 1951, and ending February 28, 1953, while he was employed as an aircraft radio flight repairer at Kelly Air Force Base in Texas and was receiving compensation and retired pay from the United States at a combined an-

Gillous M.
Young.

nual rate in excess of that permitted by law. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given for the amount for which liability is relieved by this Act.

Approved June 20, 1958.

Private Law 85-432

June 20, 1958
[H. R. 1700]

AN ACT

For the relief of Western Instruments Associates.

Western Instru-
ments Associates.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$2,375 to Western Instruments Associates, of Denver, Colorado, in full settlement of all claims against the United States. Such sum represents losses sustained on contract numbered GS-08S-5126 with General Services Administration, Federal Supply Service, D. O. Volkman, Purchase Division, Denver Federal Center, Denver, Colorado: *Provided,* That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved June 20, 1958.

Private Law 85-433

June 20, 1958
[H. R. 3679]

AN ACT

To confer jurisdiction upon the Court of Claims to hear, determine, and render judgment on certain claims of the E. B. Kaiser Company, of Chicago, Illinois.

E. B. Kaiser Co.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That jurisdiction is hereby conferred upon the Court of Claims, notwithstanding any prior determination or dismissal by such court, or any other provision or rule of law to the contrary, to hear de novo, determine, and render judgment upon all claims of the E. B. Kaiser Company, of Chicago, Illinois, against the United States for compensation for additional work done in connection with the performance of subcontract numbered 27-42 under contract W559 eng-5949, and such claims shall be considered as if they had arisen subsequent to the enactment of the Act entitled "An Act to permit review of decisions of the heads of departments, or their representatives or boards, involving questions arising under Government contracts," approved May 11, 1954 (41 U. S. C., secs. 321 and 322): *Provided,* That the enactment of this legislation shall not be construed as an inference of liability on the part of the United States Government.

68 Stat. 81.

SEC. 2. Suit upon such claims may be instituted at any time within ninety days after the date of enactment of this Act.

Approved June 20, 1958.

Private Law 85-434

AN ACT

To confer jurisdiction upon the Court of Claims to hear, determine, and render judgment on certain claims of the United Foundation Corporation of Union, New Jersey.

June 20, 1958
[H. R. 5355]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That jurisdiction is hereby conferred upon the Court of Claims, notwithstanding any prior determination by such court on a motion for summary judgment, or any other provision or rule of law to the contrary, to hear de novo, determine, and render judgment upon all claims of the United Foundation Corporation of Union, New Jersey, against the United States, arising out of contract numbered W-49-080-eng-668 entered into between the said corporation and the United States on September 30, 1948, and such claims shall be considered as if they had arisen subsequent to the enactment of the Act entitled "An Act to permit review of decisions of the heads of departments, or their representatives or boards, involving questions arising under Government contracts" approved May 11, 1954 (41 U. S. C., secs. 321 and 322): *Provided,* That the enactment of this legislation shall not be construed as an inference of liability on the part of the United States Government.

United Founda-
tion Corporation
of Union, N. J.

68 Stat. 81.

SEC. 2. Suit upon such claims may be instituted at any time within ninety days after the date of enactment of this Act.

Approved June 20, 1958.

Private Law 85-435

AN ACT

For the relief of Thomas Helms and other employees of the Bureau of Public Roads.

June 20, 1958
[H. R. 5424]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the persons enumerated below the sums specified, in full settlement of all claims against the Government of the United States as reimbursement for personal effects destroyed as a result of the fire which occurred on January 19, 1957, at the Haines, Alaska, depot of the Bureau of Public Roads: Thomas Helms, \$19; Eddie L. Mellott, \$50; Lee R. Kinnan, \$75; John M. Rorex, \$23; Marvin L. Smith, \$46; and Thomas A. Ward, \$45.

Thomas Helms
and others.

SEC. 2. No part of the amounts appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with these claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved June 20, 1958.

Private Law 85-436

June 20, 1958
[H. R. 6932]

AN ACT

For the relief of the estate of W. C. Yarbrough.

W. C. Yarbrough,
estate.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the estate of W. C. Yarbrough, deceased, late of Yanceyville, North Carolina, the sum of \$658.92. Payment of such sum shall be in full settlement of, and equitable reimbursement for, the amount of all claims against the United States for payment of the total amount of sixty-seven post office money orders which were purchased by the said W. C. Yarbrough at Altamahaw, Greensboro, Burlington, and Glen Raven, North Carolina, and Newport News, Virginia, at various times from December 23, 1931, to October 11, 1935, both dates inclusive, and were not presented for payment prior to the enactment of the Act of June 8, 1955 (69 Stat. 87; Public Law 65, Eighty-fourth Congress; 39 U. S. C. 728a), which prohibits the payment of any post office money order after twenty years from the last day of the month of original issue and bars claims therefor unless received by the Post Office Department within such twenty-year period: *Provided*, That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved June 20, 1958.

Private Law 85-437

June 20, 1958
[H. R. 7733]

AN ACT

For the relief of Arnie M. Sanders.

Arnie M. Sanders.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Arnie M. Sanders, Madison, Wisconsin, the sum of \$550.93. The payment of such sum shall be in full settlement of all claims of the said Arnie M. Sanders against the United States on account of the loss at sea in 1944 of the personal effects of his son, First Lieutenant Malcolm S. Sanders (Serial number O-728513): *Provided*, That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved June 20, 1958.

Private Law 85-438

AN ACT

For the relief of Marie Ethel Pavlovitch and her daughter, Dolly Hester Pavlovitch.

June 25, 1958
[S. 2064]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Marie Ethel Pavlovitch and her daughter, Dolly Hester Pavlovitch, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct the required numbers from the appropriate quota or quotas for the first year that such quota or quotas are available.

Approved June 25, 1958.

Marie E. and
Dolly H. Pavlo-
vitch.
66 Stat. 163.
8 USC 1101 note.

Quota deduc-
tions.

Private Law 85-439

AN ACT

For the relief of Genevieve M. Scott Bell.

June 25, 1958
[S. 2301]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of section 301 (a) (7) of the Immigration and Nationality Act (66 Stat. 236), Genevieve M. Scott Bell, daughter of Albert W. Scott, a retired member of the Foreign Service of the United States, and Mrs. Scott, shall be held and considered to have been residing in the United States during all the time she was residing abroad with her parents when her father was serving on active duty in the Foreign Service of the United States.

Approved June 25, 1958.

Genevieve M.
Scott Bell.
8 USC 1401.

Private Law 85-440

AN ACT

For the relief of Fred G. Clark.

June 28, 1958
[S. 1248]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Fred G. Clark shall be held and considered to have been lawfully admitted to the United States for permanent residence as of August 10, 1948, and to have met the physical presence and continuous residence requirements of section 316 of that Act, notwithstanding his temporary periods of absence from the United States in the employment of the United States Armed Forces: *Provided,* That he file a petition for naturalization not later than one year following the date of the enactment of this Act.

Approved June 28, 1958.

Fred G. Clark.
66 Stat. 163.
8 USC 1101 note.

8 USC 1427.

Private Law 85-441

AN ACT

For the relief of Eva Lichtfuss.

June 28, 1958
[S. 2087]Eva Lichtfuss.
66 Stat. 178, 180.
8 U S C 1153,
1155.
71 Stat. 640.
8 USC 1182b.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 203 (a) (3) and 205 of the Immigration and Nationality Act, and section 5 of Public Law 316, Eighty-fifth Congress, Eva Lichtfuss shall be held and considered to be the minor alien child of Mr. and Mrs. Johann Lichtfuss, lawful permanent residents of the United States.

Approved June 28, 1958.

Private Law 85-442

AN ACT

For the relief of Irene B. Moss.

June 28, 1958
[S. 2099]Irene B. Moss.
66 Stat. 182.
8 USC 1182.

37 USC 401 note.

8 USC 1183.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 212 (a) (4) of the Immigration and Nationality Act, Irene B. Moss may be issued a visa and be admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of that Act: *Provided*, That if the said Irene B. Moss is not entitled to medical care under the Dependents' Medical Care Act (70 Stat. 250), a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the Immigration and Nationality Act: *And provided further*, That the exemption granted herein shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this Act.*

Approved June 28, 1958.

Private Law 85-443

AN ACT

For the relief of Chong Sook Rhee.

June 28, 1958
[S. 2147]Chong S. Rhee.
66 Stat. 169, 180.
8 U S C 1101,
1155.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Chong Sook Rhee, shall be held and considered to be the natural-born alien child of Stanley F. Wilson, a citizen of the United States.

Approved June 28, 1958.

Private Law 85-444

AN ACT

For the relief of Annadore E. D. Haubold and Cynthia Edna Haubold.

June 28, 1958
[S. 2196]Annadore E. D.
and Cynthia E.
Haubold.
66 Stat. 163.
8 USC 1101note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Annadore E. D. Haubold and Cynthia Edna Haubold, the fiancée and minor child of

Sergeant First Class George H. Posey, a citizen of the United States, shall be eligible for visas as nonimmigrant temporary visitors for a period of three months: *Provided*, That the administrative authorities find that the said Annadore E. D. Haubold is coming to the United States with a bona fide intention of being married to the said Sergeant First Class George H. Posey and that they are found otherwise admissible under the provisions of that Act, except that section 212 (a) (9) of that Act shall not be applicable in the case of the said Annadore E. D. Haubold: *And provided further*, That this exemption shall apply only to grounds for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act. In the event the marriage between the above-named persons does not occur within three months after the entry of the said Annadore E. D. Haubold and their minor child, Cynthia Edna Haubold, they shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of sections 242 and 243 of the Immigration and Nationality Act. In the event that the marriage between the above-named persons shall occur within three months after the entry of the said Annadore E. D. Haubold and her minor child, Cynthia Edna Haubold, the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Annadore E. D. Haubold and her minor child, Cynthia Edna Haubold, as of the date of the payment by them of the required visa fees.

Approved June 28, 1958.

8 USC 1182.

8 USC 1252,
1253.

Private Law 85-445

AN ACT

For the relief of Moy Tong Poy.

June 28, 1958
[S. 2245]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Moy Tong Poy shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee: *Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act.

Approved June 28, 1958.

Moy Tong Poy.
66 Stat. 163.
8 USC 1101 note.

8 USC 1183.

Private Law 85-446

AN ACT

For the relief of Luz Poblete and Robert Poblete Broaddus, Junior.

June 28, 1958
[S. 2256]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Luz Poblete, the fiancée of Robert L. Broaddus, a citizen of the United States, and her minor child, Robert Poblete Broaddus, Junior, shall be eligible for visas as nonimmigrant temporary visitors for a period of three months, if the administrative authorities find (1) that the said Luz Poblete is coming to the United States with a bona fide intention of being married to the said Robert L. Broaddus and (2) that they are otherwise admissible under the Immigration and Nationality Act. In the event

Luz Poblete and
Robert P. Broaddus, Jr.
66 Stat. 163.
8 USC 1101 note.

8 USC 1252,
1253.

the marriage between the above-named persons does not occur within three months after the entry of the said Luz Poblete and her minor child, Robert Poblete Broaddus, Junior, they shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of sections 242 and 243 of the Immigration and Nationality Act. In the event that the marriage between the above-named persons shall occur within three months after the entry of the said Luz Poblete and her minor child, Robert Poblete Broaddus, Junior, the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Luz Poblete and her minor child, Robert Poblete Broaddus, Junior, as of the date of the payment by them of the required visa fees.

Approved June 28, 1958.

Private Law 85-447

June 28, 1958
[S. 2346]

AN ACT

For the relief of Lucy Hedwig Schultz.

Lucy H. Schultz.
66 Stat. 178, 180.
8 USC 1153,
1155.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 203 (a) (3) and 205 of the Immigration and Nationality Act, Lucy Hedwig Schultz shall be held and considered to be the minor alien child of Artur Schultz, a lawful permanent resident of the United States.

Approved June 28, 1958.

Private Law 85-448

June 28, 1958
[S. 2499]

AN ACT

For the relief of Ilona Agnes Ronay.

Ilona A. Ronay.
66 Stat. 163.
8 USC 1101 note.

Quota deduction.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Ilona Agnes Ronay shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

Approved June 28, 1958.

Private Law 85-449

June 28, 1958
[S. 2503]

AN ACT

For the relief of Maria H. Aguas and Buena M. Castro.

Maria H. Aguas
and Buena M.
Castro.
66 Stat. 163.
8 USC 1101 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Maria H. Aguas and Buena M. Castro shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fees.

Upon the granting of permanent residence to such aliens as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct the required numbers from the appropriate quota or quotas for the first year that such quota or quotas are available.

Approved June 28, 1958.

Private Law 85-450

AN ACT

For the relief of Florica Bogdan.

June 28, 1958
[S. 2538]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Florica Bogdan, the fiancée of Vasile Cojerean, a citizen of the United States, shall be eligible for a visa as a nonimmigrant temporary visitor for a period of three months: *Provided,* That the administrative authorities find that the said Florica Bogdan is coming to the United States with a bona fide intention of being married to the said Vasile Cojerean and that she is found otherwise admissible under the immigration laws. In the event the marriage between the above-named persons does not occur within three months after the entry of the said Florica Bogdan, she shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of sections 242 and 243 of the Immigration and Nationality Act. In the event that the marriage between the above-named persons shall occur within three months after the entry of the said Florica Bogdan, the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Florica Bogdan as of the date of the payment by her of the required visa fee.

Florica Bogdan.
66 Stat. 163.
8 USC 1101 note.

8 USC 1252,
1253.

Approved June 28, 1958.

Private Law 85-451

AN ACT

For the relief of Cedomilj Mihailo Ristic.

June 28, 1958
[S. 2613]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Cedomilj Mihailo Ristic shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

Cedomilj M.
Ristic.
66 Stat. 163.
8 USC 1101 note.

Quota deduction.

Approved June 28, 1958.

Private Law 85-452

AN ACT

For the relief of Tokiyo Nakajima and her child, Megumi (Kathy) Nakajima.

June 28, 1958
[S. 2650]

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

Tokiyo and
Megumi Nakajima.

66 Stat. 163.
8 USC 1101 note.

istration of the Immigration and Nationality Act, Tokiyo Nakajima, the fiancée of Richard L. Brinkley, a citizen of the United States, and her child, Megumi (Kathy) Nakajima, shall be eligible for visas as nonimmigrant temporary visitors for a period of three months: *Provided*, That the administrative authorities find that the said Tokiyo Nakajima is coming to the United States with a bona fide intention of being married to the said Richard L. Brinkley and that they are found otherwise admissible under the immigration laws. In the event the marriage between the above-named persons does not occur within three months after the entry of the said Tokiyo Nakajima and her child, Megumi (Kathy) Nakajima, they shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of sections 242 and 243 of the Immigration and Nationality Act. In the event that the marriage between the above-named persons shall occur within three months after the entry of the said Tokiyo Nakajima and her child, Megumi (Kathy) Nakajima, the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Tokiyo Nakajima and her child, Megumi (Kathy) Nakajima, as of the date of the payment by them of the required visa fees.

Approved June 28, 1958.

8 USC 1252,
1253.

Private Law 85-453

AN ACT

June 28, 1958
[S. 2657]

For the relief of Jesus Romeo Sotelo-Lopez.

Jesus R. Sotelo-
Lopez.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Attorney General is authorized and directed to discontinue any deportation proceedings and to cancel any outstanding order and warrant of deportation, warrant of arrest, and bond, which may have been issued in the case of Jesus Romeo Sotelo-Lopez. From and after the date of enactment of this Act, the said Jesus Romeo Sotelo-Lopez shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and order have issued.

Approved June 28, 1958.

Private Law 85-454

AN ACT

June 28, 1958
[S. 2713]

For the relief of Abbas Mohammad Awad.

Abbas M. Awad.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Attorney General is authorized and directed to cancel any outstanding orders and warrants of deportation, warrant of arrest, and bonds which may have issued in the case of Abbas Mohammad Awad. From and after the date of the enactment of this Act, the said Abbas Mohammad Awad shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and orders have issued.

Approved June 28, 1958.

Private Law 85-455

AN ACT

For the relief of Haseep Milhem Esper.

June 28, 1958
[S. 2718]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Haseep Milhem Esper, who lost United States citizenship under the provisions of section 401 (e) of the Nationality Act of 1940, may be naturalized by taking prior to one year after the effective date of this Act, before any court referred to in subsection (a) of section 310 of the Immigration and Nationality Act or before any diplomatic or consular officer of the United States abroad, the oaths prescribed by section 337 of the said Act. From and after naturalization under this Act, the said Haseep Milhem Esper shall have the same citizenship status as that which existed prior to its loss.

Approved June 28, 1958.

Haseep M. Esper.
54 Stat. 1169.
8 USC 801 note.66 Stat. 239, 258.
8 U S C 1421,
1448.

Private Law 85-456

AN ACT

For the relief of Moo Wah Jung.

June 28, 1958
[S. 2849]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, Moo Wah Jung shall be held and considered to be the minor alien child of Peter Shu Jung, a citizen of the United States.

Approved June 28, 1958.

Moo Wah Jung.
66 Stat. 169, 180.
8 U S C 1101,
1155.

Private Law 85-457

AN ACT

For the relief of Joseph H. Choy.

June 28, 1958
[S. 2940]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Joseph H. Choy shall be held and considered to have been lawfully admitted to the United States for permanent residence as of April 5, 1941, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

Approved June 28, 1958.

Joseph H. Choy.
66 Stat. 163.
8 USC 1101 note.

Quota deduction.

Private Law 85-458

AN ACT

For the relief of Tommy Ilton Chatterton (Tommy Kim).

June 28, 1958
[S. 3124]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Tommy Ilton Chatterton (Tommy

Tommy I. Chatterton.
66 Stat. 169, 180.
8 U S C 1101,
1155.

Kim), shall be held and considered to be the natural-born alien child of Colonel David H. Chatterton, a citizen of the United States.

Approved June 28, 1958.

Private Law 85-459

JOINT RESOLUTION

July 2, 1958
[H. J. Res. 577]

To waive certain provisions of section 212 (a) of the Immigration and Nationality Act in behalf of certain aliens.

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

Charles G. J. Giles.
66 Stat. 182.
8 USC 1182.

SEC. 1. Notwithstanding the provision of section 212 (a) (3) of the Immigration and Nationality Act, Charles Grant John Giles may be issued a visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act: *Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act.

8 USC 1183.

Norvall A. Olson.
8 USC 1182.

SEC. 2. Notwithstanding the provision of section 212 (a) (1) of the Immigration and Nationality Act, Norvall Arnold Olson may be issued a visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act: *Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General be deposited as prescribed by section 213 of the said Act.

8 USC 1183.

Joerg Baxter.
8 USC 1182.

SEC. 3. Notwithstanding the provision of section 212 (a) (4) of the Immigration and Nationality Act, Joerg Baxter may be issued a visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act: *Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act.

8 USC 1183.

Herman S. G. Chiu.
8 USC 1182.

SEC. 4. Notwithstanding the provision of section 212 (a) (19) of the Immigration and Nationality Act, Herman Shin Gee Chiu may be issued a visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act.

Heinz Kohn.
8 USC 1182.

SEC. 5. Notwithstanding the provision of section 212 (a) (9) of the Immigration and Nationality Act, Heinz Kohn may be issued a visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act.

Jacob Y. Harms.
8 USC 1182.

SEC. 6. Notwithstanding the provision of section 212 (a) (1) of the Immigration and Nationality Act, Jacob Ype Harms may be issued a visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act: *Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act.

8 USC 1183.

Emilia Montijo de Mendez.
8 USC 1182.

SEC. 7. Notwithstanding the provision of section 212 (a) (31) of the Immigration and Nationality Act, Emilia Montijo de Mendez (nee Montijo-Zabalza) may be issued a visa and admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of that Act.

SEC. 8. The exemptions provided for in this Act shall apply only to grounds for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

Approved July 2, 1958.

Private Law 85-460

AN ACT

To provide for the removal of a cloud on the title to certain real property located in the State of Illinois.

July 2, 1958
[H. R. 7081]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States hereby releases, remises, and quitclaims all right, title, and interest in and to "200 acres, part of east one-half section 24, township 1 north, range 3 west," Clinton County, Illinois, which the United States may have by virtue of a deed made to the United States on August 24, 1868, by the United States marshal for the southern district of Illinois, recorded in book 3 of deeds at page 116, records of Clinton County, Illinois, to the person or persons who would, except for any claim of right, title, and interest in and to such land on the part of the United States by virtue of said deed, be entitled to said land under the laws of the State of Illinois.

Clinton County.
III.

Approved July 2, 1958.

Private Law 85-461

AN ACT

For the relief of Ernst Haeusserman.

July 2, 1958
[H. R. 7917]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 352 (a) (1) of the Immigration and Nationality Act shall be held to have been and to be inapplicable to the case of Ernst Haeusserman: *Provided,* That he returns to the United States to reside no later than June 28, 1962.

Ernst Haeusser-
man.
66 Stat. 269.
8 USC 1484.

Approved July 2, 1958.

Private Law 85-462

AN ACT

For the relief of Federico Luss.

July 2, 1958
[H. R. 10035]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of the Immigration and Nationality Act, the periods of time Federico Luss has resided and was physically present in the United States or any State since March 4, 1952, shall be held and considered as compliance with the residence and physical presence requirements of section 316 of said Act.

Federico Luss.
66 Stat. 163.
8 USC 1101 note.

8 USC 1427.

Approved July 2, 1958.

Private Law 85-463

AN ACT

For the relief of Roy Hendricks, of Mountain View, Alaska.

July 11, 1958
[H. R. 7718]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Roy Hendricks,

Roy Hendricks.

of Mountain View, Alaska, the sum of \$661.70, in full settlement of all claims against the Government of the United States as reimbursement for performance of towing service, repairs and storage of two trucks seized in or about June 1952, under court process by the United States marshal's office, Anchorage, Alaska: *Provided*, That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved July 11, 1958.

Private Law 85-464

July 11, 1958
[S. 803]

AN ACT

For the relief of Claudio Guillen.

Claudio Guillen.
66 Stat. 169, 242.
8 USC 1101,
1426.
54 Stat. 885.
50 USC app.
303.
8 USC 1401
passim.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of sections 101 (a) (19) and 315 of the Immigration and Nationality Act, as amended, and section 3 (a) of the Selective Training and Service Act of 1940, as amended, Claudio Guillen may be naturalized in accordance with the provisions of title III of the Immigration and Nationality Act.

Approved July 11, 1958.

Private Law 85-465

July 11, 1958
[S. 2168]

AN ACT

For the relief of Armas Edvin Jansson-Viik.

Armas E. Jansson-Viik.
66 Stat. 163.
8 USC 1101 note.

8 USC 1426.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Armas Edvin Jansson-Viik shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act: *Provided*, That nothing in this Act shall be construed to waive the provisions of section 315 of the Immigration and Nationality Act.

Approved July 11, 1958.

Private Law 85-466

July 11, 1958
[S. 2251]

AN ACT

For the relief of Manley Francis Burton.

Manley F. Burton.
66 Stat. 169, 180.
8 USC 1101,
1155.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Manley Francis Burton, shall be held and considered to be the natural-born alien child of Edwin P. Burton and Esther Philpotts Burton, citizens of the United States:

Provided, That the natural parents of Manley Francis Burton shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Approved July 11, 1958.

Private Law 85-467

AN ACT

For the relief of Maria G. Aslanis.

July 11, 1958
[S. 2493]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Attorney General is authorized and directed to cancel any outstanding orders and warrants of deportation, warrant of arrest, and bonds, which may have issued in the case of Maria G. Aslanis. From and after the date of the enactment of this Act, the said Maria G. Aslanis shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrant and orders have issued.

Maria G. Aslanis.

Approved July 11, 1958.

Private Law 85-468

AN ACT

For the relief of Mrs. Hermine Melamed.

July 11, 1958
[S. 2819]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Attorney General is authorized and directed to cancel any outstanding orders and warrants of deportation, warrant of arrest, and bonds which may have issued in the case of Mrs. Hermine Melamed. From and after the date of the enactment of this Act, the said Mrs. Hermine Melamed shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrant and orders have issued.

Mrs. Hermine
Melamed.

Approved July 11, 1958.

Private Law 85-469

AN ACT

For the relief of Robert B. Cooper.

July 15, 1958
[H. R. 1804]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Robert B. Cooper, Morro Bay, California, the sum of \$10,000. The payment of such sum shall be in full settlement of all claims of the said Robert B. Cooper against the United States arising out of personal injuries inflicted upon him by an officer of the United States Navy on March 15, 1944, while said Robert B. Cooper was serving as a conductor on train numbered 75 of the Southern Pacific Railroad Company: *Provided*, That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any per-

Robert B. Cooper.

son violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved July 15, 1958.

Private Law 85-470

JOINT RESOLUTION

For the relief of certain aliens.

July 15, 1958
[H. J. Res. 580]

Carlo DiMarzio.
66 Stat. 163.
8 USC 1101 note.

8 USC 1183.

Sultane P.
Aboudi and others.
8 USC 1101 note.

Quota deduc-
tions.

Louis Rodriguez.
8 USC 1101 note.

Emilia R. Padil-
ha and others.

8 USC 1183.

Mrs. Sabastiano
Poletto.
54 Stat. 1169.
8 USC 801 note.

8 USC 1421.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Carlo DiMarzio shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee: Provided, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act.

SEC. 2. For the purposes of the Immigration and Nationality Act, Sultane P. Aboudi, Tadeusz Gasowski, Anita Soave, Jose Maria Chan-Caballero, Mrs. Chie Imaizumi Chao, Clement Alphonso Kepple, Magallano Tiong, Joseph Wha Dee Loo, Margaret Chan Loo, Mary Loo, Josephine Loo, John Loo, Ivo Paiva, Ryoichi Izawa, Anton Stanak, Tran Dinh Khe, Mrs. Ping Ying Chang Tai, Nora Pi-Yen Tai, Yuan Shing Tai, Siufeng Huang, and Amado Martelino shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fees. Upon the granting of permanent residence to each alien as provided for in this section of this Act, if such alien was classifiable as a quota immigrant at the time of the enactment of this Act, the Secretary of State shall instruct the proper quota-control officer to reduce by one the quota for the quota area to which the alien is chargeable for the first year that such quota is available.

SEC. 3. For the purposes of the Immigration and Nationality Act, Louis Rodriguez (alias Rudolfo Rivera) shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee.

SEC. 4. The Attorney General is authorized and directed to cancel any outstanding orders and warrants of deportation, warrants of arrest, and bonds, which may have issued in the cases of Emilia Rodrigues Padilha, Maria Carmela DiMascio, Charlotte A. Ruffman, Ingeborg Bildii, Cherine Khalil Matta, and Hannah Bloomfield. From and after the date of the enactment of this Act, the said persons shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and orders have issued: *Provided, That suitable and proper bonds or undertakings, approved by the Attorney General, be deposited as prescribed by section 213 of the Immigration and Nationality Act in the cases of Ingeborg Bildii and Cherine Khalil Matta.*

SEC. 5. Mrs. Sabastiano Poletto, who lost United States citizenship under the provisions of section 401 (e) of the Nationality Act of 1940, may be naturalized by taking, prior to one year after the date of the enactment of this Act, before any court referred to in subsection (a) of section 310 of the Immigration and Nationality Act

or before any diplomatic or consular officer abroad, the oaths prescribed by section 337 of the Immigration and Nationality Act. From and after naturalization under this Act, the said Mrs. Sabastiano Poletto shall have the same citizenship status as that which existed immediately prior to its loss.

8 USC 1448.

SEC. 6. Hideo Konya, who lost his United States citizenship under the provisions of section 401 (e) of the Nationality Act of 1940, may be naturalized by taking, prior to one year after the effective date of this Act, before any court referred to in subsection (a) of section 310 of the Immigration and Nationality Act or before any diplomatic or consular officer of the United States abroad, the oaths prescribed by section 337 of the said Act. From and after naturalization under this Act, the said Hideo Konya shall have the same citizenship status as that which existed immediately prior to its loss.

Hideo Konya.
54 Stat. 1169.
8 USC 801 note.66 Stat. 239, 258.
8 U S C 142 I,
1448.

Approved July 15, 1958.

Private Law 85-471

AN ACT

For the relief of Matilda Strah.

July 18, 1958
[S. 832]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Matilda Strah shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

Matilda Strah.
66 Stat. 163.
8 USC 1101 note.

Quota deduction.

Approved July 18, 1958.

Private Law 85-472

AN ACT

For the relief of Elisabeth Lesch and her minor children, Gonda, Norbert, and Bobby.

July 18, 1958
[S. 1593]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Elisabeth Lesch, the fiancée of Sergeant First Class William R. Hopper, a citizen of the United States, and her minor children, Gonda, Norbert, and Bobby, shall be eligible for visas as nonimmigrant temporary visitors for a period of three months: *Provided,* That the administrative authorities find that the said Elisabeth Lesch is coming to the United States with a bona fide intention of being married to the said Sergeant First Class William R. Hopper and that they are found otherwise admissible under the immigration laws, except that section 212 (a) (9) of the said Act shall be inapplicable in the case of Elisabeth Lesch: *Provided further,* That the exemption provided herein in the case of the said Elisabeth Lesch shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this Act. In the event the marriage between the above-named persons does not occur within three

Elisabeth Lesch
and children.
66 Stat. 163.
8 USC 1101 note.

8 USC 1182.

8 USC 1252,
1253.

months after the entry of the said Elisabeth Lesch and her minor children, Gonda, Norbert, and Bobby, they shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of sections 242 and 243 of the Immigration and Nationality Act. In the event that the marriage between the above-named persons shall occur within three months after the entry of the said Elisabeth Lesch and her minor children, Gonda, Norbert, and Bobby, the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Elisabeth Lesch and her minor children, Gonda, Norbert, and Bobby, as of the date of the payment by them of the required visa fees.

Approved July 18, 1958.

Private Law 85-473

July 18, 1958
[S. 1975]

AN ACT

For the relief of Peder Strand.

Peder Strand.
66 Stat. 163.
8 USC 1101 note.
8 USC 1427,
1445.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Peder Strand shall be held to meet the requirements for physical presence set forth in section 316 (a) (1) of that Act and may be permitted to file his petition for naturalization in accordance with the requirements of section 334 of that Act: *Provided,* That such petition is filed not later than one year following the date of the enactment of this Act.

Approved July 18, 1958.

Private Law 85-474

July 18, 1958
[S. 2638]

AN ACT

For the relief of Nicholas Christos Soulis.

Nicholas C.
Soulis.
66 Stat. 163.
8 USC 1101 note.

Quota deduction.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Nicholas Christos Soulis shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

Approved July 18, 1958.

Private Law 85-475

July 18, 1958
[S. 2665]

AN ACT

For the relief of Jean Kouyoumdjian.

Jean Kouyoum-
djian.
66 Stat. 182.
8 USC 1182.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of paragraph (19) of section 212 (a) of the Immigration and Nationality Act, Jean Kouyoumdjian may be issued a visa and be admitted to the United States for permanent residence if

he is found to be otherwise admissible under the provisions of such Act. This Act shall apply only to grounds for exclusion under such paragraphs known to the Secretary of State or the Attorney General prior to the date of the enactment of this Act.

Approved July 18, 1958.

Private Law 85-476

AN ACT

For the relief of Yoshiko Matsuhara and her minor child, Kerry.

July 18, 1958
[S. 2944]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Yoshiko Matsuhara, the fiancée of Sergeant Lawrence W. Alexander, a citizen of the United States, and her minor child, Kerry, shall be eligible for visas as nonimmigrant temporary visitors for a period of three months: *Provided,* That the administrative authorities find that the said Yoshiko Matsuhara is coming to the United States with a bona fide intention of being married to the said Sergeant Lawrence W. Alexander and that they are found to be otherwise admissible under the provisions of that Act. In the event the marriage between the above-named persons does not occur within three months after the entry of the said Yoshiko Matsuhara and her minor child, Kerry, they shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of section 242 and 243 of the Immigration and Nationality Act. In the event that the marriage between the above-named persons shall occur within three months after the entry of the said Yoshiko Matsuhara and her minor child, Kerry, the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Yoshiko Matsuhara and her minor child, Kerry, as of the date of the payment by them of the required visa fees.

Yoshiko Matsuhara and child.
66 Stat. 163.
8 USC 1101 note.

8 USC 1252,
1253.

Approved July 18, 1958.

Private Law 85-477

AN ACT

For the relief of Peter Liszczynski.

July 18, 1958
[S. 2950]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of sections 212 (a) (1) and 212 (a) (7) of the Immigration and Nationality Act, Peter Liszczynski may be issued a visa and admitted to the United States if he is found to be otherwise admissible under the provisions of that Act: *Provided,* That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of said Act: *Provided further,* That these exemptions shall apply only to grounds for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this Act.

Peter Liszczynski.
66 Stat. 182.
8 USC 1182.

8 USC 1183.

Approved July 18, 1958.

Private Law 85-478

July 18, 1958
[S. 2965]

AN ACT

For the relief of Taeko Takamura Elliott.

Taeko T. Elliott.
66 Stat. 163.
8 USC 1101 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Taeko Takamura Elliott shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee.

Approved July 18, 1958.

Private Law 85-479

July 18, 1958
[S. 2984]

AN ACT

For the relief of Taka Motoki.

Taka Motoki.
66 Stat. 163.
8 USC 1101 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Taka Motoki, the fiancée of Clyde K. Crisler, a citizen of the United States, shall be eligible for a visa as a nonimmigrant temporary visitor for a period of three months: *Provided,* That the administrative authorities find that the said Taka Motoki is coming to the United States with a bona fide intention of being married to the said Clyde K. Crisler and that she is found otherwise admissible under the immigration laws. In the event the marriage between the above-named persons does not occur within three months after the entry of the said Taka Motoki, she shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of sections 242 and 243 of the Immigration and Nationality Act. In the event that the marriage between the above-named persons shall occur within three months after the entry of the said Taka Motoki, the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Taka Motoki as of the date of the payment by her of the required visa fee.

8 USC 1252,
1253.

Approved July 18, 1958.

Private Law 85-480

July 18, 1958
[S. 3019]

AN ACT

For the relief of Herta Wilmersdoerfer.

Herta Wilmers-
doerfer.
66 Stat. 182.
8 USC 1182.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of paragraphs (1) and (4) of section 212 (a) of the Immigration and Nationality Act, Herta Wilmersdoerfer may be issued a visa and be admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of such Act: *Provided,* That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act: *Provided further,* That this Act shall apply only to grounds for exclusion under such paragraphs known to the Secretary of State or the Attorney General prior to the date of the enactment of this Act.

8 USC 1183.

Approved July 18, 1958.

Private Law 85-481

AN ACT

For the relief of Kimiko Araki.

July 18, 1958
[S. 3080]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Kimiko Araki, the fiancée of Ronald Frederick Astalos, a citizen of the United States, shall be eligible for a visa as a nonimmigrant temporary visitor for a period of three months: *Provided,* That the administrative authorities find that the said Kimiko Araki is coming to the United States with a bona fide intention of being married to the said Ronald Frederick Astalos and that she is found otherwise admissible under the immigration laws. In the event the marriage between the above-named persons does not occur within three months after the entry of the said Kimiko Araki, she shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of sections 242 and 243 of the Immigration and Nationality Act. In the event that the marriage between the above-named persons shall occur within three months after the entry of the said Kimiko Araki, the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Kimiko Araki as of the date of the payment by her of the required visa fee.

Kimiko Araki.
66 Stat. 163.
8 USC 1101 note.8 USC 1252,
1253.

Approved July 18, 1958.

Private Law 85-482

AN ACT

For the relief of Cresencio Urbano Guerrero.

July 18, 1958
[S. 3159]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Cresencio Urbano Guerrero shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien, as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

Cresencio U.
Guerrero.
66 Stat. 163.
8 USC 1101 note.

Quota deduction.

Approved July 18, 1958.

Private Law 85-483

AN ACT

For the relief of Ryfka Bergmann.

July 18, 1958
[S. 3172]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Ryfka Bergmann shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act,

Ryfka Bergmann.
66 Stat. 163.
8 USC 1101 note.

Quota deduction.

the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

Approved July 18, 1958.

Private Law 85-484

July 18, 1958
[S. 3173]

AN ACT

For the relief of Prisco Di Flumeri.

Prisco Di Flumeri.
66 Stat. 182.
8 USC 1182.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of paragraph (9) of section 212 (a) of the Immigration and Nationality Act, Prisco Di Flumeri may be issued a visa and be admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of such Act. This Act shall apply only to grounds for exclusion under such paragraph known to the Secretary of State or the Attorney General prior to the date of the enactment of this Act.

Approved July 18, 1958.

Private Law 85-485

July 18, 1958
[S. 3175]

AN ACT

For the relief of Giuseppina Fazio.

Giuseppina Fazio.
66 Stat. 178, 180.
8 USC 1153,
1155.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 203 (a) (3) and 205 of the Immigration and Nationality Act, Giuseppina Fazio shall be held and considered to be the minor child of Mr. and Mrs. Antonio Fazio, lawful resident aliens of the United States.

Approved July 18, 1958.

Private Law 85-486

July 18, 1958
[S. 3176]

AN ACT

For the relief of Teofilo M. Palaganas.

Teofilo M. Palaganas.
66 Stat. 163.
8 USC 1101 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Teofilo M. Palaganas shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee.

Approved July 18, 1958.

Private Law 85-487

July 18, 1958
[S. 3269]

AN ACT

For the relief of Mildred (Milka Krivec) Chester.

Mildred Chester.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the pur-

poses of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Mildred (Milka Krivec) Chester, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Harry J. Chester, citizens of the United States: *Provided*, That no natural parent of the beneficiary, by virtue of such relationship, shall be accorded any right, status, or privilege under the Immigration and Nationality Act.

Approved July 18, 1958.

66 Stat. 169, 180.
8 USC 1101,
1155.

Private Law 85-488

AN ACT

For the relief of Souhail Wadi Massad.

July 18, 1958
[S. 3271]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Souhail Wadi Massad shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

Approved July 18, 1958.

Souhail W. Mas-
sad.
66 Stat. 163.
8 USC 1101 note.

Quota deduction.

Private Law 85-489

AN ACT

For the relief of Janez (Garantini) Bradek and Franciska (Garantini) Bradek.

July 18, 1958
[S. 3272]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor children, Janez (Garantini) Bradek and Franciska (Garantini) Bradek, shall be held and considered to be the natural-born alien children of Mr. and Mrs. Joseph Peter Bradek, citizens of the United States: *Provided*, That no natural parent of the beneficiaries, by virtue of such relationship, shall be accorded any right, status, or privilege under the Immigration and Nationality Act.

Approved July 18, 1958.

Janez and Fran-
ciska Bradek.
66 Stat. 169, 180.
8 USC 1101,
1155.

Private Law 85-490

AN ACT

For the relief of John Demetriou Asteron.

July 18, 1958
[S. 3358]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, John Demetriou Asteron, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Arthur Asters, citizens of the United States: *Provided*, That no natural parent, by virtue of such parentage, shall be accorded any right, status, or privilege under the Immigration and Nationality Act.

Approved July 18, 1958.

John D. Aster-
on.
66 Stat. 169, 180.
8 USC 1101,
1155.

Private Law 85-491

July 18, 1958
[S. 3364]

AN ACT

For the relief of Antonios Thomas.

Antonios
Thomas.
66 Stat. 169, 180.
8 USC 1101,
1155.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of section 101 (a) (27) (A) and section 205 of the Immigration and Nationality Act, the minor child, Antonios Thomas, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Mitchel Thomas, citizens of the United States: *Provided,* That no natural parent of the beneficiary, by virtue of such relationship, shall be accorded any right, status, or privilege under the Immigration and Nationality Act.

Approved July 18, 1958.

Private Law 85-492

July 18, 1958
[H. J. Res. 576]

JOINT RESOLUTION

To facilitate the admission into the United States of certain aliens.

Santiago S.
Nazareta.
66 Stat. 169, 180.
8 USC 1101,
1155.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, Santiago S. Nazareta shall be held and considered to be the alien minor child of Blas N. Nazareta, a citizen of the United States.

Mrs. Dudley A.
Rhodes.
8 USC 1152.

SEC. 2. In the administration of the Immigration and Nationality Act, sections 202 (a) (5) and 202 (b) of that Act shall not be applicable in connection with the application for an immigrant visa by Mrs. Dudley Anthony Rhodes, nee Mary Grundy.

Artemio N.
Jangaon.
8 USC 1101,
1155.

SEC. 3. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, Artemio N. Jangaon shall be held and considered to be the minor alien child of Master Sergeant Epimaco B. Jangaon, a citizen of the United States.

Polytimi D.
Alevizos.
8 USC 1101,
1155.

SEC. 4. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Polytimi D. Alevizos, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Bill Louie Morris, citizens of the United States.

Sol and Nelson
Carrillo.
8 USC 1101,
1155.

SEC. 5. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor children, Sol Carrillo and Nelson Carrillo, shall be held and considered to be the natural-born alien children of Mr. and Mrs. Fred K. Carrillo, citizens of the United States.

Amelia Ciccone.
8 USC 1101,
1155.

SEC. 6. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Amelia Ciccone, shall be held and considered to be the natural-born alien child of Mr. and Mrs. David Ciccone, citizens of the United States.

Maria Ciccone.
8 USC 1101,
1155.

SEC. 7. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, Maria Ciccone shall be held and considered to be the natural-born alien minor child of Mr. and Mrs. David Ciccone, citizens of the United States.

Etsuko Y. Hart-
wig.
8 USC 1101,
1155.

SEC. 8. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Etsuko Yamada Hartwig shall be held and considered to be the natural-born alien child of Mr. Samuel A. Hartwig, a citizen of the United States.

Connie M. Fen-
nessey.
8 USC 1101,
1155.

SEC. 9. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Connie Maria Fennessey, shall be held and considered to be the natural-born alien child of Chief Warrant Officer and Mrs. Francis Fennessey, citizens of the United States.

SEC. 10. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, Yurdann Atakan shall be held and considered to be the natural-born alien minor child of Charles D. LaRue, a citizen of the United States.

Yurdann Atakan.
8 USC 1101,
1155.

SEC. 11. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Donato Scarano, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Ralph Scarano, citizens of the United States.

Donato Scarano.
8 USC 1101,
1155.

SEC. 12. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, Joritta Dapilmoto and Lebrada Dapilmoto shall be held and considered to be the alien minor children of Sergeant First Class Guadoso Dapilmoto, a citizen of the United States.

Joritta and Lebrada Dapilmoto.
8 USC 1101,
1155.

SEC. 13. For the purposes of sections 203 (a) (1) (B) and 204 of the Immigration and Nationality Act, Jelena (Helen) Polhovski shall be held and considered to be the minor alien child of Vladimir Polhovsky, who was granted first preference status by the Attorney General of the United States on January 7, 1957.

Jelena Polhovski.
8 USC 1153,
1154.

SEC. 14. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child Zdenka Elizabeth Wukovich, shall be held and considered to be the natural-born alien child of Roy Wukovich, a citizen of the United States.

Zdenka E. Wukovich.
8 USC 1101,
1155.

SEC. 15. For the purposes of sections 203 (a) (3) and 205 of the Immigration and Nationality Act, Luigi Mariano, shall be held and considered to be the minor alien child of Guido Mariano, a lawful resident of the United States.

Luigi Mariano.
8 USC 1153,
1155.

SEC. 16. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Michele Attanasio shall be held and considered to be the natural-born alien child of Mr. and Mrs. Jerome G. Attanasio, citizens of the United States.

Michele Attanasio.
8 USC 1101,
1155.

SEC. 17. No natural parent of the adopted beneficiaries of this Act shall, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Approved July 18, 1958.

Private Law 85-493

AN ACT

To provide for the advancement of Major General Claire L. Chennault, United States Air Force, retired, to the grade of lieutenant general on the retired list.

July 18, 1958
[H. R. 13366]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Major General Claire L. Chennault, United States Air Force, retired (AO-10090), shall be advanced on the retired list to the grade of lieutenant general, except that no increase in retired pay or benefits shall accrue as a result of the enactment of this Act.

Maj. Gen. Claire
L. Chennault.

Approved July 18, 1958.

Private Law 85-494

AN ACT

For the relief of Laurance F. Safford.

July 22, 1958
[S. 1524]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay to Laurance F.

Laurance F.
Safford.

Safford, out of any money in the Treasury not otherwise appropriated, the sum of \$100,000, in full satisfaction of all claims against the United States in connection with cryptographic systems and apparatus invented and developed by him while serving on active duty in the United States Navy which have been held in secrecy status by the United States Government: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved July 22, 1958.

Private Law 85-495

July 22, 1958
[S. 2997]

AN ACT

For the relief of Leobardo Castaneda Vargas.

Leobardo C.
Vargas.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Attorney General is authorized and directed to discontinue any deportation proceedings and to cancel any outstanding order and warrant of deportation, warrant of arrest, and bond, which may have been issued in the case of Leobardo Castaneda Vargas. From and after the date of enactment of this Act, the said Leobardo Castaneda Vargas shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and order have issued.

Approved July 22, 1958.

Private Law 85-496

July 25, 1958
[S. 105]

AN ACT

To exempt from taxation certain property of the National Association of Colored Women's Clubs, Incorporated, in the District of Columbia.

National Association of Colored Women's Clubs, Inc., D.C.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the real estate described as lot numbered 78 in square numbered 178, situated at 1601 R Street Northwest, in the city of Washington, District of Columbia, owned by the National Association of Colored Women's Clubs, Incorporated, is hereby exempt from all taxation so long as the same is owned and occupied by the National Association of Colored Women's Clubs, Incorporated, and is not used for commercial purposes, subject to the provisions of sections 2, 3, and 5 of the Act entitled "An Act to define the real property exempt from taxation in the District of Columbia", approved December 24, 1942 (56 Stat. 1091; D. C. Code, secs. 47-801b, 47-801c, and 47-801e).

Approved July 25, 1958.

Private Law 85-497

AN ACT

For the relief of Brigadier General Chester W. Goble.

July 25, 1958
[S. 655]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Brigadier General Chester W. Goble, Army of the United States, retired, shall be advanced on the Army of the United States retired list to the rank of major general effective March 1, 1955, and shall be entitled to retired pay from such date computed on the basis of the rate of basic pay to which he would be entitled if serving on active duty in the grade of major general.

Brig. Gen.
Chester W. Goble.

Approved July 25, 1958.

Private Law 85-498

AN ACT

For the relief of Olive V. Rabiniaux.

July 25, 1958
[S. 2621]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of section 212 (a) (9) of the Immigration and Nationality Act, Olive V. Rabiniaux may be issued a visa and be admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of such Act: *Provided,* That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this Act.

Olive V. Rabi-
niaux.
66 Stat. 182.
8 USC 1182.

Approved July 25, 1958.

Private Law 85-499

AN ACT

To provide for the conveyance of the interest of the United States in and to certain fissionable materials in a tract of land in the county of Alamance, State of North Carolina.

July 25, 1958
[S. 2833]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is authorized and directed to convey by quitclaim deed to T. E. Steed, of the county of Alamance, State of North Carolina, and to his heirs and assigns, all right, title, and interest of the United States in and to fissionable materials, uranium, thorium, and all other materials determined pursuant to section 5 (b) (1) of the Atomic Energy Act of 1946 (60 Stat. 761) to be peculiarly essential to the production of fissionable material, contained in the tract of land in Burlington Township, county of Alamance, State of North Carolina, which was conveyed to said T. E. Steed by quitclaim deed executed August 20, 1947, by the Reconstruction Finance Corporation (recorded on December 22, 1947, at book numbered 169, pages 310-312, of the deed records of Alamance County, North Carolina), as supplemented by an amendatory quitclaim deed executed December 6, 1954, by the United States through the Administrator of General Services (recorded February 9, 1955, at book numbered 231, pages 385-387, of the deed records of such county).

T. E. Steed.

42 USC 1805.

Approved July 25, 1958.

Private Law 85-500

July 25, 1958
[H. R. 2261]

AN ACT

For the relief of the Committee of Reference and Counsel of the Foreign Missions Conference of North America.

Committee of
Reference and
Counsel of the
Foreign Missions
Conference of
North America.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Committee of Reference and Counsel of the Foreign Missions Conference of North America, the purchaser of certain surplus property from the United States under contract numbered W-ANL (PA-1)-3614, dated May 31, 1946, and supplement numbered 1 thereto, dated June 12, 1946, between such Committee of Reference and the Central Field Commissioner for the Pacific and China, Office of the Foreign Liquidation Commissioner, is hereby relieved of all liability to pay to the United States for such surplus property any amount over and above the sum of \$1,000,000 already paid to the United States therefor by such Committee of Reference.

Approved July 25, 1958.

Private Law 85-501

July 25, 1958
[H. R. 3720]

AN ACT

For the relief of Carl J. Warneke.

Carl J. Warneke.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any statute of limitation, jurisdiction is hereby conferred upon the United States Court of Claims to hear, determine, and render judgment upon the claim of Carl J. Warneke, of Chicago, Illinois, for disabilities sustained as the result of exposure to mercury and arsenic contact while working with the War Production Board, Chicago, Illinois, during 1944. Such suit may be instituted at any time within six months after the date of enactment of this Act: *Provided,* That proceedings for the determination of such claim, and appeal from, and payment thereon, shall be in the same manner as in the case of claims over which the Court of Claims has jurisdiction as now provided by law.

Approved July 25, 1958.

Private Law 85-502

July 25, 1958
[H. R. 4044]

AN ACT

For the relief of Mirko J. Pitner.

Mirko J. Pitner.
66 Stat. 163.
8 USC 1101 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Mirko J. Pitner, the fiancé of Felicitas Matheis, a citizen of the United States, shall be eligible for a visa as a nonimmigrant temporary visitor for a period of three months: *Provided,* That the administrative authorities find that the said Mirko J. Pitner is coming to the United States with a bona fide intention of being married to the said Felicitas Matheis and that he is otherwise admissible under the provisions of the Immigration and Nationality Act (other than the provision of section 212 (a) (9) thereof): *Provided further,* That this exemption shall apply only to a ground for exclusion of which the Department of

8 USC 1182.

State or the Department of Justice had knowledge prior to the enactment of this Act. In the event that the marriage between the above-named persons does not occur within three months after the entry of the said Mirko J. Pitner, he shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of sections 242 and 243 of the Immigration and Nationality Act. In the event that the marriage between the above-named persons shall occur within three months after the entry of the said Mirko J. Pitner, the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Mirko J. Pitner as of the date of the payment by him of the required visa fee.

Approved July 25, 1958.

8 U S C 1252,
1253.

Private Law 85-503

AN ACT

For the relief of Lucia (Castaneda) Sayaan and Gloria (Castaneda) Sayaan.

July 25, 1958
[H. R. 4330]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor children, Lucia (Castaneda) Sayaan, and Gloria (Castaneda) Sayaan, shall be held and considered to be the natural-born alien children of Mr. and Mrs. Mathias Sayaan, citizens of the United States.

Approved July 25, 1958.

Lucia and Gloria
Sayaan.
66 Stat. 169, 180.
8 U S C 1101,
1155.

Private Law 85-504

AN ACT

For the relief of Maria Alma Dizon.

July 25, 1958
[H. R. 5084]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, Maria Alma Dizon shall be held and considered to be the minor natural-born alien child of Mr. Jose G. Dizon, a citizen of the United States.

Approved July 25, 1958.

Maria A. Dizon.
66 Stat. 169, 180.
8 U S C 1101,
1155.

Private Law 85-505

AN ACT

For the relief of Maria Giannalia.

July 25, 1958
[H. R. 7987]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Maria Giannalia, shall be held and considered to be the natural-born alien child of Joseph and Mary LaSusa, citizens of the United States.

Approved July 25, 1958.

Maria Giannalia.
66 Stat. 169, 180.
8 U S C 1101,
1155.

Private Law 85-506

JOINT RESOLUTION

For the relief of certain aliens.

August 1, 1958
[H. J. Res. 589]Annie B. Yarnold.
66 Stat. 163.
8 USC 1101 note.

8 USC 1183.

Chu Lau Soo and
Maximo C. Angeles.
8 USC 1101 note.

Quota deductions.

Mrs. Hayguhi
Kudis and others.Helen Demouchikous.
8 USC 1101 note.

Quota deduction.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Annie Bertha Yarnold shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee: *Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited or prescribed by section 213 of the said Act.

SEC. 2. For the purposes of the Immigration and Nationality Act, Chu Lau Soo (also known as Mrs. Chu Buoy Ngow Lee), and Maximo C. Angeles shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fees. Upon the granting of permanent residence to each alien as provided for in this section of this Act, if such alien was classifiable as a quota immigrant at the time of the enactment of this Act, the Secretary of State shall instruct the proper quota-control officer to reduce by one the quota for the quota area to which the alien is chargeable for the first year that such quota is available.

SEC. 3. The Attorney General is authorized and directed to cancel any outstanding orders and warrants of deportation, warrants of arrest, and bonds, which may have issued in the cases of Mrs. Hayguhi (Kedesyan) Kudis, Bror Henrik Johansson, Mrs. Vincenza Donato Vaio, and Angela Insana. From and after the date of the enactment of this Act, the said persons shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and orders have issued.

SEC. 4. For the purposes of the Immigration and Nationality Act, Helen Demouchikous shall be held and considered to have been lawfully admitted to the United States for permanent residence as of September 17, 1948, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

Approved August 1, 1958.

Private Law 85-507

AN ACT

For the relief of August Widmer.

August 1, 1958
[H. R. 7729]August Widmer.
66 Stat. 182.
8 USC 1182.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 212 (a) (6) of the Immigration and Nationality Act, August Widmer may be issued a visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of such Act, under such conditions and controls which the Attorney General, after consultation with the Surgeon General of the United States Public Health Service, Department of Health, Education, and Welfare, may deem necessary to impose: *Provided*, That a suitable and proper bond or undertaking,

approved by the Attorney General, be deposited as prescribed by section 213 of the said Act: *Provided further*, That the exemption granted herein shall apply only to a ground for exclusion of which the Department of Justice or the Department of State has knowledge prior to the enactment of this Act.

Approved August 1, 1958.

8 USC 1183.

Private Law 85-508

AN ACT

For the relief of Blanca G. Hidalgo.

August 6, 1958
[S. 616]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Blanca G. Hidalgo shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

Approved August 6, 1958.

Blanca G. Hidalgo.
66 Stat. 163.
8 USC 1101 note.

Quota deduction.

Private Law 85-509

AN ACT

For the relief of Maria Garcia Aliaga.

August 6, 1958
[S. 2511]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Attorney General is authorized and directed to cancel any outstanding order and warrant of deportation, warrant of arrest, and bonds, which may have issued in the case of Maria Garcia Aliaga. From and after the date of the enactment of this Act, the said Maria Garcia Aliaga shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and order have issued.

Approved August 6, 1958.

Maria G. Aliaga.

Private Law 85-510

AN ACT

For the relief of Hiroko Ozaki.

August 6, 1958
[S. 2691]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Hiroko Ozaki, shall be held and considered to be the natural-born alien child of Major and Mrs. Jack E. Smith, citizens of the United States.

Approved August 6, 1958.

Hiroko Ozaki.
66 Stat. 169, 180.
8 USC 1101,
1155.

Private Law 85-511

AN ACT

For the relief of Miss Susana Clara Magalona.

August 6, 1958
[S. 2860]Susana C. Magalona.
66 Stat. 163.
8 USC 1101 note.

Quota deduction.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Miss Susana Clara Magalona shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

Approved August 6, 1958.

Private Law 85-512

AN ACT

For the relief of Katina Leckas and Argerly Leckas.

August 6, 1958
[S. 3007]Katina Leckas.
66 Stat. 169, 180.
8 USC 1101,
1155.Argerly Leckas.
8 USC 1101,
1155.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, Katina Leckas shall be held and considered to be the natural-born minor alien child of John Leckas, a citizen of the United States.

SEC. 2. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Argerly Leckas, shall be held and considered to be the natural-born alien child of John Leckas, a citizen of the United States.

SEC. 3. The natural parent of the beneficiaries of this Act shall not, by virtue of such parentage, be accorded any right, status, or privilege under the Immigration and Nationality Act.

Approved August 6, 1958.

Private Law 85-513

AN ACT

For the relief of Romulo A. Manriquez.

August 6, 1958
[S. 3060]Romulo A. Manriquez.
66 Stat. 163.
8 USC 1101 note.

Quota deduction.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Romulo A. Manriquez shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

Approved August 6, 1958.

Private Law 85-514

AN ACT

For the relief of Natividade Agrela Dos Santos.

August 6, 1958
[S. 3129]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Natividade Agrela Dos Santos, shall be held and considered to be the natural-born alien child of Rose C. Agrella and Frank Agrella, citizens of the United States: Provided, That the natural parent of the beneficiary shall not, by virtue of such parentage, be accorded any right, status, or privilege under the Immigration and Nationality Act.

Natividade A.
Dos Santos.
66 Stat. 169, 180.
8 U S C 1101,
1155.

Approved August 6, 1958.

Private Law 85-515

AN ACT

For the relief of Fouad (Fred) Kassis.

August 6, 1958
[S. 3136]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Fouad (Fred) Kassis shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

Fouad Kassis.
66 Stat. 163.
8 USC 1101 note.

Quota deduction.

Approved August 6, 1958.

Private Law 85-516

AN ACT

For the relief of Albert Hyrapiet.

August 6, 1958
[H. R. 1574]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, Albert Hyrapiet shall be held and considered to be the minor alien child of Mr. and Mrs. George Hyrapiet, citizens of the United States.

Albert Hyrapiet.
66 Stat. 169, 180.
8 U S C 1101,
1155.

Approved August 6, 1958.

Private Law 85-517

AN ACT

For the relief of the family of Joseph A. Morgan

August 6, 1958
[H. R. 6824]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to determine the persons who would have been entitled upon the death of Joseph A. Morgan (Veterans' Administration claim numbered XC-1336540) to the United States series E and G bonds, the proceeds of which were

Family of Joseph
A. Morgan.

donated to the United States by the said Joseph A. Morgan in 1951, if such bonds had not been redeemed by the said Joseph A. Morgan, and to pay to such persons, out of any money in the Treasury not otherwise appropriated, the amounts which were deposited in the Treasury as the redemption value of the bonds to which they are found to be entitled: *Provided*, That no part of any sum paid under this Act to any person shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with the claim settled by the payment of such sum, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved August 6, 1958.

Private Law 85-518

August 6, 1958
[H. R. 7267]

AN ACT

For the relief of Charles J. Jennings.

Charles J. Jennings.

47 Stat. 406.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Second Lieutenant Charles J. Jennings, Army of the United States, retired (service number O1641433), is relieved of liability to repay to the United States the sum of \$10,744.41, which was paid to him as retired pay for the period beginning July 20, 1950, and ending August 3, 1955, in violation of section 212 of the Act of June 30, 1932, as amended (5 U. S. C. 59a). In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given for any amounts for which liability is relieved by this Act.

Sec. 2. The Secretary of the Treasury shall pay, out of any money in the Treasury not otherwise appropriated, to the said Charles J. Jennings an amount equal to all amounts paid by him to the United States, or withheld from his retired pay, before the date of enactment of this Act on account of liability of which he is relieved by the first section of this Act.

Sec. 3. Notwithstanding any contract no money shall be paid, or delivered to, or received by any agent or attorney on account of services rendered in connection with this matter. Any person who violates any provision of this section is guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$1,000.

Approved August 6, 1958.

Private Law 85-519

August 6, 1958
[H. R. 7375]

AN ACT

For the relief of Edward J. Doyle and Mrs. Edward J. (Billie M.) Doyle.

Edward J. Doyle and wife.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States is hereby authorized and directed to relieve Edward J. Doyle and Mrs. Edward J. (Billie M.) Doyle, of Manistiquet, Michigan, of all liability to refund the sum of \$2,100. Such sum represents the amount of class E allotments which were erroneously paid his wife Billie M. Doyle for the period from September 1, 1942, to November 30, 1945.

Approved August 6, 1958.

Private Law 85-520

AN ACT
For the relief of Dan Hill.August 6, 1958
[H. R. 7660]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Dan Hill, of Denver, Colorado, shall be relieved of all liability to refund the amount of \$2,209.50 to the United States. Such sum represents the overpayment of naval allowance for the period June 11, 1945, to April 30, 1955, as a result of an erroneous computation of the amount of naval allowance paid him by the Veterans' Administration.

Dan Hill.

Approved August 6, 1958.

Private Law 85-521

AN ACT

To provide that the Secretary of the Navy shall transfer to David J. Carlson and Gerald J. Geyer certain interests of the United States in an invention.

August 6, 1958
[H. R. 7684]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy is authorized and directed to transfer to David J. Carlson, of Vienna, Virginia, a former employee of the Department of the Navy, and Gerald J. Geyer, of Springfield, Virginia, an employee of the Department of the Navy, all the right, title, and interest of the United States, including but not limited to letters patent, in and to a self-loading truck, the invention of David J. Carlson and Gerald J. Geyer, as described and claimed in United States application for letters patent filed in the Patent Office on July 14, 1953, and August 22, 1956, designated as serial numbers 368,020 and 605,679 respectively; except that there shall be reserved to the United States a nonexclusive, irrevocable, royalty-free license for all Government purposes with respect to such invention.

David J. Carlson.

Gerald J. Geyer.

Approved August 6, 1958.

Private Law 85-522

AN ACT

For the relief of Mrs. Harry B. Kesler.

August 6, 1958
[H. R. 7941]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 15 to 20, inclusive, of the Federal Employees' Compensation Act are hereby waived with respect to the claim of Mrs. Harry B. Kesler, Charleston, West Virginia, against the United States for benefits for herself and her child by reason of the Act of July 15, 1939 (5 U. S. C. 797, 797a), arising out of the death of her husband, First Lieutenant Harry B. Kesler (Air Force serial number AO-709890) on April 8, 1951, allegedly while serving on active Federal duty as a member of the Air National Guard, and such claim shall be acted upon under the remaining provisions of the Federal Employees' Compensation Act, if she files claim for such benefits with the Secretary of Labor within the six-month period which begins on the date of enactment of this Act.

Mrs. Harry B.
Kesler.
39 Stat. 746.
5 USC 765-770.53 Stat. 1042;
60 Stat. 893.39 Stat. 742.
5 USC 751 note.

SEC. 2. If Mrs. Harry B. Kesler is in receipt of, or is entitled to receive from the United States, any payments or other benefits (other than the proceeds of any insurance policy) under any other Act of

5 USC 751 note.

Congress by reason of the death and service of her husband, she shall not receive on her own behalf or on behalf of her child any benefits pursuant to the Federal Employees' Compensation Act unless, within one year following the date of enactment of this Act, she makes the election required by section 7 of the Federal Employees' Compensation Act, as amended (5 U. S. C. 757): *Provided, however,* That any award made pursuant to the provisions of the Federal Employees' Compensation Act for any period prior to the date of the enactment of this Act shall be reduced by the amount of payments or benefits (other than the proceeds of any insurance policy) received by Mrs. Harry B. Kesler under any other Act of Congress by reason of the same service and death of her husband.

Approved August 6, 1958.

Private Law 85-523

August 6, 1958
[H. R. 7944]

AN ACT

For the relief of the Spera Construction Company.

Spera Construc-
tion Co.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Spera Construction Company of Harrisburg, Pennsylvania, the sum of \$5,142.50. The payment of such sum shall be in full settlement of all claims of such company against the United States for reimbursement of increased costs incurred by it in order to expedite, at the request of the contracting officer for the United States, the time of performance of a contract to construct a fuel accessories test facility at Olmsted Air Force Base, Middletown, Pennsylvania (contract numbered AF 36 (600)-1857, dated September 17, 1954): *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved August 6, 1958.

Private Law 85-524

August 6, 1958
[H. R. 8147]

AN ACT

For the relief of Kenneth W. Lenghart.

Guardian of
Kenneth W. Leng-
hart.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay to John Lenghart, Junior, as the legally appointed guardian of Kenneth W. Lenghart, the sum of \$35,000. The payment of such sum shall be in full settlement of all claims of Kenneth W. Lenghart against the United States on account of the severe personal injuries sustained by him on January 29, 1954, in Wiesbaden, Germany, when struck by a vehicle owned by the United States, and operated by a German national employed by the United States, which failed to come to a stop behind a stopped school bus: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services

rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved August 6, 1958.

Private Law 85-525

AN ACT

For the relief of Doctor Edgar Scott.

August 6, 1958
[H. R. 9222]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Doctor Edgar Scott, Birmingham, Alabama, the sum of \$3,335.75. The payment of such sum shall be in full settlement of all claims of the said Doctor Edgar Scott against the United States for medical and surgical treatment and hospital care and medication afforded by him to Anthony P. Contorno, private, United States Army (Army serial number 53199918), during the period from November 11, 1953, to February 8, 1954 (both dates inclusive): *Provided*, that no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Dr. Edgar Scott.

Approved August 6, 1958.

Private Law 85-526

AN ACT

For the relief of Frank A. Gyescek.

August 6, 1958
[H. R. 9835]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Frank A. Gyescek, Pittsburgh, Pennsylvania, the sum of \$176.59. Payment of such sum shall be in full settlement of all claims of the said Frank A. Gyescek against the United States for reimbursement for the cost of repair of damages to his properly parked automobile which was struck by a United States mailtruck on April 20, 1957, on Vickory Street, Pittsburgh, Pennsylvania. Such claims are not cognizable under the provisions of the so-called Federal Tort Claims Act for the reason that the damages were not the result of the negligence of any postal employee: *Provided*, That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Frank A. Gyescek.

62 Stat. 982.
28 USC 2671 et
seq.

Approved August 6, 1958.

Private Law 85-527

August 6, 1958
[H. R. 10260]

AN ACT

For the relief of Natale H. Bellocchi and Oscar R. Edmondson.

Natale H. Bellocchi; Oscar R. Edmondson.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to each of the following employees of the Foreign Service of the United States, the sum designated in full satisfaction of each employee's claim against the United States for compensation for personal property lost while performing official duty: Natale H. Bellocchi, \$149; Oscar R. Edmondson, \$1,000.

Approved August 6, 1958.

Private Law 85-528

August 8, 1958
[S. 488]

AN ACT

For the relief of Eva S. Winder.

Eva S. Winder.
53 Stat. 466.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding section 3774 (b) of the Internal Revenue Code of 1939, the Secretary of the Treasury shall consider, and allow if otherwise allowable, the claims filed on March 9, 1948, by Eva S. Winder, of Deming, New Mexico, for refunds of overpayments of her income taxes for the years 1945 and 1946. No interest shall be allowed on the refunds claimed herein for any period of time.

Approved August 8, 1958.

Private Law 85-529

August 8, 1958
[S. 1879]

AN ACT

For the relief of Casey Jimenez.

Casey Jimenez.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Casey Jimenez, of Tucumcari, New Mexico, a veteran of World War II, the sum of \$1,292, representing the amount expended by the said Casey Jimenez for an emergency operation after he had been refused admittance to the veterans hospital in Amarillo, Texas, and for medical and hospital expenses incurred incident to such operation: *Provided,* That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved August 8, 1958.

Private Law 85-530

AN ACT

For the relief of Richard K. Lim and Margaret K. Lim.

August 8, 1958
[S. 1987]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Richard K. Lim and Margaret K. Lim shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct the required numbers from the appropriate quota or quotas for the first year that such quota or quotas are available.

Approved August 8, 1958.

Richard K. Lim;
Margaret K. Lim.
66 Stat. 163.
8 USC 1101 note.Quota deduc-
tions.

Private Law 85-531

AN ACT

To authorize the Secretary of the Army to convey certain real property at Demopolis lock and dam project, Alabama, to the heirs of the former owner.

August 8, 1958
[S. 3053]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army shall convey subject to exceptions, restrictions, and reservations (including a reservation to the United States of flowage rights) as he determines are in the public interest, all right, title, and interest of the United States in and to the two parcels of real property described in section 2 of this Act, for a consideration of \$27,120, to the following four individuals, as tenants in common: (1) Nettie L. Richard, Demopolis, Alabama, (2) Florence L. Morris, Demopolis, Alabama, (3) Tessie L. Marx, New Orleans, Louisiana, and (4) Helen L. Levi, Evansville, Indiana.

Demopolis lock
and dam project,
Ala.
Conveyance.

SEC. 2. The two parcels of real property referred to in the first section of this Act are more particularly described as follows:

(1) A tract of land being the east half of the east half of the northwest quarter of the southeast quarter and the north half of the west quarter of the northeast quarter of the southeast quarter of section 17, township 18 north, range 2 east, Saint Stephens meridian, Sumter County, Alabama, containing 15 acres, more or less, known as tract numbered A-194.

(2) A tract of land lying approximately in the west half of section 27, and west half of section 34 lying northeast of the Tombigbee River, and that part of northeast quarter of section 33 lying northeast of the Tombigbee River, in township 19 north, range 2 east, Saint Stephens meridian, Greene County, Alabama, containing 525 acres, more or less, and known as tract numbered B-224.

Approved August 8, 1958.

Private Law 85-532

AN ACT

For the relief of Vincent N. Caldes.

August 8, 1958
[H. R. 1298]

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

Vincent N.
Caldes.

of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Vincent N. Caldes, West Point Pleasant, New Jersey, the sum of \$1,240.35. Such sum represents the amount of the judgment and costs for which the said Vincent N. Caldes was held liable on May 5, 1955, in the courts of the State of New Jersey, as the result of an accident which occurred on February 7, 1952, and which involved a government vehicle being driven by the said Vincent N. Caldes in the course of his duties as an employee of the Department of the Navy, United States naval ammunition depot, Earle, Red Bank, New Jersey. Such sum shall be paid only on condition that the said Vincent N. Caldes shall use such sum, or so much thereof as may be necessary, to pay such judgment and costs in full: *Provided*, That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved August 8, 1958.

Private Law 85-533

August 8, 1958
[H. R. 1331]

AN ACT

For the relief of Sadie Lobe.

Sadie Lobe.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Sadie Lobe, of Cleveland, Ohio, is hereby relieved of all liability to pay to the United States the sum of \$22,348.50. Amounts aggregating such sum were paid to the said Sadie Lobe during the periods from July 1, 1938, to June 30, 1943, and from July 1, 1951, to September 16, 1954, as an employee of the Department of the Treasury in contravention of prohibitions against the payment of compensation to persons not citizens of the United States which were included in annual appropriations Acts for such periods. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given for all amounts for which liability is relieved by this Act.

Approved August 8, 1958.

Private Law 85-534

August 8, 1958
[H. R. 1376]

AN ACT

For the relief of Bernard L. Phipps.

Bernard L. Phipps.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Bernard L. Phipps of Towson, Maryland, the sum of \$100. Such sum represents the amount of the judgment for which Bernard L. Phipps was held liable to Mrs. Lawrence Langfelt on September 26, 1956, in a civil action in People's Court of Baltimore City, Maryland. This civil action was the result of an accident which occurred at the intersection of Joppa Road and Baltimore Avenue in Towson, Maryland, and which involved a United States mail truck being driven by Bernard L.

Phipps, a motor-vehicle employee in the United States post office, Towson, Maryland. Such sum shall be paid only on condition that Bernard L. Phipps shall use such sum, or so much thereof as is necessary, to pay such judgment in full: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved August 8, 1958.

Private Law 85-535

AN ACT

For the relief of Jack Carpenter.

August 8, 1958
[H. R. 1884]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Jack Carpenter, Milwaukee, Wisconsin, the sum of \$85. The payment of such sum shall be in full settlement of all claims of the said Jack Carpenter against the United States for reimbursement of the amount which he paid Bruce J. Walthers in settlement of a judgment which the said Bruce J. Walthers recovered against him for damages arising out of a collision which occurred on March 24, 1951, in Milwaukee, Wisconsin, and involved a vehicle operated by the said Bruce J. Walthers, and a vehicle owned by the United States and operated by the said Jack Carpenter as an employee in the field service of the Post Office Department: *Provided*, That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Jack Carpenter.

Approved August 8, 1958.

Private Law 85-536

AN ACT

For the relief of Edwin Matusiak.

August 8, 1958
[H. R. 1885]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Edwin Matusiak, Milwaukee, Wisconsin, the sum of \$50. The payment of such sum shall be in full settlement of all claims of the said Edwin Matusiak against the United States for reimbursement of the amount which he paid to settle the claims of Nic Kotrodimos for damages arising out of a collision which occurred on February 14, 1951, in Milwaukee, Wisconsin, and involved a vehicle operated by the said Nic Kotrodimos and a vehicle owned by the United States and operated by the said Edwin Matusiak as an employee of the postal field service of the Post Office Department: *Provided*, That no part of the amount appropri-

Edwin Matusiak.

ated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved August 8, 1958.

Private Law 85-537

August 8, 1958
[H. R. 2083]

AN ACT

For the relief of Carl A. Willson.

Carl A. Willson.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Carl A. Willson, Hollywood, California, the sum of \$216.62. The payment of such sum shall be in full settlement of all claims of the said Carl A. Willson against the United States for regular pay, overtime pay, night differential pay, and annual leave, and for reimbursement for travel performed from Los Angeles, California, to Oakland, California, as an employee of the Department of the Army, Quartermaster Procurement Agency Headquarters, Oakland, California, during the year 1951: *Provided,* That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved August 8, 1958.

Private Law 85-538

August 8, 1958
[H. R. 4535]

AN ACT

For the relief of Ernest C. St. Onge.

Ernest C. St.
Onge.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Ernest C. St. Onge, of Springfield, Massachusetts, the sum of \$100. The payment of such sum shall be in full settlement of all claims of the said Ernest C. St. Onge against the United States arising from the fact that he was required to settle a claim for damages in the amount of \$100, which claim arose from a collision on March 24, 1953, in which a private automobile was damaged by a United States Post Office Department truck being operated by him on official business: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved August 8, 1958.

Private Law 85-539

AN ACT

For the relief of Albert H. Ruppap.

August 8, 1958
[H. R. 5062]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Albert H. Ruppap of Washington, District of Columbia, the sum of \$291.45. The payment of such sum shall be in full settlement of all claims of the said Albert H. Ruppap against the United States for the cost of transporting household effects from Roslyn, New York, to Washington, District of Columbia, necessitated when the said Albert H. Ruppap, an employee of the Civil Aeronautics Board, was transferred from his former official station at New York, New York, to Washington, District of Columbia: *Provided,* That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Albert H. Ruppap.

Approved August 8, 1958.

Private Law 85-540

AN ACT

To provide tax relief to the Heavy and General Laborers' Local Unions 472 and 172 of New Jersey pension fund and the contributors thereto.

August 8, 1958
[H. R. 5219]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Heavy and General Laborers' Local Unions 472 and 172 of the New Jersey pension fund, created July 1, 1953, as a result of an agreement between the International Hod Carriers' Building and Common Laborers' Union of America, Locals 472 and 172, of the State of New Jersey and the Associated General Contractors of New Jersey, which fund has never been operated in a manner which would jeopardize the interests of its beneficiaries, shall be deemed to have met the requirements of section 401 (a) of the Internal Revenue Code of 1954 and shall be deemed to be exempt from tax under section 501 (a) of the Internal Revenue Code of 1954 and section 165 (a) of the Internal Revenue Code of 1939 for the period beginning July 1, 1953, and ending November 8, 1956.

Heavy and General Laborers' Local Unions 472 and 172 of N.J.

68A Stat. 134.

68A Stat. 163.
56 Stat. 862.

Approved August 8, 1958.

Private Law 85-541

AN ACT

For the relief of Scott Berry.

August 8, 1958
[H. R. 5441]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Scott Berry, of Huntington, West Virginia, the sum of \$481.84. Such sum represents the amount of the judgment and costs which the said Scott

Scott Berry.

Berry has been required to pay, arising out of an automobile accident near Huntington, West Virginia, on March 25, 1954, in which a truck being operated by him on official business of the United States Post Office Department was struck by a privately owned vehicle: *Provided*, That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved August 8, 1958.

Private Law 85-542

August 8, 1958
[H. R. 5855]

AN ACT

For the relief of Manuel Mello.

Manuel Mello.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Manuel Mello, New Bedford, Massachusetts, the sum of \$158.21. Such sum represents reimbursement to the said Manuel Mello for paying out of his own funds a judgment rendered against him in the courts in the Commonwealth of Massachusetts, arising out of an accident occurring in January 1954, when the said Manuel Mello was operating a Government vehicle in the course of his duties as an employee of the Post Office Department: *Provided*, That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved August 8, 1958.

Private Law 85-543

August 8, 1958
[H. R. 5922]

AN ACT

For the relief of William Lavallo.

William Lavallo.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated to William Lavallo, Jersey City, New Jersey, the sum of \$407.90. Such sum represents the amount of the judgment and costs for which William Lavallo was held liable on May 29, 1956, in the courts of the State of New Jersey as a result of an accident which occurred on September 8, 1955, and which involved a Government vehicle being driven by William Lavallo in the course of his duties as an employee of the Department of the Navy. Such sum shall be paid only on condition that William Lavallo shall use such sum, or so much thereof as may be necessary to pay such judgment and costs in full: *Provided*, That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any con-

tract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved August 8, 1958.

Private Law 85-544

AN ACT

For the relief of Arnie W. Lohman.

August 8, 1958
[H. R. 6405]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Arnie W. Lohman, Post Office Box 187, San Ysidro, California, the sum of \$500 in full settlement of all claims against the United States: *Provided*, That the said Arnie W. Lohman shall be paid only that amount, not exceeding \$500, which is equal to the amount which he was required to pay for the purposes hereinafter described: *And provided further*, That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000. Such sum represents reimbursement of money paid out by him for which he was held liable by the Mexican authorities for hospitalization and loss of wages occasioned by the accident of Ramon-Rena-Velarde, a citizen of Mexico, who stepped out in front of a United States Customs vehicle driven by him when on official customs business in Tijuana, Mexico, on July 19, 1956.

Arnie W. Lohman.

Approved August 8, 1958.

Private Law 85-545

AN ACT

For the relief of Arthur L. Bornstein.

August 8, 1958
[H. R. 6530]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Arthur L. Bornstein, 25 Powellton Road, Dorchester, Massachusetts, the sum of \$1,764.93. Such sum represents reimbursement to the said Arthur L. Bornstein for paying out of his own funds judgments rendered against him in the courts of Massachusetts, under date of August 3, 1956, arising out of an accident occurring when he was performing his duties as a Motor Vehicle Operator in the Post Office Motor Vehicle Service at Boston, Massachusetts: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Arthur L. Bornstein.

Approved August 8, 1958.

Private Law 85-546

August 8, 1958
[H. R. 7177]

AN ACT

For the relief of Edward J. Bolger.

Edward J. Bolger.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Edward J. Bolger, Neptune, New Jersey, the sum of \$250. Such sum represents the amount of the judgment for which the said Edward J. Bolger was held liable in the courts of the State of New Jersey, as the result of an accident which occurred on July 26, 1954, and which involved a Government vehicle being driven by the said Edward J. Bolger in the course of his duties as an employee of the United States Post Office Department, Asbury Park, New Jersey: *Provided,* That no part of the amount appropriated in this Act shall be delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved August 8, 1958.

Private Law 85-547

August 8, 1958
[H. R. 8282]

AN ACT

For the relief of James E. Driscoll.

James E. Driscoll.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to James E. Driscoll, Worcester, Massachusetts, the sum of \$177.40. The payment of such sum shall be in full settlement of all claims of the said James E. Driscoll against the United States arising from the fact that he was required to pay a judgment in the amount of \$177.40 rendered against him by reason of an automobile accident in Worcester, Massachusetts, on November 28, 1953, in which a private automobile was damaged by a United States Post Office Department vehicle being operated by the said James E. Driscoll on official business: *Provided,* That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved August 8, 1958.

Private Law 85-548

August 8, 1958
[H. R. 8444]

AN ACT

For the relief of Lloyd Lucero.

Lloyd Lucero.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized and directed to pay, out of any

money in the Treasury not otherwise appropriated, to Lloyd Lucero, of 9091 Pose Boulevard, Denver, Colorado, the sum of \$78.56. Such sum represents reimbursement to the said Lloyd Lucero for paying out of his own funds judgment rendered against him in the courts of Colorado, under date of January 7, 1957, arising out of an accident occurring when he was performing his duties as a motor vehicle operator in the Post Office Motor Vehicle Service at Denver, Colorado: *Provided*, That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim and same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved August 8, 1958.

Private Law 85-549

AN ACT

For the relief of Mr. and Mrs. George Holden.

August 8, 1958
[H. R. 8875]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of section 5 (a) (3) of the Act of July 28, 1945 (Public Law 161, Seventy-ninth Congress), Mr. and Mrs. George Holden, Poplarville, Mississippi, shall be held and considered to have been receiving compensation under section 10 (E) of the Federal Employees' Compensation Act (on account of the death of their daughter Myrtle Holden) on July 28, 1945.

SEC. 2. No compensation shall be payable by reason of the enactment of this Act for any period prior to the date of the enactment of this Act.

Approved August 8, 1958.

Mr. George Holden and wife.
59 Stat. 504.
5 USC 760 note.
39 Stat. 744.
5 USC 760.

Private Law 85-550

AN ACT

For the relief of William V. Dobbins

August 8, 1958
[H. R. 9015]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William V. Dobbins, Jersey City, New Jersey, the sum of \$217.30. Such sum represents the amount of the judgment and costs for which the said William V. Dobbins was held liable on September 30, 1953, in a civil action in the Hudson County District Court, part V, of Kearny, New Jersey, as the result of an accident which occurred on December 18, 1951, and which involved a United States mail truck being driven by the said William V. Dobbins, a letter carrier in the United States Post Office, Jersey City, New Jersey. Such sum shall be paid only on condition that the said William V. Dobbins shall use such sum, or so much thereof as may be necessary, to pay such judgment and costs in full: *Provided*, That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act

William V. Dobbins.

shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved August 8, 1958.

Private Law 85-551

August 8, 1958
[H. R. 9181]

AN ACT

For the relief of Herbert H. Howell.

Herbert H.
Howell.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Herbert H. Howell, of Baton Rouge, Louisiana, the sum of \$246.28. Payment of such sum shall be in full settlement of all claims of Herbert H. Howell against the United States for ninety-four hours of annual leave which he had accrued while employed by the Post Office Department but which he was prevented from taking because of administrative error: *Provided,* That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved August 8, 1958.

Private Law 85-552

August 8, 1958
[H. R. 9397]

AN ACT

For the relief of William T. Manning Company, Incorporated, of Fall River, Massachusetts.

William T. Man-
ning Co., Inc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$8,352, to the William T. Manning Company, Incorporated, of Fall River, Massachusetts, in full settlement of all claims against the United States, for the repair of a Browning locomotive crane numbered 01-50 for the Department of the Navy, for which the William T. Manning Company, Incorporated, has never received payment: *Provided,* That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this contract shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved August 8, 1958.

Private Law 85-553

August 8, 1958
[H. R. 10142]

AN ACT

For the relief of Hugh Lee Fant.

Hugh L. Fant.

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

of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Hugh Lee Fant of Uniontown, Pennsylvania, the sum of \$248.29. The payment of such sum shall be in full settlement of all claims against the United States arising out of the failure of the Department of the Army to pay his mother class E allotments deducted from his pay for the period February 1, 1946 through October 31, 1946, the present payment of such allotments being barred solely by reason of lapse of time: *Provided*, That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved August 8, 1958.

Private Law 85-554

AN ACT

For the relief of Sigfried Olsen Shipping Company.

August 12, 1958
[H. R. 1772]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$46,136.62 to Sigfried Olsen Shipping Company, of San Francisco, California. Such sum represents losses on contracts numbered W-35077, R-27745-A, entered into the 17th day of February 1941, between the United States by B. F. Burdick, General Purchasing Officer of the Panama Canal, and Sigfried Olsen, an individual trading as Sigfried Olsen Shipping Company: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved August 12, 1958.

Sigfried Olsen
Shipping Co.

Private Law 85-555

AN ACT

For the relief of former Staff Sergeant Edward R. Stouffer.

August 12, 1958
[H. R. 2677]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$653.52 to former Staff Sergeant Edward R. Stouffer, of Hagerstown, Maryland, in full settlement of all claims against the United States. Such sum represents a refund of hospital and medical expenses sustained as the result of his wife being confined in the Kent General Hospital, Dover, Delaware, during the month of September 1955. Such confinement being necessary due to an emergency when her admittance was refused by the officer in charge on September 24, 1955, at the Dover Air Force Base Hospital: *Provided*, that no part of the amount appropriated in this Act shall be paid or delivered to

Edward R. Stouffer.

or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved August 12, 1958.

Private Law 85-556

August 12, 1958
[H. R. 6492]

AN ACT

For the relief of Major Harold J. O'Connell.

Maj. Harold J.
O'Connell.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$2,927.86 to Major Harold J. O'Connell, of Colorado Springs, Colorado, in full settlement of all claims against the United States. Such sum represents expenses incurred by him in the treatment of his son, Michael W. O'Connell, who was shot by his brother and taken to the Memorial Hospital, Colorado Springs, Colorado, for emergency operation and not being transportable to a military installation, on May 29, 1956: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved August 12, 1958.

Private Law 85-557

August 12, 1958
[H. R. 8015]

AN ACT

For the relief of the Harmo Tire and Rubber Corporation.

Harmo Tire and
Rubber Corp.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Harmo Tire and Rubber Corporation the sum of \$8,713.52, which sum, together with the \$1,125 heretofore paid to said corporation by the United States under the authority of section 501 (b) of Public Law 155, Eighty-second Congress, first session (65 Stat. 364), represents the actual expenses incurred by the said corporation in removing its stock in trade from the land in the vicinity of Wilkins Air Force Station, Ohio, which was taken from it by the United States under the power of eminent domain. The payment of such sum shall be in full settlement of all claims of the said corporation against the United States on account of the condemnation of such land: *Provided,* That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved August 12, 1958.

Private Law 85-558

JOINT RESOLUTION

For the relief of certain aliens.

August 14, 1958
[H. J. Res. 551]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled. That, for the purposes of the Immigration and Nationality Act, Eleanora Fiorini, Sung Kee Lee, and John F. Baughman shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fees. Upon the granting of permanent residence to each alien as provided for in this section of this Act, if such alien was classifiable as a quota immigrant at the time of the enactment of this Act, the Secretary of State shall instruct the proper quota-control officer to reduce by one the quota for the quota area to which the alien is chargeable for the first year that such quota is available.

SEC. 2. For the purposes of the Immigration and Nationality Act, Shlomo Zalman Blumenfeld (Sol Blum) and Rajendra Paul shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fees.

SEC. 3. For the purposes of the Immigration and Nationality Act, Ali Dawud Abu Ghannam shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this section of this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the number of immigrant visas authorized to be issued to refugee-escapees pursuant to section 15 of the Act of September 11, 1957 (71 Stat. 643-644).

SEC. 4. The Attorney General is authorized and directed to cancel any outstanding orders and warrants of deportation, warrants of arrest, and bonds, which may have issued in the cases of Maria Grazia Brancato, Peter O'Hara, Evelyn Serrero, and Bozana D. Alimpic. From and after the date of the enactment of this Act, the said persons shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and orders have issued: *Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the Immigration and Nationality Act in the case of Peter O'Hara.

Approved August 14, 1958.

Eleanora Fiorini
and others.
66 Stat. 163.
8 USC 1101 note.Quota deduc-
tions.Shlomo Z. Blum-
enfeld and Rajen-
dra Paul.
8 USC 1101 note.Ali D. A. Ghan-
nam.
8 USC 1101 note.

Quota deduction.

50 USC app.
1971a note.Maria G. Bran-
cato and others.

8 USC 1183.

Private Law 85-559

JOINT RESOLUTION

To facilitate the admission into the United States of certain aliens.

August 14, 1958
[H. J. Res. 610]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled. That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, Helen Chronopoulos Vallas shall be held and considered to be the minor natural-born alien child of Mr. and Mrs. George Vallas, citizens of the United States.

SEC. 2. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Evangelia G. Alexandris, shall be held and considered to be the natural-born alien

Helen C. Vallas.
66 Stat. 169, 180.
8 USC 1101,
1155.Evangelia G.
Alexandris.
8 USC 1101,
1155.

child of Mr. and Mrs. Georgios Alexandris, citizens of the United States.

Dionysia A. Vlahos.
8 USC 1101, 1155.
SEC. 3. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Dionysia A. (Pseftis) Vlahos, shall be held and considered to be the natural-born alien child of Mr. and Mrs. George Annas, citizens of the United States.

Chan Y. Shing.
8 USC 1153, 1155.
SEC. 4. For the purposes of sections 203 (a) (3) and 205 of the Immigration and Nationality Act, the minor child, Chan Yak Shing, shall be held and considered to be the natural-born alien child of Peter Chin, also known as Chan Jung Dot, a lawful permanent resident of the United States.

SEC. 5. The natural parents of the beneficiaries of this Act shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Approved August 14, 1958.

Private Law 85-560

JOINT RESOLUTION

August 14, 1958
[H. J. Res. 611]

To waive certain provisions of section 212 (a) of the Immigration and Nationality Act in behalf of certain aliens.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 212 (a) (1) of the Immigration and Nationality Act, Patrick Brendan Cox, Maria Guida, Grazia Guida, and Teresa Camejo Arguelles may be issued visas and admitted to the United States for permanent residence if they are found to be otherwise admissible under the provisions of that Act: *Provided*, That suitable and proper bonds or undertakings, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act.

Patrick B. Cox and others.
66 Stat. 182.
8 USC 1182.

8 USC 1183.
Domenica Buttarò.
8 USC 1182.

SEC. 2. Notwithstanding the provision of section 212 (a) (6) of the Immigration and Nationality Act, Domenica Buttarò may be issued a visa and be admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of that Act, under such conditions and controls which the Attorney General, after consultation with the Surgeon General of the United States Public Health Service, Department of Health, Education, and Welfare, may deem necessary to impose: *Provided*, That unless the beneficiary is entitled to medical care under the Dependents' Medical Care Act (70 Stat. 250), a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the Immigration and Nationality Act.

37 USC 401 note.

8 USC 1183.
Alexander Ehrmann.
8 USC 1182.

SEC. 3. Notwithstanding the provisions of section 212 (a) (9) and (19) of the Immigration and Nationality Act, Alexander Ehrmann may be issued a visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act.

SEC. 4. The exemptions provided for in this Act shall apply only to grounds for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

Approved August 14, 1958.

Private Law 85-561

JOINT RESOLUTION

To waive certain provisions of section 212 (a) of the Immigration and Nationality Act in behalf of certain aliens.

August 14, 1958
[H. J. Res. 618]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 212 (a) (1) of the Immigration and Nationality Act, Anna Janina Byczko-Maszko, Epifania Gitto, and Karla Krug may be issued visas and admitted to the United States for permanent residence if they are found to be otherwise admissible under the provisions of that Act: Provided, That suitable and proper bonds or undertakings, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act.

Anna J. Byczko-Maszko and others.
66 Stat. 182.
8 USC 1182.

SEC. 2. Notwithstanding the provision of section 212 (a) (9) of the Immigration and Nationality Act, Giovanna Tomatis may be issued a visa and admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of that Act.

8 USC 1183.
Giovanna Tomatis.
8 USC 1182.

SEC. 3. In the administration of the Immigration and Nationality Act, Maria Schreiblehner, the fiancée of Billy Lee Boren, a citizen of the United States, and her minor child, Rosalinde Marion Lee-Schreiblehner, shall be eligible for visas as nonimmigrant temporary visitors for a period of three months: *Provided, That the administrative authorities find that the said Maria Schreiblehner is coming to the United States with a bona fide intention of being married to the said Billy Lee Boren and that they are found otherwise admissible under the immigration laws, except that the provisions of section 212 (a) (9) and (12) of the Immigration and Nationality Act shall be inapplicable in the case of the said Maria Schreiblehner. In the event the marriage between the above-named persons does not occur within three months after the entry of the said Maria Schreiblehner and her minor child, Rosalinde Marion Lee-Schreiblehner, they shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of sections 242 and 243 of the Immigration and Nationality Act. In the event that the marriage between the above-named persons shall occur within three months after the entry of the said Maria Schreiblehner and her minor child, Rosalinde Marion Lee-Schreiblehner, the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Maria Schreiblehner and her minor child, Rosalinde Marion Lee-Schreiblehner, as of the date of the payment by them of the required visa fees.*

Maria Schreiblehner and child.

8 USC 1182.

8 USC 1252, 1253.

SEC. 4. The exemptions provided for in this Act shall apply only to grounds for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

Approved August 14, 1958.

Private Law 85-562

JOINT RESOLUTION

To facilitate the admission into the United States of certain aliens.

August 14, 1958
[H. J. Res. 628]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nation-

Alexandra Lazarides.

66 Stat. 169, 180.
8 USC 1101,
1155.

Ornella Buratto.
8 USC 1101,
1155.

Grigorios and
Stavroula Pappa-
nicoulos.
8 USC 1101,
1155.

Francesco V.
Seneca.
8 USC 1153,
1155.

Harry Golden-
berg.
8 USC 1153,
1155.

Sheila A. Weekes.
8 USC 1101,
1155.

Anton Martinelli.
8 USC 1101,
1155.

Masako Onta.
8 USC 1101 note.

8 USC 1252,
1253.

Tokiko Taka-
hashi.
8 USC 1101 note.

ality Act, the minor child, Alexandra Lazarides, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Nick Lazarides, citizens of the United States.

SEC. 2. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Ornella Buratto, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Louis Pilotto, citizens of the United States.

SEC. 3. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor children, Grigorios (Papanikolaou) Pappanicoulos and Stavroula (Papanikolaou) Pappanicoulos, shall be held and considered to be the natural-born alien children of Mr. and Mrs. Constantinos Pappanicoulos, citizens of the United States.

SEC. 4. For the purposes of sections 203 (a) (3) and 205 of the Immigration and Nationality Act, the minor child, Francesco Villanti Seneca, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Felice Seneca, lawfully resident aliens of the United States.

SEC. 5. For the purposes of sections 203 (a) (3) and 205 of the Immigration and Nationality Act, the minor child, Harry (Zwi) Goldenberg (Sponder), shall be held and considered to be the natural-born alien child of Mr. and Mrs. Herbert Sponder, lawfully resident aliens of the United States.

SEC. 6. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Sheila Anita (Daniel) Weekes, shall be held and considered to be the natural-born alien child of Rufus Daniel, a citizen of the United States.

SEC. 7. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Anton Martinelli, shall be held and considered to be the natural-born alien child of Mrs. Fjorinda Martinelli, a citizen of the United States.

SEC. 8. The natural parents of the beneficiaries of sections 3, 4, 5, and 7 of this Act shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

SEC. 9. In the administration of the Immigration and Nationality Act, Masako Onta, the fiancée of Dean Potter, a citizen of the United States, shall be eligible for a visa as a nonimmigrant temporary visitor for a period of three months: *Provided*, That the administrative authorities find that the said Masako Onta is coming to the United States with a bona fide intention of being married to the said Dean Potter and that she is found otherwise admissible under the immigration laws. In the event the marriage between the above-named persons does not occur within three months after the entry of the said Masako Onta, she shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of sections 242 and 243 of the Immigration and Nationality Act. In the event that the marriage between the above-named persons shall occur within three months after the entry of the said Masako Onta, the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Masako Onta as of the date of the payment by her of the required visa fee.

SEC. 10. In the administration of the Immigration and Nationality Act, Tokiko Takahashi, the fiancée of Larry R. Nordstrom, a citizen of the United States, shall be eligible for a visa as a nonimmigrant temporary visitor for a period of three months: *Provided*, That the administrative authorities find that the said Tokiko Takahashi is coming to the United States with a bona fide intention of being married to the said Larry R. Nordstrom and that she is found other-

wise admissible under the immigration laws. In the event the marriage between the above-named persons does not occur within three months after the entry of the said Tokiko Takahashi, she shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of sections 242 and 243 of the Immigration and Nationality Act. In the event that the marriage between the above-named persons shall occur within three months after the entry of the said Tokiko Takahashi, the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Tokiko Takahashi as of the date of the payment by her of the required visa fee.

Approved August 14, 1958.

8 U S C 1252,
1253.

Private Law 85-563

AN ACT

For the relief of Charles T. Crowder.

August 14, 1958
[H. R. 1283]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Charles T. Crowder of Suffolk, Virginia, the sum of \$5,948.69. The payment of such sum shall be in full settlement of all claims of Charles T. Crowder against the United States arising out of losses incurred by him as a result of his failure to include in his bids for Post Office Department Star Route contracts an amount equal to the Commonwealth of Virginia's gross receipts road tax on operations covered by such contracts: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved August 14, 1958.

Charles T.
Crowder.

Private Law 85-564

AN ACT

For the relief of Ralph N. Meeks.

August 14, 1958
[H. R. 1317]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Ralph N. Meeks, Jacksonville, Florida, is hereby relieved of liability to refund to the United States all or any part of the sum of \$17,458.59. Such sum represents the amount of retired pay allegedly overpaid to the said Ralph N. Meeks (a retired naval officer) for the period beginning November 1, 1946, and ending October 31, 1954, while he was employed by the United States in a civilian capacity at the naval air station, Jacksonville, Florida, and was receiving compensation and retired pay from the United States at a combined annual rate in excess of that permitted by law. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given for the amount for which liability is relieved by this Act.

Ralph N. Meeks.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay out of any money in the Treasury not otherwise appropriated, to the said Ralph N. Meeks, an amount equal to the aggregate of any amounts which may have been paid by him, or withheld from sums otherwise due him, in complete or partial satisfaction of the claim of the United States for such refund.

Approved August 14, 1958.

Private Law 85-565

AN ACT

August 14, 1958
[H. R. 2689]

To provide for the conveyance of all right, title, and interest of the United States in and to certain real property to Stella Vusich.

Stella Vusich.
Conveyance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior shall, except as provided in section 3 of this Act, quitclaim to Stella Vusich, without consideration therefor, all right, title, and interest of the United States in and to the real property described in section 2 of this Act.

SEC. 2. The real property referred to in the first section of this Act is more particularly described as follows:

The southerly 632.00 feet, measured along the easterly and westerly lines of the following described land;

That portion of the west half of the southeast quarter of section 15, township 7 north, range 12 west, San Bernardino meridian in the county of Los Angeles, State of California according to the official plat of said land approved by the surveyor general June 19, 1856, described as follows:

Beginning at the southeast corner of the land described as lying west of the Southern Pacific company's railroad in the deed from M. L. Wicks to the Southern Pacific Railroad Company dated April 23, 1885, recorded in book 137, page 555, of deeds in the office of the county recorder of said county, said corner being 50 feet westerly measured at right angles from engineers station numbered 16503, as same is located on the centerline of said railroad, 114 feet southerly from its intersection with the easterly extension of the southerly line of Twelfth Street, as said street is shown on the map of the town of Lancaster as per map recorded in book 5, page 470, of miscellaneous records of said county; thence southerly along the westerly line of said railroad right-of-way to the northerly line of Government Street as same existed on December 29, 1925, along the southerly line of said section 15; thence west along said northerly line of Government Street to its intersection with the westerly line of the right-of-way granted to the Southern Pacific Railroad Company of California by Act of Congress approved March 3, 1871; thence northerly along the last mentioned westerly line to the southerly line of the land conveyed by deed hereinabove described; thence easterly to the point of beginning.

Reservations.

SEC. 3. (a) The transfer of lands under this Act shall be subject to and contain reservations in favor of the United States of all oil, gas, and other minerals in the lands transferred, with the right to prospect for, mine, and remove the same: *Provided, however,* That such reservations shall not include rights to enter onto the surface of the property for said purposes.

Approved August 14, 1958.

Private Law 85-566

AN ACT

For the relief of Johnnie P. Saylor.

August 14, 1958
[H. R. 4461]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Johnnie P. Saylor, the sum of \$9,665, in full settlement of all claims against the Government of the United States for injuries sustained by her on October 26, 1953, as a result of being struck by a United States Army vehicle, near Dinglefing, Germany: *Provided,* That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved August 14, 1958.

Johnnie P. Saylor.

Private Law 85-567

AN ACT

To quiet title and possession with respect to certain real property in the county of San Jacinto, Texas, and authorizing named parties to bring suit for title and possession of same.

August 14, 1958
[H. R. 4768]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That jurisdiction is hereby conferred notwithstanding the lapse of time, laches, or statutes of limitation, on the United States District Court for the Southern District of Texas, Houston Division, to hear, determine, and render judgment on the claims and controversies of the parties hereinafter named in groups 1 through 6, respectively, concerning the title and possession of, and for damages to the land included within the following described tracts of land, numbered 1 through 6, respectively, in corresponding numerical order; and those parties are hereby granted permission and are authorized to bring suit or suits in said courts against the United States of America for the title and possession of, and for damages to the land included within the tracts described herein:

San Jacinto, Tex.
Property titles,
etc.

GROUP ONE

G. A. Ott, F. M. (Marion) Ott, James E. Faulkner, and Jeff Cochran.

GROUP TWO

T. R. (Tom) Bowen and wife, Mrs. T. R. (Tom) Bowen, Sylvester Bowen, and James E. Faulkner.

GROUP THREE

Elizabeth McMurrey, a feme sole, individually and as administratrix of the Estate of V. W. McMurrey, deceased, and James E. Faulkner.

GROUP FOUR

W. G. Mizell and wife, Mrs. W. G. Mizell, and James E. Faulkner.

GROUP FIVE

Rachel Faulkner, James E. Faulkner, and Elgin Matthews.

GROUP SIX

Bevel Enloe, Ben Brown, Minnie Cherry and husband, Manuel Cherry, B. E. Whitton, J. F. Whitton, C. E. O'Briant, Barney O'Briant, James Whitton, T. V. Yeager, Wilmer Yeager, Cassie Yeager, Gladys Lilley and husband Alvin Lilley, George Enloe, Jim Enloe, Ed Enloe, T. F. Enloe, Carrie Vickery and husband J. A. Vickery, Della Ott and husband G. A. Ott, Ernestine Puckett and husband Floyd Puckett, Lucille Mosely and husband Thosmas Mosely, Ethel Thomas and husband Bruce Thomas, Helen Lilley and husband Jamie Lilley, Birtie Lilley, a feme sole, Udell McIlvain, Robbie Alvin (Mickey) McIlvain, Celestia Fowler and husband J. C. Fowler, Sidney Whitmire, Clyde Whitmire, Claude Whitmire, Dolly Grimme and husband H. A. Grimme, Bonita Perdon and husband Earl Perdon, R. L. Whitmire, Rose McMillan, Lee McMillan, Odis Matthews, Ruby Plander, George H. Plander, Dorothy Plander, Eddie Plander, L. C. Matthews, Trulee Matthews, Arvil Matthews, Jermima Blicham and husband Robert Gene Blicham, Mrs. Dorothy Matthews, a feme sole, Bobby Jean Matthews, David Matthews, Jewell Edna Matthews, Annie Mae Shean, L. D. Shean, Clared Taylor, F. W. Taylor, Pauline Taylor, W. H. Taylor, Ruth Driver, Billey Driver, Margaret Simmons, W. F. Simmons, J. V. Hickman, Elmer Hickman, Ernest Hickman, and James E. Faulkner.

TRACT ONE

Being an undivided one-half interest in that certain 160 acres of land, more or less, in and a part of the James W. Robinson league or survey, situated in San Jacinto County, Texas, described in a deed from H. W. C. Bittick and wife A. B. (Bell) Bittick to I. I. Ott, bearing date of October 7, 1897, and recorded in volume Z, page 545, Deed Records of San Jacinto County, Texas, and also that land described in a deed from J. N. Bittick and Alma Bittick to Clara Ott, dated November 2, 1903, and recorded in volume Z, page 548, Deed Records of San Jacinto County, Texas, and also that land described in a deed recorded in volume Z, page 544, Deed Records of San Jacinto County, Texas, and in an instrument of conveyance from G. A. Ott to James E. Faulkner and Jeff Cochran, dated April 12, 1950, and recorded in volume 55, pages 483, et seq., Deed Records of San Jacinto County, Texas, to which deeds, instruments and records reference is here made for a full and complete description of said land and for all purposes, such land being more particularly described by metes and bounds as follows, to-wit:

Beginning on the south boundary line of said Robinson league 707 vrs from the southeast corner of same, it being the southwest corner of the J. S. (A) Finn survey established by retracing the boundaries originally marked on the ground, a pine mkd X brs S 44 W 6 vrs, a sweet gum brs W 84 vrs;

Thence S $49\frac{1}{2}$ W 750 vrs to a stake from which a magnolia brs S 25 E 4.2 vrs; another brs N 41 W 5.4 vrs;

Thence north $40\frac{1}{2}$ W 920 vrs to a stake from which a pin oak 20 in in dia brs S 53 E 3.2 vrs another 16 in in dia brs S 27 W 3.2 vrs;

Thence north $49\frac{1}{2}$ E 530 vrs to west bank of Winters Bayou a stake from which a sycamore 6 in in dia brs S 70 W 5.8 vrs another brs W 20 E 7.4 vrs;

Thence down and with the meanderings of said bayou, general course S 84 $\frac{1}{2}$ E 633 vrs to a stake from which a sweet gum 18 in in dia brs N 63 E 4.8 vrs and a magnolia 15 in in dia brs S 69 E 8.6 vrs to a stake;

Thence S 66 E at 622 vrs intersected said league line a stake from which an ash 16 in dia brs. S 53 W 5 vrs and a red oak 10 in in dia brs northwest 7.6 vrs;

Thence S 49 $\frac{1}{2}$ W with said Robinson league or survey line to the place of beginning, containing 160 acres of land, more or less.

TRACT TWO

That certain tract of land composing thirty-two and one-tenth acres of land, being a part of the L. A. Gosse six hundred and forty-acre survey situated in San Jacinto County, Texas, in the New Hope community about sixteen miles south of Coldsprings, Texas, more particularly described by metes and bounds as follows, to-wit:

Beginning at the southwest corner of said L. A. Gosse survey, same being common with the southeast corner of the William Dobie survey on the north boundary line of the D. M. Bullock survey, an iron car axle stake for corner from which a pine 3 in in dia mkd X brs S 9 W 1.6 vrs, a sweet gum 3 in in dia mkd X brs N 62 W 2.1 vrs, a sweet gum 6 in in dia mkd X brs N 18 E 2.5 vrs and a pine 6 in in dia mkd X brs E 3.9 vrs;

Thence N 2 W 204 vrs to a 1" x 3" iron bar stake painted red for corner, from which a 50-inch black gum brs N 80 W 4.3 vrs a white oak 20 in in dia brs N 30 W 8 vrs and a pine 4 in in dia brs S 52 E 3.3 vrs;

Thence N 88 E along an old fence row at 889 vrs a stake for corner from which a 2 in iron pipe painted red brs N 83 E 4.3 vrs, a white oak 14 in in dia mkd X in fence corner brs S 86 E 5.4 vrs, a $\frac{1}{2}$ inch iron pin brs S 85 E 6 vrs, a 3 inch pine brs N 24 E 2.3 vrs;

Thence S 2 E 207 vrs to a stake for corner on the south boundary line of said L. A. Gosse survey on the north boundary line of the James Patterson survey (abstract No. 243), from which a sweet gum 20 in in dia mkd X brs S 10 W 2.7 vrs;

Thence West with said Gosse south boundary line, same being also the north boundary line of said Patterson survey 97.2 vrs to the common corner of the David M. Bullock survey and the James Patterson survey on the South Gosse boundary line (same being the NEC of said Bullock survey and the NWC of said Patterson survey) a stake for such common corner from which a pine 3 in in dia mkd X brs N 48 $\frac{1}{2}$ W 1 vr; a double Fork Pin Oak mkd XX brs S 79 E 5 vrs and a pin oak 3 inches in dia mkd X brs S 1 W 1.4 vrs (old original witness and bearing trees gone);

Thence continuing with said L. A. Gosse South boundary line, same being common with the David M. Bullock survey North boundary line S 88 W 793 vrs to the place of beginning, containing 32.1 acres of land.

TRACT THREE

Those certain tracts of land situated in the BBB & C RR Co. Survey (Abst. No. 82) and the George Taylor League or Survey (Abst. No. 292) and being the same lands conveyed to Jim McMurrey by G. I. Turnley, by deeds dated July 9, 1917, March 1, 1918, and March 6, 1918, respectively, and recorded in Volume 12, pages 247, 248, and 311, respectively, of the Deed Records of San Jacinto County, Texas;

Those two certain tracts conveyed to Jim McMurrey by J. M. Hansbro under dates of March 2, 1918, and April 13, 1918, recorded in Volume 12, pages 251 and 241, respectively, of the Deed Records of San Jacinto County, Texas;

That certain tract of land described in a deed of February 26, 1918, from L. T. Sloan to Jim McMurrey, recorded in Volume 12, page 246, Deed Records of San Jacinto County, Texas;

That certain tract of land described in a deed of March 25, 1918, from C. W. Robinson to Jim McMurrey, recorded in Volume 12, page 346, Deed Records of San Jacinto County, Texas;

That certain tract of land described in a deed of April 2, 1918, from J. W. Merrell, et al to Jim McMurrey, recorded in Volume 12, page 344, Deed Records of San Jacinto County, Texas;

That certain tract of land described in a deed of Record in Volume 12, page 401, Deed Records of San Jacinto County, Texas, from Helen M. Jessup, et al to Jim McMurrey.

Reference to above deeds and the records thereof being here now made for a full and complete description of said lands(s) and for all legal purposes.

TRACT FOUR

Being 11.3 acres, more or less, out and a part of the Wm. R. Goode League or Survey (Abstract No. 136), more particularly described by metes and bounds as follows, to-wit:

Beginning at the Southwest corner of the James Youngblood or what is known as the Boyd or James Youngblood 180 acre tract out of and a part of said Wm. R. Goode Survey, and which corner is West 150 vrs and North 75 vrs from the Northeast corner of the L. R. Pearson 953 acre tract, and which is also an "L" corner of the Wm. R. Goode Survey, said corner being in an old field;

Thence north following the West line of said 180 acre tract at 319 vrs pass the southeast corner of said Youngblood 50 acre tract, and the northeast corner of the Hiram Purkerson 50 acre tract out of the said 180 acre tract, and continuing north at 849 vrs pass the northeast corner of the Youngblood 50 acre tract at 1100 vrs to the old original corner of the Boyd or James Youngblood 180 acre tract, a stake from which a gum 22 in in dia brs S 40 E 12 vrs this point and corner being the beginning point or corner of the 11.3 acres involved and described in Cause No. 3701, styled "Foster Lumber Company vs. W. G. Mizell" in the District Court of San Jacinto County, Texas, and therein decreed to the said W. G. Mizell;

Thence north 77 vrs to a stake from which a pine 5 inches in diameter brs N 82 W 2 vrs and a pine 5 in in dia brs S 75 E 3.3 vrs, this point being 149 vrs south of the south line of the P. H. Cannon 963 acre tract out of said Goode Survey;

Thence east along and following the old divisional line through the Goode survey to a stake for corner on the West bank of the San Jacinto River, from which a pin oak 20 in in dia brs S 35 W 6 vrs, this distance being 829½ vrs;

Thence south along and following the meanders of said River to the northeast corner of the old original Boyd or Youngblood 180 acre tract, a corner on the Bank of the old River at the northeast corner of an old field;

Thence west along and following the old original north line of said Boyd or Youngblood 180 acre tract 829 vrs to the place of beginning, containing 11.3 acres of land, more or less, and being the same land awarded and decreed to the said W. G. Mizell and described in a judgment rendered and entered in cause No. 3701, styled, "Foster

Lumber Company vs. W. G. Mizell" on the 16th day of February, 1926, by the district court of San Jacinto County, Texas, recorded in Volume J, pages 332, et seq., minutes of the said District Court, reference to which is here now made for all purposes.

TRACT FIVE

Being 49.4 acres of land, more or less, of the Watson Estate, a part of the Vital Flores League or Survey (Abst No. 14) situated about 8 miles southwest of Coldsprings, Texas, bounded on the Northwest by the Grover Ellisor Estate (formerly the old John Henry Kirby Tract), on the northeast by the old R. D. Denson and Santa Fe Tie & Lbr Co. (U. S. A.) tract, on the south and southeast by the U. S. A. Forest lands, and on the west and southwest by the paved farm-to-market road leading from Evergreen to Cleveland, Texas farm road No. 2025, and more particularly described by metes and bounds as follows, to-wit:

Beginning at corner No. 7 of a 267 acre (more or less) U. S. A. forest tract known as said government's tract "J13" being the most northern corner of land formerly owned by Lila Cochran and H. S. Lilley, a 1" iron pipe stake for corner witnessed by marked and blazed bearing trees; (said corner being on the common boundary line between said Vital Flores and the James Rankin, Jr., surveys);

Thence north 50 W with said Common boundary line of and between said Flores and Rankin surveys, it being the line, 723 vrs to the stake for corner from which a 20 in sweet gum mkd X brs S 31 W 10 vrs, and a 10 in sweet gum mkd X brs S 83 W 6 vrs, and a 20 in forked pine mkd X brs N 77 E 3 vrs, said corner being common with the most eastern or northeastern corner of said old Kirby (Ellisor) tract;

Thence S 40 W 415 vrs with the southeast boundary line of said old Kirby (Ellisor) tract, it being the line to stake for corner in the right-of-way of said Paved farm road, same being a northern corner of the old J. O. H. Bennett tract;

Thence S 36 E with and down said Farm Road, it being the line 345 vrs to a stake for corner in the northwest boundary line of said U. S. A. forest tract where same intersects said road, said corner being N 77 E 240 vrs from corner 6 of said U. S. A. "J13" tract, said stake and corner being witnessed by mkd and blazed bearing trees;

Thence N 77 E with the Northwest boundary line of said U. S. A. tract "j13" it being the line 630 vrs to the place of beginning, containing 49.4 acres, more or less.

TRACT SIX

An undivided $\frac{1}{2}$ interest in the following 80 acres of land, more or less, being a part of the James W. Robinson League or survey, Abstract No. 45, situated in San Jacinto County, Texas, more particularly described by metes and bounds as follows:

Beginning at the southwest corner of a 32 acre tract owned or formerly owned by A. J. Bruner, said corner being a 20 in black gum mkd X;

Thence S 16 deg 54' West along the southerly projection of the West line of the said Bruner 32 acre tract, a distance of 473 vrs to a point for the southwest corner of the herein described tract;

Thence south 77 deg 52' East 953.3 vrs to a point for corner;

Thence north 17 deg East 473 vrs to the Southeast corner of the P. L. Robberson 32 acre tract, being a concrete monument marked J-364 (or J-365) from which monument a 6" Pin Oak mkd U. S. B. T. brs South 6 West 12.1 vrs and a 9" pine mkd U. S. B. T. brs S 72 W 20 vrs;

Thence north 72 deg 44' West with the south line of the said Roberson 32 acre tract, 385.4 vrs to the southwest corner of same, being the southeast corner of the W. A. Johnson 16 acre tract;

Thence north 73 deg 01' West with the south line of said W. A. Johnson 16 acre tract and the south line of the aforesaid Bruner 32 acre tract, a total distance of 568.7 vrs to the place of beginning, containing 80 acres of land, more or less.

Approved August 14, 1958.

Private Law 85-568

August 14, 1958
[H. R. 6593]

AN ACT

For the relief of Mrs. Juanita Burna.

Mrs. Juanita
Burna.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Juanita Burna, Warwick, Virginia, the sum of \$15,335.93. The payment of such sum shall be in full settlement of all claims of Mrs. Juanita Burna against the United States on account of severe personal injuries sustained by her on October 5, 1954, when the automobile she was driving on the island of Okinawa in the Ryukyu Islands was struck by a vehicle owned by the United States and operated by its agent: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved August 14, 1958.

Private Law 85-569

August 14, 1958
[H. R. 6970]

AN ACT

For the relief of C. A. Nolan.

C. A. Nolan.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$495.22 to C. A. Nolan of Seymour, Indiana, in full settlement of all claims against the United States.

The payment of such sum represents the increased costs of production of one thousand and fifty one-hundredths tons of bituminous coal furnished various Civilian Conservation Corps camps under contract No. W-5501-qm-CIV-1649, dated June 11, 1941. Such Civilian Conservation Corps camps were under the jurisdiction of the United States Department of the Army: *Provided,* That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved August 14, 1958.

Private Law 85-570

AN ACT

For the relief of Captain Carl F. Dykeman.

August 14, 1958
[H. R. 7293]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Captain Carl F. Dykeman, United States Army, Retired (Army serial number O-372323), is hereby relieved of liability to repay to the United States all amounts paid to him in violation of section 212 of the Act of June 30, 1932 (5 U. S. C. 59a), for the period beginning on April 2, 1953, and ending on August 3, 1955, both dates inclusive. In the audit and settlement of the accounts of any certifying or disbursing officer, full credit shall be given for all amounts for which liability is relieved by this section.

Capt. Carl F.
Dykeman.

47 Stat. 406.

SEC. 2. The Secretary of the Treasury shall pay, out of any money in the Treasury not otherwise appropriated, to the said Carl F. Dykeman an amount equal to all amounts paid by the said Carl F. Dykeman to the United States, or withheld from his retired pay, before the date of enactment of this Act on account of the liability of which he is relieved by the first section of this Act.

Approved August 14, 1958.

Private Law 85-571

AN ACT

To provide for the forfeiture of the right-of-way located within the State of California heretofore granted to the Atlantic and Pacific Railroad Company by the United States.

August 14, 1958
[H. R. 7790]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the right-of-way located within the State of California, and the right, power, and authority of the Atlantic and Pacific Railroad Company and its successors in interest to take from the public lands adjacent to the line of the railroad within such State, material of earth, stone, timber, and so forth, for the construction thereof, including all necessary grounds for station buildings, workshops, depots, machine shops, switches, sidetracks, turntables, and water stations, granted to such company by section 2 of the Act entitled "An Act granting lands to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast", approved July 27, 1866 (14 Stat. 294), are hereby declared to be forfeited to the United States: *Provided, however,* That nothing in this Act shall apply to, and there is hereby excluded from the forfeiture hereby declared, any portion or portions of said right-of-way within any part of which any railway or telegraph line has been heretofore constructed and is existing on the effective date of this Act, together with all grounds heretofore selected as necessary for station buildings, workshops, depots, machine shops, switches, sidetracks, turntables, and stations upon which any such buildings, structures, or facilities have been heretofore constructed, and are existing on the effective date of this Act.

California.
Right-of-way for
forfeiture.

Approved August 14, 1958.

Private Law 85-572

August 14, 1958
[H. R. 8046]

AN ACT

For the relief of Joaquin A. Bazan.

Joaquin A.
Bazan.
5 USC 765-770.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the requirements of sections 15 through 20 of the Federal Employees' Compensation Act, as amended (39 Stat. 742), with respect to filing notice of injury and claim for compensation are hereby waived in favor of Joaquin A. Bazan and his claim for compensation for disability alleged to have resulted from an injury sustained while in the performance of his duties on March 31, 1942, as a senior foreman of laborers, United States Department of Agriculture, at San Ysidro, New Mexico, shall be considered and acted upon under the remaining provisions of such Act in the same manner as if such notice and claim had been timely filed, if such claim is filed within six months after the date of the enactment of this Act: *Provided,* That no benefits except reimbursable medical expenses shall accrue by reason of the enactment of this Act for any period prior to its enactment.

Approved August 14, 1958.

Private Law 85-573

August 14, 1958
[H. R. 8211]

AN ACT

To authorize and direct the Secretary of the Interior to quitclaim to Joseph G. Pettet all right, title, and interest of the United States in and to certain lands in the State of Montana.

Joseph G. Pettet.
Conveyance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any provision of the Act of Congress approved February 13, 1891 (26 Stat. 747), the Secretary of the Interior is hereby authorized and directed to sell and convey by quitclaim deed to Joseph G. Pettet of Bozeman, Montana, all of the right, title, and interest of the United States in and to a tract of land lying in the northeast quarter of section 15, township 2 south, range 6 east, Montana principal meridian, situated in Gallatin County, Montana, containing 0.67 acres more or less, and more particularly described as follows:

Beginning at a point on the north line of said northeast quarter 2,000 feet south 89 degrees 52 minutes west of the northeast corner of said section 15; thence continuing along said north line south 89 degrees 52 minutes west 264 feet; thence south 00 degrees 08 minutes east 162 feet; thence north 68 degrees 44 minutes east 283 feet; thence north 00 degrees 08 minutes west 60 feet to the point of beginning, containing 0.67 acres, more or less.

Market value
payment.

SEC. 2. The tract of land described by the first section of this Act shall be conveyed upon the payment by the said Joseph G. Pettet of the appraised fair market value of the land, if payment is made within one year after the Secretary has notified the said Joseph G. Pettet of the price of the lands, except that the Secretary shall have the appraisal made on the basis of the value of the Federal interest in the land at the date of appraisal, exclusive of any increased value resulting from the development or improvement of the land by Joseph G. Pettet or his predecessors in interest.

Approved August 14, 1958.

Private Law 85-574

AN ACT

For the relief of certain employees of the Department of the Navy at the United States Naval Gun Factory, Washington, District of Columbia.

August 14, 1958
[H. R. 8231]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) each of the following named persons is hereby relieved of all liability to refund to the United States the amount of overpayments made to him by the Secretary of the Navy resulting from the conversion of his position from the wage board system to the General Schedule grades under the Classification Act of 1949, as amended, while such person was employed by the Department of the Navy at the United States Naval Gun Factory, Washington, District of Columbia: Ross W. Alexander, Washington, District of Columbia; Ernest R. Cunningham, Washington, District of Columbia; Robert W. Fautleroy, College Park, Maryland; Harry F. Grant, Bethesda, Maryland; Fleming T. Lee, Bureau of Ships, Department of the Navy; Edward R. Lilley, Jessup, Maryland; Albert H. Lloyd, Washington, District of Columbia; Raymond R. Mills, Arlington, Virginia; William H. Noll, Arlington, Virginia; Thornton A. Phillips, Arlington, Virginia; Gordon L. Riggles, Arlington, Virginia; Howard Snipes, Washington, District of Columbia; David B. Arnold, Junior, Alexandria, Virginia; Alfred N. Blossie, Marlowe Heights, Maryland; James W. Carlton, Alexandria, Virginia; Albert W. Carson, Hyattsville, Maryland; Raymond F. Cornwell, Washington, District of Columbia; Marion L. Dwiggins, College Park, Maryland; Leslie W. Felton, Falls Church, Virginia;

Naval Gun Factory employees, relief.

63 Stat. 954.
5 USC 1071 note.

Gwyn E. Gardiner, District Heights, Maryland; Raymond F. Gates, Oxon Run Hills, Maryland; William T. Hall, Hyattsville, Maryland; Harry J. Hodges, Hyattsville, Maryland; Edward J. Jenkins, West Hyattsville, Maryland; George W. Killion, Fairfax, Virginia; John E. Lee, Junior, Falls Church, Virginia; George O. Link, Lanham, Maryland; William E. Markham, Junior, Alexandria, Virginia; J. Woodrow Milstead, Indian Head, Maryland; Bruce B. Morris, Alexandria, Virginia; George B. Mudd, Junior, Washington, District of Columbia; Leon W. Neal, Washington, District of Columbia; James R. Pritchard, Washington, District of Columbia; Myron G. Pursel, Washington, District of Columbia; Eugene C. Reinhardt, Junior, Washington, District of Columbia; Earl W. Roland, Alexandria, Virginia; Harry E. Search, Garrett Park, Maryland;

John Shaternick, Temple Hills, Maryland; Joseph R. Sholtis, Alexandria, Virginia; Ralph M. Simone, Capitol Heights, Maryland; James F. Spence, Jessups, Maryland; Wilbur J. Taylor, Landover Hills, Maryland; E. Kenneth Trainor, Washington, District of Columbia; Dennis A. Viens, College Park, Maryland; George E. Waesche, District Heights, Maryland; Fred H. Wheeler, Wheaton, Maryland; Herbert M. Jefferson, Washington, District of Columbia; John T. Lewis, Washington, District of Columbia; Kalman J. Acs, Washington, District of Columbia; Franklin P. Stanford, Silver Spring, Maryland; Charles E. Springfellow, Falls Church, Virginia; Steve Kravitsky, Seat Pleasant, Maryland; Henry C. Carter, Washington, District of Columbia; Norman T. Queen, Washington, District of Columbia; Alexander T. Urquhart, Washington, District of Columbia; John W. Roebuck, Washington, District of Columbia; John W. Mobley, Washington, District of Columbia; John C. Miller, College Park, Maryland; Russell M. Morgal, Hyattsville, Maryland.

(b) In the audit and settlement of the accounts of any certifying or disbursing officer of the United States full credit shall be given for all amounts for which liability is relieved by subsection (a) of this section.

(c) If a person named in subsection (a) has refunded to the United States all or a part of the overpayment with which this Act is concerned, the Secretary of the Treasury is authorized to pay, out of any money in the Treasury not otherwise appropriated, to that person the amount he repaid.

Approved August 14, 1958.

Private Law 85-575

August 14, 1958
[H. R. 8233]

AN ACT

For the relief of James L. McCabe.

James L. McCabe.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, James L. McCabe of Minneapolis, Minnesota, the sum of \$1,197. Such sum represents the amount of settlement for which the said James L. McCabe was required to pay for the loss of money from registered mail. Said James L. McCabe, a letter carrier in the United States Post Office at Minneapolis, Minnesota, apparently lost the register or the register was stolen from him while making collection of mail on a scheduled collection tour: *Provided*, That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved August 14, 1958.

Private Law 85-576

August 14, 1958
[H. R. 8313]

AN ACT

For the relief of Wayne W. Powers, of Walla Walla, Washington.

Wayne W. Powers.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Wayne W. Powers, of Walla Walla, Washington, the sum of \$400, in full settlement of all claims against the Government of the United States as reimbursement for personal property constructed by him on lot numbered I, Halibut Point, Sitka, Alaska, and confiscated by the Government of the United States in 1942: *Provided*, That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved August 14, 1958.

Private Law 85-577

AN ACT

For the relief of Joseph R. Burger.

August 14, 1958
[H. R. 8831]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 15 to 20, inclusive, of the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended (5 U. S. C. 765-770), are hereby waived in favor of Joseph R. Burger, for compensation for disability allegedly caused by his employment in the Navy Yard, Charleston, South Carolina, on April 14, 1943, and his claim is authorized and directed to be considered and acted upon under the remaining provisions of such Act, as amended, if he files such claim with the Department of Labor (Bureau of Employees' Compensation) not later than six months after the date of enactment of this Act: *Provided*, That no benefits except hospital and medical expenses actually incurred shall accrue for any period of time prior to the date of enactment of this Act.

Approved August 14, 1958.

Joseph R. Burger.

39 Stat. 746.

Private Law 85-578

AN ACT

For the relief of S. A. Romine.

August 14, 1958
[H. R. 8833]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 15 to 20, inclusive, of the Federal Employees' Compensation Act are hereby waived in favor of S. A. Romine, Charleston, West Virginia, and his claim for compensation benefits on account of an eye injury sustained by him on October 15, 1937, while employed as a clerk at the Post Office, Charleston, West Virginia, shall be acted upon under the remaining provisions of such Act if he files such claim with the Bureau of Employees' Compensation, Department of Labor, within the six-month period beginning on the date of enactment of this Act. No benefits shall accrue by reason of the enactment of this Act for any period before the date of its enactment.

Approved August 14, 1958.

S. A. Romine.
39 Stat. 746.
5 USC 765-770.

Private Law 85-579

AN ACT

To quitclaim interest of the United States to certain land in Smith County, Mississippi, and to terminate restrictions against alienation thereon.

August 14, 1958
[H. R. 8842]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all right, title, and interest of the United States in and to the following-described land in Smith County, Mississippi, is hereby quitclaimed to the patentee named in the patent from the United States dated November 10, 1852, Joseph Fisher, his successors, and assigns: Lots 3, 4, 5, and the southwest quarter of section 4, and the southeast quarter of section 5, all township 10 north, range 14 west, St. Stephens meridian, containing 489.56 acres, more or less.

Smith County,
Miss.
Quitclaim.

SEC. 2. Any restrictions against alienation contained in the patent described in section 1 of this Act are hereby removed, effective as of the date of this Act.

Approved August 14, 1958.

Private Law 85-580

August 14, 1958
[H. R. 8859]

AN ACT

To quiet title and possession with respect to certain real property in the county of Humboldt, State of California.

Humboldt, Calif.
Quitclaim.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States hereby releases, remises, and quit claims all right, title, and interest of the United States in and to the following described real property situated in the county of Humboldt, State of California, to the person or persons who would, except for any claim of right, title, and interest in and to such real property on the part of the United States by reason of deed recorded in the office of the county recorder of Humboldt County, State of California, on March 15, 1943, in volume 259 of deeds at page 290, Humboldt County Records, be entitled thereto under the laws of the State of California:

The east half of southwest quarter and the west half of southeast quarter of section 9 in township 10 north, range 2 east, Humboldt meridian.

Containing 160 acres, more or less.

Also beginning on the subdivision line at a point which is distant thereon 165 feet west from the northeast corner of the southwest quarter of southwest quarter of section 22 in township 10 north, range 2, east, Humboldt meridian; and running thence west along the subdivision line 1,155 feet to the section line; thence south on same 1,320 feet to the southwest corner of said section; thence east on the south line of said section 1,155 feet; and thence north 1,320 feet to the point of beginning.

Containing 35 acres, more or less.

Also the west 25 acres of the northwest quarter of northwest quarter of section 27 in said township and range, measured in a like manner as the description of land in section 22, above, and being the same as conveyed by Cornelius Thompson and wife to James B. Watkins, by deed dated January 6, 1905, and recorded January 7, 1905, in book 88 of deeds, page 614.

The east half of northeast quarter of section 34 and the south half of northwest quarter of section 35, in township 10 north, range 2 east, Humboldt meridian.

Containing 160 acres more or less.

Approved August 14, 1958.

Private Law 85-581

August 14, 1958
[H. R. 9006]

AN ACT

For the relief of John C. Houghton, Junior.

John C. Hough-
ton, Jr.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John C. Houghton, Junior, of Peoria, Illinois, the sum of \$293.25. Such sum repre-

sents reimbursement to said John C. Houghton, Junior, for paying out of his own funds a judgment against him in the courts of Illinois arising out of an accident occurring on April 8, 1957, when the said John C. Houghton, Junior, was operating a Government vehicle in the course of his duties as an employee of the Post Office Department: *Provided*, That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved August 14, 1958.

Private Law 85-582

AN ACT

For the relief of Gerald K. Edwards, Lawrence R. Hitchcock, Thomas J. Davey, and Gerald H. Donnelly.

August 14, 1958
[H. R. 9756]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the persons enumerated below the sums specified, in full settlement of all claims against the Government of the United States as reimbursement for personal effects destroyed as a result of the fire which occurred on July 13, 1956, at Girdwood, Alaska, when the claimants were employed on a survey crew with The Alaska Railroad: Gerald K. Edwards, \$415; Lawrence R. Hitchcock, \$443; Thomas J. Davey, \$797; and Gerald H. Donnelly, \$298.

Gerald K. Edwards and others.

SEC. 2. No part of the amounts appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with these claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved August 14, 1958.

Private Law 85-583

AN ACT

To validate the conveyance of certain land in the State of California by the Southern Pacific Company to James Giono.

August 14, 1958
[H. R. 9792]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, subject to section 3 of this Act, the conveyance executed by the Southern Pacific Company, and described in section 2 of this Act, involving certain land in the county of Los Angeles, State of California, forming a part of the right-of-way granted by the United States to the Southern Pacific Railroad Company by section 23 of the Act of March 3, 1871 (16 Stat. 573), said Southern Pacific Company being the successor, by mesne consolidations and merger, to said Southern Pacific Railroad Company, is hereby legalized, validated, and confirmed, as far as the interest of the United States is concerned, with the same force and

James Giono.
Validation of conveyance.

effect as if the land involved therein had been held by the Southern Pacific Company at the time of such conveyance under absolute fee simple title.

SEC. 2. The conveyance referred to in the first section of this Act was entered into between the Southern Pacific Company, grantor, and James Giono, grantee, on April 30, 1957, and recorded on August 22, 1957, volume 55414, page 30, of Official Records of Los Angeles County, California.

SEC. 3. (a) Nothing contained in this Act is intended or shall be construed to—

(1) diminish the right-of-way referred to in the first section of this Act to a width less than fifty feet on either side of the center of the main track or tracks of the Southern Pacific Company as established and maintained on the date of enactment of this Act; nor

(2) legalize, validate, or confirm any right, title, or interest in and to the land referred to in the first section of this Act arising out of adverse possession, prescription, or abandonment, and not confirmed by conveyance made by the Southern Pacific Company before the date of enactment of this Act.

(b) There is hereby reserved to the United States all oil, coal, or other minerals in the land referred to in the first section of this Act, together with the right to prospect for, mine, and remove the same under such rules and regulations as the Secretary of the Interior may prescribe.

Approved August 14, 1958.

Private Law 85-584

AN ACT

For the relief of Tamas Akos and Lilla Akos.

August 14, 1958
[H. R. 9884]

Tamas and Lilla
Akos.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Tamas Akos and Lilla Akos the sum of \$2,000 in full settlement of all claims against the United States for reimbursement for the amounts of departure bonds posted in behalf of Laszlo Akos, Tomas Akos, Lilla Akos, and Robert Akos; each of whose status was subsequently adjusted under section 4 of the Displaced Persons Act so as to create a record of their lawful admission as of the date of their original arrival in the United States: *Provided,* That no part of the amount appropriated by this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved August 14, 1958.

62 Stat. 1011.
50 U.S.C. app.
1953.

Private Law 85-585

AN ACT

For the relief of First Lieutenant Luther A. Stamm.

August 14, 1958
[H. R. 9986]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That First Lieut-
Luther A. Stamm.

tenant Luther A. Stamm, United States Army, retired, serial number O-1995032, is hereby relieved of all liability to pay to the United States the sum of \$2,639.65. Such sum represents certain amounts erroneously paid to the said Luther A. Stamm during the period between August 1, 1953, and April 30, 1957, inclusive, as a result of errors made in the computation of his retired pay. In the audit and settlement of the accounts of any certifying or disbursing officers, full credit shall be given for all amounts for which liability is relieved by this Act.

The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Luther A. Stamm an amount equal to the aggregate of amounts paid by him, or which have been withheld from sums otherwise due him, in complete or partial satisfaction of such claim of the United States.

Approved August 14, 1958.

Private Law 85-586

AN ACT

To provide for the presentation of a medal to the Sons of Union Veterans of the Civil War.

August 14, 1958
[H. R. 9989]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to present to the Sons of Union Veterans of the Civil War, an organization incorporated by the Act of August 20, 1954 (36 U. S. C. 531), the gold medal which the Act of July 18, 1956 (70 Stat. 577), would have authorized to be presented to the late Albert Woolson, if he had survived.

Sons of Union
Veterans of the
Civil War.

68 Stat. 748.

Approved August 14, 1958.

Private Law 85-587

AN ACT

For the relief of the Western Union Telegraph Company.

August 14, 1958
[H. R. 10094]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States be, and he hereby is, authorized and directed to settle and adjust the claim of the Western Union Telegraph Company on account of the shortage of the Western Union Telegraph Company funds at Fort Sheridan, Illinois, created by the speculations of an employee of the Department of the Army at Fort Sheridan, and to allow in full and final settlement of the claim the sum not to exceed \$7,643.05. There is hereby appropriated the sum of \$7,643.05, or so much thereof as may be necessary, for the payment of said claim.

Western Union
Telegraph Co.

Approved August 14, 1958.

Private Law 85-588

AN ACT

For the relief of William E. Nash.

August 14, 1958
[H. R. 10220]

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

William E. Nash.

of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William E. Nash, Bryan, Texas, a sum consisting of \$9,945.18, representing the amount reported by the United States Court of Claims to the Congress in response to H. Res. 93, Eighty-fourth Congress (congressional numbered 13-55, decided January 15, 1958), to be the amount of losses of said William E. Nash suffered while furnishing architectural services (including the furnishing of certain reimbursable items) performed by him in connection with housing project TEX20-2 undertaken under the United States Housing Act of 1937, as amended: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved August 14, 1958.

50 Stat. 888.
42 USC 1430.

Private Law 85-589

AN ACT

For the relief of J. Henry Ennen and others.

August 14, 1958
[H. R. 10416]

J. Henry Ennen
and others.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy is hereby authorized to settle claims submitted to him by: J. Henry Ennen, Suzanne Sennett, Don I. Mitchell, Ejnar Christian Halden, Arne Petersen, and Svend Arne Piil for the loss of personal property resulting from a fire which occurred at, and in the vicinity of, the bachelor officers' quarters, United States Naval Station, Long Beach, California, on December 29, 1956. That such claims shall be settled and paid in the same manner and under the general authority otherwise provided the Secretary of the Navy in sections 2731 and 2732 of title 10, United States Code.

Approved August 14, 1958.

70A Stat. 152.

Private Law 85-590

AN ACT

For the relief of Tibor Wollner.

August 14, 1958
[H. R. 10885]

Tibor Wollner.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Tibor Wollner, New York, New York, the sum of \$500. The payment of such sum shall be in full settlement of all claims of Tibor Wollner against the United States for reimbursement of the amount of a departure bond posted on June 16, 1948, on behalf of said Tibor Wollner, and which was declared breached on February 8, 1952: *Provided*, That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved August 14, 1958.

Private Law 85-591

AN ACT

For the relief of Mrs. Christina Tules.

August 14, 1958
[H. R. 11108]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the Act entitled "An Act providing for the barring of claims against the United States", approved October 9, 1940 (31 U. S. C. 71a), are hereby waived in favor of Mrs. Christina Tules, Plainfield, Connecticut, and the claim submitted by her for amounts due her as beneficiary of the late Frank J. Tules (service number 31123302), which was received in the United States General Accounting Office on May 11, 1956, shall be considered as having been received within the time limitation provided in such Act of October 9, 1940.

Approved August 14, 1958.

Mrs. Christina
Tules.

54 Stat. 1061.

Private Law 85-592

AN ACT

For the relief of the State House, Incorporated.

August 14, 1958
[H. R. 11203]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to State House, Incorporated, a sum consisting of \$63,318, representing the amount reported by the United States Court of Claims to the Congress in response to H. Res. 290, Eighty-fourth Congress (congressional numbered 14-55, decided January 15, 1958), to be the amount of losses of said State House, Incorporated, resulting from the Government's failure to consummate a contract to lease premises known as the State House, located at 2122 Massachusetts Avenue Northwest, Washington, District of Columbia: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved August 14, 1958.

State House, Inc.

Private Law 85-593

AN ACT

For the relief of McCune C. Ott.

August 14, 1958
[H. R. 11611]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to McCune C. Ott, mixed gang foreman at the Colorado National Monument, Fruita, Colorado, the sum of \$2,044 in full satisfaction of any claim for loss of certain personal property resulting from a fire at the area on September 29, 1956, reportedly caused by faulty wiring or combustion: *Provided,* That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services

McCune C. Ott.

rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved August 14, 1958.

Private Law 85-594

August 14, 1958
[S. 1782]

AN ACT

For the relief of Carolina M. Gomes.

Carolina M. Gomes.
66 Stat. 163.
8 USC 1101 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Carolina M. Gomes shall be deemed to be a nonquota immigrant.

Approved August 14, 1958.

Private Law 85-595

August 18, 1958
[S. 3205]

AN ACT

For the relief of Paul S. Watanabe.

Paul S. Watanabe.

54 Stat. 1169.
8 USC 801 note.
66 Stat. 239, 258.
8 U S C 1421,
1448.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Paul S. Watanabe, who lost United States citizenship under the provisions of section 401 (e) of the Nationality Act of 1940 may be naturalized by taking, prior to one year after the date of the enactment of this Act, before any court referred to in subsection (a) of section 310 of the Immigration and Nationality Act or before any diplomatic or consular officer of the United States abroad, an oath as prescribed by section 337 of such Act. From and after naturalization under this Act, the said Paul S. Watanabe shall have the same citizenship status as that which existed immediately prior to its loss.

Approved August 18, 1958.

Private Law 85-596

August 18, 1958
[H. J. Res. 609]

JOINT RESOLUTION

For the relief of certain aliens.

Johann A. Josefsson.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Attorney General is authorized and directed to cancel any outstanding order and warrant of deportation, warrant of arrest, and bonds, which may have issued in the case of Johann August Josefsson. From and after the date of the enactment of this Act, the said Johann August Josefsson shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and order have issued.

Malcolm McRankin and Elena B. de Racotta.
66 Stat. 163.
8 USC 1101 note.

SEC. 2. For the purposes of the Immigration and Nationality Act, Malcolm McRankin and Elena Bratianu de Racotta shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fees.

SEC. 3. For the purposes of the Immigration and Nationality Act, Yee Kung Sun and Ng You Chung shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fees. Upon the granting of permanent residence to each alien as provided for in this section of this Act, if such alien was classifiable as a quota immigrant at the time of the enactment of this Act, the Secretary of State shall instruct the proper quota-control officer to reduce by one the quota for the quota area to which the alien is chargeable for the first year that such quota is available.

Approved August 18, 1958.

Yee K. Sun and
Ng Y. Chung.
8 USC 1101 note.

Quota deduc-
tions.

Private Law 85-597

AN ACT

For the relief of Donald R. Pence.

August 18, 1958
[H. R. 1565]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Donald R. Pence, Los Angeles, California, the sum of \$332.53. The payment of such sum shall be in full settlement of all claims of the said Donald R. Pence against the United States for reimbursement to him of expenses incurred as a result of hospitalization and medical treatment which was denied him by the United States Veterans' Administration, and to which he was entitled as a veteran with service-connected disability: *Provided,* That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved August 18, 1958.

Donald R. Pence.

Private Law 85-598

AN ACT

For the relief of Lillian Cummings.

August 18, 1958
[H. R. 1602]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the retirement fund, an amount sufficient to establish an annuity for Lillian Cummings, the widow of Melville J. Cummings, formerly a forester with the United States Department of Agriculture, equal in amount to the annuity which she would have been entitled to receive had the retirement of the said Melville J. Cummings become effective on September 30, 1946, and had he elected in writing, at the time of such retirement, to receive a reduced annuity equal to such reduced annuity payable after his death to the said Lillian Cummings, as surviving beneficiary. The funds heretofore paid to the said Lillian Cummings shall be considered as annuity payments under this Act.

Approved August 18, 1958.

Lillian Cum-
mings.

Private Law 85-599

August 18, 1958
[H. R. 1827]

AN ACT

For the relief of Annunziata Gambini and Tomazo Gambini.

Annunziata and
Tomazo Gambini.
60 Stat. 925; 40
Stat. 419; 60 Stat.
50.
50 USC app. 33,
9, 32.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the limitations of time contained in section 33 of the Trading With the Enemy Act, as amended, with respect to the filing of claims and the institution of suits for the return of property or any interest therein pursuant to sections 9 or 32 of such Act, Annunziata Gambini and Tomazo Gambini, both nationals of Italy, may, within six months after the date of enactment of this Act, file a claim or institute a suit for the return, pursuant to section 9 or 32 of such Act, of all real and personal property formerly owned by them (including the accumulated revenues derived therefrom) in the city of Galveston, Texas, which property was covered by and vested in the Alien Property Custodian for the benefit of the United States by vesting order numbered 1751, dated June 25, 1943. Any such claim or suit shall be received, considered, and determined as if such claim or suit had been filed within the time limitations prescribed in section 33 of such Act. Any return made pursuant to authority conferred by this Act shall be subject to the provisions of section 20 of the Trading With the Enemy Act.

42 Stat. 1515.
50 USC app. 20.

Approved August 18, 1958.

Private Law 85-600

August 18, 1958
[H. R. 12063]

AN ACT

For the relief of Gerald Early.

Gerald Early.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Gerald Early of Brockton, Massachusetts, is hereby relieved of all liability for payment to the United States of the sum of \$1,257, representing overpayments of per diem which he received as an employee of the Department of the Navy while he was assigned to duty at the Golcuk Navy Yard, Ismet, Turkey, such overpayments having been made as a result of administrative error.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Gerald Early, the sum of any amounts received or withheld from him on account of the overpayments referred to in the first section of this Act.

Approved August 18, 1958.

Private Law 85-601

August 18, 1958
[H. R. 13026]

AN ACT

To validate the conveyance of certain land in the State of California by the Central Pacific Railway Company and the Southern Pacific Company to D'Arrigo Bros. Co. of California.

D'Arrigo Bros.
Co. of Calif.
Validation of
conveyance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, subject to section 3 of this Act, the conveyance executed by the Central Pacific Railway Company and the Southern Pacific Company, and described in section 2 of this Act, involving certain land in the city of Lodi,

county of San Joaquin, State of California, forming a part of the right-of-way granted by the United States to the Central Pacific Railway Company by the Act of July 1, 1862 (12 Stat. 489), as amended by the Act of July 2, 1864 (13 Stat. 356), is hereby legalized, validated, and confirmed, as far as the interest of the United States is concerned, with the same force and effect as if the land involved therein had been held by the Central Pacific Railway Company and the Southern Pacific Company at the time of such conveyance under absolute fee simple title.

SEC. 2. The conveyance referred to in the first section of this Act was made by the Central Pacific Railway Company and the Southern Pacific Company, grantors, to D'Arrigo Bros. Co. of California, a California corporation, grantee, and was recorded on October 1, 1956, in book 1906, at page 332, in the office of the County Recorder of San Joaquin County, California, under recorder's serial number 37272.

SEC. 3. (a) Nothing contained in this Act is intended or shall be construed to—

(1) diminish the right-of-way referred to in the first section of this Act to a width less than fifty feet on either side of the center of the main track or tracks of the Central Pacific Railway Company and the Southern Pacific Company as established and maintained on the date of enactment of this Act; nor

(2) legalize, validate, or confirm any right, title, or interest in and to the land referred to in the first section of this Act arising out of adverse possession, prescription, or abandonment, and not confirmed by conveyance made by the Central Pacific Railway Company and the Southern Pacific Company before the date of enactment of this Act.

(b) There is hereby reserved to the United States all oil, coal, or other minerals in the land referred to in the first section of this Act, together with the right to prospect for, mine, and remove the same under such rules and regulations as the Secretary of the Interior may prescribe.

Reservations.

Approved August 18, 1958.

Private Law 85-602

AN ACT

To provide for the conveyance of interests of the United States in and to uranium, thorium, and other materials in certain tracts of land situated in Jackson County, Mississippi.

August 19, 1958
[H. R. 11933]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is authorized and directed to convey by quitclaim deed to the record owner, as of the date of enactment of this Act, of each lot of Pinecrest Park Subdivision, sections 1, 2, and 3, as per plat thereof recorded in book 3, pages 12, 38, and 39, respectively, of the records of plats of Jackson County, Mississippi, contained in the tract of land in the county of Jackson, State of Mississippi, which was conveyed by quitclaim deed from the United States of America to the Ingalls Shipbuilding Corporation, recorded on May 15, 1950, in book 112, pages 428-431, of the land deed records of Jackson County, Mississippi, all of the right, title, and interest of the United States in and to uranium, thorium, and other materials in such lot determined pursuant to section 5 (b) (1) of the Atomic Energy Act of 1946 (60 Stat. 761) to be peculiarly essential to the production of fissionable material. The exact legal description of such land shall be determined by the Administrator of General Services.

Jackson County,
Miss.
Conveyances.

SEC. 2. The Administrator of General Services is authorized and directed to convey by quitclaim deed to the record owner, as of the date of enactment of this Act, of each lot of Pinecrest Park Subdivision, sections 1, 2, and 3, as per plat thereof recorded in book 3, pages 12, 38, and 39, respectively, of the records of plats of Jackson County, Mississippi, contained in the tract of land in the county of Jackson, State of Mississippi, which was conveyed by quitclaim deed from the United States of America to E. H. Bacot, recorded on June 10, 1950, in book 112, pages 498-601, of the land deed records of Jackson County, Mississippi, all of the right, title, and interest of the United States in and to uranium, thorium, and other materials in such lot determined pursuant to section 5 (b) (1) of the Atomic Energy Act of 1946 (60 Stat. 761) to be peculiarly essential to the production of fissionable material. The exact legal description of such land shall be determined by the Administrator of General Services.

42 USC 1805.

Approved August 19, 1958.

Private Law 85-603

August 20, 1958
[S. 1110]

AN ACT

For the relief of Sono Hoshi.

Sono Hoshi,
60 Stat. 925.
50 USC app. 33,
9.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That, notwithstanding the provisions of section 33 of the Trading With the Enemy Act, the Attorney General is authorized and directed to accept and consider upon its merits any claim filed pursuant to section 9 (a) of such Act, within six months after the date of the enactment of this Act, by Sono Hoshi, of Seattle, Washington, for the return of ten shares of stock of the American Telephone and Telegraph Company formerly owned by her, title to which was acquired by the United States under such Act by vesting order numbered 10132 of the Office of Alien Property, together with any dividends declared on such stock while held by the United States, or the proceeds thereof if such stock has been liquidated by the United States. If no such return is made within a period of sixty days after the filing of such claim, said Sono Hoshi shall be entitled, within one year after the expiration of such period, to institute suit pursuant to section 9 (a) of such Act for the return of such property.

50 USC app. 9.

Approved August 20, 1958.

Private Law 85-604

August 20, 1958
[S. 2239]

AN ACT

For the relief of Wadiha Salime Hamade.

Wadiha S. Hamade,
66 Stat. 163.
8 USC 1101 note.

Quota deduction.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That, for the purposes of the Immigration and Nationality Act, Wadiha Salime Hamade shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

Approved August 20, 1958.

Private Law 85-605

JOINT RESOLUTION

To facilitate the admission into the United States of certain aliens.

August 20, 1958
[H. J. Res. 619]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Carmela Lanza, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Philip Lanza, citizens of the United States.

Carmela Lanza,
66 Stat. 169, 180,
8 U S C 1101,
1155.

SEC. 2. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Mariko Nakashima, shall be held and considered to be the natural-born alien child of Mrs. Sanaye Helen Nakashima, a citizen of the United States.

Mariko Nakashima,
8 U S C 1101,
1155.

SEC. 3. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Tarcisio Passerini, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Narciso Passerini, citizens of the United States.

Tarcisio Passerini,
8 U S C 1101,
1155.

SEC. 4. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, Ioannis Loukas Emanuel shall be held and considered to be the natural-born alien minor child of Constantinos Emanuel, a citizen of the United States.

Ioannis L. Emanuel,
8 U S C 1101,
1155.

SEC. 5. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, George Angelos (Georgios Angelopoulos), shall be held and considered to be the natural-born alien child of Mr. and Mrs. Gus Angelos, citizens of the United States.

George Angelos,
8 U S C 1101,
1155.

SEC. 6. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, Maria Proscia shall be held and considered to be the natural-born alien minor child of Mr. and Mrs. Antonio Proscia, citizens of the United States.

Maria Proscia,
8 U S C 1101,
1155.

SEC. 7. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor children Enrico, Dianne, and Luciano Esposito, shall be held and considered to be the natural-born alien children of Vincent V. Esposito, a citizen of the United States.

Enrico Esposito
and others,
8 U S C 1101,
1155.

SEC. 8. For the purposes of sections 203 (a) (3) and 205 of the Immigration and Nationality Act, the minor child, Petronilla Maria Idegonda Centore, shall be held and considered to be the natural-born alien child of Antonio Centore, a lawful resident alien of the United States.

Petronilla M. I.
Centore,
8 U S C 1153,
1155.

SEC. 9. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor children, Michael James (Cowan) Hildibrand and Linda Dorothy (Cowan) Hildibrand, shall be held and considered to be the natural-born alien children of Miss Ida Hildibrand, a citizen of the United States.

Michael J. and
Linda D. Hildibrand,
8 U S C 1101,
1155.

SEC. 10. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Nadia Baki, shall be held and considered to be the natural-born alien child of Carlos Templeton, a citizen of the United States.

Nadia Baki,
8 U S C 1101,
1155.

SEC. 11. The natural parents of the beneficiaries of sections 1, 2, 3, 4, 5, 6, 9, and 10 of this Act shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Approved August 20, 1958.

Private Law 85-606

JOINT RESOLUTION

For the relief of certain aliens.

August 20, 1958
[H. J. Res. 627]Anthony J. Chaia
and others.
66 Stat. 163.
8 USC 1101 note.Quota deduc-
tions.Sarina G. Tawil.
8 USC 1101 note.Quota deduc-
tion.Lelas C. Tsamo-
poulos.
8 USC 1101 note.

8 USC 1183.

Rabbi H. Z. Kem-
melman and John
Favia.
8 USC 1101 note.Paul F. V. Trojel
and others.John J. Flynn.
8 USC 1101 note.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Anthony J. Chaia, Joseph Tawil, Chryssoula Fotinatos (Stevens), Ezra Gindi, Sun Hsi Zen Yung (also known as Yung Sun Hsi Zen), Dusan Lezaja, Amor A. Paraso, and Florentina Laurente shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fees. Upon the granting of permanent residence of each alien as provided for in this section of this Act, if such alien was classifiable as a quota immigrant at the time of the enactment of this Act, the Secretary of State shall instruct the proper quota-control officer to reduce by one the quota for the quota area to which the alien is chargeable for the first year that such quota is available.

SEC. 2. For the purposes of the Immigration and Nationality Act, Sarina Goldman Tawil shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee: *Provided*, That the natural father of the beneficiary shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act. Upon the granting of permanent residence to such alien as provided for in this section of this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

SEC. 3. For the purposes of the Immigration and Nationality Act, Lelas Constantinos Tsamopoulos shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee: *Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act.

SEC. 4. For the purposes of the Immigration and Nationality Act, Rabbi Haim Zelik Kemmelman, and John Favia (also known as John J. Curry), shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fees.

SEC. 5. The Attorney General is authorized and directed to cancel any outstanding orders and warrants of deportation, warrants of arrest, and bonds, which may have issued in the cases of Paul F. V. Trojel, Gertrudis De Peralta Nartatez, and Nora Lyons. From and after the date of the enactment of this Act, the said persons shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and orders have issued.

SEC. 6. For the purposes of the Immigration and Nationality Act, John J. Flynn shall be held and considered to have been lawfully admitted to the United States for permanent residence as of November 5, 1934, upon payment of the required visa fee.

Approved August 20, 1958.

Public Law 85-607

JOINT RESOLUTION

To facilitate the admission into the United States of certain aliens.

August 20, 1958
[H. J. Res. 660]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 203 (a) (3) and 205 of the Immigration and Nationality Act, the minor child, Antonietta Ferrante, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Dante Ferrante, lawfully resident aliens of the United States.

Antonietta Ferrante.
66 Stat. 178, 180.
8 USC 1153, 1155.

SEC. 2. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, Zoran Lambic shall be held and considered to be the natural-born minor alien child of Mr. Lazar Lambic, a citizen of the United States.

Zoran Lambic.
8 USC 1101, 1155.

SEC. 3. For the purposes of sections 203 (a) (3) and 205 of the Immigration and Nationality Act, Mariano Abate shall be held and considered to be the natural-born minor alien child of Alfonso Abate, a lawfully resident alien of the United States.

Mariano Abate.
8 USC 1153, 1155.

SEC. 4. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, Miodrag Kitanovich shall be held and considered to be the natural-born minor alien child of Milan Kitanovich, a citizen of the United States.

Miodrag Kitanovich.
8 USC 1101, 1155.

SEC. 5. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, Toshio Yuzawa Hill shall be held and considered to be the natural-born alien minor child of William C. Hill, a citizen of the United States.

Toshio Y. Hill.
8 USC 1101, 1155.

SEC. 6. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, James Joseph Martin, shall be held and considered to be the natural-born alien child of Mr. and Mrs. James H. Martin, citizens of the United States.

James J. Martin.
8 USC 1101, 1155.

SEC. 7. For the purposes of section 203 (a) (3) of the Immigration and Nationality Act, Mrs. Luna Maria Pennacchia, Angela Louisa Pennacchia, Anna Pennacchia, Pierino Antonio Pennacchia, Mario Gino Pennacchia, Antonio Pennacchia, and Luigi Giovanni Pennacchia shall be held to be classifiable as third preference quota immigrants, notwithstanding the requirements of section 205 of that Act.

Mrs. Luna M. Pennacchia and others.
8 USC 1153, 1155.

SEC. 8. For the purposes of sections 203 (a) (3) and 205 of the Immigration and Nationality Act, the minor child, Edda A. Wiesbauer, shall be held and considered to be the natural-born alien child of Walter Frederick Wiesbauer, a lawfully resident alien of the United States.

Edda A. Wiesbauer.
8 USC 1153, 1155.

SEC. 9. The natural parents of the beneficiaries of sections 5 and 6 of this Act shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Approved August 20, 1958.

Private Law 85-608

AN ACT

For the relief of Giuseppe Stefano.

August 20, 1958
[H. R. 1293]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Giuseppe Stefano shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee: *Provided*, That a

Giuseppe Stefano.
66 Stat. 163.
8 USC 1101 note.

8 USC 1183.

suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act.
Approved August 20, 1958.

Private Law 85-609

August 20, 1958
[H. R. 1691]

AN ACT

For the relief of Margherita Conca.

Margherita
Conca.
66 Stat. 182, 188.
8 USC 1182,
1183.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 212 (a) (1) of the Immigration and Nationality Act, Margherita Conca may be issued a visa and admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of that Act: *Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act.

Approved August 20, 1958.

Private Law 85-610

August 20, 1958
[H. R. 2319]

AN ACT

For the relief of Mrs. Louise Nanton.

Mrs. Louise Nan-
ton.
66 Stat. 269.
8 USC 1484.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of paragraph (2) of subsection (a) of section 352 of the Immigration and Nationality Act, the time (whether before or after the enactment of this Act) during which Mrs. Louise Nanton has resided abroad with her daughter, Evelyn Nanton, while her daughter was an employee of the United States Government, shall not be counted in computing quantum of residence.

Approved August 20, 1958.

Private Law 85-611

August 20, 1958
[H. R. 2747]

AN ACT

For the relief of John H. Parker.

John H. Parker.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) for the purpose of determining the seniority rights and rate of compensation of John H. Parker, substitute carrier in the Fort Smith, Arkansas, post office, the said John H. Parker shall be held to have been appointed to such position as of the earliest date, in 1943, on which an eligible standing lower on the same list of eligibles on which appeared the name of the said John H. Parker received a probational appointment therefrom. At the time his name was reached on such eligible list, the said John H. Parker was serving in the Merchant Marine Cadet Corps, and he was erroneously informed by a responsible employee of the Civil Service Commission that he could not be appointed from such eligible list at such time because his service in such corps was considered military service.

(b) The said John H. Parker shall not be entitled to any compensation for any period prior to the date of enactment of this Act by reason of the enactment of this Act.

(c) No regular employee in the postal field service shall be reduced to substitute status by reason of enactment of this Act.
Approved August 20, 1958.

Private Law 85-612

AN ACT

For the relief of Maria Fierro Calogero.

August 20, 1958
[H. R. 6667]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Maria Fierro Calogero, who lost United States citizenship under the provisions of section 404 (b) of the Nationality Act of 1940, may be naturalized by taking prior to one year after the effective date of this Act, before any court referred to in subsection (a) of section 310 of the Immigration and Nationality Act or before any diplomatic or consular officer of the United States abroad, the oaths prescribed by section 337 of the said Act. From and after naturalization under this Act, the said Maria Fierro Calogero shall have the same citizenship status as that which existed immediately prior to its loss.

Approved August 20, 1958.

Maria F. Calogero.
54 Stat. 1170.
8 USC 801 note.66 Stat. 239, 258.
8 USC 1421,
1448.

Private Law 85-613

AN ACT

For the relief of Iwan Okopny.

August 20, 1958
[H. R. 7282]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 212 (a) (6) of the Immigration and Nationality Act, Iwan Okopny may be issued a visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of such Act, under such conditions and controls which the Attorney General, after consultation with the Surgeon General of the United States Public Health Service, Department of Health, Education, and Welfare may deem necessary to impose: *Provided*, That, unless the beneficiary is entitled to care under the Dependents' Medical Care Act (70 Stat. 250), a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act.*

Approved August 20, 1958.

Iwan Okopny.
66 Stat. 182.
8 USC 1182.

37 USC 401 note.

8 USC 1183.

Private Law 85-614

AN ACT

For the relief of Wallace Y. Daniels.

August 20, 1958
[H. R. 10139]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$375 to Wallace Y. Daniels, of Chelsea, Massachusetts, in full settlement of all claims against the United States. Such sum represents the cost of an artificial limb which was damaged on June 28, 1957, as the result of an accident while on duty at the Back Bay Post Office, Boston, Massachusetts, payment of which could not be paid

Wallace Y. Daniels.

by the Bureau of Compensation, Department of Labor: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved August 20, 1958.

Private Law 85-615

August 20, 1958
[H. R. 11357]

AN ACT

For the relief of Miss Terez Csencsits.

Miss Terez
Csencsits.
66 Stat. 182.
8 USC 1182.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 212 (a) (6) of the Immigration and Nationality Act, Miss Terez Csencsits may be issued a visa and admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of such Act, under such conditions and controls which the Attorney General, after consultation with the Surgeon General of the United States Public Health Service, Department of Health, Education, and Welfare may deem necessary to impose: *Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act.

Approved August 20, 1958.

8 USC 1182.

Private Law 85-616

August 20, 1958
[H. R. 12903]

AN ACT

For the relief of Wolfgang Stresemann.

Wolfgang Strese-
mann.
66 Stat. 269.
8 USC 1484.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, section 352 (a) (1) shall be held not applicable in the case of Wolfgang Stresemann: *Provided*, That he returns to the United States prior to October 20, 1961.

Approved August 20, 1958.

Private Law 85-617

August 21, 1958
[S. 493]

AN ACT

For the relief of Irene Montoya.

Irene Montoya.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the legal guardian of Irene Montoya, Belen, New Mexico, in addition to the sum paid to such legal guardian under the provisions of Private Law 699, Seventy-ninth Congress, the further sum of \$7,500, in full and final satisfaction of her claim against the United States for compensation for expenses incident to the provision of artificial limbs and other

60 Stat. 1243.

expenses arising as a result of the loss of a leg in the explosion of a bomb which had been dropped and left unprotected in a field by the United States Army near Belen, New Mexico, on August 12, 1945: *Provided*, That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved August 21, 1958.

Private Law 85-618

AN ACT

For the relief of Josephine Shelby.

August 21, 1958
[H. R. 2759]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 212 (a) (9) of the Immigration and Nationality Act, Josephine Shelby may be issued a visa and admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of that Act: *Provided*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

Approved August 21, 1958.

Josephine Shel-
by,
66 Stat. 182.
8 USC 1182.

Private Law 85-619

AN ACT

For the relief of Mrs. Margarete Briest, nee Eggers.

August 21, 1958
[H. R. 6353]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 212 (a) (3) of the Immigration and Nationality Act, Mrs. Margarete Briest (nee Eggers) may be issued a visa and admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of that Act: *Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act.

Approved August 21, 1958.

Mrs. Margarete
Briest,
66 Stat. 182.
8 USC 1182.

8 USC 1183.

Private Law 85-620

AN ACT

For the relief of Albert Guido.

August 21, 1958
[H. R. 6357]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$1,000 to Albert Guido, in full settlement of all claims against the United States as reimbursement for bond posted for Charles Urso on April 28, 1950: *Provided*, That no part of the amount appropriated

Albert Guido.

in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved August 21, 1958.

Private Law 85-621

August 21, 1958
[H. R. 7124]

AN ACT

For the relief of Lester R. Loomis.

Lester R. Loomis.
68 Stat. 1034,
1037.
50 USC app.
2014, 2001 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (d) of section 15 of the War Claims Act of 1948 and section 105 of the War Claims Act amendments of 1954 are each hereby waived in favor of Lester R. Loomis, Waukesha, Wisconsin, and his claim for benefits under section 15 of the War Claims Act of 1948 is hereby authorized and directed to be acted upon under the remaining provisions of the War Claims Act of 1948, if he files claim for such benefits with the Foreign Claims Settlement Commission within the six-month period which begins on the date of enactment of this Act.

Approved August 21, 1958.

Private Law 85-622

August 21, 1958
[H. R. 7793]

AN ACT

For the relief of Bernardine M. A. de la Motte.

Bernardine M. A. de la Motte.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Bernardine M. A. de la Motte, widow of James F. de la Motte, Washington, District of Columbia, the sum of \$6,334.16, in full settlement of all claims against the United States for accumulated annuity payments under the civil service retirement system: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved August 21, 1958.

Private Law 85-623

August 21, 1958
[H. R. 7826]

AN ACT

For the relief of Israel Baird Poskanzer.

Israel B. Poskanzer.
54 Stat. 1169.
8 USC 801 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Israel Baird Poskanzer, who lost United States citizenship under the provisions of section 401 (c) of the Nationality Act of 1940, may be naturalized

by taking prior to one year after the effective date of this Act, before any court referred to in subsection (a) of section 310 of the Immigration and Nationality Act or before any diplomatic or consular officer of the United States abroad, the oaths prescribed by section 337 of the said Act. From and after naturalization under this Act, the said Israel Baird Poskanzer shall have the same citizenship status as that which existed immediately prior to its loss.

Approved August 21, 1958.

66 Stat. 239, 258,
8 USC 1421,
1448.

Private Law 85-624

AN ACT

For the relief of Mrs. Kunigunde Beldie.

August 21, 1958
[H. R. 12944]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Mrs. Kuni-gunde Beldie, who lost United States citizenship under the provisions of section 404 (b) of the Nationality Act of 1940, may be naturalized by taking prior to one year after the effective date of this Act, before any court referred to in subsection (a) of section 310 of the Immigration and Nationality Act or before any diplomatic or consular officer of the United States abroad, the oaths prescribed by section 337 of the said Act. From and after naturalization under this Act, the said Mrs. Kunigunde Beldie shall have the same citizenship status as that which existed immediately prior to its loss.

Approved August 21, 1958.

Mrs. Kunigunde
Beldie,
54 Stat. 1170,
8 USC 801 note.

66 Stat. 239, 258,
8 USC 1421,
1448.

Private Law 85-625

AN ACT

For the relief of Michael J. Conlin.

August 21, 1958
[H. R. 12060]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Michael J. Conlin, of Grand Rapids, Michigan, the sum of \$350. The payment of such sum shall be in full settlement of all claims of Michael J. Conlin against the United States for expenses and damages as a result of his being wrongfully advised of the disciplinary status of his son, Robert Conlin (United States Marine Corps, service number 1377560), on or about July 22, 1955: *Provided*, That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.*

Approved August 21, 1958.

Michael J. Con-
lin.

Private Law 85-626

AN ACT

For the relief of Hsiu-Kwang Wu and Hsiu-Huang Wu.

August 23, 1958
[S. 13]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the pur-

Hsiu-Kwang Wu
and Hsiu-Huang
Wu.

66 Stat. 163.
8 USC 1101 note.

poses of the Immigration and Nationality Act, Hsiu-Kwang Wu and Hsiu-Huang Wu shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct the required numbers from the appropriate quota or quotas for the first year that such quota or quotas are available.

Quota deductions.

Approved August 23, 1958.

Private Law 85-627

August 23, 1958
[S. 92]

AN ACT

For the relief of Robert Karia.

Robert Karia.
66 Stat. 182.
8 USC 1182.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of section 212 (a) (19) of the Immigration and Nationality Act, Robert Karia may be issued a visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act: *Provided,* That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this Act.

Approved August 23, 1958.

Private Law 85-628

August 23, 1958
[S. 160]

AN ACT

For the relief of Georgios Ioannou.

Georgios Ioannou.
66 Stat. 163.
8 USC 1101 note.

Quota deduction.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Georgios Ioannou shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

Approved August 23, 1958.

Private Law 85-629

August 23, 1958
[S. 784]

AN ACT

For the relief of Dwight S. Sharer.

Dwight S. Sharer.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Dwight S. Sharer, postmaster at Mount Morris, Illinois, is relieved from liability for repayment to the United States of the amount of \$6,400, representing the amount due the United States on account of the embezzlement of post office funds by Dale M. Lizer, a former clerk in the post office at Mount Morris, Illinois, during the period from July 1951, through June 1954, inclusive.

Approved August 23, 1958.

Private Law 85-630

AN ACT

For the relief of Heinz Farmer.

August 23, 1958
[S. 2052]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 212 (a) (1) of the Immigration and Nationality Act, Heinz Farmer may be issued a visa and be admitted to the United States for permanent residence if otherwise admissible under the provisions of that Act: *Provided,* That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the Immigration and Nationality Act, if the beneficiary is not entitled to medical care under the Dependents' Medical Care Act (70 Stat. 250): *And provided further,* That the exemption granted herein shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this Act.

Approved August 23, 1958.

Heinz Farmer.
66 Stat. 182.
8 USC 1182.

8 USC 1183.

37 USC 401 note.

Private Law 85-631

AN ACT

For the relief of Mary Louise Shields Wilkinson.

August 23, 1958
[S. 2935]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of section 201 (g) of the Nationality Act of 1940, as amended, Mary Louise Shields Wilkinson shall be held and considered to have been physically present in the United States during all the time she was residing abroad with her parents while her father, Leighton Shields, was stationed abroad as an employee of the United States.

Approved August 23, 1958.

Mary L. S. Wil-
kinson.
54 Stat. 1139.

Private Law 85-632

AN ACT

For the relief of Letitia Olteanu.

August 23, 1958
[S. 2943]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, Letitia Olteanu shall be held and considered to be the minor alien child of Ilie Olteanu, a citizen of the United States.

Approved August 23, 1958.

Letitia Olteanu.
66 Stat. 169, 180.
8 USC 1101,
1155.

Private Law 85-633

AN ACT

For the relief of Bernabe Miranda and Manuel Miranda.

August 23, 1958
[S. 2983]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, Bernabe Miranda and Manuel Miranda shall be held and considered to be the minor alien children of Sergeant First Class Elisha Miranda, a citizen of the United States.

Approved August 23, 1958.

Bernabe and
Manuel Miranda.
66 Stat. 169, 180.
8 USC 1101,
1155.

Private Law 85-634

August 23, 1958
[S. 2989]

AN ACT
For the relief of Salvador Miranda.

Salvador Mi-
randa.
66 Stat. 163.
8 USC 1101 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Salvador Miranda shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee.

Approved August 23, 1958.

Private Law 85-635

August 23, 1958
[S. 3010]

AN ACT
For the relief of Jose Mararac.

Jose Mararac.
66 Stat. 169, 180.
8 USC 1101,
1155.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, Jose Mararac shall be held and considered to be the natural-born alien child of Juan Juan Mararac, a citizen of the United States: *Provided,* That no natural parent of the beneficiary, by virtue of such relationship, shall be accorded any right, status or privilege under the Immigration and Nationality Act.

Approved August 23, 1958.

Private Law 85-636

August 23, 1958
[S. 3031]

AN ACT
For the relief of Joseph Daniel Maeda Betterley (Toshikazu Maeda).

Joseph D. M.
Betterley.
66 Stat. 169, 180.
8 USC 1101,
1155.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child Joseph Daniel Maeda Betterley (Toshikazu Maeda) shall be held and considered to be the natural-born alien child of Sergeant and Mrs. Donald James Betterley, citizens of the United States.

Approved August 23, 1958.

Private Law 85-637

August 23, 1958
[S. 3130]

AN ACT
For the relief of Georgios Papakonstantinou.

Georgios Paka-
konstantinou.
66 Stat. 169, 180.
8 USC 1101,
1155.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, Georgios Papakonstantinou shall be held and considered to be the minor alien child of Mr. and Mrs. Gabriel Konstantinou, citizens of the United States.

Approved August 23, 1958.

Private Law 85-638

AN ACT

For the relief of Amile Hatem and Linda Hatem.

August 23, 1958
[S. 3131]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Amile Hatem and Linda Hatem shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct the required numbers from the appropriate quota or quotas for the first year that such quota or quotas are available.

Approved August 23, 1958.

Amile and Linda
Hatem.
66 Stat. 163.
8 USC 1101 note.Quota deduc-
tions.

Private Law 85-639

AN ACT

For the relief of Edeltraud Maria Theresia Collom.

August 23, 1958
[S. 3192]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of paragraph (4) of section 212 (a) of the Immigration and Nationality Act, Edeltraud Maria Theresia Collom may be issued a visa and be admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of such Act: *Provided,* That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act. This Act shall apply only to grounds for exclusion under such paragraph known to the Secretary of State or the Attorney General prior to the date of the enactment of this Act.

Approved August 23, 1958.

Edeltraud M. T.
Collom.
66 Stat. 182.
8 USC 1182.

8 USC 1183.

Private Law 85-640

AN ACT

For the relief of Nick Tsalikis.

August 23, 1958
[S. 3270]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Nick Tsalikis shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

Approved August 23, 1958.

Nick Tsalikis.
66 Stat. 163.
8 USC 1101 note.

Quota deduction.

Private Law 85-641

August 23, 1958
[S. 3305]

AN ACT

For the relief of Adamantia Papavasiliou.

Adamantia Papavasiliou.
66 Stat. 169, 180.
8 USC 1101, 1155.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Adamantia Papavasiliou, shall be held and considered to be the natural-born alien child of Mr. and Mrs. George (Pappas) Papavasiliou, citizens of the United States: *Provided,* That no natural parent of the beneficiary, by virtue of such relationship, shall be accorded any right, status, or privilege under the Immigration and Nationality Act.

Approved August 23, 1958.

Private Law 85-642

August 23, 1958
[S. 3330]

AN ACT

For the relief of Leopoldo Rodriguez-Meza and Adela Rodriguez Gonzales.

Leopoldo Rodriguez-Meza and Adela R. Gonzales.
66 Stat. 163.
8 USC 1101 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Leopoldo Rodriguez-Meza and Adela Rodriguez Gonzales shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fees.

Approved August 23, 1958.

Private Law 85-643

August 23, 1958
[S. 3354]

AN ACT

For the relief of Fuad E. Kattuah.

Fuad E. Kattuah.
66 Stat. 163.
8 USC 1101 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Fuad E. Kattuah shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

Approved August 23, 1958.

Private Law 85-644

August 23, 1958
[S. 3401]

AN ACT

For the relief of Cho Hack Youn.

Cho Hack Youn.
66 Stat. 169, 180.
8 USC 1101, 1155.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and

Nationality Act, the minor child, Cho Hack Youn, shall be held and considered to be the natural-born alien child of Mr. George F. Buck, a citizen of the United States.

Approved August 23, 1958.

Private Law 85-645

AN ACT

For the relief of Nessime Kadoch.

August 23, 1958
[S. 3402]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 212 (a) (1) and (4) of the Immigration and Nationality Act, Nessime Kadoch may be issued a visa and be admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act: *Provided,* That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act: *And provided further,* That the exemption granted herein shall apply only to a ground for exclusion of which the Department of Justice or the Department of State has knowledge prior to the enactment of this Act.

Nessime Kadoch.
66 Stat. 182.
8 USC 1182.

8 USC 1183.

Approved August 23, 1958.

Private Law 85-646

AN ACT

For the relief of Doulatram Chattulane Chavez.

August 23, 1958
[S. 3404]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Doulatram Chattulane Chavez, shall be held and considered to be the natural-born alien child of Sergeant First Class Adolph G. Chavez and Stella H. Chavez, citizens of the United States: *Provided,* That the natural parents of Doulatram Chattulane Chavez shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Doulatram C.
Chavez.
66 Stat. 169, 180.
8 USC 1101,
1155.

Approved August 23, 1958.

Private Law 85-647

AN ACT

For the relief of Alexander Nagy.

August 23, 1958
[S. 3421]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 212 (a) (3) of the Immigration and Nationality Act, Alexander Nagy may be issued a visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act: *Provided,* That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act: *And provided further,* That this exemption shall apply only to a

Alexander Nagy.
66 Stat. 182.
8 USC 1182.

8 USC 1183.

ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this Act.

Approved August 23, 1958.

Private Law 85-648

August 23, 1958
[S. 3598]

AN ACT

For the relief of Feiga Chirinsky Roseman.

Feiga C. Rose-
man.
66 Stat. 163.
8 USC 1101 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Feiga Chirinsky Roseman shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of her last entry into the United States.

8 USC 1183.

Sec. 2. A suitable and proper bond or undertaking, approved by the Attorney General, shall be given on behalf of the said Feiga Chirinsky Roseman in the same manner and subject to the same conditions as bonds or undertakings given under section 213 of such Act.

Approved August 23, 1958.

Private Law 85-649

August 23, 1958
[S. 3615]

AN ACT

For the relief of Wendy Levine.

Wendy Levine.
66 Stat. 169, 180.
8 USC 1101,
1155.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Wendy Levine, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Martin A. Levine, citizens of the United States: *Provided,* That no natural parent of Wendy Levine, by virtue of such relationship, shall be accorded any right, status, or privilege under the Immigration and Nationality Act.

Approved August 23, 1958.

Private Law 85-650

August 23, 1958
[S. 3641]

AN ACT

For the relief of Gertrude Yang Koo.

Gertrude Y. Koo.
66 Stat. 163.
8 USC 1101 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Gertrude Yang Koo shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

Quota deduction.

Approved August 23, 1958.

Private Law 85-651

AN ACT

For the relief of Choe Kum Bok.

August 23, 1958
[S. 3665]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Choe Kum Bok, the fiancée of Jack Putz, a citizen of the United States, shall be eligible for a visa as a nonimmigrant temporary visitor and may be admitted to the United States for a period of three months: *Provided,* That the administrative authorities find (1) that the said Choe Kum Bok is coming to the United States with a bona fide intention of being married to the said Jack Putz and (2) that she is found otherwise admissible under the Immigration and Nationality Act. In the event the marriage between the above-named persons does not occur within three months after the entry of the said Choe Kum Bok, she shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of the Immigration and Nationality Act. In the event that the marriage between the above-named persons shall occur within three months after the entry of the said Choe Kum Bok, the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Choe Kum Bok as of the date of the payment by her of the required visa fee.

Choe K. Bok.
66 Stat. 163.
8 USC 1101 note.

Approved August 23, 1958.

Private Law 85-652

JOINT RESOLUTION

For the relief of certain aliens.

August 23, 1958
[H. J. Res. 595]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Sho Ging Wong, Mrs. Kiyoko Kume, Mrs. Katarzyna Sachnowska, Antonio Maria de Almeida Santos, Sister Gabriele (also known as Mikalina Vaicaityte), Kiyohito Tsutsui, Giovannino Tiberio, and Leslie C. Jabara shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fees. Upon the granting of permanent residence to each alien as provided for in this section of this Act, if such alien was classifiable as a quota immigrant at the time of the enactment of this Act, the Secretary of State shall instruct the proper quota-control officer to reduce by one the quota for the quota area to which the alien is chargeable for the first year that such quota is available.

Sho G. Wong and
others.
66 Stat. 163.
8 USC 1101 note.Quota deduc-
tions.

SEC. 2. For the purposes of the Immigration and Nationality Act, Enrique Ruiz shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee: *Provided,* That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act.

Enrique Ruiz.
8 USC 1101 note.

8 USC 1183.

SEC. 3. For the purposes of the Immigration and Nationality Act, Mrs. Yvonne Jeanne Gauthier, Patrick Jean Jacques Gauthier, and Mary Pecsek shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fees.

Yvonne J.
Gauthier and
others.

SEC. 4. The natural parents of Giovannino Tiberio and Mary Pecek, by virtue of such relationship, shall not be accorded any right, status, or privilege under the Immigration and Nationality Act.
Approved August 23, 1958.

Private Law 85-653

August 23, 1958
[H. J. Res. 620]

JOINT RESOLUTION

For the relief of certain aliens.

Henry Baranczak
and others.
66 Stat. 163.
8 USC 1101 note.

Quota deduc-
tions.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Henry Baranczak, Frank Folta, Bronislaw Jozwiak, Michael Lorek, and Stanley Lawrence Ahern shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fees. Upon the granting of permanent residence to each alien as provided for in this Act, if such alien was classifiable as a quota immigrant at the time of the enactment of this Act, the Secretary of State shall instruct the proper quota-control officer to reduce by one the quota for the quota area to which the alien is chargeable for the first year that such quota is available.

Approved August 23, 1958.

Private Law 85-654

August 23, 1958
[H. J. Res. 636]

JOINT RESOLUTION

To waive certain provisions of section 212 (a) of the Immigration and Nationality Act in behalf of certain aliens.

Salvador Madri-
gal-Salcedo.
66 Stat. 182.
8 USC 1182.

Joaquin S.
Revuelta-Sahagun.
8 USC 1182.

Allan Levy and
Vincenza Eletto.
8 USC 1182.

8 USC 1183.

Albert Albarede.
8 USC 1182.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 212 (a) (31) of the Immigration and Nationality Act, Salvador Madrigal-Salcedo may be issued a visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act.

SEC. 2. Notwithstanding the provisions of section 212 (a) (9), (17), and (19) of the Immigration and Nationality Act, Joaquin Sergio Revuelta-Sahagun may be issued a visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act.

SEC. 3. Notwithstanding the provision of section 212 (a) (1) of the Immigration and Nationality Act, Allan Levy and Vincenza Eletto may be issued visas and admitted to the United States for permanent residence if they are found to be otherwise admissible under the provisions of that Act: *Provided,* That suitable and proper bonds or undertakings, approved by the Attorney General, be deposited as prescribed by section 213 of said Act.

SEC. 4. Notwithstanding the provisions of section 212 (a) (9) and (19) of the Immigration and Nationality Act, Albert Albarede may be issued a visa and be admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act.

SEC. 5. The exemptions provided for in this Act shall apply only to grounds for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

Approved August 23, 1958.

Private Law 85-655

JOINT RESOLUTION

To facilitate the admission into the United States of certain aliens.

August 23, 1958
[H. J. Res. 652]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Catherine Mokides, shall be held and considered to be the natural-born alien child of John and Constantina Mokides, citizens of the United States.

Catherine M o -
kides.
66 Stat. 169, 180.
8 U S C 1101,
1155.

SEC. 2. For the purposes of section 101 (a) (27) (F) of the Immigration and Nationality Act, Etsuko Hori shall be deemed to be the minor child of her father, Reverend Iwahei Hori, who was admitted to the United States as a nonquota immigrant under the said section.

Etsuko Hori.
8 USC 1101.

SEC. 3. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Vincenzo Guliotta Salpietro, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Franco Salpietro, citizens of the United States.

Vincenzo G. Sal-
pietro.
8 U S C 1101,
1155.

SEC. 4. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Constante Saguing Nuval Tacata, shall be held and considered to be the natural-born alien child of George T. Tacata, a citizen of the United States, and his wife, Constanca Nuval de Tacata, a lawful resident alien of the United States.

Constante S. N.
Tacata.
8 U S C 1101,
1155.

SEC. 5. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, Aurelio and Vicencio Restauero shall be held and considered to be the minor natural-born alien children of Florentino Restauero, a citizen of the United States.

Aurelio and Vi-
cencio Restauero.
8 U S C 1101,
1155.

SEC. 6. Notwithstanding the provisions of sections 201 (a) and 202 (a) and (b) of the Immigration and Nationality Act, Elizabeth Augestad shall be held to have been born in Norway.

Elizabeth Auge-
stad.
8 U S C 1151,
1152.

SEC. 7. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, Ashghen and Hagop Tozlian shall be held and considered to be the minor natural-born alien children of Peter Tozlian, a citizen of the United States.

Ashghen and
Hagop Tozlian.
8 U S C 1101,
1155.

SEC. 8. For the purposes of sections 203 (a) (3) and 205 of the Immigration and Nationality Act, Maria Stella LiDestri shall be held and considered to be the alien minor child of Mr. Raffaello LiDestri, a lawful resident alien of the United States.

Maria S. LiDes-
tri.
8 U S C 1153,
1155.

SEC. 9. The natural parents of the beneficiaries of sections 1, 3, and 4 of this Act shall not, by virtue of such parentage, be accorded any right, privilege or status, under the Immigration and Nationality Act.

Approved August 23, 1958.

Private Law 85-656

AN ACT

For the relief of Lucy Rolandone.

August 23, 1958
[H. R. 2592]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$2,500 to Lucy Rolandone, of Oakland, California, in full settlement of all claims against the United States for personal injuries, hospital and medical expense sustained as the result of an accident in-

Lucy Rolandone.

volving a Federal Communications Commission vehicle at the intersection of Williams and Clarke Streets, San Leandro, California, on June 14, 1942: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved August 23, 1958.

Private Law 85-657

AN ACT

For the relief of Erika Gorenstein Nathanson.

August 23, 1958
[H. R. 3140]

Erika G. Nathanson.
66 Stat. 163.
8 USC 1101 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Erika Gorenstein Nathanson shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee: *Provided*, That the natural parents of Erika Gorenstein Nathanson shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Approved August 23, 1958.

Private Law 85-658

AN ACT

For the relief of Demetrius Daskalakis.

August 23, 1958
[H. R. 7330]

Demetrius Daskalakis.
66 Stat. 182.
8 USC 1182.

8 USC 1183.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 212 (a) (4) of the Immigration and Nationality Act, Demetrius Daskalakis may be issued a visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act: *Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act: *And provided further*, That the exemption granted herein shall apply only to a ground for exclusion of which the Department of State and the Department of Justice has knowledge prior to the enactment of this Act.

Approved August 23, 1958.

Private Law 85-659

AN ACT

For the relief of Shizuko Sese Sheveland.

August 23, 1958
[H. R. 7725]

Shizuko S. Sheveland.
66 Stat. 169, 180.
8 USC 1101, 1155.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Shizuko Sese Sheveland, the widow of a United States citizen, shall be deemed to be

within the purview of section 101 (a) (27) (A) of that Act, and the provisions of section 205 of that Act shall not be applicable in this case.

Approved August 23, 1958.

Private Law 85-660

AN ACT

For the relief of Mrs. Margaret N. Meister.

August 23, 1958
[H. R. 8407]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Margaret N. Meister, York, Pennsylvania, the sum of \$1,007.70. The payment of such sum shall be in full settlement of all claims of Margaret Meister against the United States for arrears of military pay and allowances due her son, Technical Sergeant Ralph N. Warne (serial number 12142954), at the date of his death, February 16, 1945: *Provided,* That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Margaret N.
Meister.

Approved August 23, 1958.

Private Law 85-661

AN ACT

For the relief of Hubert D. Thatcher, Robert R. Redston, Andrew E. Johnson, William L. Barber, Alex Kamkoff, and William S. Denisevich.

August 23, 1958
[H. R. 8905]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the persons enumerated below the sums specified, in full settlement of all claims against the Government of the United States as reimbursement for personal effects destroyed as a result of the fire which occurred on October 28, 1955, at Copper "D" survey location, mile 61, Valdez, Alaska, when the claimants were employed by the Alaska Road Commission (now the Bureau of Public Roads): Hubert D. Thatcher, \$359.25; Robert R. Redston, \$161; Andrew E. Johnson, \$293.25; William L. Barber, \$141; Alex Kamkoff, \$394; and William S. Denisevich, \$200.

Hubert D.
Thatcher and
others.

SEC. 2. No part of the amounts appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with these claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved August 23, 1958.

Private Law 85-662

August 23, 1958
[H. R. 9783]

AN ACT

For the relief of Mrs. Henry Oscar (Olga McCurdy) Ramsey.

Mrs. Henry O.
Ramsey.
66 Stat. 269.
8 USC 1484.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, section 352 (a) shall not apply to Mrs. Henry Oscar (Olga McCurdy) Ramsey.
Approved August 23, 1958.

Private Law 85-663

August 23, 1958
[H. R. 10515]

AN ACT

For the relief of Harley D. Rucker.

Harley D. Ruck-
er.
39 Stat. 746.
5 USC 765-770.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 15 through 20, inclusive, of the Federal Employees' Compensation Act, as amended, are hereby waived in favor of Harley D. Rucker of Saint Paris, Ohio, for his claim for compensation and disability resulting from an injury alleged to have been sustained by him on or about September 9, 1944, while in the performance of duty as an employee at Wright-Patterson Air Force Base, and that his said claim shall be acted upon under the remaining provisions of such Act if he files such claim with the Bureau of Employees' Compensation, United States Department of Labor, not later than sixty days after the date of enactment of this Act: *Provided*, That no benefits except medical and hospital expenses shall accrue prior to the enactment of this Act.*
Approved August 23, 1958.

Private Law 85-664

August 23, 1958
[H. R. 11236]

AN ACT

For the relief of Arthur G. Williams.

Arthur G.
Williams.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Arthur G. Williams, Assistant Postmaster, Jesup, Georgia, is relieved from liability for repayment to the United States of the amount due the United States on account of the embezzlement of \$11,163.72 of post office funds by Leon W. Martin, substitute clerk in the Jesup post office in the State of Georgia, during the period July 1950 and March 1951: *Provided*, That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.*

Approved August 23, 1958.

Private Law 85-665

AN ACT

For the relief of Everett A. Ross.

August 23, 1958
[H. R. 13151]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Everett A. Ross, Stockton, California, the sum of \$712.61. Such sum represents the amount of the judgment and costs for which the said Everett A. Ross was held liable on February 4, 1952, in a civil action in the justice court of Stockton, California, as the result of an accident which occurred at the intersection of Charter Way and Sharps Lane in Stockton, California, on November 3, 1950, and which involved a United States mail truck being driven by the said Everett A. Ross, a temporary letter carrier in the United States Post Office, Stockton, California. Such sum shall be paid only on condition that the said Everett A. Ross shall use such sum, or so much thereof as may be necessary, to pay such judgment and costs in full: *Provided*, That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved August 23, 1958.

Everett A. Ross.

Private Law 85-666

AN ACT

For the relief of Paul Thury.

August 26, 1958
[S. 400]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Paul Thury, of Parkston, South Dakota, the sum of \$200. The payment of such sum shall be in full satisfaction of his claim against the United States for compensation for losses sustained by him on his corn crop for 1955, such loss having resulted from an error, by a representative of the Department of Agriculture, in the measurement of the corn acreage which was allotted the said Paul Thury pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended: *Provided*, That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved August 26, 1958.

Paul Thury.

52 Stat. 31.
7 USC 1281.

Private Law 85-667

August 26, 1958
[S. 540]

AN ACT

For the relief of the Board of National Mission of the Presbyterian Church in the United States of America.

Board of National Mission of the Presbyterian Church.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Board of National Mission of the Presbyterian Church in the United States of America is hereby relieved of all liability for payment to the United States of the sum of \$2,337, which represents twenty-two forty-sevenths of the amount of the claim of the United States against the said board, under contract numbered I-130-IND-270 entered into between the said board and the Department of the Interior on September 29, 1933, for reimbursement of certain costs incurred by the United States in the construction and rehabilitation of certain irrigation facilities located at Ganado Mission, Ganado, Arizona.

The twenty-two acres with respect to which construction charges are canceled by this Act shall not be eligible to receive irrigation water from the Ganada irrigation project unless the owner thereof contracts with the Secretary of the Interior to pay the construction charges allocated to such acres in installments as authorized by law. The Secretary of the Interior is authorized to agree to an amendment to said contract numbered I-130-IND-270 that spreads the uncanceled portion of the construction charges over the remaining contract period.

Approved August 26, 1958.

Private Law 85-668

August 26, 1958
[S. 1542]

AN ACT

For the relief of Lori Biagi.

Lori Biagi,
66 Stat. 178, 180,
8 U S C 1153,
1155.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 203 (a) (3) and 205 of the Immigration and Nationality Act, Lori Biagi shall be held and considered to be the minor natural-born alien child of Mr. and Mrs. Maurizio Biagi, lawfully resident aliens in the United States.

Approved August 26, 1958.

Private Law 85-669

August 26, 1958
[S. 2004]

AN ACT

For the relief of George and Emma Clifford.

George and Emma Clifford.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$2,350 to George and Emma Clifford, of Pine Ridge, South Dakota. The payment of such sum shall be in full satisfaction of the claims of the said George and Emma Clifford for damages suffered by them in 1942 when they were forced to move from their home and forced to move their place of business as a result of the taking by the United States Army, for use as an aerial gunnery range, the land upon which their home and business were located: *Provided,* That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the

contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved August 26, 1958.

Private Law 85-670

AN ACT

For the relief of Genoveffa Migliozi.

August 26, 1958
[S. 2043]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Genoveffa Migliozi, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Niles Bassett, citizens of the United States: *Provided,* That the natural parents of the beneficiary shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Genoveffa Migliozi.
66 Stat. 169, 180.
8 U S C 1101, 1155.

Approved August 26, 1958.

Private Law 85-671

AN ACT

For the relief of Hasan Muhammad Tiro.

August 26, 1958
[S. 2262]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Hasan Muhammad Tiro shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

Hasan M. Tiro.
66 Stat. 163.
8 USC 1101 note.

Quota deduction.

Approved August 26, 1958.

Private Law 85-672

AN ACT

For the relief of John J. Spriggs.

August 26, 1958
[S. 2629]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any statute of limitations or lapse of time, jurisdiction is hereby conferred upon the United States District Court for the District of Wyoming to hear, determine, and adjudicate any claim of John J. Spriggs of Lander, Wyoming, against the United States relating to certain lands in the Wind River Indian Reservation, Wyoming, conveyed to him by quitclaim deed by Mary Bradford O'Neal Candler on November 18, 1925. Suit upon any such claim may be instituted at any time within one year after the date of the enactment of this Act: *Provided,* That nothing in this Act shall be construed as an inference of liability on the part of the United States.

John J. Spriggs.

Approved August 26, 1958.

Private Law 85-673

August 26, 1958
[S. 2850]

AN ACT

For the relief of Maria Pontillo.

Maria Pontillo.
66 Stat. 163.
8 USC 1101 note.

Quota deduc-
tion.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Maria Pontillo shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee: *Provided,* That the natural parents of the beneficiary shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

Approved August 26, 1958.

Private Law 85-674

August 26, 1958
[S. 2936]

AN ACT

For the relief of Feofania Bankevitz.

Feofania Banke-
vitz.
66 Stat. 182.
8 USC 1182.

37 USC 401 note.

8 USC 1183.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That, notwithstanding the provision of section 212 (a) (6) of the Immigration and Nationality Act, Feofania Bankevitz may be issued a visa and be admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of that Act, under such conditions and controls which the Attorney General, after consultation with the Surgeon General of the United States Public Health Service, Department of Health, Education, and Welfare, may deem necessary to impose: *Provided,* That if the beneficiary is not entitled to medical care under the Dependents' Medical Care Act (70 Stat. 250), a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the Immigration and Nationality Act: *And provided further,* That the exemption granted herein shall apply only to a ground for exclusion of which the Department of Justice or the Department of State had knowledge prior to the enactment of this Act.

Approved August 26, 1958.

Private Law 85-675

August 26, 1958
[S. 3055]

AN ACT

For the relief of Ronald H. Denison.

Ronald H. Deni-
son.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Ronald H. Denison of Kalamazoo, Michigan, is hereby relieved of all liability for repayment to the United States of the sum of \$1,217.42, representing overpayments of longevity paid to the said Ronald H. Denison, while he was an officer in the United States Air Force, such overpayments having been made as the result of administrative error.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Ronald H. Denison, the sum of any amounts received or withheld from him on account of the overpayments referred to in the first section of this Act: *Provided*, That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved August 26, 1958.

Private Law 85-676

AN ACT

For the relief of Kiyoshi Ueda.

August 26, 1958
[S. 3316]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, Kiyoshi Ueda shall be held and considered to be the natural-born alien child of Willis Edward Fisher, a citizen of the United States.

Kiyoshi Ueda.
66 Stat. 169, 180.
8 U S C 1101,
1155.

Approved August 26, 1958.

Private Law 85-677

AN ACT

For the relief of Wong Wing Boa.

August 26, 1958
[S. 3509]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Wong Wing Boa, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Frank S. Wong, citizens of the United States: *Provided*, That no natural parent of Wong Wing Boa, by virtue of such relationship, shall be accorded any right, status, or privilege under the Immigration and Nationality Act.

Wong W. Boa.
66 Stat. 169, 180.
8 U S C 1101,
1155.

Approved August 26, 1958.

Private Law 85-678

AN ACT

For the relief of Maria Michela Leo Di Gioia.

August 26, 1958
[S. 3676]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Attorney General is authorized and directed to cancel any outstanding order and warrant of deportation, warrant of arrest, and bonds, which may have issued in the case of Maria Michela Leo Di Gioia. From and after the date of the enactment of this Act, the said Maria Michela Leo Di Gioia shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and order have issued.

Maria M. L. Di
Gioia.

Approved August 26, 1958.

Private Law 85-679

AN ACT

For the relief of Hermine Elmon Papazian.

August 26, 1958
[S. 3739]Hermine E.
Papazian.
66 Stat. 163.
8 USC 1101 note.Quota deduc-
tion.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Hermine Elmon Papazian shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

Approved August 26, 1958.

Private Law 85-680

AN ACT

For the relief of Cynthia Elizabeth Jefferson (Mimi Kurosaka) and Sylvia Elise Jefferson (Junko Tano).

August 26, 1958
[S. 3743]Cynthia E. and
Sylvia E. Jeff-
erson.
66 Stat. 169, 180.
8 USC 1101,
1155.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor children, Cynthia Elizabeth Jefferson (Mimi Kurosaka) and Sylvia Elise Jefferson (Junko Tano), shall be held and considered to be the natural-born alien children of Sergeant First Class Sylvia R. Jefferson, a citizen of the United States: *Provided*, That no natural parent of Cynthia Elizabeth Jefferson (Mimi Kurosaka) and Sylvia Elise Jefferson (Junko Tano), by virtue of such relationship, shall be accorded any right, status, or privilege under the Immigration and Nationality Act.*

Approved August 26, 1958.

Private Law 85-681

AN ACT

For the relief of Donald J. Marion.

August 26, 1958
[S. 3789]

Donald J. Marion.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Donald J. Marion of West Newbury, Massachusetts, is hereby relieved of all liability for payment to the United States of the sum of \$571.20, representing overpayments of per diem which he received as an employee of the Department of the Navy while he was assigned to duty at the Golcuk Navy Yard, Ismet, Turkey, such overpayments having been made as a result of administrative error.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Donald J. Marion, the sum of any amounts received or withheld from him on account of the overpayments referred to in the first section of this Act.

Approved August 26, 1958.

Private Law 85-682

AN ACT

For the relief of Kunio Inouye (Sparkman).

August 26, 1958
[S. 4020]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Kunio Inouye (Sparkman), shall be held and considered to be the natural-born alien child of Lois Sparkman, a citizen of the United States: *Provided,* That no natural parent of Kunio Inouye (Sparkman), by virtue of such relationship, shall be accorded any right, status, or privilege under the Immigration and Nationality Act.

Approved August 26, 1958.

Kunio Inouye.
66 Stat. 169, 180.
8 U S C 1101,
1155.

Private Law 85-683

AN ACT

For the relief of Marianne (Sachiko) Fuller.

August 26, 1958
[S. 4081]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Marianne (Sachiko) Fuller, shall be held and considered to be the natural-born alien child of Jean M. Fuller, a citizen of the United States: *Provided,* That no natural parent of Marianne (Sachiko) Fuller, by virtue of such relationship, shall be accorded any right, status, or privilege under the Immigration and Nationality Act.

Approved August 26, 1958.

Marianne Fuller.
66 Stat. 169, 180.
8 U S C 1101,
1155.

Private Law 85-684

JOINT RESOLUTION

To facilitate the admission into the United States of certain aliens.

August 26, 1958
[H. J. Res. 634]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Garifalia Kilerzes, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Peter Coster, citizens of the United States.

SEC. 2. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Fitzgerald Browne, shall be held and considered to be the natural-born alien child of McDonald Fitzgerald Browne, a citizen of the United States.

SEC. 3. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Katija Bozanja, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Tony Kurtela, citizens of the United States.

SEC. 4. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, Norma Conchita Magracia Valmores shall be held and considered to be the minor natural-born alien child of Mr. Sinforoso Aparis, a citizen of the United States.

Garifalia Kilerzes.
66 Stat. 169, 180.
8 U S C 1101,
1155.Fitzgerald Browne.
8 U S C 1101,
1155.Katija Bozanja.
8 U S C 1101,
1155.Norma C. M. Valmores.
8 U S C 1101,
1155.

Alberto S. Caramanzana.
8 USC 1101,
1155.

SEC. 5. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Alberto Salariosa Caramanzana, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Adolfo Caramanzana, citizens of the United States.

Walid T. Nassar.
8 USC 1101,
1155.

SEC. 6. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Walid Tawfiq Nassar, shall be held and considered to be the natural-born alien child of Mr. and Mrs. M. F. Courie, citizens of the United States.

Lee MacDonald.
8 USC 1101,
1155.

SEC. 7. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Lee MacDonald, shall be held and considered to be the natural-born alien child of Lieutenant Angus MacDonald, a citizen of the United States.

Lucia Trombetta.
8 USC 1153,
1155.

SEC. 8. For the purposes of sections 203 (a) (3) and 205 of the Immigration and Nationality Act, Lucia Trombetta, shall be held and considered to be the natural-born minor alien child of Mr. and Mrs. Antonio Trombetta, lawful residents of the United States.

Assunta Ristagno.
8 USC 1101,
1155.

SEC. 9. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Assunta Ristagno, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Carl Ristagno, citizens of the United States.

Eleni Hagemanole.
8 USC 1101,
1155.

SEC. 10. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Eleni Hagemanole, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Emanuel Vaseleou Hagemanole, citizens of the United States.

Janusz Kurylko.
8 USC 1101,
1155.

SEC. 11. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Janusz Kurylko, shall be held and considered to be the natural-born alien child of Anna Kurylko, a citizen of the United States.

Nikoleta Lampropoulou.
8 USC 1101,
1155.

SEC. 12. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, Nikoleta Lampropoulou shall be held and considered to be the natural-born minor alien child of Mr. and Mrs. James Zouboukos, citizens of the United States.

SEC. 13. The natural parents of the beneficiaries of sections 1, 3, 5, 6, 9, 10, and 12 of this Act shall not, by virtue of such parentage, be accorded any right, privilege or status under the Immigration and Nationality Act.

Eiko Soeno.
8 USC 1101 note.

SEC. 14. In the administration of the Immigration and Nationality Act, Eiko Soeno, the fiancée of William C. Peoples, a citizen of the United States, shall be eligible for a visa as a nonimmigrant temporary visitor for a period of three months: *Provided*, That the administrative authorities find that the said Eiko Soeno is coming to the United States with a bona fide intention of being married to the said William C. Peoples and that she is found otherwise admissible under the immigration laws. In the event the marriage between the above-named persons does not occur within three months after the entry of the said Eiko Soeno, she shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of sections 242 and 243 of the Immigration and Nationality Act. In the event that the marriage between the above-named persons shall occur within three months after the entry of the said Eiko Soeno, the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Eiko Soeno as of the date of the payment by her of the required visa fee.

8 USC 1252,
1253.

Salvatore Verderame.
8 USC 1101 note.

SEC. 15. In the administration of the Immigration and Nationality Act, Salvatore Verderame, the fiancé of Sarah Testa, a citizen of the

United States, shall be eligible for a visa as a nonimmigrant temporary visitor for a period of three months: *Provided*, That the administrative authorities find that the said Salvatore Verderaime is coming to the United States with a bona fide intention of being married to the said Sarah Testa and that he is found otherwise admissible under the immigration laws. In the event the marriage between the above-named persons does not occur within three months after the entry of the said Salvatore Verderaime, he shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of sections 242 and 243 of the Immigration and Nationality Act. In the event that the marriage between the above-named persons shall occur within three months after the entry of the said Salvatore Verderaime, the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Salvatore Verderaime as of the date of the payment by him of the required visa fee.

8 U S C 1252,
1253.

Approved August 26, 1958.

Private Law 85-685

AN ACT

For the relief of Massman-Patti-Tanner and Mitchell.

August 26, 1958
[H. R. 1329]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$17,037.98 to Massman-Patti-Tanner and Mitchell, of Kansas City, Missouri, in full settlement of all claims against the United States. Such sum represents reimbursement of premium wages paid to employees, and State taxes thereon, for services performed in connection with the rehabilitation of the Sunflower Ordnance Works near Lawrence, Kansas, under cost-plus-a-fixed-fee contract numbered DA-23-028-ENG-440, dated January 2, 1951: *Provided*, That prior to the payment of the sum provided for in this Act, Massman-Patti-Tanner and Mitchell of Kansas City, Missouri, shall be required to present evidence establishing that its subcontractors have been fully reimbursed for premium wages paid by those subcontractors for work under said contract: *And provided further*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Massman-Patti-
Tanner and
Mitchell.

Approved August 26, 1958.

Private Law 85-686

AN ACT

For the relief of John F. Smith.

August 26, 1958
[H. R. 2062]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Chief Electrician John F. Smith, United States Navy, retired (serial number 377339), is relieved of liability to repay to the United States the

John F. Smith.

47 Stat. 406.

sum of \$23,317.40, which was erroneously paid to him as retired pay for the period beginning April 26, 1946, and ending June 30, 1954, both dates inclusive, in violation of section 212 of the Act approved June 30, 1932 (5 U. S. C., sec. 59a). In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given for any amounts for which liability is relieved by this Act.

Approved August 26, 1958.

Private Law 85-687

August 26, 1958
[H. R. 2338]

AN ACT

For the relief of the Security Feed and Seed Company.

Security Feed
and Seed Co.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$1,000 to the Security Feed and Seed Company, of Johnson City, Tennessee, in full settlement of all claims against the United States. Such sum represents property damages sustained as the result of an accident involving a United States Army vehicle, which occurred on U. S. Highway Numbered 11-E, about nine miles from Greeneville, Tennessee, on August 9, 1951: *Provided,* That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved August 26, 1958.

Private Law 85-688

August 26, 1958
[H. R. 3904]

AN ACT

For the relief of Nunik Firjanian and Florence Thomasi.

Nunik Firjanian
and Florence
Thomasi.
66 Stat. 163.
8 USC 1101 note.

Quota deduc-
tions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purposes of the Immigration and Nationality Act, Nunik Firjanian and Florence Thomasi shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct two numbers from the appropriate quota for the first year that such quota is available.

Approved August 26, 1958.

Private Law 85-689

August 26, 1958
[H. R. 6589]

AN ACT

For the relief of Elizabeth C. Garner and Charles P. Garner.

Elizabeth C. and
Charles P. Garner.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 15

to 20, inclusive, of the Federal Employees' Compensation Act are hereby waived in favor of Elizabeth C. Garner and Charles P. Garner and their claims for compensation benefits by reason of the Act of July 15, 1939 (5 U. S. C. 797, 797a), arising out of the death of William C. Garner (serial number AO807724), who died on January 19, 1949, as the result of an aircraft accident which occurred while he was serving on active duty for training as an officer of the United States Air Force, shall be acted upon under the remaining provisions of the Federal Employees' Compensation Act if Elizabeth C. Garner files claim for such benefits on her own behalf and on behalf of the said Charles P. Garner with the Bureau of Employees' Compensation, Department of Labor within six months after the date of enactment of this Act. Any amounts which accrue to Elizabeth C. Garner and Charles P. Garner by reason of the enactment of this Act shall be reduced by an amount equal to all amounts received by them from the Veterans' Administration on account of the death of the said William C. Garner.

Approved August 26, 1958.

39 Stat. 746.
5 USC 765-770.
53 Stat. 1042; 60
Stat. 893.

Private Law 85-690

AN ACT

For the relief of Colonel Russell King Alspach.

August 26, 1958
[H. R. 7198]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Colonel Russell King Alspach, a professor at the United States Military Academy, who was appointed to this office prior to August 7, 1947, may, if he retires under section 3886 of title 10, United States Code, elect to receive monthly retired pay computed at the rate of 75 per centum of the basic pay of the grade which he holds at the time of his retirement, or to receive monthly retired pay computed under other provisions of law applicable to him.

Approved August 26, 1958.

Col. Russell K.
Alspach.

70A Stat. 222.

Private Law 85-691

AN ACT

For the relief of certain employees of the Department of the Air Force, Mobile Air Materiel Area.

August 26, 1958
[H. R. 8134]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) each of the following named persons is hereby relieved of all liability to refund to the United States the amount of overpayments made to him during the period from December 21, 1952, to November 4, 1956, by the Secretary of the Air Force as a result of an error in the conversion of his position from the wage board system to the General Schedule grades under the Classification Act of 1949, as amended, while such person was employed by the Department of the Air Force, Mobile Air Materiel Area: Archie E. Albritton, Mobile, Alabama; John D. Almond, Mobile, Alabama; David B. Bouler, Mobile, Alabama; Frederick A. Bumgardner, Mobile, Alabama; David L. Burlison, Mobile, Alabama; Melvin T. Busby, Mobile, Alabama; Elmer M. Chambers, Mobile, Alabama; Lee N. Cornell, Chickasaw, Alabama; Jimmie G. Dodd, Mobile, Alabama; Norbert A. Duff, Irvington, Alabama; Lowell M. Estes, Mobile, Alabama; Donis R. Ferguson, Daphne, Alabama; John

Archie E. Al-
britton and others.

63 Stat. 954.
5 USC 1071 note.

F. Findley, Mobile, Alabama; Charles E. Fitzgerald, Mobile, Alabama; William H. Fobes, Mobile, Alabama; Converse Harwell, Fairhope, Alabama; Franklin G. Henning, Mobile, Alabama; John H. Hines, Citronelle, Alabama; Hugh M. Hodge, Mobile, Alabama; Claudie W. Hudson, Mobile, Alabama; Lucius C. Huff, Chickasaw, Alabama; William W. Jennings, Eight Mile, Alabama; Byron H. Jordan, Mobile, Alabama; Lionel E. Kay, Mobile, Alabama; Carl W. Killinen, Mobile, Alabama; Marshall R. Leffew, Mobile, Alabama; Leonard C. McCarter, Mobile, Alabama; Clyde H. McLeod, Mobile, Alabama; Buford C. Mallette, Lucedale, Mississippi; Rush L. Mauney, Mobile, Alabama; Paul F. Morgan, Mobile, Alabama; Raymond Nobles, Mobile, Alabama; Emile J. Nussbaum, Jr., Mobile, Alabama; William R. Peavy, Robertsedale, Alabama; George L. Pennington, Mobile, Alabama; Theron R. Petway, Mobile, Alabama; George R. Poe, Mobile, Alabama; William H. Pugh, Jr., Prichard, Alabama; George R. Rawlins, Mobile, Alabama; Sidney M. Reynolds, Mobile, Alabama; Hubert R. Riels, Mobile, Alabama; Floyd M. Reynolds, Mobile, Alabama; Clyde B. Rutherford, Lucedale, Mississippi; William R. Scott, Mobile, Alabama; Barnie B. Short, New Orleans, Louisiana; Walter B. Simison, Mt. Vernon, Alabama; Henry Smith, Mobile, Alabama; Claude W. Sweetser, Spring Hill, Alabama; Troy Thacker, Mobile, Alabama; James C. Tumblison, Birmingham, Alabama; Julius T. Turner, Mobile, Alabama; John B. Volnoff, Mobile, Alabama; James E. Walker, Mobile, Alabama; Thomas K. West, Mobile, Alabama; Thornton P. Williams, Mobile, Alabama; Ben R. Wilson, Mobile, Alabama; Gerald E. Hardman, Cleveland, Ohio; Ray O. McCrite, Bennington, Oklahoma.

(b) In the audit and settlement of the accounts of any certifying or disbursing officer of the United States full credit shall be given for all amounts for which liability is relieved by subsection (a) of this section.

(c) The Secretary of the Air Force, out of appropriations available to the Department of the Air Force, is authorized and directed to pay to any person named in subsection (a) such sums as that person may have refunded to the United States in repayment for all or part of any overpayment made as a result of the error described in subsection (a).

Approved August 26, 1958.

Private Law 85-692

AN ACT

For the relief of Ella H. Natafalusy.

August 26, 1958
[H. R. 8732]

Ella H. Natafalusy.
67 Stat. 501.
37 USC 371 note.
70A Stat. 108.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Uniformed Services Contingency Act of 1953, and chapter 73 of title 10 of the United States Code, the late Chief Warrant Officer Alex Natafalusy, United States Army, retired, shall be held and considered to have personally signed, on January 2, 1954, the form indicating that he elected under the provisions of such Act to receive reduced retired pay in order to provide an annuity for his widow of one-fourth of such reduced retired pay, which form was in fact executed by his daughter, La Nelle Natafalusy, on January 2, 1954, under authority of a power of attorney executed by the late Alex Natafalusy in favor of such daughter on December 31, 1953.

Approved August 26, 1958.

Private Law 85-693

AN ACT

For the relief of Genoveva Rioseco Caswell.

August 26, 1958
[H. R. 9160]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Genoveva Rioseco Caswell, who lost United States citizenship under the provisions of section 404 (c) of the Nationality Act of 1940, may be naturalized by taking prior to one year after the effective date of this Act, before any court referred to in subsection (a) of section 310 of the Immigration and Nationality Act or before any diplomatic or consular officer of the United States abroad, the oaths prescribed by section 337 of the said Act. From and after naturalization under this Act, the said Genoveva Rioseco Caswell shall have the same citizenship status as that which existed immediately prior to its loss.

Approved August 26, 1958.

Genoveva R.
Caswell.
54 Stat. 1170.
8 USC 801 note.66 Stat. 239, 258.
8 USC 1421,
1448.

Private Law 85-694

AN ACT

For the relief of Mrs. Sumpter Smith.

August 26, 1958
[H. R. 9197]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Sumpter Smith, Birmingham, Alabama, the amount certified by the Secretary of Commerce under section 2. The payment of such sum shall be in full settlement of all claims of the said Mrs. Sumpter Smith against the United States for 68 days and 30 minutes of accumulated and accrued annual leave of her husband as an employee of the United States, which was forfeited by him when he resigned from his permanent position with the Civil Aeronautics Authority to accept a temporary appointment on November 3, 1939: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Mrs. Sumpter
Smith.

SEC. 2. The Secretary of Commerce shall determine and certify to the Secretary of the Treasury the amount which would have been paid to the husband of the said Mrs. Sumpter Smith under the Act of April 7, 1942 (56 Stat. 200) pursuant to his application therefor on January 31, 1942, if the accumulated and accrued annual leave which he forfeited upon his resignation on November 30, 1939, from his permanent position with the Civil Aeronautics Authority had been validly transferred to his temporary appointment and reappointment as Special Airport Adviser to the Administrator, Civil Aeronautics Authority, Department of Commerce.

5 USC 61a.

Approved August 26, 1958.

Private Law 85-695

August 26, 1958
[H. R. 9851]

AN ACT

For the relief of Tsuyako Ikeda.

Tsuyako Ikeda.
54 Stat. 1169.
8 USC 801 note.

66 Stat. 239, 258.
8 U S C 1421,
1448.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Tsuyako Ikeda, who lost United States citizenship under the provisions of section 401 (e) of the Nationality Act of 1940, may be naturalized by taking prior to one year after the effective date of this Act, before any court referred to in subsection (a) of section 310 of the Immigration and Nationality Act or before any diplomatic or consular officer of the United States abroad, the oaths prescribed by section 337 of the said Act. From and after naturalization under this Act, the said Tsuyako Ikeda shall have the same citizenship status as that which existed immediately prior to its loss.

Approved August 26, 1958.

Private Law 85-696

August 26, 1958
[H. R. 12204]

AN ACT

For the relief of Peter A. Beklemishev, Michael Linden, and Serge Oulassuk.

Peter A. Beklemishev and others.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Court of Claims be, and hereby is, given jurisdiction to hear and determine the claims of Peter A. Beklemishev, Michael Linden, and Serge Oulassuk, for services rendered the United States in defense of a suit brought by the Russian Volunteer Fleet in the Court of Claims to recover compensation for ships requisitioned by the United States during World War I, and to enter such decree or judgment against the United States as equity and justice shall require for the reasonable value of the services rendered by said former employees to the United States in such suit.

SEC. 2. Suit upon such claims may be instituted at any time within six months after the date of enactment of this Act, notwithstanding the lapse of time, laches, or any statute of limitations. Proceedings for the determination of such claims and appeals from, and payment of, any judgment thereon shall be in the same manner as in the case of claims over which such court has jurisdiction under section 1491 of the Judicial Code as amended (28 U. S. C. 1491).

62 Stat. 940.

Approved August 26, 1958.

Private Law 85-697

August 26, 1958
[H. R. 12256]

AN ACT

For the relief of Alphonse E. Jakubauskas.

Alphonse E. Jakubauskas.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Alphonse E. Jakubauskas, Pomona, California, the sum of \$250. Such sum represents the amount for which the said Alphonse E. Jakubauskas was held liable on March 18, 1958, in the courts of the State of Connecticut.

as the result of an accident which occurred on October 21, 1953, and which involved a government vehicle being driven by the said Alphonse E. Jakubauskas in the course of his duties as an employee of the United States Post Office Department in Waterbury, Connecticut. Such sum shall be paid only on condition that the said Alphonse E. Jakubauskas shall use such sum, or so much thereof as may be necessary, to pay the amount for which he was held liable on March 18, 1958: *Provided*, That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved August 26, 1958.

Private Law 85-698

AN ACT

For the relief of Walter H. Berry.

August 26, 1958
[H. R. 12942]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Walter H. Berry, of Washington, Indiana, the sum of \$260 in full satisfaction of all his claims against the United States for salary for the period from August 6, 1947, to and including September 1, 1947, during which he was erroneously separated from his CAF-7 civil-service position at the United States Naval Ammunition Depot, Crane, Indiana, and for which he has not otherwise received compensation: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved August 26, 1958.

Walter H. Berry.

Private Law 85-699

AN ACT

For the relief of Charles C. and George C. Finn.

August 27, 1958
[S. 761]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any statute of limitation or lapse of time and notwithstanding the decision of the United States Court of Appeals for the Ninth Circuit (case numbered 14770), dismissing the claim of Charles C. Finn and George C. Finn in the case of United States of America, appellant, against George C. Finn, Charles C. Finn, Peter A. Bancroft, Vineland Elementary School District of Kern County and International Airports, Incorporated, appellees, for want of jurisdiction, jurisdiction is hereby conferred on the United States Court of

Charles C. and
George C. Finn.

Claims to hear, determine, and render judgment, on the claim of Charles C. and George C. Finn arising out of the seizure on September 15, 1952, by employees of the United States of a C-46A transport airplane belonging to Charles C. and George C. Finn: *Provided*, That nothing contained herein shall be construed as an inference of liability on the part of the United States: *And provided further*, That suit upon such claim may be instituted by the claimants at any time within one year after the date of the enactment of this Act.

Approved August 27, 1958.

Private Law 85-700

AN ACT

For the relief of Master Sergeant Robert A. Espe.

August 27, 1958
[S. 1258]

M. Sgt. Robert
A. Espe.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Robert A. Espe, master sergeant, United States Air Force, the sum of \$10,500. The payment of such sum shall be in full settlement of all claims of the said Robert A. Espe against the United States on account of the death of his wife, Joyce Merlyn Espe, and his infant son, Victor Robert Espe, on January 26, 1950, while passengers in an Air Force plane which disappeared after leaving Elmendorf Air Base at Anchorage, Alaska: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved August 27, 1958.

Private Law 85-701

AN ACT

For the relief of Guerdon Plumley.

August 27, 1958
[S. 1801]

Guerdon Plum-
ley.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Guerdon Plumley, Richmond Hill, New York, the sum of \$542.50. Such sum represents the amount of the judgment and costs for which the said Guerdon Plumley was held liable to Abraham Appelbaum in a civil court action in the courts of the State of New York. This civil action arose out of an accident which occurred on April 1, 1951, between an automobile owned by the said Abraham Appelbaum and a United States mail truck driven by the said Guerdon Plumley, a garageman-driver in the New York post office motor vehicles service. Such sum shall be paid only on condition that Guerdon Plumley shall use such sum or so much thereof as is necessary to pay such judgment and costs in full:

Provided, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved August 27, 1958.

Private Law 85-702

AN ACT

For the relief of Kazuko Young.

August 27, 1958
[S. 2955]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of paragraph (23) of section 212 (a) of the Immigration and Nationality Act, Kazuko Young may be issued a visa and be admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of such Act: *Provided*, That this Act shall apply only to grounds for exclusion under such paragraph known to the Secretary of State or the Attorney General prior to the date of the enactment of this Act.

Kazuko Young.
66 Stat. 182.
8 USC 1182.

Approved August 27, 1958.

Private Law 85-703

AN ACT

For the relief of Joanna Strutynska.

August 27, 1958
[S. 3004]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Joanna Strutynska shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee: *Provided*, That no natural parent of Joanna Strutynska, by virtue of such relationship, shall be accorded any right, status, or privilege under the Immigration and Nationality Act.

Joanna Strutynska.
66 Stat. 163.
8 USC 1101 note.

Approved August 27, 1958.

Private Law 85-704

AN ACT

To authorize certain retired personnel of the United States Government to accept and wear decorations, presents, and other things tendered them by certain foreign countries.

August 27, 1958
[S. 3195]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That the following-named retired personnel of the Government of the United States are hereby authorized to accept and wear such decorations, orders, medals, emblems, presents, and other things as have been tendered as of the date of approval of this Act by the foreign government or foreign governments immediately following their names, and that the consent of Congress is hereby expressly granted for this purpose as required under clause 8 of section 9, article I, of the Constitution of the United States:

Medals and decorations. Authority of certain persons to accept and wear.

USC prec. Title 1.

MEMBERS OF CONGRESS

Name	Date of retirement	Donor government	Award	Remarks
Brewster, Ralph Owen	Dec. 31, 1952	Philippines	Military Merit Medal	For service to the Philippines.
Johnson, Edwin C.	Jan. 2, 1955	Italy	Star of Italian Solidarity, Second Class.	For service to Italy.
Richards, James P.	Jan. 2, 1957	Spain	Grand Cross Isabella la Católica.	Token of good will.
		Greece	Cross of Commander of the Royal Order of George I.	Token of good will.

WHITE HOUSE

Crim, Howell G.	Dec. 31, 1957	Belgium	Regent's Medal First Class.	Token of good will.
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UNITED NATIONS

Austin, Warren R.	Jan. 22, 1953	Cuba	National Order of Merit, Carlos Manuel de Cespedes.	Token of good will.
		Dominican Republic.	National Order of Merit, Juan Pablo Duarte.	Token of good will.

DEPARTMENT OF AGRICULTURE

Bishopp, Fred C.	June 30, 1953	Great Britain.	King's Medal for Service in the Cause of Freedom.	For perfecting DDT, an insecticide.
Gray, Roy B.	May 31, 1954	France	Order of Officer du Merite Agricole.	For advisory service to Dr. Oleg Yadoff in connection with dust insecticides and fungicides.
Kotok, Edward I.	May 31, 1951	France	Croix du Chevalier de la Merite Agricole.	In recognition for forestry work and for interest in international forestry.
McDonald, Murl.	Aug. 31, 1953	Lebanon	Medal of Merit	In recognition for pioneer program in Lebanon of tests and demonstrations in forage crops to increase the supply of food for livestock.
Potter, Charles E.	Aug. 31, 1951	Latvia	Order of Three Stars, Officer's Cross.	In appreciation for valuable service rendered in fostering friendly relations between Latvia and the United States, particularly in the field of 4-H Club work.
Warren, Gertrude L.	Dec. 19, 1952	Latvia	Order of Three Stars	In appreciation for valuable service rendered in fostering friendly relations between Latvia and the United States, particularly in the field of 4-H Club work.
Watts, Lyle F.	June 30, 1952	France	Croix du Chevalier de la Merite Agricole.	In recognition for forestry work and for interest in international forestry.
Wilson, Dr. Milburn L.	June 30, 1953	France	Officer of the Merite Agricole.	Honored for his contributions to agriculture.

CANAL ZONE GOVERNMENT

Dowd, Dr. Frederick F.	July 31, 1949	Republic of Panama.	Order of Vasco Nunez de Balboa.	Fostering cordial relations between Panama and the United States.
Lombard, Eugene C.	Mar. 31, 1956	Republic of Panama.	Order of Vasco Nunez de Balboa.	Fostering cordial relations between Panama and the United States.
Paul, Seymour	Mar. 31, 1950	Republic of Panama.	Order of Vasco Nunez de Balboa.	Fostering cordial relations between Panama and the United States.

CIVIL AERONAUTICS BOARD

Chamberlain, John M.	Jan. 2, 1958	Italy	Order of Merit	In recognition of the assistance rendered to Registro Aeronautica Italiano in developing airworthiness regulations.
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DEPARTMENT OF COMMERCE

Name	Date of retirement	Donor government	Award	Remarks
Dunlap, William A.....	Dec. 31, 1952	Dominican Republic.	Order of Merit "Juan Pablo Duarte."	In appreciation of services rendered to President Trujillo during his visit to Jacksonville.
Hote, J. F.....	July 1, 1949	France.....	Chevalier de l'Ordre du Merite Maritime.	Token of good will for services rendered in connection with maritime activities.
Morse, Huntington T.....	June 30, 1954	France.....	Legion of Honor, Degree of Officer.	Token of good will for services rendered in connection with maritime activities.
		Netherlands..	Commander in the Order of Orange Nassau.	Token of good will for services rendered in connection with maritime activities.
		Norway.....	Knights Cross, First Class, of the Royal Order of Saint Olav.	Token of good will for services rendered in connection with maritime activities.
Mulroy, Thomas B.....	Dec. 31, 1956	France.....	Chevalier in the French National Order of the Legion of Honor.	Token of good will for services rendered in connection with maritime activities.

GOVERNMENT PRINTING OFFICE

Nikula, August.....	June 30, 1951	Finland.....	Order of the White Rose of Finland, Knight.	Token of acknowledgment for his endeavors to alleviate the sufferings caused by Communist aggression among the civilian population of Finland.
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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Coffey, Erval R.....	July 1, 1954	Thailand.....	The Most Noble Order of the Crown of Thailand.	In recognition of his services as Chief, Public Health Division, United States Mission to Thailand.
Forbes, Mary D.....	Aug. 1, 1954	Greece.....	The Golden Cross of the Royal Order of the Phoenix.	In recognition of her services as Director of the Nursing Section, American Mission for Aid to Greece.
Murdock, John R.....	Aug. 1, 1956	Dominican Republic.	The Order of Merit Juan Pablo Duarte in the Grade of Commendador.	In recognition of his services as Assistant Director of the Pan American Sanitary Bureau and the organization of the Division of Malaria of the Health Ministry of the Dominican Republic.
Warner, Estella F.....	Jan. 1, 1956	Lebanon.....	The Order of the Cedars les Chevaliers.	In recognition of her services rendered to that country as Regional Public Health Representative under the Point IV program in the Middle East.

DEPARTMENT OF INTERIOR

Demaray, Arthur E.....	Dec. 8, 1951	Sweden.....	Order of the Knight of Vasa.	For services in connection with visit of the Crown Prince and Princess of Sweden to the United States in 1926.
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INTERNATIONAL COOPERATION ADMINISTRATION

Schenck, Hubert G.....	Mar. 1, 1954	China.....	Decoration of Ching Hsing (Auspicious Star).	Reason for award unknown.
Meyer, Clarence E.....	July 1, 1957	Austria.....	Great Gold Medal of Honor.	Reason for award unknown.

DEPARTMENT OF JUSTICE

Goss, Paul H.....	Dec. 31, 1954	Mexico.....	Gold Watch.....	Reason for award unknown.
Newport, Roy B.....	Oct. 31, 1956	Mexico.....	Gold Watch.....	Reason for award unknown.
Nichols, Louis B.....	Nov. 20, 1957	Greece.....	Cross of Taxiarch or Our Order of the Phoenix.	Reason for award unknown.
Starr, George J.....	Jan. 6, 1947	France.....	Medal of Honor of the Municipal and Rural Police of the Ministry of the Interior of the Republic of France.	Reason for award unknown.
Watkins, W. Frank.....	Mar. 31, 1949	Norway.....	Knight's Cross, First Class, Royal Order of Saint Olav.	Reason for award unknown.
Wells, Richard H.....	Sept. 30, 1951	Mexico.....	Gold Watch.....	Reason for award unknown.

NATIONAL LABOR RELATIONS BOARD

Name	Date of retirement	Donor government	Award	Remarks
Murdock, Abe.....	Dec. 16, 1957	Philippines...	Military Merit Medal.....	Reason for award unknown.

SMITHSONIAN INSTITUTION

Zetek, James.....	May 31, 1956	Republic of Panama.	Vasco Nunez de Balboa.....	For outstanding work in the entomological and general biological fields and for his contribution to international relations.
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DEPARTMENT OF STATE

The awards tendered to personnel of the Department of State were given as tokens of good will by the donor governments.

Armour, Norman.....	Dec. 31, 1945	Haiti.....	Order of Honor and Merit, Grand Cross.
Atherton, Ray.....	Aug. 31, 1948	China.....	Order of the Golden Grain...
Bell, George L.....	Aug. 1, 1953	France.....	Legion of Honor, Officer...
Blake, Maxwell.....	Jan. 31, 1941	Italy.....	"Ordini della Corona d'Italia," Grand Officer.
Boal, Pierre de L.....	July 31, 1947	Great Britain.	Silver Jubilee Medal.....
		Serbs, Croats and Slovenes, now Yugoslavia.	Order of St. Sava, Third Class.
		Peru.....	Order of the Sun Commander.
		Peru.....	Gold Medal Commemorative of 1st Centenary of Battle of Ayacucho.
		Italy.....	Order of the Crown.....
Bowers, Claude G.....	Oct. 1, 1953	Chile.....	Grand Cross Orden al Merito...
Brooks, C. C.....	Oct. 31, 1954	Peru.....	Peruvian Centennial Independence.
Caffery, Jefferson.....	Feb. 28, 1955	Cuba.....	Grand Cross of National Order of Merit Carlos Manuel de Cespedes.
		Venezuela.....	Third Class, Bust of Bolivar.
		Colombia.....	"Order of Boyaca" Grade of Grand Official.
Caldwell, John Kenneth.....	Oct. 31, 1945	Czechoslovakia.	Cross of War.....
Cole, Felix.....	Oct. 31, 1952	Poland.....	Order of Polonia Stituta.....
		Latvia.....	Order of Three Stars, Third Grade.
Corcoran, William W.....	Nov. 30, 1947	France.....	Medaille de Sauvetage.....
Culbertson, Paul T.....	Aug. 31, 1953	Portugal.....	Order of Christ, Commander.
Davis, John K.....	Feb. 1, 1943	Great Britain	King George Jubilee Medal.
Dawson, William.....	Dec. 31, 1946	Ecuador.....	Grand Cross of the "Orden al Merito."
Dearing, Fred Morris.....	June 30, 1938	Colombia.....	Grand Cross of the Order of Boyaca.
		Portugal.....	Military Order of Christ.....
de Barneville, Maurice F.....	Dec. 2, 1952	France.....	Legion of Honor.....
Donnelly, Walter J.....	Dec. 31, 1952	Cuba.....	National Order of Merit, Carlos Manuel de Cespedes, Commander.
		Colombia.....	Order of Boyaca.....
Frost, Arthur C.....	Dec. 31, 1947	Chile.....	Order of "Al Merito".....
Frost, Wesley.....	Dec. 1, 1944	Great Britain.	Silver Jubilee Medal.....
Fullerton, Hugh S.....	Dec. 31, 1948	Lithuania.....	Order of Vytautas the Great, Class III.
Goold, Herbert S.....	Mar. 1, 1943	Finland.....	Commander of the White Rose, Second Class.
Greene, Winthrop S.....	May 31, 1951	Chile.....	Order of "Al Merito", Caballero.
Grew, Joseph C.....	Oct. 1, 1945	Belgium.....	Crown of Belgium, Grand Officer.
		Finland.....	Order of the White Rose.....
		Peru.....	Order of the Sun of Peru.....
		Italy.....	Order of the Crown of Italy.....
Harrison, Randolph, Jr.....	July 31, 1952	Chile.....	Order of "Al Merito".....
Henry, Frank Anderson.....	Mar. 1, 1946	Cuba.....	National Order of Merit, Carlos Manuel de Cespedes, Officer.
Henry, R. Horton.....	Apr. 30, 1950		Order of the Imperial Dragon of Annam, Knight.
Hester, Evett D.....	Sept. 30, 1950	France.....	Order of the White Elephant, Third Class.
Hornbeck, Stanley K.....	May 1, 1947	Siam.....	Order of the Crown, Chevalier.
Hunt, Leigh W.....	May 31, 1947	Belgium.....	Order of the Three Stars....
Kelly, Robert F.....	Apr. 1, 1945	Latvia.....	Latvian Jubilee Medal.....
		Latvia.....	Officer's Cross of Order of Polonia Restituta.
		Poland.....	

DEPARTMENT OF STATE—Continued

Name	Date of retirement	Donor government	Award	Remarks
Kemp, Edwin Carl.....	Jan. 31, 1947	Tunisia.....	Cross of the Grand Officer of Nichan Iftikhar.	
Kempton, Charles W.....	Apr. 30, 1957	Brazil.....	National Order of the Southern Cross, Degree of Officer.	
Kirk, Alexander C.....	Sept. 30, 1946	Belgium.....	Croix d'Officier de l'Ordre de la Couronne.	
Klieforth, Alfred Will... ..	Oct. 31, 1950	Austria..... Latvia.....	Austrian Service Order..... Order of the Three Stars of Latvia.	
Lane, Clayton.....	Sept. 30, 1947	Poland..... Poland.....	Commander's Cross of Order of Poland Restituta. Officer's Cross of Order of Polonia Restituta.	
McGurk, Joseph F.....	Apr. 30, 1947	Bolivia.....	Order of the Condor of the Andes.	
Maynard, Lester.....	Dec. 31, 1937	Egypt.....	Order of the Nile.....	
Memming, Lucien.....	Sept. 1, 1944	Italy.....	Silver Medal.....	
Merrell, George R.....	May 16, 1952	Ecuador.....	National Order "Al Merito," Commander.	
Messersmith, George S... ..	Aug. 31, 1947	Austria..... Belgium..... Belgium.....	Austrian Service Order, Great Cross. Olympic Medal..... Order of the Crown, Commander.	
Miller, David Hunter... ..	Jan. 31, 1944	France.....	Medal bearing profile of Lafayette issued on 100th Anniversary of Lafayette's death.	
Molesworth, Kathleen... ..	Dec. 31, 1955	Cuba.....	National Order of Merit, Carlos Manuel de Cespedes (Officer).	
Nester, Alfred T.....	May 31, 1955	Tunisia.....	Order of Nichan Iftikhar Commander.	
Norweb, R. Henry.....	Sept. 30, 1948	Chile.....	Order "Al Merito," Commander.	
Patton, Kenneth S.....	Dec. 31, 1945	Yugoslavia.....	Order of St. Sava.....	
Quarton, Harold B.....	Nov. 30, 1949	Estonia.....	Estonian Liberty Cross.....	
Quirin, Harry Arnold... ..	Aug. 31, 1953	France.....	Certificate of the Legion of Honor.	
Russell, H. Earle.....	Sept. 30, 1950	Morocco.....	Order of Ouissam Alaouite, Commander.	
Saugstad, Jesse.....	Jan. 29, 1954	Netherlands... .. Norway.....	Commander in the Order of Orange Nassau. Knights Cross, First Class, of the Royal Order of Saint Olav.	
Schoenfeld, Rudolf E... ..	Feb. 26, 1955	Hungary.....	Cross of Merit Class II.....	
Sholes, Walter H.....	Feb. 28, 1947	Sweden.....	Commemorative Medal.....	
Simmons, John F.....	Jan. 31, 1957	France..... Italy..... Japan..... Netherlands... .. Norway..... Portugal.....	Legion of Honor, degree of Commander. Grand Officer of the Order of "Al Merito della Repubblica de Italia." Grand Cordon of the Order of Sacred Treasure. Order of Orange-Nassau, grade of Grand Officer. Grand Cross of the Order of Saint Olav. Grand Officer of the Military Order of Christ.	
Sokobin, Samuel.....	Oct. 31, 1947	China.....	Chia Ho (Insignia of Fourth Class).	
Southard, Addison E.... ..	June 1, 1943	Ethiopia.....	Order of the Holy Trinity...	
Tewksbury, Howard H... ..	Apr. 1, 1952	Cuba.....	National Order of Merit, Carlos Manuel de Cespedes, Officer.	
Thurston, Walter C.....	Aug. 31, 1953	Costa Rica... .. Brazil.....	Commemoration Medallion. Order of the Southern Cross, Grade of Commendador.	
Vallance, William Roy... ..	Dec. 31, 1957	Cuba..... Peru.....	Order of Lanuza..... Order of the Sun.....	
Walker, Jay.....	Oct. 31, 1953	Tunisia.....	Order of the Nichan Iftikhar, Officer.	
Waller, George Platt.... ..	Sept. 30, 1950	Luxembourg... ..	Order of the Oak-Leaved Crown.	
Waterman, Henry S.....	Nov. 30, 1946	Cambodia.....	L'Ordre Royal de Cambodge, Commander.	
Wheeler, Leslie Allen... ..	July 31, 1951	Ecuador.....	"Al Merito Agricola," Commander.	
White, John Campbell... ..	Oct. 1, 1945	Czechoslovakia... .. Estonia.....	Order of White Lion, Class IV. Estonian Liberty Cross.....	
Wiley, John C.....	Apr. 30, 1954	Peru.....	Order of the "Sol".....	
Wilson, Edwin C.....	Oct. 31, 1949	France..... Ecuador.....	Cross of Commander, Legion of Honor. National Order "Al Merito," Commander.	

TARIFF COMMISSION

Name	Date of retirement	Donor government	Award	Remarks
Durand, E. Dana.....	June 16, 1952	Poland.....	Order of "Polonia Restituta," grade of Commander.	Reason for award unknown.

TREASURY DEPARTMENT

Name	Date of retirement	Donor government	Award	Remarks
United States Coast Guard				
Jacobs, Donald G..... (Captain) 1105	Aug. 1, 1951	Portugal.....	Gold Medal of "Courage, Abnegation, and Humanity."	The award was made for Captain Jacobs' services as Commanding Officer of the U. S. C. G. Cutter <i>Bibb</i> , during the rescue of the crew of the Portuguese schooner <i>Gaspar</i> , during a gale off the Newfoundland Banks on Sept. 18, 1948.
Lieberson, William (Lieutenant Commander) 2058	Feb. 1, 1957	Greece.....	Gold Naval Medal, First Class.	For distinguished services rendered to the Merchant Marine and for the Best Organization of the Greek Maritime Services.
McCabe, George E. (Rear Admiral) 1080	Mar. 1, 1954	Korea.....	Order of Military Merit, Ulchi with Silver.	For service as Chief of the United States Coast Guard Advisory Group which was sent to Korea to organize and train the Korean Coast Guard, which is now the Republic of Korea Navy.
United States Secret Service				
Anheter, Harry D.....	Dec. 14, 1956	Norway.....	St. Olav Medal.....	In recognition of services rendered in a supervisory capacity during assignment to the protection of Her Royal Highness the Crown Princess Martha and the Royal Family during their stay in the United States during World War II.
Barker, William R.....	Feb. 28, 1954	Norway.....	St. Olav Medal.....	In recognition of services rendered in a supervisory capacity during assignment to the protection of Her Royal Highness the Crown Princess Martha and the Royal Family during their stay in the United States during World War II.
Callaghan, Thomas J....	Sept. 30, 1945	China.....	Order of the Cloud and Banner.	In recognition of services rendered during Madame Chiang Kai-shek's visit in the United States during 1943.
Maloney, James J.....	Mar. 31, 1951	Norway.....	St. Olav Medal.....	In recognition of services rendered in a supervisory capacity during assignment to the protection of Her Royal Highness the Crown Princess Martha and the Royal Family during their stay in the United States during World War II.
		China.....	Order of the Cloud and Banner.	In recognition of services rendered during Madame Chiang Kai-shek's visit in the United States during 1943.
Peck, Albert L.....	Mar. 31, 1944	Norway.....	St. Olav Medal.....	In recognition of services rendered in a supervisory capacity during assignment to the protection of Her Royal Highness the Crown Princess Martha and the Royal Family during their stay in the United States during World War II.
Rowland, Thomas H....	May 31, 1945	Norway.....	St. Olav Medal.....	In recognition of services rendered in a supervisory capacity during assignment to the protection of Her Royal Highness the Crown Princess Martha and the Royal Family during their stay in the United States during World War II.

TREASURY DEPARTMENT—Continued

Name	Date of retirement	Donor government	Award	Remarks
United States Secret Service—Con.				
Wilson, Frank J.	Dec. 31, 1946	Norway.....	St. Olav Medal.....	In recognition of services rendered in a supervisory capacity during assignment to the protection of Her Royal Highness the Crown Princess Martha and the Royal Family during their stay in the United States during World War II.
		China.....	Order of the Cloud and Banner.	In recognition of services rendered during Madame Chiang Kai-shek's visit in the United States during 1943.
Bureau of Customs				
Kirwin, Edwin B.	Aug. 1, 1949	France.....	Palme d'Academie.....	Reason for award unknown.

UNITED STATES INFORMATION AGENCY

Wright, Irene.....	Apr. 2, 1954	Cuba.....	National Order of Merit, Carlos Manuel de Cespedes.	Work in Cuban history.
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DEPARTMENT OF THE AIR FORCE

General				
Chidlaw, Benjamin W. 23A	May 31, 1955	France.....	Croix de Guerre with Palm..	For meritorious service.
Kenney, George C. 2A	Aug. 31, 1951	France.....	Aviation Badge.....	For meritorious service.
Spatz, Carl A03706	June 30, 1948	Norway.....	Grand Cross of the Royal Order of St. Olav.	For meritorious service.
Lieutenant General				
Craig, Howard A. 17A	June 30, 1955	Dominican Republic.	Merito Aero, Primer Clase (1st Class).	For meritorious service.
Harper, Robert W. 53A	June 30, 1954	Peru.....	Peruvian Aviation Cross....	For meritorious service.
		France.....	French Legion of Honor (Degree of Officer).	For meritorious service.
		Greece.....	Cross of Grand Commanders of the Royal Order of Phoenix.	For meritorious service.
Schlatter, David M. 62A	July 31, 1957	Greece.....	Royal Order of George I....	For meritorious service.
		Brazil.....	Brazilian Aviation Badge (Pilot).	For meritorious service.
Timberlake, Patrick W. 83A	Aug. 30, 1957	Italy.....	Order of Merit, Italy.....	For meritorious service.
		Greece.....	Greek Grand Cross of the Order of the Phoenix.	For meritorious service.
Major General	Feb. 28, 1955	France.....	Legion of Honor Degree of Officer.	For meritorious service.
		France.....	Brevet Militaire de Pilote D'Avion.	For meritorious service.
Bertrandias, Victor E. A 0267231	Jan. 31, 1951	Chile.....	Chilean Aviation Badge....	For meritorious service.
Bevens, James M. 208A	Oct. 31, 1955	Argentina.....	Honorary Pilot Wings.....	For meritorious service.
Born, Charles F. 365A	Oct. 31, 1957	France.....	Pilot Wings.....	For meritorious service.
Boyd, Albert..... 424A		France.....	Aeronautical Medal.....	For meritorious service.
Butler, William O. A 05245	Jan. 31, 1946	France.....	Brevet Militaire de Pilote D'Avion.	For meritorious service.
Chauncey, Charles C. 14A	Oct. 31, 1951	Chile.....	Chilean Aviation Badge....	For meritorious service.
Doyle, John P. 274A	June 30, 1956	Greece.....	Cross of Grand Commander of Royal Order of George I.	For meritorious service.
Gates, Byron E. 186A	May 31, 1955	France.....	Croix de Guerre with Palm.	For meritorious service.
		Greece.....	Cross of Commanders of the Royal Order of George I.	For meritorious service.
Grow, Malcolm C. 27A	Nov. 30, 1949	Argentina.....	Air Force Wings.....	For meritorious service.
		France.....	Medal of Aviation.....	For meritorious service.
Hale, Willis H. 19A	Oct. 31, 1952	Panama.....	Order of Vasco Nunez de Balboa.	For meritorious service.

DEPARTMENT OF THE AIR FORCE—Continued

Name	Date of retirement	Donor government	Award	Remarks
Major General—Con.				
Hansell, Haywood S. A O17468	Dec. 31, 1946	Italy.....	Commander of the Order al Merito della Repubblica, Italy.	For meritorious service.
Hoag, Earl S. 56A	Feb. 28, 1953	Turkey.....	Air Force Wings.....	For service with American Mission for aid of Turkey.
Lee, Morris J. 556A	Dec. 31, 1955	Netherlands...	Order of Orange-Nassau, Grand Officer.	For meritorious service.
McBlain, John F. 203A	Oct. 31, 1956	Greece.....	Cross of Commanders of the Royal Order of George I.	For meritorious service.
McDaniel, Carl B. 65A	Nov. 30, 1953	France.....	Aviation Badge.....	For meritorious service.
McDonald, George C. 69A	Oct. 31, 1950	Brazil.....	Order of Aeronautical Merit.	For meritorious service.
Richardson, William L. 86A	July 31, 1954	Brazil.....	Pilot Wings.....	For meritorious service.
		Dominican Republic.	Decoration of the Air Merit..	For meritorious service.
Stowell, James S. 72A	May 31, 1955	Liberia.....	Star of Africa (Rank of Knight Commander).	For meritorious service.
		Greece.....	Royal Order of George I.	For meritorious service.
		Greece.....	Cross of Grand Commanders of the Royal Order of Phoenix.	For meritorious service.
Thomas, Charles E., Jr. 192A	Jan. 31, 1955	China.....	Pao-Ting with Banner.....	For meritorious service.
Wade, Leigh A O403535	Nov. 30, 1955	China.....	Air Force Wings.....	For meritorious service.
		Greece.....	Royal Order of George I.	For meritorious service.
Walsh, Robert L. 43A	Feb. 28, 1953	Mexico.....	Military Medal for Merit, First Class.	For meritorious service.
		Peru.....	Aviation Cross.....	For meritorious service.
		Uruguay.....	Honorary Pilot Wings.....	For meritorious service.
		Venezuela.....	Air Force Cross, First Class.	For meritorious service.
		France.....	Croix de Guerre with Palm.	For meritorious service.
Brigadier General				
Beam, Rosenham 104A	June 30, 1951	Chile.....	Military Medal, Second Class.	For service as Commander Caribbean Air Command.
Caldwell, Charles H. 256A	Feb. 28, 1951	Panama.....	Order of Vasco Nunez de Balboa.	For service as Commander Caribbean Air Command.
		Greece.....	Cross of Commander of the Royal Order of George I.	For meritorious service.
Grover, Orrin L. 329A	Aug. 30, 1957	Argentina.....	Order of Liberation of San Martin, Grade of Grand Officer.	For service as Military Attaché to Argentina.
		Iraq.....	Gold Medal, Iraq.....	For meritorious service.
Keeney, Douglas A O114138	Sept. 30, 1955	Peru.....	Aviation Cross.....	For meritorious service.
Kiel, Emil C. 154A	July 31, 1953	Colombia.....	Honorary Pilot Certificate	For meritorious service.
		Ecuador.....	Abdon Calderon, First Class.	For meritorious service.
		Chile.....	Military Medal, Second Class.	For meritorious service.
		Colombia.....	Order of Boyaca.....	For meritorious service.
		Peru.....	Aviation Cross.....	For meritorious service.
		Paraguay.....	Honorary Pilot Wings.....	For meritorious service.
		Greece.....	Cross of Commanders of the Royal Order of George I.	For meritorious service.
Knapp, Robert D. 150A	Sept. 30, 1953	France.....	Croix de Guerre with Palm.	For meritorious service.
Mara, Cornelius J. A O223516	Apr. 30, 1953	Guatemala...	Military Merit, 2d Class	For meritorious service.
Moore, Aubrey L. 402A	Mar. 31, 1953	Greece.....	Cross of Commanders of the Royal Order of George I.	For meritorious service.
Rives, Tom C. A O6526	June 30, 1949	Finland.....	Cross of Liberty with Sword, Class IV.	For meritorious service.
Rose, Franklin A O166159	July 31, 1956	Italy.....	Order of Al Merito della Repubblica Italiana.	For meritorious service.
Sorensen, Edgar P. A O6354	Aug. 31, 1948	Mexico.....	Order of Military Merit, 1st Class.	For meritorious service.
Woodbury, Murray C. 415A	Jan. 31, 1954	Panama.....	Order of Vasco Nunez de Balboa (Cohendador).	For meritorious service.
Colonel				
Ames, Richard A. 1797A	Apr. 30, 1957	France.....	Croix de Guerre with Palm.	For meritorious service.
Bally, William 808A	June 30, 1955	France.....	Medal for Physical Education and Sports.	For meritorious service.
Balsley, Herbert K. 705A	Sept. 30, 1954	Ecuador.....	Abdon Calderon.....	For meritorious service.
Balchen, Bernt 23100A	Oct. 31, 1956	Sweden.....	Royal Order of the Sword, Knight Commander.	For meritorious service.
Brause, Jacob L. A O176623	July 31, 1954	Italy.....	Star of Solidarity, Third Class.	For meritorious service.
Brownfield, Ralph O. 399A	Mar. 31, 1957	Iceland.....	Icelandic Order of the Falcon, Commander North Star.	For meritorious service.
Bundy, John H. 484A	Feb. 28, 1954	France.....	Aviation Badge.....	For meritorious service.

DEPARTMENT OF THE AIR FORCE—Continued

Name	Date of retirement	Donor government	Award	Remarks
Colonel—Continued				
Covington, William E., Jr. 1237A	May 31, 1957	Syria.....	Medal of Merit with Palm..	For meritorious service.
Evans, Floyd E. A O138814	July 31, 1952	France..... France.....	Croix de Guerre with Palm.. Medal of Pilot.....	For meritorious service. Recognition of excellent services performed in connection with French Air Force.
Hall, Melvin A. A O507671	Apr. 27, 1945	France.....	Legion of Honor degree of Knight Commander.	For meritorious service.
Hankins, Milton T. 254A	Oct. 31, 1955	Belgium.....	Croix Militaire Iere Classe..	For meritorious service.
Hansen, George W. 401A	Aug. 31, 1951	Thailand..... Thailand..... Thailand.....	Coronation Medal..... Honorary Membership in the Royal Thai Air Force. Most Noble Order of the Crown of Thailand, Second Class.	For meritorious service. For services as Air Attache to Thailand. For services as Senior Military and Air Attache to Thailand.
Hodgson, Jack C. 193A	July 31, 1953	Italy.....	Order of the Crown of Italy.	For meritorious service.
Jackson, Nelson P. 659A	Aug. 31, 1954	France.....	Croix de Guerre with Palm..	For meritorious service.
Kolb, Julius A. 307A	May 31, 1951	France.....	Croix de Guerre with Palm..	For outstanding contribution toward liberation of France during World War II.
Lingle, David G. A O11939	Dec. 31, 1947	Finland.....	Cross of Liberty with Sword, Class IV.	For services rendered in the interest of Finland.
Logan, Arthur L. 2303A	Jan. 31, 1957	Korea.....	Pilot Wings.....	For meritorious service.
MacReady, John A. A O234616	June 29, 1948	France.....	Croix de Guerre with Palm..	For meritorious service.
Monahan, John W. A O10920	June 30, 1946	France.....	Croix de Guerre with Palm..	For meritorious service.
Ofsthun, Sidney 459A	Aug. 20, 1957	Norway.....	Air Force Wings.....	For meritorious service.
Riggs, Basil L. 275A	June 30, 1956	France.....	Medal of Aviation.....	For meritorious service.
Seebach, Charles M. 116A	July 31, 1953	France.....	Medal of Aviation.....	For meritorious service.
Short, Charlie A O900636	Mar. 31, 1956	France.....	Legion of Honor (Chevalier).	For meritorious service.
Stinson, David R. A O11266	Oct. 31, 1948	France.....	Croix de Guerre with Palm..	For meritorious service.
Towner, Milton M. 330A	July 31, 1957	France.....	Croix de Guerre with Palm..	For meritorious service.
Travis, William L. 1007A	Mar. 31, 1956	Korea.....	Pilot Wings.....	For meritorious service in cooperation with the Republic of Korea Air Force.
Turner, Louie P. 352A	May 20, 1957	France.....	Croix de Guerre with Palm..	For meritorious service.
Wilson, Joseph A. 152A	Nov. 30, 1950	Portugal.....	Medal of Military Merit....	For meritorious service.
Lieutenant Colonel				
Baker, Edwin F. A O476458	May 31, 1957	France.....	Croix de Guerre with Palm..	For meritorious service.
Blanchard, Frederick W. A O1703884	Oct. 31, 1955	Italy.....	Cross of War Merit.....	For meritorious service.
Carlos, Lloyd P. 5722A	Oct. 31, 1952	Greece.....	Royal Order of George I.....	For meritorious service.
Porter, George W. 2178A	Sept. 30, 1957	Greece.....	Gold Cross of the Royal Order of George I.	For meritorious service.
Roe, William T. A O1280067	Aug. 31, 1955	Peru.....	Peruvian Aviation Cross, Second Class.	For meritorious service.
Valle, Calixto C. 2376A	Jan. 31, 1957	Argentina..... Bolivia.....	Aviation Badge..... Honorary Military Pilot wings.	For meritorious service. For meritorious service
Major				
Drake, Fred C. A O884183	Jan. 31, 1955	Greece..... Greece.....	Golden Cross of the Royal Battalion of Phoenix. Medal of Meritorious Service.	For meritorious service. For meritorious service.
Duwe, George L. A O272055	Aug. 12, 1945	France.....	Croix de Guerre with Palm..	For meritorious service.
Kleiderer, Eugene L. A O789920	Sept. 28, 1949	France.....	Croix de Guerre with Palm..	For meritorious service.
McCoubrey, James A. A O419821	Aug. 31, 1949	France.....	Croix de Guerre with Palm..	For meritorious service.
Zercher, Harold W. A O809407	Jan. 31, 1957	Paraguay.....	National Order of Merit....	For meritorious service.
Captain				
Robison, Keith G. 16778A	Nov. 25, 1957	Greece.....	Officers Cross of the Royal Order of the Phoenix.	For meritorious service.
Master Sergeant				
Richardson, William S. A F6650861	Aug. 31, 1956	Greece.....	Military Cross of Class C...	For meritorious service.
Rinn, Raymond. A F6272878	Sept. 30, 1956	China.....	Mao Chi.....	For meritorious service.

DEPARTMENT OF THE ARMY

Name	Date of retirement	Donor government	Award	Remarks
Truman, Harry S., Col. General	Jan. 31, 1953	Liberia.....	Centennial Medal.....	Token of good will.
Bolte, Charles L. O6908	Apr. 30, 1955	Brazil.....	Order of Military Merit, grade of Grand Officer.	Reason for award unknown.
		Mexico.....	Military Merit, 1st Class....	For his outstanding work to the Armed Forces of United States and Mexico.
Clark, Mark W. O5309	Oct. 31, 1953	Japan.....	Order of the Rising Sun, Grand Cordon.	Reason for award unknown.
Dahlquist, John E. O7120	Feb. 29, 1956	Mexico.....	Military Merit, 1st Class....	For his meritorious work in strengthening the relations between the Armies of his country and Mexico.
Devers, Jacob L. O2599	Sept. 30, 1949	Argentina.....	Order of General San Martin, degree of Gran Oficial.	For his service in Europe during the late war and his cooperation with Latin American countries since the war.
Eichelberger, Robert L. O2624	Dec. 31, 1948	Italy.....	Military order of Italy, degree of Grand Officer.	In recognition of his outstanding merits in the war operations in the Pacific Theater.
Gruenther, Alfred M. O12242	Dec. 31, 1956	Greece.....	Grand Cross of the Royal Order of George I.	Reason for award unknown.
		Portugal.....	Great Cross of the Military Order of Avis.	Reason for award unknown.
Halslip, Wade H. O3374	July 31, 1951	Brazil.....	Order of Military Merit, degree of Commander.	Cooperated with Brazilian personages in the United States.
Handy, Thomas T. O4665	Mar. 31, 1954	Chile.....	Medal of Military Merit, 1st Class.	For distinguished services rendered to the Chilean Army.
		France.....	Legion of Honor, grade of Grand Officer.	Reason for award unknown.
Hodges, Courtney H. O2686	Jan. 31, 1949	Mexico.....	Military Merit, First Class.	For strengthening the bonds of friendship which exists between the United States and Mexico.
		Argentina.....	Order of General San Martin, degree of Gran Oficial.	He was first high-ranking United States official to greet Argentine Minister of War on the latter's arrival in New York in April 1948.
Hull, John E. O7377	Apr. 30, 1955	Brazil.....	Order of Military Merit, degree of Grand Officer.	Reason for award unknown.
		Japan.....	Order of the Rising Sun, 1st Class.	For services rendered to Japan.
Ridgway, Matthew B. O5264	June 30, 1955	Peru.....	Military Order of Ayacucho, grade of Commander.	For services rendered to Peru.
		Argentina.....	Sword of San Martin.....	As a memento of his visit to Argentina in July 1949.
		Argentina.....	Order of General San Martin, degree of Grand Officer.	Reason for award unknown.
		Cuba.....	Order of Military Merit, 1st Class.	Reason for award unknown.
		Mexico.....	Great Cross of the National Order of the Aztec Eagle.	In recognition of his contribution to the cause of Mexican-American friendship.
		Monaco.....	Grand Cross of the Order of St. Carlo.	Reason for award unknown.
		Morocco.....	Grand Croix de l'ouissam Alaouite.	Reason for award unknown.
		Panama.....	Order of Vasco Nunez de Balboa, degree of Grand Officer.	Reason for award unknown.
		Portugal.....	Grand Cross of the Military Order of Avis.	Reason for award unknown.
		Chile.....	Medal of Military Merit, 1st Class.	For distinguished services rendered to Chile.
Smith, Walter B. O10197	Jan. 31, 1953	Thailand.....	Order of the White Elephant.	Reason for award unknown.
Van Fleet, James A. O3847	Mar. 31, 1953	Iran.....	Order of Yomayoon grade One.	For participation in the burial ceremonies of the late Reza Shah.
Wedemeyer, Albert C. O12484	July 31, 1951	Argentina.....	Order of General San Martin, degree of Gran Oficial.	As Director of Plans and Operations, GS, USA, he assisted and advised the Argentine Minister of War in matters relating to joint problems between Argentina and the United States.
		Brazil.....	Order of Military Merit, grade of Commander.	Reason for award unknown.
		Chile.....	Medal of Military Merit, 1st Class.	For distinguished services rendered to Chile.

DEPARTMENT OF THE ARMY—Continued

Name	Date of retirement	Donor government	Award	Remarks
Lieutenant General Aurand, Henry S..... O3784	Aug. 31, 1952	Argentina.....	Order of General San Martin, degree of Gran Oficial.	As Chief, Logistics Division, GS, USA, he aided and advised the Argentine Minister of War and his assistants during their visit in April 1948, in matters pertaining to the Arms Standardization Program during several lengthy discussions.
Bolling, Alexander R.... O7548	July 31, 1955	Argentina.....	Order of General San Martin, degree of Gran Oficial.	As Acting Director of Intelligence, GS, USA, was responsible for the planning and execution of all details pertinent to the visit of the Argentine Minister of War to the United States in April and May 1948.
		Brazil.....	Order of Military Merit, degree of Commander.	Accompanied the Brazilian Minister of War from Brazil to the United States during the latter's visit in April 1949.
		Chile.....	Medal of Military Merit, 1st Class.	For distinguished services rendered to Chile.
Brooks, Edward H..... O6657	Apr. 30, 1953	Portugal.....	Military Merit, 1st class	Reason for award unknown.
		Ecuador.....	Abdon Calderon, First Class.	In recognition of important services to the Armed Forces of Ecuador.
Bull, Harold R..... O3707	July 31, 1952	Chile.....	Medal of Military Merit, First Class.	For distinguished services rendered to Chile.
Burress, Withers A..... O4812	Nov. 30, 1954	Chile.....	Military Medal, Second Degree.	Reason for award unknown.
		France.....	Legion of Honor, degree of Officer.	Reason for award unknown.
Crittenberger, Willis D. O3548	Dec. 31, 1952	Argentina.....	Order of General San Martin, degree of Grand Officer.	As Commander-in-Chief, Caribbean Defense Command, was in contact with all of Latin America and during his visit to Argentina as guest of Argentine Army, between Nov. 25 and Dec. 8, 1948, was decorated.
		Brazil.....	Order of Military Merit, degree of Grand Officer.	Reason for award unknown.
		Colombia.....	Order of Boyaca, degree of Grand Officer.	Reason for award unknown.
		Mexico.....	Military Merit Medal, First Class.	Reason for award unknown.
Eddy, Manton S..... O4655	Mar. 31, 1953	Chile.....	Medal of Military Merit, First Class.	For distinguished services rendered to Chile.
		France.....	Legion of Honor, degree of Grand Officer.	Reason for award unknown.
Hickey, Doyle O..... O10123	July 31, 1953	Japan.....	Order of the Rising Sun, Second Class.	In recognition of services rendered to Japan while General was attached to the Far East Command.
Huebner, Clarence R.... O4552	Nov. 30, 1950	France.....	Legion of Honor, degree of Grand Officer.	Reason for award unknown.
		Vatican.....	Cross of Magistral Knight of the Sovereign Military Order of Malta.	Reason for award unknown.
Keyes, Geoffrey..... O3561	Oct. 31, 1950	France.....	Legion of Honor, rank of Commander.	Reason for award unknown.
		Vatican.....	Order of Saint Gregory the Great.	For outstanding merit in behalf of the Christian religion.
Larkin, Thomas B..... O3785	Dec. 31, 1952	Chile.....	Medal of Military Merit, First Class.	For distinguished services rendered to the Chilean Army.
Lewis, John T..... O7000	Sept. 30, 1954	Brazil.....	Order of Military Merit, grade of Officer.	Reason for award unknown.
McBride, Horace L..... O4430	June 30, 1954	Brazil.....	Order of Military Merit, grade of Commander.	In appreciation of his efforts towards an effective cooperation between Brazilian and American officers, and thus contributing to the achievement of a more perfect understanding among them and a closer friendship between the Armies of the two countries.
		Chile.....	Military Medal, First Class.	For services rendered to Chile while serving as Commander in Chief, Caribbean Command.
		Panama.....	Order of Vasco Nunez de Balboa, grade of Grand Officer.	For services rendered to Panama while serving as Commander in Chief, Caribbean Command.

DEPARTMENT OF THE ARMY—Continued

Name	Date of retirement	Donor government	Award	Remarks
Lt. General—Con.				
Morris, William H. H. O3102	Mar. 31, 1952	Ecuador.....	Abdon Calderon, First Class.	For outstanding services rendered to the Ecuadorean Armed Forces.
		Panama.....	Order of Vasco Nunez de Balboa, grade of Grand Officer.	In recognition of his merits rendered to the Republic of Panama.
Major General				
Akin, Spencer B..... O2916	Mar. 31, 1951	Chile.....	Medal of Military Merit, Second Class.	For distinguished services rendered to Chile.
Armstrong, George E..... O16548	July 31, 1955	Chile.....	Military Medal, Second Class.	For distinguished services rendered to Chile.
Barr, David G..... O10313	Feb. 29, 1952	China.....	Special Grand Cordon Pao Ting Medal, First Class.	Reason for award unknown.
Burns, James H..... O2332	Dec. 31, 1944	Finland.....	Cross of Liberty with Sword, Class I.	In recognition of services rendered in the interests of Finland during the Russo-Finnish War, 1939-40.
Evans, Vernon..... O3818	Jan. 31, 1953	Iran.....	Merit Decoration, Second Class, First Type.	For his untiring efforts, willingness, attention to duty, cooperation and exceptionally meritorious service in the performance of service to the Iranian Army.
Frederick, Robert T..... O17196	Mar. 31, 1952	Greece.....	Grand Commander of the Order of George the First.	Reason for award unknown.
Gallagher, Philip E..... O11249	Feb. 28, 1957	France.....	Legion of Honor, grade of Officer.	For services rendered while serving as Commanding General of USAREUR Communications Zone.
Grow, Robert W..... O4621	Jan. 31, 1953	Iran.....	Homayun, Second Grade...	For services performed as Chief of the United States Military Mission with the Iranian Army from November 1946 to September 1948.
Hertford, Kenner F..... O15120	July 31, 1955	Brazil.....	War Medal.....	For valuable services rendered to Brazil from June 1941 to May 1946.
Homer, John L..... O3115	Sept. 30, 1950	Mexico.....	Military Medal, First Class.	In virtue of the praiseworthy demonstration of friendship and consideration given to the Armed Forces of the Mexican Government.
Hyssong, Clyde L..... O8386	July 31, 1949	Finland.....	Order of the Lion of Finland, Commander, First Class.	Reason for award unknown.
Irvine, Willard W..... O5838	Apr. 30, 1952	Venezuela.....	Watch.....	Reason for award unknown.
Irving, Frederick A..... O5261	Aug. 31, 1954	Brazil.....	Merito Militar.....	Reason for award unknown.
		Chile.....	Military Medal, First Class.	Reason for award unknown.
		France.....	Legion of Honor, degree of Commander.	Reason for award unknown.
		Netherlands...	Silver Medal of Gratitude...	For meritorious contribution to the Netherlands cause during World War II in New Guinea.
Leavey, Edmond H..... O8559	June 30, 1949	France.....	Croix de Guerre with Palm.	Reason for award unknown.
Lewis, Robert H..... O2051	May 31, 1946	Panama.....	Military Order of Vasco Nunez, degree of Grand Officer.	Reason for award unknown.
Livesay, William G..... O4603	June 30, 1950	Chile.....	Medal of Military Merit, Second Class.	For distinguished services rendered to Chile.
MacMorland, Edward E..... O4653	July 31, 1952	Finland.....	Cross of Liberty with Sword, Class III.	In recognition of services rendered in the interests of Finland during the Russo-Finnish War, 1939-40.
Maddocks, Ray T..... O7291	June 30, 1951	Brazil.....	Order of Military Merit, degree of Commander.	As Director of Plans and Operations, GS, USA, and in charge of the Joint Brazil-United States Military Commission, he has cooperated with the Brazilian Government and assisted them in general matters of interest to Brazil and the United States.
		Chile.....	Medal of Military Merit, Second Class.	For distinguished services rendered to Chile.
Maris, Ward H..... O6718	Nov. 30, 1952	Italy.....	Order to the Merit of the Italian Republic, degree of Grand Officer.	For services rendered to the Government of the Republic of Italy.
Muller, Walter J..... O12224	Nov. 30, 1956	Morocco.....	Order of Ouissam Alaouite Cherifien, rank of Grand Officer.	In consideration of his merit.
Nold, George J..... O8888	July 31, 1955	France.....	Legion of Honor, grade of Officer.	For services rendered while serving as Director, Joint Construction Agency, Paris, France.

DEPARTMENT OF THE ARMY—Continued

Name	Date of retirement	Donor government	Award	Remarks
Major General—Con.				
Porter, Ray E..... O7168	June 30, 1953	Chile..... Colombia..... Ecuador.....	Medal of Military Merit, Second Class. Orden de Boyaca, grade of Grand Officer. Abdon Calderon, 1st Class.	For distinguished service rendered to Chile. Reason for award unknown. For outstanding services to the Ecuadoran Armed Forces, on having invited many officers and enlisted personnel to take the different courses which are given in the Panama Canal Zone and the Military Schools in the Caribbean. Reason for award unknown.
Prentiss, Louis W..... O14672	Apr. 30, 1956	Greece.....	Orden de Vasco Nunez de Balboa, grade of Grand Officer. Cross of Commander of the Order of the Phoenix.	For gestures of courtesy and appreciation in recognition of the services performed on the occasion of the visit of the Royal Greek entourage to Washington on Oct. 28, 1953.
Roberts, Frank N..... O12734	Nov. 30, 1957	Greece..... Italy.....	Grand Cross of King George I, grade of Commander. Order to the Merit of the Italian Republic, grade of Commander.	For services rendered while serving as Chief of Staff, Allied Forces Southern Europe. For services rendered while serving as Chief of Staff, Allied Forces Southern Europe.
Robinson, Bernard L..... O12652	Oct. 31, 1957	Netherlands.....	Order of Orange-Nassau, grade of Commander.	Reason for award unknown.
Standie, Earle..... O16530	Apr. 30, 1957	Korea.....	Taeguk Distinguished Military Service Medal.	In recognition and appreciation of his outstanding and exceptionally meritorious service rendered to the Republic of Korea while serving as Chief Surgeon of Headquarters Army Forces Far East and Eighth United States Army.
Streit, Paul H..... O6254	Mar. 31, 1953	Chile.....	Military Medal, Second Class.	For distinguished services rendered to Chile.
Vaughan, Harry H..... O205101	Jan. 31, 1953	Argentina..... Cuba..... Dominican Republic. France..... Guatemala.....	Order of General San Martin, degree of Grand Officer. Medal of Military Merit.... Juan Pablo Duarte..... Legion of Honor, grade of Commander. Merito Militar, First Class..	Reason for award unknown. Reason for award unknown. Reason for award unknown. Reason for award unknown.
		Italy..... Mexico..... Netherlands.....	Star of Italian Solidarity.... Military Merit, First Class. Order of Orange-Nassau, with Swords, grade of Officer.	In behalf of his personal merits and as a demonstration of the friendship and close relationship between the military forces of Guatemala and the United States. Reason for award unknown. Reason for award unknown. Reason for award unknown.
Watson, Leroy H..... O3896	Nov. 30, 1953	Japan.....	Order of the Rising Sun, Third Class.	Reason for award unknown.
Weart, Douglas L..... O3774	Aug. 31, 1951	Chile.....	Military Medal, Second Class.	Having afforded invaluable facilities and attentions to components of the Army of Chile, by which they have contributed to the mutual understanding and appreciation of both institutions, which is directly beneficial to continental harmony.
Brigadier General				
Armstrong, Clare H..... O5318	Mar. 31, 1953	Luxembourg.....	Commandeur de l'Ordre Grand-Ducal de la Couronne de Chene.	Reason for award unknown.
Beukema, Herman..... O3790	Aug. 31, 1954	Chile.....	Military Merit, Second Class.	Reason for award unknown.
Bixby, Ernest A..... O12273	Nov. 30, 1955	France.....	Legion of Honor, rank of Officer.	Reason for award unknown.

DEPARTMENT OF THE ARMY—Continued

Name	Date of retirement	Donor government	Award	Remarks
Brigadier General—Continued				
Bixel, Charles P. O16808	July 31, 1957	Korea	Ulchi Distinguished Military Service Medal with Gold Star.	In recognition and appreciation of his outstanding and exceptionally meritorious service while serving as Chief of Staff and Army Member of the United Nations Command Military Armistice Commission and later as Deputy Chief of Staff, Headquarters, United States Army Forces Far East and Eighth United States Army during the period Sept. 1, 1955, to Dec. 18, 1956.
Brown, Wyburn D. O12260	June 30, 1951	Colombia	Order de Boyaca, grade of Commander.	General Brown demonstrated special interest in the improvement of the military forces of Colombia.
Cassidy, John F. O12718	Aug. 31, 1954	Vatican	Order of St. Gregory the Great.	He deserved well of the good of the Catholic Church and its institution.
Cheadle, Henry B. O3584	Apr. 30, 1951	Hungary	l'Orde de Merite Hongrois	Reason for award unknown.
Cole, John T. O5256	May 31, 1953	China	Chinese Armored Force Combat Badge.	For his glorious activity as a combat commander in ground combat against an armed enemy of Allied Nations during the period of 1942-45 in the European theater.
Crowell, Evans R. O7387	Aug. 31, 1954	Paraguay	National Order of Merit, grade of Gran Oficial.	Reason for award unknown.
English, Paul X. O3472	July 31, 1946	Finland	Cross of Liberty with Sword, Class III.	In recognition of services rendered in the interests of Finland during the Russo-Finnish War, 1939-40.
Ferrin, Charles S. O4980	Nov. 30, 1952	Mexico	Decoration of Military Merit.	For his praiseworthy work of bringing closer together the Armies of Mexico and the United States.
Ford, William W. O12667	Aug. 31, 1954	France	Legion of Honor, grade of Officer.	For his services as Commanding General, Advance Section, USAREUR.
Hare, Ray M. O6943	July 31, 1953	France	Legion of Honor, grade of Chevalier.	Reason for award unknown.
Hines, Charles. O2866	Oct. 31, 1946	Finland	Cross of Liberty with Sword, Class II.	In recognition of services rendered in the interests of Finland during the Russo-Finnish War, 1939-40.
Hines, Frank T. O26457	May 31, 1944	Italy	Order of the Crown of Italy.	Reason for award unknown.
Holly, Joseph A. O12360	Jan. 31, 1951	Netherlands	Order of Orange-Nassau, with Swords, degree of Commander.	Reason for award unknown.
Kingman, Allen F. O4749	May 31, 1953	Argentina	Order of General San Martin, degree of Comendador.	As Foreign Liquidation Commissioner, he handled detailed negotiations with the Argentine Government for the sale of arms and equipment to that country.
		Peru	Military Order of Ayacucho, degree of Commander.	Reason for award unknown.
Kreidel, Francis A. O39553	June 30, 1957	Korea	Ulchi Distinguished Military Service Medal with Gold Star (Second Award).	For exceptionally meritorious conduct in the performance of outstanding service to the Republic of Korea as the Provost Marshal General, United States Army Forces, Far East, and Eighth United States Army (Rear) during the period Oct. 21, 1954, to Jan. 15, 1957.
Marston, Morrill W. O7126	July 31, 1953	Greece	Cross of Grand Commander of the Royal Order of George I.	In recognition of the efficient assistance he gave His Majesty.
McCloskey, Manus. O260	Apr. 30, 1938	Italy	Order of the Crown of Italy, degree of Ufficiale.	In recognition of "his services in connection with the relief of his Artillery Brigade by the Artillery of the 8th Italian Division on the Vesele River in September 1918."
Molitor, Eric S. O12115	Aug. 31, 1954	Italy	Cross for War Merit.	For service rendered with the 88th Division in Italy during World War II.
O'Hare, Joseph J. O4488	Feb. 28, 1953	Cuba	Order of Military Merit, First Class.	Reason for award unknown.
		France	Legion of Honor, degree of Commander.	For services rendered while serving as United States Military Attaché.

DEPARTMENT OF THE ARMY—Continued

Name	Date of retirement	Donor government	Award	Remarks
Brigadier General—Continued				
Peabody, Paul E. O4912	Mar. 31, 1950	Mexico.....	Military Medal of Merit, First Class.	Reason for award unknown.
Perry, Basil H. O5236	July 31, 1953	Luxembourg..	Croix de Guerre 1940-45....	In recognition of his services to the Grand Duchy of Luxembourg during the military operations in September 1944, which resulted in the liberation of Luxembourg from the Nazis and during the defense of Luxembourg in December 1944 in the Battle of the Bulge.
Reimel, Stewart E. O7449	Feb. 28, 1946	France.....	Legion of Honor, rank of Knight.	For services rendered to the Government of the Republic of France.
Renfrow, Louis H. O160948	Feb. 1, 1957	France.....	Legion of Honor.....	Reason for award unknown.
		Guatemala....	Merito Militar, 2d Class....	For demonstration of friendship and close relationship between the military forces of Guatemala and United States.
		Italy.....	Italian Solidarity Star.....	Reason for award unknown.
		Morocco.....	Commander de Ou'ssam Alaouite Cheriffien.	Reason for award unknown.
Roberts, William L. O3597	Sept. 30, 1950	Korea.....	Medal of National Construction Merit.	For meritorious service as the first chief of the United States Military Advisory Group to the Republic of Korea.
Robinett, Paul M. O10258	Aug. 31, 1946	Tunisia.....	Grand Cordon of Nichan Iftikhar.	Reason for award unknown.
Shekerjian, Halg. O3089	Sept. 30, 1946	Finland.....	Cross of Liberty with Sword, Class III.	In recognition of services rendered in the interests of Finland during the Russo-Finnish War, 1939-40.
Slocum, LeCount H. O9716	July 31, 1954	France.....	Legion of Honor, grade of Chevalier.	For services rendered while serving as Chief of Staff of the USAREUR at Orleans, France, during the period July 1951 to June 1953.
Stack, Robert I. O7585	July 31, 1953	France.....	Legion of Honor, grade of Chevalier.	For exceptional war services rendered in the course of the operations of the liberation of France.
		France.....	Croix de Guerre with Palm..	For exceptional war services rendered in the course of the operations of the liberation of France.
		Morocco.....	Order of Ouissam Alaouite Cheriffien, grade of commander.	For valor and for services rendered in North Africa in 1943.
		Tunisia.....	Order of Nichan-Iftikhar, degree of Commander.	Reason for award unknown.
Sweany, Kenneth S. O15251	Nov. 30, 1955	Haiti.....	Grand Cross of the National Order of Haiti.	Reason for award unknown.
Tate, Foster J. O12287	July 31, 1949	France.....	Legion of Honor, degree of Commander.	Reason for award unknown.
Thompson, James V. O16826	July 31, 1957	Bolivia.....	Order of the Condor of the Andes, grade of Commander.	Reason for award unknown.
Thorpe, Elliott R. O11167	Nov. 30, 1949	Thailand.....	Most Noble Order of The Crown of Thailand, degree of Knight Commander.	Reason for award unknown.
Troper, Morris C. O902843	Nov. 19, 1952	France.....	Legion of Honor, grade of Officer.	Reason for award unknown.
Walsh, Orville E. O12094	May 31, 1954	Morocco.....	Order of Ouissam Alaouite Cheriffien, grade of Grand Officer.	In consideration of his merits.
Young, Gordon R. O3531	May 31, 1951	Brazil.....	Medal of Military Merit....	In recognition of his arranging a citizen's reception upon the occasion of the visit to the United States by the President of Brazil on or about May 18, 1949.
		Panama.....	National Order of Vasco Nunez de Balboa, degree of Grand Officer.	Reason for award unknown.
Young, Mason J. O3788	July 31, 1953	France.....	Legion of Honor, degree of Officer.	Reason for award unknown.
Colonel				
Adams, Edward F. O15326	Sept. 30, 1954	Venezuela....	Order of the Liberator, degree of Officer.	For services rendered while serving as Army Attaché.
Andrus, Burton C. O6991	Apr. 30, 1952	Brazil.....	Order of Military Merit, degree of Officer.	Reason for award unknown.
Baird, Willett J. O16499	July 31, 1956	France.....	Legion of Honor, Grade of Chevalier.	For the reorganization and equipping of French Forces during World War II and also as a token of good will.

DEPARTMENT OF THE ARMY—Continued

Name	Date of retirement	Donor government	Award	Remarks
Colonel—Con.				
Bambace, Felix S. O56797	Sept. 30, 1957	Italy.....	Star of Italian Solidarity, Third Class.	Reason for award unknown.
Barker, Maurice E. O6779	Aug. 31, 1948	Finland.....	Cross of Liberty with Sword, Class IV.	In recognition of services rendered in the interests of Finland during the Russo-Finnish War, 1939-40.
Benitez, Enrique M. O4841	Apr. 30, 1951	Guatemala....	La Cruz de Servicios Distinguidos.	Reason for award unknown.
Berry, Logan C. O15752	Sept. 30, 1954	Venezuela.....	Orden de Libertador	Reason for award unknown.
Bidwell, Bruce W. O15552	Sept. 30, 1954	Mexico.....	Mexican Medal Merito Militar.	Reason for award unknown.
Billing, Albert E. O8394	July 31, 1953	Netherlands...	Order of Orange-Nassau with Swords.	For service rendered while serving as United States Army Attaché.
		Ecuador.....	Abdon Calderon, First Class.	Colonel Billing served as Chief, USA Mission to Ecuador, and contributed much in promoting cooperation and mutual understanding between the Armed Forces of the two countries. He also demonstrated sincerity and high esteem toward the Ecuadorian Armed Forces.
Blanchard, Wendell O15528	July 31, 1954	Belgium.....	Order of Leopold, degree of Officer, with Palm.	For war service in 1944-45 notably, during the battle of Bastogne, per Royal Decree No. 1941, dated June 22, 1953.
		Belgium.....	Croix de Guerre with Palm	For war service in 1944-45 notably, during the battle of Bastogne, per Royal Decree No. 1941, dated June 22, 1953.
Boichot, Donald F. O320119	Apr. 30, 1957	China.....	Financial Medal, First Grade, Second Class.	Rendered the good merit of assistance for the transportation of gold to the interior during the war against Japan.
Booth, Lucian D. O2228	June 30, 1942	Finland.....	Cross of Liberty with Sword, Class II.	In recognition of services rendered in the interests of Finland during the Russo-Finnish War, 1939-40.
Buck, Walter A. O15665	June 30, 1953	Sweden.....	Royal Order of the Sword, Knight Commander, Second Class.	Reason for award unknown.
Burrill, Joseph R. O15680	Sept. 30, 1954	Finland.....	Order of the White Rose of Finland.	For services rendered while serving as Army Attaché.
Busbey, George W. O15639	Aug. 31, 1954	Paraguay.....	National Order of Merit, grade of Grand Official.	Has rendered important services to the Nation's Armed Forces, meriting national recognition.
Carter, Maynard H. O15077	July 31, 1953	Iran.....	Decoration of Merit, Second Class, First Type.	For exceptionally meritorious conduct in the performance of service during the period from Oct. 10, 1950, to May 6, 1952, while serving as Deputy Chief of Mission and Chief of Staff and such rendered services of exceptional value to the Iranian Army.
Clement, Joseph T. O14022	Jan. 4, 1921	Italy.....	Order of the Crown of Italy	Reason for award unknown.
		Rumania.....	Order of the Crown of Rumania, degree of Officer.	Reason for award unknown.
Crawford, David J. O14916	May 31, 1953	Brazil.....	Order of Military Merit, grade of Officer.	Reason for award unknown.
		Chile.....	Medal of Military Merit, Second Class.	For distinguished services rendered to Chile.
Davis, Merle H. O9832	July 31, 1953	Finland.....	Cross of Liberty with Sword, Class IV.	In recognition of services rendered in the interests of Finland during the Russo-Finnish War, 1939-40.
Drury, Frederick W. O12333	July 31, 1953	Iran.....	Taj Medal, third degree	For participation in the funeral of the late Reza Shah the Great, as a representative of the American Government.
Enderton, Herbert B. O15149	July 31, 1954	Ecuador.....	Abdon Calderon, First Class.	Service as Military Attaché of the USA in Ecuador, Colonel Enderton helped increase friendly relations between members of the National and North American Armed Forces.
Farrar, Conway F. O41625	Aug. 31, 1952	Peru.....	Military Order of Ayacucho, grade of Officer.	Reason for award unknown.
Follansbee, Conrad G. O15973	Jan. 31, 1954	Haiti.....	Order of National Honor and Merit, grade of Commander.	Reason for award unknown.
Forde, Harold M. O16409	June 30, 1956	France.....	Legion of Honor, grade of Chevalier.	For services rendered while serving as Assistant Army Attaché to France.
George, William S. O18304	Sept. 30, 1956	Greece.....	Cross of the Commander of the Royal Order of Phoenix.	In recognition of services rendered to the Greek Prime Minister.

DEPARTMENT OF THE ARMY—Continued

Name	Date of retirement	Donor government	Award	Remarks
Colonel—Con.				
Gibney, Jesse L. O12216	Aug. 31, 1953	Greece	Greece War Cross, Class III.	As a member of the American Military Mission in Greece has rendered precious and invaluable service to the Greek Army and has contributed greatly to the reorganization and training thereof.
Gralling, Francis J. O15826	July 31, 1954	Netherlands	Order of Orange-Nassau with Swords, degree of Commander.	Reason for award unknown.
		Brazil	Order of Military Merit, degree of Officer.	
		Denmark	Order of Dannebrog, degree of Commander.	
Griffiths, David W. O12040	Mar. 31, 1950	Greece	Commander Cross of the Order of Phoenix.	Reason for award unknown.
Harris, Lee V. O10823	Aug. 31, 1954	Viet-Nam	National Order of Viet-Nam, grade of Commander.	For services rendered while serving as American Military Attaché to the Government of Viet-Nam.
Hayne, Frank B. O6446	Nov. 30, 1947	Finland	Officer's Cross of the White Rose of Finland.	Reason for award unknown.
Hinckle, John T. O15539	Aug. 31, 1954	Iran	Medal of Merit, Type One of Second Grade.	In appreciation of the services and in view of Colonel Hinckle's capability. For services rendered while serving as Army Attaché from Nov. 21, 1950, to Mar. 3, 1953.
Hirschfelder, Chester J. O6124	July 31, 1949	France	Legion of Honor, grade of Chevalier.	As a token of gratitude from the French Government for his splendid service in France during the two World Wars.
Hoeker, Woodson F. O10879	July 31, 1957	Brazil	Thaumaturgo de Azevedo Medal.	For good will purposes and in appreciation of services rendered while serving as Army Attaché.
		Brazil	Marechal Caetano de Faria Medal.	For good will purposes and in appreciation of services rendered while serving as Army Attaché.
		Brazil	Marechal Hermes Medal.	For good will purposes and in appreciation of services rendered while serving as Army Attaché.
		Brazil	Order of Military Merit, grade of Officer.	For good will purposes and in appreciation of services rendered while serving as Army Attaché.
		Brazil	Medalha Marechal Souza Aguiar.	For good will purposes and in appreciation of services rendered while serving as Army Attaché.
Huthsteiner, George E. O5592	Sept. 30, 1943	Estonia	Decoration of the Eagle, Third Class.	Reason for award unknown.
		Finland	Officer's Cross of the Order of the White Rose.	Reason for award unknown.
		Latvia	Order of the Three Stars, Second Class.	Reason for award unknown.
Jacoby, Benjamin O109164	May 14, 1946	China	Cravat of the Order of Cloud and Banner.	Reason for award unknown.
Johnson, Leonard M. O15921	July 31, 1954	Sweden	Royal Order of the Sword, Knight Commander, Second Class.	Reason for award unknown.
Jones, Malcolm D. O16435	June 30, 1956	Portugal	Medal of Military Merit, First Class.	For services rendered to the Government of the Republic of Portugal while serving as Army Attaché.
Jones, Melvin H. O199266	Aug. 31, 1955	Colombia	Order of Merit, General Jose Maria Cordoba, grade of Knight Commander.	In recognition of services rendered in completing a study and making recommendations for the reorganization of the Logistics System of the Colombian Armed Forces.
Kane, Francis B. O14922	Apr. 30, 1953	Portugal	Medal for Military Merit, Second Class.	Colonel Kane revealed himself to be an officer of outstanding merit and his sterling qualities of loyalty, honesty, and dignity rendered him worthy of the high regard in which he was held not only by his comrades of the Portuguese Army but also by society circles in Lisbon where he was esteemed by all as a friend and as a gentleman. Colonel Kane served as Military Attaché to the Embassy of the United States of America in Portugal.

DEPARTMENT OF THE ARMY—Continued

Name	Date of retirement	Donor government	Award	Remarks
Colonel—Con.				
Kaylor, John P. O16909	July 31, 1957	Mexico.....	Military Merit, First Class.	For his meritorious work in strengthening the relations between the armies of the United States and Mexico. Reason for award unknown.
Kluss, Walter L. O10032	Feb. 28, 1949	Italy.....	Order "Stella della Solidarietà Italiana."	
Leakey, Frank N. O16578	June 30, 1956	Peru.....	Military Order of Ayacucho, grade of Officer.	For meritorious service rendered while serving as Army Attaché.
Mabie, Russell L. O15626	Aug. 31, 1954	Panama.....	Orden de Vasco Nunez de Balboa, grade of Commander.	In recognition of his merits per citation dated June 18, 1951.
Marsh, James H. O14610	Feb. 28, 1953	Venezuela.....	Order of Francisco de Miranda, Second Class.	Reason for award unknown.
McCarthy, Charles W. O16607	Nov. 30, 1956	Chile.....	"Al Merito Bernardo O'Higgins," grade of Commander.	Reason for award unknown.
McFarland, John A. O16489	July 31, 1956	Chile.....	Medal of Military Merit.	Reason for award unknown.
		Peru.....	"El Sol del Peru" grade of Commander (The Sun of Peru).	For his merits and services.
McHugh, Harry D. O15758	Sept. 30, 1954	Peru.....	Military Order of Ayacucho, grade of Officer.	Reason for award unknown.
		Bolivia.....	Order of the Condor of the Andes, degree of Commander.	For service in Bolivia with United States Army Mission.
McMahon, Bernard B. O7040	Mar. 31, 1953	Finland.....	Order of the White Rose of Finland, grade of Commander.	As a token of good will.
Melton, Eldridge O223067	Mar. 1, 1954	Thailand.....	Order of the Crown of Thailand, Second Class.	Reason for award unknown.
Middleton, John W. O12135	Aug. 31, 1954	Nepal.....	Prasiddha Pravala Gorkha Dakshina Babu (The Famous Order of the Right Hand of the Ghorikas).	Reason for award unknown.
Miles, John W. O469133	Nov. 30, 1955	Peru.....	Military Order of Ayacucho, grade of Officer.	For meritorious service while serving as Officer-in-Charge of Inter-American Geodetic Survey, Peru Project.
Miller, Art B., Jr. O297489	Apr. 30, 1950	Brazil.....	Order of Military Merit, degree of Cavalier.	Reason for award unknown.
Miller, Harry W. O16905	July 31, 1954	Ecuador.....	Abdon Calderon, First Class.	For services rendered while serving as Army Attaché.
		Ecuador.....	Al Merito, grade of Commander.	For services rendered while serving as Army Attaché.
Mills, William H. O16376	July 31, 1956	Chile.....	Military Medal, Second Class.	For having rendered valuable facilities and courtesies to components of the Army of Chile, whereby they have contributed to the mutual understanding and esteem of the two institutions, a circumstance which directly promotes continental harmony.
Mitchell, Lawrence C. O5304	Feb. 28, 1953	Syria.....	Decoration of the Syrian Merit, First Class.	In appreciation of his high services rendered to the Syrian Government.
Miter, Frank F. O16477	June 30, 1956	Portugal.....	Medal of Military Merit, First Class.	Reason for award unknown.
O'Malley, Joseph H. O19061	Aug. 31, 1956	Peru.....	Order Militar de Ayacucho, degree of Commander.	Reason for award unknown.
Oyster, Dales J. O15456	Aug. 31, 1954	Italy.....	Cross for War Merit.	For service rendered with the 88th Division in Italy during World War II.
Pettit, Frank A. O16092	July 31, 1955	Peru.....	Military Order of Ayacucho, grade of Officer.	For distinguished services rendered while serving as Director General of the Inter-American Geodetic Survey to Peru.
Pharr, Marion M. O16215	July 31, 1953	Greece.....	The Commander of the Royal Order of George I.	The Greek decoration was conferred upon Colonel Pharr by His Majesty the King of the Hellenes, in recognition of the efficient assistance he gave his Majesties during his recent visit to Austria.
Pierce, Wilbur R. O15160	May 31, 1954	Venezuela.....	Order of Francisco de Miranda, Second Class.	Reason for award unknown.
Pohl, Marion G. O17176	June 30, 1955	Italy.....	Officer of Merit of the Republic.	For services rendered while serving as Army Attaché.
Potter, Harold E. O8043	Jan. 31, 1950	Netherlands..	Order of Orange-Nassau, with Swords, grade of Commander.	Reason for award unknown.
Prince, Eugene O135384	Feb. 28, 1953	Chile.....	Medal of Military Merit, Second Class.	For distinguished services rendered to Chile.
Reid, Alexander D. O15234	Oct. 31, 1954	Venezuela.....	Order of Francisco de Miranda.	For services as Chief, United States Army Mission to Venezuela.

DEPARTMENT OF THE ARMY—Continued

Name	Date of retirement	Donor government	Award	Remarks
Colonel—Con. Riley, Lowell M. O8654	June 30, 1952	France..... Rumania.....	Legion of Honor, Grade of Officer. Commemorative Medal, Carol I.	Reason for award unknown. Reason for award unknown.
Sadtler, William F. O14917	July 31, 1953	Finland.....	Cross of Liberty with Sword, Class IV.	In recognition of services rendered in the interest of Finland during the Russo-Finnish War 1939-40.
Sapia-Bosch, Timoeto A. O9805	July 31, 1953	Greece.....	Distinguished Service Medal.	For rendering in the sphere of his competence invaluable services to the Armed Forces of Greece as a member of the American Military Mission in Greece.
Schaffer, William H. O15364	Aug. 31, 1953	Cuba.....	Distinguished Service Medal.	Colonel Schaffer has efficiently cooperated to strengthen the good bonds of friendship existing between the Government of his country and the Cuban Government.
Schroeder, August H. O13714	Nov. 16, 1956	France.....	Legion of Honor, grade of Chevalier.	In 1945-46, Colonel Schroeder took an essential part in the reestablishment of navigation on the Rhine River. He also created between the United States, French, and British authorities excellent relations based on mutual confidence and close cooperation through his magnificent leadership.
Shaw, Lawrence E. O16858	Mar. 31, 1956	Venezuela.....	Decoration of the Order Francisco de Miranda, Second Class.	For exceptional services while in the performance of official duty as Army Attaché to the American Ambassador to the Government of Venezuela.
Shipp, William E. O4455	Aug. 31, 1954	Spain.....	Cross of Military Merit with White Distinctive, Third Class.	For services rendered to Spain while serving as United States Army Attaché.
Smith, Douglas O15699	Aug. 31, 1954	Argentina.....	Order of General San Martin, degree of Comendador.	As a member of the Inter-American Defense Board he cooperated with Argentine authorities in many ways. He was tour director for a group of 12 Argentine high-ranking officers who visited the United States in November 1947.
Smith, Harvey H. O10155	Feb. 29, 1952	Greece.....	Royal Order of George I, degree of Commander.	Reason for award unknown.
Sottong, George V. O288253	Aug. 31, 1957	Belgium.....	Military Cross, First Class.	Reason for award unknown.
Taft, David S. O901853	July 31, 1954	Japan.....	Order of the Rising Sun, Third Class.	For service rendered to the Government of Japan.
Thompson, Fulton G. O50965	Oct. 31, 1957	Greece.....	Knight's Order of Phoenix.	Reason for award unknown.
Trimble, Ford O28761	Sept. 30, 1954	Norway.....	Commander's Cross of the Royal Norwegian Order of Saint Olav.	For services rendered to the Government of Norway while serving with Headquarters Allied Land Forces, Norway.
Waltz, Welcome P. O5429	Oct. 31, 1952	Greece.....	Knight's Order of Phoenix.	As a member of the American Military Mission in Greece has rendered precious and invaluable service to the Greek Army and has contributed greatly to the reorganization and training thereof.
Wedemeyer, William A. O15011	Sept. 31, 1954	Panama.....	Military Order of Vasco Nunez, degree of Commander.	Reason for award unknown.
Whitcomb, John C. O5321	Oct. 31, 1951	Peru.....	Military Order of Ayacucho, grade of Officer.	For distinguished services as Chief of the USA Mission to Peru.
Withers, William P. O12742	Aug. 31, 1954	China.....	Chinese Armored Force Combat Badge.	Being admired by the officers and soldiers of Chinese Armored Force for his glorious activity as a combat commander in ground combat against an armed enemy of Allied Nations during the period of 1942-45 in the European Theater.

DEPARTMENT OF THE ARMY—Continued

Name	Date of retirement	Donor government	Award	Remarks
Lieutenant Colonel Alba, Bienvenido M. O16939	Aug. 31, 1955	Philippines ...	Bronze Cross Medal	For heroism in rescuing a fellow officer from enemy artillery fire on Apr. 8, 1942, in Bataan.
		Philippines ...	Wounded Soldier's Medal...	For wounds received as a direct result of enemy action in Manila, Philippines, in August 1942.
Boone, William E. O199358	Aug. 1, 1955	Dominican Republic.	Order of Merit of Juan Pablo Duarte.	The Government of the Dominican Republic awards this decoration to its meritorious servants, as well as for services rendered to humanity.
Earl, Edwin O. O29097	Apr. 30, 1957	Greece	Distinguished Service Medal.	As a member of the American Military Mission in Greece has rendered precious and invaluable service to the Greek Army and has contributed greatly to the reorganization and training thereof.
Hubard, Randolph B. ... O17714	Jan. 31, 1950	Italy	Cross for War Merit	For service rendered with the 88th Div in Italy during World War II.
Hughes, James R. O20343	Dec. 31, 1957	Brazil	Order of Military Merit, degree of Cavaleiro.	Reason for award unknown.
Reed, Ralph E. O450670	June 30, 1957	Bolivia	Military Engineer and Military Professor.	For services rendered to the Government of Bolivia.
Turner, Robert G. O16809	July 31, 1957	Greece	Greek War Cross, Class B..	For services rendered as a member of the JUSMAG Detachment, attached to the I Mountain Division.
Vance, William W. O51693	Oct. 31, 1950	Greece	Gold Cross of the Order of Phoenix.	Reason for award unknown.
Warren, Kenneth D. O885755	June 30, 1955	Italy	Cross for War Merit	For service rendered with the 88th Division in Italy during World War II.
Major				
Lobianco, Frank E. O346946	Mar. 31, 1951	Greece	War Cross, Class III	For precious and invaluable service to the Greek Army and has contributed greatly to the reorganization and training.
Yanisch, Otto F. O300523	Apr. 26, 1957	Czechoslovakia.	Order of the White Lion, Fifth Class.	For service rendered as Chief, Restitution Branch, Land Bavaria, of the Office of the United States Military Government in Germany.
Captain				
Burchett, Harry P. O2012787	Aug. 31, 1957	Haiti	Order of National Honor and Merit, grade of Officer.	For services rendered to the Government of Haiti while serving with the Inter-American Geodetic Survey.
Master Sergeant				
Bottomstone, Charles A. RA6846229	Sept. 30, 1953	Greece	Distinguished Service Medal.	For rendering competent invaluable services to the Government of Greece.
Currie, John T. RA15109865	Jan. 31, 1952	Greece	Distinguished Service Medal.	For rendering competent invaluable services to the Government of Greece.

UNITED STATES MARINE CORPS

General				
Noble, Alfred H. O717	Nov. —, 1956	France	Legion of Honor	For service to the Allied Cause during two World Wars and for his sympathy to France and its people.
Shepherd, Lemuel C., Jr. O889	Dec. —, 1955	Argentina	Order of Naval Merit, Grade of Grand Official.	Token of good will.
		Brazil	Order of Naval Merit, Grade of Grand Official.	Token of good will.
		Spain	Grand Cross of Naval Merit.	Token of good will.
Lieutenant General				
Fuller, Lewis B. O3158	Nov. —, 1955	China	Special Cravat of the Order of Cloud and Banner.	Token of good will.
Rockey, Keller E. O838	Sept. —, 1950	France	Legion of Honor, Grade of Officer.	For service rendered to the Allied Cause in the Pacific during World War II and to the French Forces in the Far East.

UNITED STATES MARINE CORPS—Continued

Name	Date of retirement	Donor government	Award	Remarks
Brigadier General				
Bard, Elliott E..... O4418	July —, 1957	Korea.....	Ulchi Distinguished Military Service Medal.	For exceptionally meritorious service to Republic of Korea, Aug. 2, 1955, to June 8, 1956.
Deakin, Harold O..... O4991	July —, 1957	Greece.....	Gold Cross of King George the First.	For service as Planning Officer, United States Naval Group, American Mission to Greece, April 1947 to June 1949.
Harris, Harold D..... O3969	Jan. —, 1950	Morocco.....	Order of Ouissam Alaouite, Degree of Commander.	For services on staff of United States Naval Forces, Eastern and Mediterranean, at London, England. Served at Paris, France, in connection with conferences thereat November 7-10, 1948. Was at Port Lyautey, French Morocco, November 14-18; temporary duty Naval activities and administrative inspection.
Hays, Lawrence C., Jr... O5624	Sept. —, 1957	Brazil.....	Order of Naval Merit, Grade of Officer.	For services rendered to the Brazilian Marine Corps during his tour of duty as a member of the United States Naval Mission to Brazil.
Peterson, Robert L..... O4330	May —, 1948	China.....	Special Cravat of the Cloud and Banner.	For services to the Republic of China in its program for training and building up of Chinese Armed Forces.
Colonel				
McQuillen, Francis J... O4081	Mar. —, 1957	Thailand.....	Order of the Crown of Thailand, Second Class.	For service as United States Naval Attaché and Naval Attaché for Air to Thailand, May-November 1950.
		Thailand.....	Coronation Medal.....	For service as United States Naval Attaché and Naval Attaché for Air to Thailand at the time of the King's Coronation, May 1950.
Raciot, Arthur..... O798	Jan. —, 1935	Santo Domingo.	Order of Merit, Juan Pablo Duarte.	For services rendered in the military education and guidance of officers performed as CO of the Cadets of the Dominican Republic at Haina, District of Santo Domingo, while serving on active duty attached to the 2nd Mar Brig in Santo Domingo, October 1923 to October 1924.
Lieutenant Colonel				
Seibert, Charles J., Jr... O5419	Aug. —, 1956	Brazil.....	Order of Naval Merit, Degree of Officer.	For services rendered to the Brazilian Navy during tour of duty as Marine Member, United States Naval Mission to Brazil, June 1950 to September 1953.
Captain				
Duggan, William E..... O38220	June —, 1952	Thailand.....	Order of the White Elephant, Fourth Class.	Was instrumental in the recruiting and training of 35 Thailand students who were in the United States. These students infiltrated into Thailand where they helped organize an underground movement which rendered valuable assistance to the Allies.
		Thailand.....	Santimala (Peace) Medal...	Was instrumental in the recruiting and training of 35 Thailand students who were in the United States. These students infiltrated into Thailand where they helped organize an underground movement which rendered valuable assistance to the Allies.

DEPARTMENT OF THE NAVY

Fleet Admiral				
Halsey, William F., Jr... 5035	Mar. 1, 1947	Argentina.....	Grand Cross of the Order of Naval Merit.	Occasion of a visit to Buenos Aires.

DEPARTMENT OF THE NAVY—Continued

Name	Date of retirement	Donor government	Award	Remarks
Admiral				
Badger, Oscar C..... 7626	June 1, 1954	Brazil.....	Order of Naval Merit (Grand Officer).	Token of good will.
Carney, Robert B..... 9612	Aug. 1, 1955	Spain.....	Gran Cruz del Merito Naval con distintivo blanco.	Token of good will.
		Thailand.....	Most Exalted Order of White Elephant (first class).	Token of good will.
		Cuba.....	Order of Naval Merit (first class).	Token of good will.
		Colombia.....	Order of Boyaca (Grand Cross).	In recognition of interest in the Colombian Navy.
		Argentina.....	Grand Cross of the Order of Naval Merit.	Token of good will.
		Italy.....	Grand Cross of the Order of Merit.	As Commander in Chief of the Allied Forces, Southern Europe.
		Greece.....	Royal Order of George the First.	Token of good will.
		Morocco.....	Order of Ouissam Alaouite Cheriffen (Grand Cross).	Occasion of a visit to Port Lyautey.
		Saudi Arabia.....	Sword.....	Token of good will.
		Finland.....	Cross of Liberty with Sword, Class II.	Token of good will.
Conolly, Richard L..... 8678	Nov. 1, 1953	Netherlands.....	Order of Orange-Nassau (Grand Cross).	Token of good will.
		Tunisia.....	Order of Nichan Iftikhar (Grand Officer).	Token of good will.
		Italy.....	Military Order of Italy (Grand Officer).	Token of good will.
Du Bose, Laurance T.... 8283	June 1, 1955	Italy.....	Order of Merit of the Italian Republic (Grand Officer).	As Commander, Eastern Sea Frontier.
Duncan, Donald B..... 10843	Feb. 28, 1957	Cuba.....	Order of Naval Merit (White Ribbon) first class.	Strengthening the bonds of friendship to the Cuban Navy.
Fahrion, Frank G..... 10872	May 1, 1956	Argentina.....	Order of Naval Merit (Grand Officer).	A tour of South America.
		Brazil.....	Order of Naval Merit (Grand Officer).	A tour of South America.
Fechteler, William M.... 9699	July 1, 1956	Greece.....	Royal Order of King George the First (Grand Cross).	Token of good will.
		Italy.....	Order of Merit of the Italian Republic (Grand Cross).	For service as Commander in Chief Allied Forces Southern Europe.
		Morocco.....	Grand Cross of Ouissam Alaouite.	For service in the cause of peace and freedom throughout the world.
		Tunisia.....	Grand Cross of Nichan Iftikhar.	For service in the cause of peace and freedom throughout the world.
		Brazil.....	Order of Naval Merit (Grand Officer).	Token of good will.
Gardner, Matthias B.... 34523	Aug. 1, 1956	Greece.....	Royal Order of the Phoenix (Grand Cross).	Token of good will.
Glover, Cato D., Jr..... 20393	Sept. 1, 1957	France.....	Legion of Honor (Degree of Officer and Commander).	Assistant Naval Attaché and Naval Attaché for Air.
Hill, Harry W..... 7622	May 1, 1952	France.....	Legion of Honor (Commander).	Token of good will.
		Brazil.....	Order of Naval Merit (Grand Officer).	Token of good will.
Kirk, Alan G..... 7002	Mar. 1, 1946	Luxembourg.....	Order of Grand Ducal of the Corona de Chene (Grand Cross) and Croix de Guerre.	In recognition of meritorious military service.
		Belgium.....	Order of Leopold.....	Military service during World War II.
Radford, Arthur W..... 9643	Aug. 1, 1957	Peru.....	Peruvian Cross of Naval Merit (Grand Cross) with White Badge.	Token of good will.
		Brazil.....	Order of Naval Merit (Grand Cross).	Token of good will.
		Ecuador.....	Order of Abdon Calderon (first class).	Token of good will.
		Italy.....	Knight of the Grand Cross of the Order of Merit of the Republic of Italy.	Token of good will.
		Colombia.....	Order of Boyaca (Grand Cross).	Token of good will.
		Morocco.....	Order of Ouissam Alaouite (Grand Cross).	Token of good will.
		Spain.....	Grand Cross of Naval Merit with White Insignia.	Token of good will.
		Thailand.....	Order of the White Elephant (first class).	Token of good will.
		Ethiopia.....	Order of Menilek (second class) (Grand Cordon).	Occasion of a visit to United States by the Emperor of Ethiopia.

DEPARTMENT OF THE NAVY—Continued

Name	Date of retirement	Donor government	Award	Remarks
Admiral—Con.				
Struble, Arthur D. 9122	July 1, 1956	China.....	Precious Tripod.....	For service as Commander, United States Seventh Fleet.
Turner, Richmond K. 6312	July 1, 1947	Japan.....	Imperial Order of the Sacred Treasure (third class).	Occasion returning ashes of late Ambassador Saito to Japan.
Vice Admiral				
Baker, Wilder D. 8703	Aug. 1, 1952	Brazil.....	Order of Naval Merit (Commander).	For service as Commandant, Eleventh Naval District.
Barbey, Daniel E. 7930	June 30, 1951	Mexico.....	Military Merit (first class).	Token of good will.
		Dominican Republic.	Order of Merit Juan Pablo Duarte.	Occasion visit of three Dominican ships to San Juan, P. R.
		Dominican Republic.	Order of Cristobal Colon....	Occasion visit of three Dominican ships to San Juan, P. R.
Boone, Joel T. (MC).... 8566	Dec. 1, 1950	France.....	Medal of Honor of the Medical Service in Gold.	For service in improvement of the Medical Services of the Armed Forces.
Dyer, George C. 34727	Feb. 1, 1955	Peru.....	Peruvian Naval Cross of Merit.	For services rendered to the Peruvian Navy.
		France.....	Legion of Honor (Commander).	Token of good will.
Greer, Marshall R. 34763	July 1, 1953	Chile.....	Order of Merit (Grand Officer).	For distinguished service to Chile.
Hanson, Edward W. 7634	Feb. 1, 1951	Panama.....	Vasco Nunez de Balboa.....	Token of good will.
		Chile.....	Chilean Military Medal of the Navy (first class).	Official visit to Chile.
Hardison, Osborn B. 9722	Jan. 1, 1955	Peru.....	Peruvian Cross of Order of Naval Merit (Grand Officer).	For services rendered to the Peruvian Navy.
		Cuba.....	White Order of Naval Merit (first class).	For outstanding service to the Cuban Navy.
		Chile.....	Medal of Merit (Grand Officer).	Token of good will.
		Mexico.....	Special Medal of Merit.....	For services rendered to the Mexican Navy.
		Brazil.....	Order of Naval Merit (Grand Officer).	For services rendered as Aide to President Dutra during his visit to the United States.
Hillenkoetter, Roscoe H. 20485	May 1, 1957	France.....	Legion of Honor (Officer)...	As Naval Attaché at United States Embassy in France.
Inglis, Thomas B. 17084	Jan. 1, 1952	Peru.....	Peruvian Cross of Naval Merit (Grand Officer).	Cooperation with the Peruvian Navy.
		Denmark.....	Order of Dannebrog (Knight Commander).	Cooperation with the Danish Navy.
Johnson, Felix L. 56043	Sept. 1, 1952	Brazil.....	Order of Naval Merit (Commander).	Token of good will.
		France.....	Legion of Honor (Commander).	In appreciation for services rendered the Allied Cause during World War II.
		Chile.....	Military Order (First Class).	Promotion of good will.
Lovette, Leland P. 17002	June 30, 1949	Brazil.....	Order of Naval Merit (Grand Officer).	For services rendered to the Brazilian Navy.
Murphy, Marion E. 5768	May 1, 1957	Cuba.....	Order of Naval Merit (first class).	Token of good will.
Smith, Allan E. 9035	Feb. 1, 1954	Thailand.....	Most Noble Order of the Crown of Thailand (second class).	Token of good will.
Stokes, Thomas M. 57766	July 1, 1956	Tunisia.....	Niehan-Ifikhar (Grand Officer) First Class.	Occasion of a visit of the U. S. S. Salem to Tunis.
Thurber, Harry R. 34578	June 30, 1953	China.....	Order of Yun Hui Grand Cordon, second class (Cloud and Banner).	Token of good will.
Whitehead, Richard F. 13464	June 1, 1955	Brazil.....	Order of Naval Merit (Grand Officer).	For services rendered to Brazilian Navy.
Wilkins, Charles W. 58917	Dec. 1, 1957	Ecuador.....	Order of the Abdon Calderon (first class).	As Director of Pan American Affairs.
		Cuba.....	Order of Naval Merit (first class).	Token of good will.
		Argentina.....	Order of Naval Merit (Grand Officer).	Token of good will.
		Brazil.....	Order of Naval Merit (Commander).	For services rendered to Brazil.
		Brazil.....	Medallion of the Superior School of War (Honorary Degree of course of instruction).	Completion of course of instruction at the Superior School of War.
		Haiti.....	National Order of Honor and Merit (Grand Officer).	Token of good will.
Rear Admiral				
Adell, Cecil C. 57434	June 30, 1952	Brazil.....	Order of Naval Merit (Commander).	Token of good will.
Ansel, Walter C. 34566	June 30, 1949	China.....	Special Cravat Order of Cloud and Banner.	In appreciation of his help to the Chinese Government.
		Brazil.....	Order of Naval Merit (Commander).	Member, United States Naval Mission to Brazil.
Armstrong, Henry J., Jr. 51068	June 30, 1957	Venezuela.....	Order of the Liberator (Official).	For service as United States Naval Attaché.
Barbaro, Joseph R. 24838	June 30, 1952	Chile.....	Medal of Merit (Bernardo O'Higgins) (Commander).	Token of good will.
		Peru.....	Peruvian Cross of Order of Naval Merit (Commander).	For service during World War II.

DEPARTMENT OF THE NAVY—Continued

Name	Date of retirement	Donor government	Award	Remarks
Rear Admiral—Con.				
Bowman, Roscoe L. 56762	June 30, 1950	Brazil	Order of Aeronautical Merit	For services as United States Navy member (Air) Joint Brazil.
Brown, Martin V. 63643	Oct. 1, 1954	Brazil	Order of Naval Merit (Commander)	For services rendered to the Brazilian Navy.
Carpenter, Charles L. 60331	June 10, 1956	Spain	Spanish White Naval Cross of Merit (third class).	As Aide to the Spanish Minister of Marine during a visit to the United States.
Clark, David H. 34555	June 30, 1953	Peru	Peruvian Navy Cross (Commander).	Member of the United States Naval Mission to Peru.
Comp, Charles O. 57499	June 30, 1952	Chile	Military Medal (second class).	For distinguished service to the Chilean Navy.
Dalton, Carl M. 61162	June 30, 1957	Peru	Military Medal (second class).	For distinguished service to the Chilean Navy.
Decker, Benton W. 20450	June 30, 1949	Vatican	Peruvian Cross of Naval Merit (Commander).	For services rendered to the Peruvian Navy.
Dreller, Louis 34020	July 1, 1951	Philippines	Medal of St. Sylvester (Knight Commander).	For service as Commander Fleet Activities in Japan.
Evenson, Marvin P. 60367	June 30, 1956	Brazil	Legion of Honor (Officer)	For service to the Philippines.
Ferris, Floyd F. 57032	June 30, 1952	Brazil	Order of Naval Merit (Captain).	For services rendered to the Brazilian Navy.
		Brazil	Honoris Causa	For services as Chief, Navy Section, United States Military Mission to Brazil.
		Spain	Cross of Naval Merit (third class).	Token of good will.
		France	Legion of Honor (Officer)	For service during World War II.
		Denmark	Order of Dannebrog	For services rendered to the Danish people.
Fitzgerald, Phillip H. 59667	June 30, 1955	Peru	Peruvian Cross of Naval Merit (Commander).	Training officer and technical advisor for the Latin American Countries.
		Chile	Medalla Militar de la Armada (second class).	Token of good will.
		Colombia	Naval Order Admiral Padilla (Officer).	For service to the Colombian Government.
Fluegel, Fred C. 67786	June 30, 1956	Greece	Royal Order of the Phoenix (Commander).	For service with the Chief of Navy Section Joint United States Military Aid Group to Greece.
Furlong, William R. 5179	Aug. 1, 1946	Finland	Cross of Liberty with Sword, Class I.	Token of good will.
Gallaher, John F. 60233	Aug. 1, 1956	Sweden	Order of the Sword (Knight Commander).	Token of good will.
Gordon, Howard W., Jr. 61147	June 30, 1957	Chile	Naval Military Medal (second class).	Chief Staff Officer to Commander Philadelphia Group, Atlantic Reserve Fleet.
Griggs, Gale E. 60195	June 30, 1956	Greece	Royal Order of the Phoenix (Commander).	For duty as Naval Attaché, Athens, Greece.
Harrison, Beverley R., Jr. 58403	June 30, 1953	Argentina	Order of the Liberator San Martin (Knight Commander).	Senior Naval Adviser, Buenos Aires, Argentina.
Haven, Hugh E. 20460	July 1, 1954	France	Legion of Honor (Officer)	Token of good will.
Heckey, Albert R. 61189	June 30, 1957	Peru	Peruvian Cross of Naval Merit.	For service as a member of the United States Naval Mission to Peru.
		Philippines	Bronze Anahaw Leaf—Philippine Legion of Honor (Officer).	Token of good will.
Jalbert, Horace H. 8658	Jan. 1, 1951	France	Legion of Honor (Officer)	For service during the two World Wars.
Kauffman, Roland P. 57634	Dec. 1, 1952	Tunisia	Order of Nihon Iftikhar (Commander).	Token of good will.
Kaufman, John H. 71459	Sept. 1, 1955	Peru	Peruvian Cross of Naval Merit (Commander).	For cooperation with Peruvian Navy during training, San Diego, California.
Lee, John E. 63331	Oct. 1, 1957	Peru	Peruvian Cross of Naval Merit (Knight Commander).	Token of good will.
Markey, Gene 81910	Nov. 1, 1953	France	Legion of Honor	Reason for award unknown.
		Italy	Order of the Star of Italian Solidarity.	Do.
McDaniel, Eugene F. 61534	June 30, 1957	Korea	Ulchi Distinguished Military Service Medal.	For service as Naval Liaison Officer, Headquarters, Eighth Army.
McIlhenny, Harry H. 61535	June 30, 1957	Brazil	Order of Naval Merit (Commander).	Senior United States Naval Advisor, Brazilian Naval War College, United States Naval Mission.
Mercer, Preston V. 58615	June 30, 1954	Spain	Naval Merit Cross	United States Naval Attaché, Madrid.
Miller, Daniel B. 60455	June 30, 1957	Chile	Order of Naval Merit (Second Class).	Service to the Chilean Navy.
Morris, Robert M. 58138	June 30, 1953	Finland	Cross of Knight of the White Rose (Second Class).	Assistance during visit of Finnish vessel to New York, 1937.
Neblett, Thomas B. 61195	June 30, 1957	Italy	Order of Merit	United States Naval Attaché, Rome, Italy.

DEPARTMENT OF THE NAVY—Continued

Name	Date of retirement	Donor government	Award	Remarks
Rear Admiral—Con.				
Parker, Charles W. 61474	June 30, 1957	Peru.....	Peruvian Cross of Naval Merit (Commander).	For cooperation with Peruvian Navy training, San Diego, California.
		Netherlands...	Order of Orange-Nassau (Commander).	United States Naval Attaché and Naval Attaché for Air, The Hague.
Rakow, William M. 73110	June 1, 1956	Cuba.....	Order of Naval Merit (First Class).	United States Naval Attaché and Naval Attaché for Air.
Riggs, Whitaker F., Jr. 57731	Jan. 1, 1950	Mexico.....	Medal of Special Merit.....	United States Naval Attaché, Mexico City.
Russilo, Michael P. 61521	June 30, 1957	Spain.....	Spanish White Naval Cross of Merit (Third Class).	Senior Member, Spanish-United States Navy Ad Hoc Trn Study Committee, 1955.
Sapero, James J. (MC) 70646	Nov. 1, 1955	Egypt.....	Order of El-Maaraf.....	Services rendered to Egypt.
Saunders, Willard A. 61250	July 1, 1957	Brazil.....	Order of Naval Merit (Commander).	Token of good will.
Schuirmann, Roseoe E. 7884	June 30, 1951	Chile.....	Order of Naval Merit (First Class).	Token of good will.
Sima, Frederick F. 59317	June 30, 1957	Argentina.....	Order of Naval Merit (Commander).	Token of good will.
Spanagel, Herman A. 8654	June 30, 1949	Chile.....	Order of Military Merit (First Class).	Token of good will.
Stone, Earl E. 17056	Jan. 1, 1958	France.....	National Order of Legion of Honour (Officer).	Assistance in training French Navy.
		Peru.....	Peruvian Cross of Naval Merit (Grand Officer).	Cooperation with Peruvian Navy.
Taylor, Ford N. 60534	June 30, 1956	Morocco.....	Order of Ouissam Alaouite (Commander).	Token of good will.
Theiss, Paul S. 7860	June 30, 1949	Japan.....	Imperial Order of the Rising Sun (Fourth Class).	Occasion of the return of ashes of Ambassador Saito to Japan.
Thorington, Alexander C. 59385	June 30, 1955	Belgium.....	Military Cross (First Class).	Token of good will.
Wirth, Theodore R. 57210	June 30, 1951	Brazil.....	Naval Merit of Honor (Commendador).	Token of good will.
Wood, Hunter, Jr. 59391	June 30, 1955	Peru.....	Naval Cross of Merit.....	For cooperation with Peruvian Navy during training, San Diego.
Young, Edward W. 58820	June 30, 1954	Chile.....	Military Medal of the Navy (Second Class).	For distinguished service to the Chilean Navy.
Zahn, John C. 61312	June 30, 1957	Brazil.....	Order of Naval Merit (Commander).	United States Naval Mission to Brazil services to Brazilian War College.
Captain				
Anderson, Edward R. 60114	July 1, 1955	Mexico.....	Military Merit (Second Class).	Token of good will.
Barbot, Leon J. 61328	June 30, 1957	Japan.....	Third Order of the Sacred Treasure.	Token of good will.
Bibby, Lowe H. 33311	May 1, 1954	Brazil.....	Order of Military Merit (Officer).	Chief, Military Mission to Brazil tour of duty.
Donaho, Doyle G. 61091	June 30, 1957	Haiti.....	Honor and Merit (Commander).	Token of good will.
Fairbanks, Douglas E. 105759	Oct. 1, 1954	Italy.....	Order of San Georgino of Antiochia (Grand Officer).	Charitable work in Italy.
		Italy.....	War Cross of Military Valor.	Services during War World II.
		Belgium.....	Order of the Crown (Officer).	For international philanthropic and diplomatic activities.
		Great Britain.....	Order of the British Empire (Civil Division) (Knight Commander).	Promotion of Anglo-American affairs.
		Italy.....	Order of the Star of Italian Solidarity (Second Class).	Chairman of Care Commission (Civilian capacity) Italian food relief.
		Greece.....	Order of King George the First.	Charitable services to Greece during World War II.
		Great Britain.....	The Grand Priory in the British Realm of the Venerable Order of St. John of Jerusalem (Officer).	For public service in behalf of charity and the unfortunate.
Fleck, Harold R. 34481	Apr. 1, 1955	Morocco.....	Order of Ouissam Alaouite (Officer).	For meritorious service.
Gade, John A. 18358	Oct. 1, 1953	Sweden.....	Royal Order of the Sword (Knight Commander) (Second Class).	Token of good will.
Gardiner, Josef M. 70227	Jan. 1, 1955	France.....	Legion of Honor (Officer)...	Token of good will.
Greenacre, Alvord J. 60183	June 30, 1956	Argentina.....	Commemorative Medal Antarctic Distinguishing Device.	Services as a member of the Antarctic forces.
		Mexico.....	Mexican Naval Medal (Merito Especial).	Token of good will.
Hudson, Homer B. 58060	June 30, 1953	Sweden.....	Royal Order of the Sword (Knight Commander).	Token of good will.
Islev-Petersen, Harold J. 78085	July 1, 1956	Peru.....	Peruvian Cross of Naval Merit (Commander).	For services to the Peruvian Navy, Engineering adviser.
Jarrell, Henry T. 61436	Jan. 1, 1948	Spain.....	Cross of Naval Merit (Third Class).	Token of good will.
Kirten, William, Jr. 59544	June 30, 1955	Mexico.....	Order of Special Merit.....	Token of good will.

DEPARTMENT OF THE NAVY—Continued

Name	Date of retirement	Donor government	Award	Remarks
Rear Admiral—Con.				
Lec, Charles L..... 58739	June 30, 1954	Greece.....	Royal Order of the Phoenix..	Service as a member of mission on aid to Greece.
Linson, Ross G..... 72429	Mar. 1, 1956	Brazil.....	Order of Naval Merit (Knight).	Services to Brazilian Navy.
Mathews, Laurance O., Jr. 63317	Feb. 1, 1957	Finland.....	Order of the White Rose (Commander).	Token of good will.
McCaffree, Burnham C. 60445	June 30, 1956	Mexico.....	Order of Military Merit (Second Class).	Token of good will.
Pryce, Roland F..... 61239	June 30, 1957	Greece.....	Royal Order of the Phoenix (Cross of the Commander).	Token of good will.
Simpson, Robert T..... 71536	Feb. 1, 1957	Chile.....	Military Medal (Second Class).	Distinguished service to the Chilean Navy.
Sisson, Thomas U..... 58578	June 30, 1954	Morocco.....	Order of Ouissam Alaouite (Cheriffen).	Director of Naval Activities, Port Lyautey, Morocco.
Smith-Hutton, Henri H. 57756	June 30, 1952	France.....	Legion of Honor (Commander).	United States Naval Attaché, Paris, France.
Stickney, Fred R..... 59375	June 30, 1955	Brazil.....	Order of Naval Merit (Commander).	Services rendered Brazilian Navy, Sub-Chief, United States Naval Mission to Brazil.
Suits, Willard J..... 57773	June 30, 1952	Chile.....	Military Medal (Second Class).	Distinguished service to the Chilean Naval Commission.
Thew, Joseph P..... 58538	June 30, 1954	Japan.....	Order of the Sacred Treasure (Third Order of Merit).	Token of good will.
Tibbitts, Frank P..... 59671	June 30, 1955	Sweden.....	Royal Order of the Sword (Knight Commander).	Token of good will.
Zollars, Allen M..... 61578	July 1, 1957	Chile.....	Navy Military Medal.....	Chief, United States Naval Mission to Chile.
Commander				
Hathaway, Marvin F... 70982	Apr. 1, 1956	Brazil.....	Order of Naval Merit (Official).	For services rendered to the Brazilian Government.
Pilson, Louis J..... 168274	June 1, 1957	Peru.....	Peruvian Cross of Naval Merit (Officer).	Token of good will.
Reynolds, Harry O..... 73971	July 31, 1953	Chile.....	Naval Military Medal (Third Class).	Liaison officer for vessels being transferred to South American countries.
Ruff, Robert R..... 203373	Feb. 28, 1957	Brazil.....	Order of Naval Merit (Officer).	Token of good will.
Lieutenant Commander				
Beck, George W., Jr.... 487249	Sept. 1, 1957	Brazil.....	Order of Naval Merit (Officer).	For services rendered to the Brazilian Navy.
Bell, William E..... 291761	July 1, 1956	Peru.....	Peruvian Cross of Naval Merit (Commander).	For services rendered to the Peruvian Navy.
Chaney, Clarence M.... 355524	Sept. 1, 1954	Korea.....	Order of Military Merit, Chung Mu with Gold Star.	For service to the Republic of Korea Navy.
Gibson, James B..... 168264	Mar. 1, 1956	Venezuela.....	Medal of Naval Merit.....	Member of United States Naval Mission, Caracas, Venezuela.
Gratz, Richard A..... 183592	Oct. 1, 1946	France.....	French Medaille de l'Aeronautique.	Token of good will.
Jackson, Walter..... 203952	Jan. 1, 1955	Peru.....	Peruvian Cross of Naval Merit (Officer).	For cooperation with the Peruvian Navy.
Odietus, Michael G.... 202337	Sept. 1, 1957	Peru.....	Peruvian Cross of Naval Merit (Officer).	For cooperation with the Peruvian Navy.
Lieutenant				
Dubler, Francis J..... 198092	June 1, 1956	Chile.....	Military Medal (Third Class).	Services to Chilean Naval Commission.
Harris, Vernon Ray.... 309715	July 1, 1956	Colombia.....	Naval Order (Almirante Padilla) 1823-1947.	Assisted in the modernization of the Arc Antioquia and Arc Caldas.
Jones, Evan E..... 310202	Mar. 1, 1956	China.....	Breast Order of Yun Hui...	Adviser in designing and building the training school.
Maxwell, Raymond E... 136831	Mar. 1, 1956	Peru.....	Peruvian Cross of Naval Merit (Gentleman).	Cooperation with the Peruvian Navy.
Lieutenant Junior Grade				
Connell, Clyde E., Jr. (MC) 272987	Aug. 1, 1954	Egypt.....	Medal Commemorative of the Fight against Cholera.	Participation in the fight against cholera.

Approved August 27, 1958.

Private Law 85-705

AN ACT

For the relief of Jean Andre Paris.

August 27, 1958
[S. 3300]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, the Attorney General is authorized and directed to cancel any outstanding order and warrant of deportation, warrant of arrest, and bond, which may have issued in the case of Jean Andre Paris. From and after the date of the enactment of this Act, the said Jean Andre Paris shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and order have issued: *Provided*, That nothing in this Act shall be construed to waive the provisions of section 315 of the Immigration and Nationality Act.

Jean A. Paris.
66 Stat. 163.
8 USC 1101 note.

8 USC 1426.

Approved August 27, 1958.

Private Law 85-706

AN ACT

For the relief of Itzhak Aronovici.

August 27, 1958
[S. 3308]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Itzhak Aronovici shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

Itzhak Aronovici.
66 Stat. 163.
8 USC 1101 note.

Quota deduction.

Approved August 27, 1958.

Private Law 85-707

AN ACT

For the relief of Arturo Ernesto Audrain y Campos.

August 27, 1958
[S. 3357]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of paragraph (1) of section 212 (a) of the Immigration and Nationality Act, Arturo Ernesto Audrain y Campos may be issued a visa and be admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of such Act. A suitable and proper bond or undertaking, approved by the Attorney General, shall be given on behalf of the said Arturo Ernesto Audrain y Campos in the same manner and subject to the same conditions as bonds or undertakings given under section 213 of such Act. This Act shall apply only to grounds for exclusion under paragraph (1) of section 212 (a) of such Act known to the Secretary of State or the Attorney General prior to the date of the enactment of this Act.

Arturo E. Audrain
y Campos.
66 Stat. 182.
8 USC 1182.

8 USC 1183.

Approved August 27, 1958.

Private Law 85-708

August 27, 1958
[S. 3445]

AN ACT

For the relief of Teruko K. Jackson.

Teruko K. Jackson.
66 Stat. 182.
8 USC 1182.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of paragraph (5) of section 212 (a) of the Immigration and Nationality Act, Teruko K. Jackson may be issued a visa and be admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of such Act. This Act shall apply only to grounds for exclusion under such paragraph known to the Secretary of State or the Attorney General prior to the date of the enactment of this Act.

Approved August 27, 1958.

Private Law 85-709

August 27, 1958
[S. 3547]

AN ACT

For the relief of Andrejs Pablo Mierkalns.

Andrejs P. Mierkalns.
66 Stat. 182.
8 USC 1182.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 212 (a) (6) of the Immigration and Nationality Act, Andrejs Pablo Mierkalns may be issued a visa and be admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of such Act and upon compliance with such conditions and controls as the Attorney General, after consultation with the Surgeon General of the United States Public Health Service, Department of Health, Education, and Welfare, may deem necessary to impose: *Provided,* That a suitable and proper bond or undertaking, approved by the Attorney General, shall be deposited as prescribed by section 213 of the Immigration and Nationality Act: *Provided further,* That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this Act.

8 USC 1183.

8 USC 1101,
1155.

SEC. 2. That for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, Andrejs Pablo Mierkalns shall be held and considered to be the minor alien child of Mr. John Mierkalns, a citizen of the United States.

Approved August 27, 1958.

Private Law 85-710

August 27, 1958
[S. 3607]

AN ACT

For the relief of Harvey L. Forden.

Harvey L. Forden.
66 Stat. 163.
8 USC 1101 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Harvey L. Forden shall be held and considered to have been lawfully admitted to the United States for permanent residence as of July 1, 1926.

Approved August 27, 1958.

Private Law 85-711

AN ACT

For the relief of Klara Leitner and her daughter, Sylvia Leitner.

August 27, 1958
[S. 3801]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Klara Leitner, the fiancée of Bernard L. Wagner, a citizen of the United States, and her daughter, Sylvia Leitner, shall be eligible for visas as nonimmigrant temporary visitors for a period of three months: *Provided,* That the administrative authorities find that the said Klara Leitner is coming to the United States with a bona fide intention of being married to the said Bernard L. Wagner and that she is found otherwise admissible under the immigration laws. In the event the marriage between the above-named persons does not occur within three months after the entry of the said Klara Leitner and her daughter, Sylvia Leitner, they shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of sections 242 and 243 of the Immigration and Nationality Act. In the event that the marriage between the above-named persons shall occur within three months after the entry of the said Klara Leitner and her daughter, Sylvia Leitner, the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Klara Leitner and her daughter, Sylvia Leitner, as of the date of the payment by them of the required visa fees.

Klara Leitner
and daughter,
66 Stat. 163.
8 USC 1101 note.

8 USC 1252,
1253.

Approved August 27, 1958.

Private Law 85-712

AN ACT

For the relief of Joseph H. Lym, doing business as the Lym Engineering Company.

August 27, 1958
[S. 3894]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Joseph H. Lym, doing business as the Lym Engineering Company, the sum of \$111,080.60 in accordance with the opinion and the findings of fact certified by the Court of Claims to the Congress pursuant to Senate Resolution 142, Eighty-fourth Congress, first session: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Joseph H. Lym.

Approved August 27, 1958.

Private Law 85-713

AN ACT

For the relief of Jane Froman, Gypsy Markoff, and Jean Rosen.

August 27, 1958
[H. R. 1633]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Treasury is authorized and directed to pay, out of any

Jane Froman and
others.

money in the Treasury not otherwise appropriated, (1) to Jane Froman, the sum of \$23,403.58, (2) to Gypsy Markoff, the sum of \$23,403.58, and (3) to Jean Rosen (formerly the widow of Roy Rognan), the sum of \$24,625.30, such sums being the amount which they would have received under the compensatory provisions of the Federal Employees' Compensation Act if they had been Federal employees at the time of the accident hereinafter referred to in this section. The payment of such sum shall, except as otherwise provided in section 2 of this Act, be in full satisfaction of all claims of the said Jane Froman, Gypsy Markoff, and Jean Rosen arising out of an accident which occurred on or about February 22, 1943, when the Pan American Airways seaplane "Yankee Clipper", on which they were traveling to entertain members of the Armed Forces of the United States, crashed in the Tagus River in the Port of Lisbon, Portugal: *Provided*, That no part of the amounts appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to, or received by, any agent or attorney on account of services rendered in connection with the claims referred to herein, and the same shall be unlawful, any contract to the contrary notwithstanding.

(b) The amounts authorized by subsection (a) may be paid to the said Jane Froman, Gypsy Markoff, and Jean Rosen, respectively, without prejudice to their right to receive such additional amounts, if any, as the Court of Claims hereafter may report to the Congress, in accordance with the provisions of section 2 of this Act, as being legally or equitably due such persons.

Referral of
claims.

SEC. 2. The claims referred to in the first section of this Act, together with any papers, documents, or other information pertaining to such claims which are in possession of any committee of Congress, may be referred by the chairman thereof to the Court of Claims; and the court shall proceed with the same in accordance with the applicable provisions of sections 1492 and 2509 of title 28 of the United States Code and report to the Committee on the Judiciary of the Senate and to the Committee on the Judiciary of the House of Representatives, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States and the amounts over and above the amounts paid pursuant to the first section of this Act, if any, legally or equitably due from the United States to any such claimants. In considering any claim pursuant to this section, the Court of Claims shall give consideration to any questions of law or fact which may be stated in letters transmitted to the court by the chairman of the Committee on the Judiciary of the Senate and the chairman of the Committee on the Judiciary of the House of Representatives within ninety days after the date of the enactment of this Act.

62 Stat. 941, 977.

Approved August 27, 1958.

Private Law 85-714

AN ACT

For the relief of Harlee M. Hansley.

August 27, 1958
[H. R. 5351]

Harlee M. Hansley.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Harlee M. Hansley (first lieutenant, United States Air Force, retired), Miami, Florida, is hereby relieved of all liability to refund to the United States the sum of \$14,232.98, less such amount as has been repaid by the claimant. Such sum represents compensation received by the said Harlee M. Hansley as a retired commissioned officer of the United

States Air Force during the period beginning November 2, 1947, and ending August 3, 1955, while he was also employed by the Civil Aeronautics Administration and was receiving dual compensation from the United States at a combined annual rate in excess of \$3,000. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given for the amount for which liability is relieved by this Act.

Approved August 27, 1958.

Private Law 85-715

AN ACT

For the relief of Cathryn A. Glesener.

August 27, 1958
[H. R. 6448]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Cathryn A. Glesener, of Underwood, Washington, the sum of \$18,151.97, with interest at 4½ per centum from January 1, 1938, to the date of enactment of this Act, in full satisfaction and final settlement of all her claims against the United States for compensation arising out of (1) the damage caused to her leasehold rights in certain shorelands, located on the north side of and extending into the Columbia River, near Underwood, Washington, caused by the United States Engineers in the construction of the Bonneville Dam, and (2) the damages sustained by her as the result of the destruction of her rafting and booming business at such leasehold property by the construction of said dam: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved August 27, 1958.

Cathryn A.
Glesener.

Private Law 85-716

AN ACT

For the relief of Monroe Woolley.

August 27, 1958
[H. R. 8688]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$500 to Monroe Woolley, of Crockett, Texas, in full settlement of all claims against the United States. Such sum represents damage sustained as the result of a fire set by the United States Forest Service, Department of Agriculture, on February 27, 1956: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved August 27, 1958.

Monroe Woolley.

Private Law 85-717

August 27, 1958
[H. R. 10733]

AN ACT

For the relief of Magnolia Airport, Incorporated.

Magnolia Air-
port, Inc.

66 Stat. 663.
38 USC 901 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$592 to the Magnolia Airport, Incorporated, Magnolia, Ohio, in full payment of its claim for instruction given Technical Sergeant David A. Wargo under Public Law 550 between January 1, 1957, and April 30, 1957: *Provided,* That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved August 27, 1958.

Private Law 85-718

August 27, 1958
[H. R. 10813]

AN ACT

For the relief of Major Anthony R. Parrish.

Maj. Anthony R.
Parrish.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Major Anthony R. Parrish, of Arlington, Virginia, the sum of \$2,000. The payment of such sum shall be in full settlement of all claims of the said Major Anthony R. Parrish against the United States for injuries, losses, and expenses arising out of a collision, which occurred on January 31, 1948, at Munich, Germany, between a vehicle operated by the said Major Anthony R. Parrish and a United States Army truck being operated by Maxwell P. Jeter, a private in the United States Army: *Provided,* That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved August 27, 1958.

Private Law 85-719

August 27, 1958
[H. R. 11239]

AN ACT

For the relief of James F. Moran.

James F. Moran.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$1,834 to James F. Moran, of Milford, Massachusetts, in full settlement of all claims against the United States. Such sum represents the loss of personal property during the imprisonment by the

Japanese on April 9, 1942, of James F. Moran who was unable to file claim under the Military Personnel Claims Act of 1945, as amended (now codified 10 U. S. C. 2732), on account of physical disability: *Provided*, That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved August 27, 1958.

70A Stat. 152.

Private Law 85-720

AN ACT

For the relief of Mrs. Viola Barksdale.

August 27, 1958
[H. R. 12364]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the award of death compensation which the Veterans' Administration has held that Mrs. Viola Barksdale, of Lynchburg, Virginia, is entitled to receive as a result of its finding on April 28, 1958, that the death of her late husband, Elwood L. Barksdale, on July 3, 1940, was proximately caused by his service-connected disabilities, shall be held and considered to be effective as of the date of the said Elwood L. Barksdale's death on the basis of her original claim for such death compensation which she filed on August 3, 1940, just one month after her husband's death; and the Administrator of Veterans' Affairs is hereby authorized and directed to make retroactive payments in accordance with such entitlement.

Approved August 27, 1958.

Mrs. Viola
Barksdale.

Private Law 85-721

AN ACT

For the relief of the estate of Suck Pil Ra.

August 27, 1958
[H. R. 12365]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$5,000 to the estate of Suck Pil Ra, a citizen of Korea, in full settlement of all claims against the United States. Such sum represents compensation for the death of said Suck Pil Ra, who was killed by a United States soldier, Private First Class Wallace L. Holman, on or about February 15, 1951, while serving in Korea: *Provided*, That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved August 27, 1958.

Suck Pil Ra, es-
tate.

Private Law 85-722

August 27, 1958
[H. R. 12624]

AN ACT

For the relief of Palmer-Bee Company.

Palmer-Bee Co.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Palmer-Bee Company the sum of \$132,886.61, representing the amount reported by the United States Court of Claims to the Congress in response to House Resolution 547, Eighty-third Congress, second session (Congressional Numbered 8-54 decided May 7, 1958) to be the losses incurred by Palmer-Bee Company during the years 1946, 1947, and 1948 in the performance of three subcontracts (two dated June 25, 1945, and one dated August 31, 1945) for the design, development, and production of a quantity of nutating radar antennas, by and between Palmer-Bee Company and Submarine Signal Company, prime contractor with the Navy Department under contracts NOrd 7923, NOrd 9598, and NOrd 7250: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved August 27, 1958.

Private Law 85-723

August 27, 1958
[H. J. Res. 635]

JOINT RESOLUTION

For the relief of certain aliens.

Franz Oberschall and Antonio T. Ramos.
66 Stat. 163.
8 USC 1101 note.

Quota deductions.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Franz Oberschall, and Antonio Tovers Ramos shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fees. Upon the granting of permanent residence to each alien as provided for in this section of this Act, if such alien was classifiable as a quota immigrant at the time of the enactment of this Act, the Secretary of State shall instruct the proper quota-control officer to reduce by one the quota for the quota area to which the alien is chargeable for the first year that such quota is available.

Desmond B. Boylan and others.
8 USC 1101 note.

37 USC 401 note.

8 USC 1183.

Ramon Rodriguez and Pedro Flores-Carrillo.

SEC. 2. For the purposes of the Immigration and Nationality Act, Desmond Bryan Boylan, Erminia Pisotti and Maria Eustolia Cantu Holguin shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fees: *Provided*, That, unless the beneficiaries are entitled to care under the Dependents' Medical Care Act (70 Stat. 250), suitable and proper bonds or undertakings, approved by the Attorney General, be deposited as prescribed by section 213 of the Immigration and Nationality Act.

SEC. 3. The Attorney General is authorized and directed to cancel any outstanding orders and warrants of deportation, warrants of arrest, and bonds, which may have issued in the cases of Ramon Rodriguez and Pedro Flores-Carrillo.

SEC. 4. (a) Upon the expiration of two years immediately following their coming to the United States pursuant to section 212 (d) (5) of the Immigration and Nationality Act, Bogdan Biskupski, Eugeniusz Debski, Karol Kruk and Leszek Szachogluchowicz shall be inspected and examined for admission into the United States in accordance with the provisions of sections 235, 236, and 237 of that Act.

Bogdan Biskupski and others.
8 USC 1182.

8 USC 1225,
1226, 1227.

(b) Any alien who, pursuant to subsection (a) of this section, is found, upon inspection by an immigration officer or after hearing before a special inquiry officer, to have been and to be admissible as an immigrant at the time of his arrival in the United States and at the time of his inspection and examination, except for the fact that he was not and is not in possession of the documents required by section 212 (a) (20) of the Immigration and Nationality Act, shall be regarded as lawfully admitted to the United States for permanent residence as of the date of his arrival.

8 USC 1182.

(c) Nothing contained in this section shall be held to repeal, amend, alter, modify, affect, or restrict the powers, duties, functions, or authority of the Attorney General in the administration and enforcement of the Immigration and Nationality Act or any other law relating to immigration, nationality, or naturalization.

SEC. 5. For the purposes of the Immigration and Nationality Act, Chee Loy, Ku-Yung Pao, Lillian Tsai Pao, Joan Pao, Minn Pao, and Kwie Ding Wang shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act. The number of refugees to whom permanent residence in the United States may be granted under the provisions of section 6 of the Refugee Relief Act of 1953, as amended, is hereby reduced by six.

Chee Loy and others.
8 USC 1101 note.

67 Stat. 403.
50 USC app.
1971d.

Approved August 27, 1958.

Private Law 85-724

JOINT RESOLUTION

For the relief of certain aliens.

August 27, 1958
[H. J. Res. 653]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Mrs. Rosa Pera Patterson, Mrs. Catherine Gandy Starnone, Beatriz Isabel Richter, and John Haskell Chesshir shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fees.

Rosa P. Patterson and others.
66 Stat. 163.
8 USC 1101 note.

SEC. 2. For the purposes of the Immigration and Nationality Act, Carmen Andreatta, Arman Sarkis Giritliyan (also known as Arman Giritlian), Hermine Keshishyan, Mrs. Maria Richter Cornell, and Irene Theophile Richter shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fees: *Provided*, That the natural parents of Hermine Keshishyan shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act. Upon the granting of permanent residence to each alien as provided for in this section of this Act, except in the case of Hermine Keshishyan, if such alien was classifiable as a quota immigrant at the time of the enactment of this Act, the Secretary of State shall instruct the proper quota-control officer to reduce by one the quota for the quota area to which the alien is chargeable for the first year that such quota is available.

Carmen Andreatta and others.
8 USC 1101 note.

Quota deductions.

Velid M. Dag and
Ko W. Sing.

SEC. 3. The Attorney General is authorized and directed to cancel any outstanding orders and warrants of deportation, warrants of arrest, and bonds, which may have issued in the cases of Velid Mehmed Dag and Ko Wai Sing. From and after the date of the enactment of this Act, the said persons shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and orders have issued.

Dr. Jorge A.
Morales-Palacios.
8 USC 1101 note.

SEC. 4. For the purposes of the Immigration and Nationality Act, Doctor Jorge Alberto Morales-Palacios shall be held and considered to have been lawfully admitted to the United States for permanent residence as of July 27, 1951.

Approved August 27, 1958.

Private Law 85-725

AN ACT

For the relief of Elmer L. Conrad and others.

August 28, 1958
[H. R. 7746]

Elmer L. Conrad
and others.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Elmer L. Conrad, 434 Meigs Street, Rochester, New York, the sum of \$3.90; to Frank P. Dollen, 86 Meadowbrook Road, Rochester, New York, the sum of \$33.01; John J. Krewer, 122 South Fitzhugh Street, Rochester, New York, the sum of \$10.22; to William E. Lovett, 17 Cobbs Hill Drive, Rochester, New York, the sum of \$33.06; to Paul W. Malcewitz, 43 Alphonse Street, Rochester, New York, the sum of \$11.41; to Albert Shipston, 51 Hazelwood Terrace, Rochester, New York, the sum of \$9.72; to William Totten, 20 Draper Street, Rochester, New York, the sum of \$1.73; to Nathaniel Turner, 191 Lyell Avenue, Rochester, New York, the sum of \$22.48; to John Del Vecchio, 276 Parkway, Rochester, New York, the sum of \$21; to Paul R. West, 727 Northwest 50th Street, Miami, Florida, the sum of \$20.10; to Michael Reed, 120 Chestnut Street, Rochester, New York, the sum of \$2.11; to Charles Peters, 188 Whitney Street, Rochester, New York, the sum of \$27.19; to John Tyo, 195 Avenue D, Rochester, New York, the sum of \$29.09; to Henry T. Rawlings, 105 Pittsford Street, Rochester, New York, the sum of \$21.13; to George Schultheis the sum of 14 cents; to Elmer Hancock, the sum of 42 cents; to Louis Hoogland, 101 Merwin Avenue, Rochester, New York, the sum of \$13.20; to Henry Houppert, 15 Florence Avenue, Rochester, New York, the sum of \$15.96; to Dewey Reeves, 5 Cady Street, Rochester, New York, the sum of \$7.92; to Warren R. Jewell, 20 Draper Street, Rochester, New York, the sum of \$10.40; to Olive M. Rankin, 199 Pullman Avenue, Rochester, New York, the sum of \$14; to John H. Kennerson, 23 Manhattan Street, Rochester, New York, the sum of \$17.21; to Elmer J. Nevezler, Williamson, New York, the sum of \$27.74; to Harold J. King, 74 Mason Street, Rochester, New York, the sum of \$6.02; to John C. E. Aberle, 72 Lancy Road, Rochester, New York, the sum of \$3.38; to Alfred Mostyn, 408-A Broadway, Rochester, New York, the sum of \$19.75; to Harry Wesley, 118 Savannah Street, Rochester, New York, the sum of \$18.40; to John J. Brennessel, 91 Conkey Avenue, Rochester, New York, the sum of \$11.50; to Frank T. Johnson, 1446 Buffalo Road, Rochester, New York, the sum of 32 cents; to Robert E. Perry, 280 Gates Street, Rochester, New York, the sum of 99 cents; to Agnes M. Paskal, 3290 Edgemere Drive, Rochester, New York, the sum of \$9.32; to John Kosmicki, 844 Avenue D, Rochester, New York,

the sum of \$1.16; to Bert Guess, 240 Lombard Street, Rochester, New York, the sum of \$3.76; to Pasquale Prozzo, 127 Bloss Street, Rochester, New York, the sum of \$4.15; to Herbert Hausknecht, 244 Gates Street, Rochester, New York, the sum of 18 cents, in full settlement of their claims against the United States for a refund of employment tax under the Federal Insurance Contributions Act erroneously withheld from their wages during the period of September 30, 1946, through September 30, 1947, which refunds were refused by the Department of the Treasury because the period of time fixed for filing claims for the refunds had expired: *Provided*, That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

53 Stat. 175,
1387.

Approved August 28, 1958.

Private Law 85-726

AN ACT

For the relief of AlaLu Duncan Dillard.

August 28, 1958
[S. 2001]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 15 to 20, inclusive, of the Federal Employees' Compensation Act (5 U. S. C. 765-770), are hereby waived in favor of AlaLu Duncan Dillard as widow of Andrew B. Dillard, and her claim for compensation for the death of said Andrew B. Dillard, on February 13, 1938, which is alleged to have resulted from a personal injury suffered by him on February 10, 1938, while in the performance of his duties as a rural mail carrier at Mathews, Alabama, is authorized to be considered and acted upon under the remaining provisions of such Act, if filed with the Bureau of Employees' Compensation within six months from the date of the enactment of this Act: *Provided*, That no benefits except medical expenses shall accrue for any period prior to the enactment of this Act.

AlaLu D. Dillard.
39 Stat. 746.

Approved August 28, 1958.

Private Law 85-727

AN ACT

For the relief of Diana Elaine Greig.

August 28, 1958
[S. 2057]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Naturalization Act, the minor child, Diana Elaine Greig, shall be held and considered to be the natural-born alien child of J. Steadman and Veta L. Greig, citizens of the United States: *Provided*, That no natural parent of Diana Elaine Greig, by virtue of such relationship, shall be accorded any right, status, or privilege under the Immigration and Nationality Act.

Diana E. Greig.
56 Stat. 169, 180.
8 U S C 1101,
1155.

Approved August 28, 1958.

Private Law 85-728

August 28, 1958
[S. 2216]

AN ACT
For the relief of John C. Walsh.

John C. Walsh.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John C. Walsh, of New York, New York, the sum of \$5,800. The payment of such sum shall be in full settlement of all claims of the said John C. Walsh against the United States on account of professional services rendered by him as a special assistant to the Attorney General of the United States for the period beginning February 3, 1953, and ending June 30, 1953, both dates inclusive, his claim therefor (claim numbered 21568787) having been disallowed by the General Accounting Office as exceeding a salary limitation which was established for such position, but of which he was not informed: *Provided,* That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved August 28, 1958.

Private Law 85-729

August 28, 1958
[S. 3219]

AN ACT
For the relief of Mrs. Margaret Graham Bonnalie.

Margaret G. Bonnalie.
66 Stat. 269.
8 USC 1484.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, section 352 (a) (1) shall be held not to have been or to be applicable in the case of Mrs. Margaret Graham Bonnalie: *Provided,* That she returns to the United States for permanent residence within two years following the date of the enactment of this Act.

Approved August 28, 1958.

Private Law 85-730

August 28, 1958
[S. 3221]

AN ACT
For the relief of Erika Margaretha Zintl Pearce.

Erika M. Z. Pearce.
66 Stat. 271.
8 USC 1486.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Erika Margaretha Zintl Pearce shall be held and considered to be within the purview of section 354 (5) of that Act.

Approved August 28, 1958.

Private Law 85-731

AN ACT

For the relief of Daniel (Nathaniel) Rosenzweig.

August 28, 1958
[S. 3640]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of sections 212 (a) (1) and 212 (a) (4) of the Immigration and Nationality Act, Daniel (Nathaniel) Rosenzweig may be issued a visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act: Provided, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act: Provided further, That these exemptions shall apply only to grounds for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this Act.

Approved August 28, 1958.

Daniel Rosenzweig.
66 Stat. 182.
8 USC 1182.

8 USC 1183.

Private Law 85-732

AN ACT

For the relief of Hing Man Chau.

August 28, 1958
[S. 3768]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 203 (a) (3) and 205 of the Immigration and Nationality Act, Hing Man Chau shall be held and considered to be the minor child of King Yat Chau, an alien lawfully admitted to the United States for permanent residence.

Approved August 28, 1958.

Hing M. Chau.
66 Stat. 178, 180.
8 USC 1153,
1155.

Private Law 85-733

AN ACT

For the relief of Concettina Iannacchino.

August 28, 1958
[S. 3826]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Concettina Iannacchino, shall be held and considered to be the natural-born alien child of Luigi and Maddalena Iannacchino, citizens of the United States: Provided, That no natural parent of Concettina Iannacchino, by virtue of such relationship, shall be accorded any right, status, or privilege under the Immigration and Nationality Act.

Approved August 28, 1958.

Concettina Iannacchino.
66 Stat. 169, 180.
8 USC 1101,
1155.

Private Law 85-734

AN ACT

For the relief of Peter Tillner.

August 28, 1958
[S. 3921]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Peter Tillner shall be held and considered to have been lawfully admitted to the United

Peter Tillner.
66 Stat. 163.
8 USC 1101 note.

States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee: *Provided*, That no natural parent of Peter Tillner, by virtue of such relationship, shall be accorded any right, status, or privilege under the Immigration and Nationality Act.

Approved August 28, 1958.

Private Law 85-735

August 28, 1958
[H. R. 4544]

AN ACT

For the relief of Louis S. Levenson.

Louis S. Levenson.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States be, and he is hereby, authorized and directed to relieve Louis S. Levenson in the amount of \$1,500 as a security bond for Benjamin Freedman which was declared forfeited: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved August 28, 1958.

Private Law 85-736

August 28, 1958
[H. R. 4991]

AN ACT

For the relief of Waldo E. Miller.

Waldo E. Miller.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, to Waldo E. Miller, of Savannah, Georgia, the sum of \$1,000. The payment of such sum shall be in full settlement of all claims of the said Waldo E. Miller against the United States arising out of damages caused to his automobile as a result of its being struck on July 15, 1953, while legally parked in front of his home in Savannah, Georgia, by a vehicle of the Department of the Army. This claim is not cognizable under the provisions of law commonly referred to as the Federal Tort Claims Act: *Provided*, That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved August 28, 1958.

Private Law 85-737

August 28, 1958
[H. R. 6175]

AN ACT

For the relief of Virginia Hell.

Virginia Hell.

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

tary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$2,495.36, to Virginia Hell, of 2055 Thirty-eighth Street Southeast, Washington, District of Columbia. Such sum shall be in full settlement of all claims of said Virginia Hell against the United States for necessary expenses incurred in returning to the United States from London, England, after serving in Europe as a civilian employee of the American Government for two years and seven months (May 4, 1948, to December 8, 1950) and for property damage sustained as the result of household furnishings being left out in weather at New Orleans, Louisiana, by the United States customs officials: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved August 28, 1958.

Private Law 85-738

AN ACT

For the relief of Markus H. Teitel.

August 28, 1958
[H. R. 6595]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be and he is hereby authorized and directed to pay out of any money in the Treasury, not otherwise appropriated, the sum of \$1,000 to Markus H. Teitel of New York, New York, in full settlement of all claims against the United States. Such sum represents a departure bond posted on October 1, 1949, for himself and wife, Pessel Teitel, which was breached on June 15, 1950: *Provided*, That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Markus H. Teitel.

Approved August 28, 1958.

Private Law 85-739

AN ACT

For the relief of Mrs. Eldrey L. Whaley.

August 28, 1958
[H. R. 7685]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Eldrey L. Whaley, of Fairfax, Virginia, the sum of \$484.80. The payment of such sum shall be in full settlement of all claims of the said Mrs. Eldrey L. Whaley against the United States for income taxes for the years 1950 and 1951 withheld from the pay of her husband, Major Elwin I. Whaley (Army serial number O453764), who died in a prisoner-of-war camp in Korea on May 7, 1951. Major Whaley was not liable for such income taxes under the provisions of

Mrs. Eldrey L.
Whaley.

65 Stat. 507.

section 154 of the Internal Revenue Code of 1939; however, the Secretary of the Treasury refuses to refund such taxes on the ground that there was no timely claim filed therefor: *Provided*, That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved August 28, 1958.

Private Law 85-740

August 28, 1958
[H. R. 8014]

AN ACT

For the relief of Miss Edith Dorn.

Edith Dorn,
66 Stat. 182,
8 USC 1182.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 212 (a) (9) of the Immigration and Nationality Act, Miss Edith Dorn may be issued a visa and admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of that Act: *Provided*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

Approved August 28, 1958.

Private Law 85-741

August 28, 1958
[H. R. 10587]

AN ACT

For the relief of Homer G. Preston.

Homer G. Preston.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Homer G. Preston, of Aurora, Colorado, is hereby relieved of all liability to pay the United States the sum of \$927.45. Such sum represents charges made by the Fitzsimons Army Hospital, Denver, Colorado, for outpatient treatment in 1954 and hospitalization in 1955.

Approved August 28, 1958.

Private Law 85-742

August 28, 1958
[H. R. 11299]

AN ACT

For the relief of Mrs. Maria Tarsi Priori.

Maria T. Priori.

54 Stat. 1169,
8 USC 801 note.

66 Stat. 239, 258,
8 USC 1421,
1448.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Mrs. Maria Tarsi Priori, who lost United States citizenship under the provisions of section 401 (e) of the Nationality Act of 1940, may be naturalized by taking prior to one year after the effective date of this Act, before any court referred to in subsection (a) of section 310 of the Immigration and Nationality Act or before any diplomatic or consular officer of the United States abroad, the oaths prescribed by section 337 of the said Act. From and after naturalization under this Act, the said Mrs. Maria Tarsi Priori shall have the same citizenship status as that which existed immediately prior to its loss.

Approved August 28, 1958.

Private Law 85-743

AN ACT

For the relief of S. Jackson and Son, Incorporated.

August 28, 1958
[H. R. 12655]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to S. Jackson and Son, Incorporated, New Orleans, Louisiana, the sum of \$361.80. The payment of such sum shall be in full settlement of all claims of such corporation against the United States for refund of excessive customs duty paid by it in connection with the consumption entry numbered 1010 of August 29, 1951, because of a clerical error in the entered and appraised values of a portion of the merchandise involved: *Provided,* That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

S. Jackson and
Son, Inc.

Approved August 28, 1958.

Private Law 85-744

AN ACT

For the relief of Clayton T. Wells.

August 28, 1958
[H. R. 12867]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$580 to Clayton T. Wells, of Wareham, Massachusetts, in full settlement of all claims against the United States. Such sum represents the difference in retired pay from January 1, 1946, to November 14, 1947, which was denied by the General Accounting Office due to the statute of limitation; payments were made for the period from November 15, 1947, to September 30, 1949: *Provided,* That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Clayton T.
Wells.

Approved August 28, 1958.

Private Law 85-745

AN ACT

For the relief of Lieutenant Colonel Charles A. Holshouser.

September 2, 1958
[H. R. 1493]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 212 of the Act of June 30, 1932, as amended (5 U. S. C. 59a), and the second sentence of section 2 of the Act of July 31, 1894, as amended (5 U. S. C. 62), are hereby waived for the period beginning January 3, 1946, and ending November 30, 1954, both dates inclusive, insofar as they apply to Lieutenant Colonel Charles A. Holshouser, Army

Lt. Col. Charles
A. Holshouser.
47 Stat. 406.
43 Stat. 245.

of the United States, retired (Army serial number O-252449), and he is hereby relieved of all liability to repay to the United States any sums which were erroneously paid to him by reason of the failure of the Veterans' Administration and subsequently the Department of the Army to reduce the amounts payable to him as a retired commissioned officer of the Army while he was employed in a civilian capacity as a Federal jail physician; and he is further relieved of any liability to refund civilian compensation paid him by the Department of Justice between January 3, 1946, and May 31, 1955, inclusive, while employed as a Federal jail physician. In the settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be allowed for all amounts for which liability is relieved by this Act.

Approved September 2, 1958.

Private Law 85-746

September 2, 1958
[H. R. 1684]

AN ACT

For the relief of William Franklin Rollins.

William F.
Rollins.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William Franklin Rollins, Anniston, Alabama, the sum of \$5,000. The payment of such sum shall be in full settlement of all claims of the said William Franklin Rollins against the United States arising out of personal injuries sustained by him on August 31, 1951, when the automobile in which he was riding on the Fort McClellan Superhighway near Anniston, Alabama, was struck by a United States Army vehicle being driven by an enlisted man of the Army. Such claim is not compensable under the Federal Tort Claims Act because of the fact that the driver of such vehicle was using it for unauthorized purposes and was not acting within the scope of his employment at the time of the accident: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

62 Stat. 982,
28 USC 2671 et
seq.

Approved September 2, 1958.

Private Law 85-747

September 2, 1958
[H. R. 1803]

AN ACT

For the relief of Mrs. Boyd Dinehart and Richard Reams.

Mrs. Boyd Dinehart
and Richard
Reams.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That jurisdiction is hereby conferred upon the United States District Court for the Northern District of California to hear, determine, and render judgment upon the claims of Mrs. Boyd Dinehart for the death of her minor son, James Reams, and of Richard Reams for injuries sustained by him, on April 1, 1943, when the said James Reams was killed and Richard Reams injured by the explosion of a shell at Fort Ord, California.

SEC. 2. Suit upon such claims may be instituted at any time within one year after the date of enactment of this Act, notwithstanding the lapse of time or any statute of limitations. Proceedings for the determination of such claims, appeals therefrom, and payment of any judgments thereon, shall be in the same manner as in cases over which such court has jurisdiction under section 1346 (b) of title 28 of the United States Code. Nothing in this Act shall be construed as an implication of liability on the part of the United States.

Approved September 2, 1958.

62 Stat. 933.

Private Law 85-748

AN ACT

For the relief of Clifford Oesterlei.

September 2, 1958
[H. R. 2265]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Clifford Oesterlei, of Saint Louis, Missouri, the sum of \$442.60. Such sum represents the amount of settlement and costs for which the said Clifford Oesterlei was compelled to pay in settlement out of court of a civil action brought against him as the result of an accident which occurred on July 5, 1951, and which involved a United States mail truck being driven by the said Clifford Oesterlei, a regular carrier in the United States Post Office, Saint Louis, Missouri. Such sum shall be paid only on condition that the said Clifford Oesterlei shall use such sum, or so much thereof as may be necessary, to pay such settlement and costs in full: *Provided,* That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Clifford Oesterlei.

Approved September 2, 1958.

Private Law 85-749

AN ACT

For the relief of Truck and Axle Manufacturing Company.

September 2, 1958
[H. R. 2269]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$34,555.72 to Truck and Axle Manufacturing Company, of Oakland, California, in full settlement of all claims against the United States for losses sustained as the result of carrying out five contracts for the repair of certain motor vehicles for the Benicia Arsenal, Ordnance Corps, Department of the Army: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Truck and Axle Manufacturing Co.

Approved September 2, 1958.

Private Law 85-750

September 2, 1958
[H. R. 3571]

AN ACT

For the relief of Boris F. Navratil.

Boris F. Navratil,
66 Stat. 163,
8 USC 1101 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Boris F. Navratil shall be held and considered to have been lawfully admitted to the United States for permanent residence as of September 16, 1949.

Approved September 2, 1958.

Private Law 85-751

September 2, 1958
[H. R. 5584]

AN ACT

For the relief of Mrs. Maude L. Smith.

Maude L. Smith.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Maude L. Smith, 617 Seneca Street, Seattle, Washington, the sum of \$3,500. Payment of such sum shall be in full settlement of all claims of the said Mrs. Maude L. Smith against the United States on account of the death of her minor son, Kimball Smith, who was killed as the result of an accident involving a United States Post Office vehicle at East Ninety-fifth Street and Sand Point Way, Seattle, Washington, on December 28, 1943: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved September 2, 1958.

Private Law 85-752

September 2, 1958
[H. R. 6282]

AN ACT

For the relief of the former shareholders and debenture note holders of the Goshen Veneer Company, an Indiana corporation.

Goshen Veneer Co., former shareholders.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Dow M. Gorham, administrator of the estate of Charles E. Gorham, the sum of \$12,750; to Dow M. Gorham, administrator of the estate of Nellie A. Gorham, the sum of \$2,250; to Elizabeth Dow Snoke, administrator of the estate of Ethel B. Dow, the sum of \$21,000; to Elizabeth Dow Snoke, the sum of \$8,250; to Barbara Dow Bowen, the sum of \$8,250; and to Dow M. Gorham, the sum of \$22,500, former shareholders of the Goshen Veneer Company, an Indiana corporation, having its principal place of business at Goshen, Indiana, representing the amounts reported by the United States Court of Claims to the Congress in

response to H. Res. 814, Eighty-first Congress, second session (Congressional Number 17865, decided March 2, 1954), in full settlement of their claims against the United States as a result of having lost their business by reason of an overexpansion of its facilities urged and encouraged by the War Department of the United States in anticipation of the requirements of the projected wartime wooden aircraft program and the subsequent abandonment of that program by the War Department before amortization could be effected: *Provided*, That no part of the amounts appropriated in this Act in excess of 25 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with these claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved September 2, 1958.

Private Law 85-753

AN ACT

For the relief of Mr. and Mrs. Joseph D. Metzgar.

September 2, 1958
[H. R. 7178]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States is hereby authorized and directed to relieve Mr. and Mrs. Joseph D. Metzgar of 984 Boulevard Street, Akron, Ohio, of the liability to pay to the United States Army the sum of \$885.37. Such sum represents the overpayment of class Q allotments from July 1955 to April 1956 and overpayment of accrued leave pay and allowances at discharge on April 21, 1956.

Joseph D. Metzgar and wife.

Approved September 2, 1958.

Private Law 85-754

AN ACT

For the relief of James McGuire.

September 2, 1958
[H. R. 7337]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$154.36 to James McGuire, of Brooklyn, New York, in full settlement of all claims against the United States. Such sum represents payments deducted from his salary while working for the Brooklyn Conservatory of Music for the period beginning January 1, 1949, and ending December 31, 1952. The Brooklyn Conservatory of Music being a nonprofit educational organization was not covered by the Social Security Act during this period: *Provided*, That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

James McGuire.

49 Stat. 620,
42 USC 1305.

Approved September 2, 1958.

Private Law 85-755

September 2, 1958
[H. R. 7374]

AN ACT

For the relief of Angelo Sardo.

Angelo Sardo.
66 Stat. 182.
8 USC 1182.

8 USC 1183.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 212 (a) (4) of the Immigration and Nationality Act, Angelo Sardo may be issued a visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act: Provided, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act.

Approved September 2, 1958.

Private Law 85-756

September 2, 1958
[H. R. 7720]

AN ACT

For the relief of Viola Belger.

Viola Belger.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Viola Belger, of Jacksonville, Florida, in the sum of \$1,500. Payment of such sum shall be in full settlement of all claims of Viola Belger against the United States arising out of a motor vehicle accident involving a Navy vehicle being operated by a member of the United States Navy outside the scope of his authority: Provided, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved September 2, 1958.

Private Law 85-757

September 2, 1958
[H. R. 9258]

AN ACT

For the relief of Mrs. Minnie Perreira.

Minnie Perreira.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$500 to Mrs. Minnie Perreira, 2117 Kaohu Street, Wailuku, Maui, Hawaii, in full settlement of all claims against the United States as reimbursement for bond posted for Soeko Tsuchiya, now Soeko Tsuchiyo Perreira, in August 1952: Provided, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in any sum not exceeding \$1,000.

Approved September 2, 1958.

Private Law 85-758

AN ACT

For the relief of the estate of A. A. Alexander.

September 2, 1958
[H. R. 9262]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$1,131.50 to the estate of A. A. Alexander, of Des Moines, Iowa, in full settlement of all claims against the United States resulting from damage done to furniture and household goods while being shipped from the Territory of the Virgin Islands to the United States upon Mr. Alexander's resignation as Governor of the Territory. The claim of the estate of A. A. Alexander is not a claim which is cognizable under the Federal Tort Claims Act: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

A. A. Alexander,
estate.62 Stat. 982.
28 USC 2671 et
seq.

Approved September 2, 1958.

Private Law 85-759

AN ACT

For the relief of Hipolito C. DeBaca.

September 2, 1958
[H. R. 10473]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 15 to 20, inclusive, of the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended (5 U. S. C. 765-769), are hereby waived in favor of Hipolito C. DeBaca, of Las Vegas, New Mexico, for compensation for disability alleged to have been sustained while employed by the Rehabilitation Agency (United States) in Las Vegas, New Mexico, during the year 1931. Claim for compensation under this Act may be filed any time within one year after the date of enactment of this Act. No benefits, except hospital and medical expenses actually incurred, shall accrue by reason of the enactment of this Act for any period prior to the date of its enactment.

Hipolito C. De-
Baca.

39 Stat. 746.

Approved September 2, 1958.

Private Law 85-760

AN ACT

For the relief of Kiiko Nemoto.

September 2, 1958
[H. R. 10993]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Kiiko Nemoto, the fiancée of George V. Scott, a citizen of the United States, shall be eligible for a visa as a nonimmigrant temporary visitor for a period of three months: *Provided*, That the administrative authorities find that the said Kiiko Nemoto is coming to the United States with a bona

Kiiko Nemoto.
66 Stat. 163.
8 USC 1101 note.

vide intention of being married to the said George V. Scott and that she is found otherwise admissible under the immigration laws. In the event the marriage between the above-named persons does not occur within three months after the entry of the said Kiiko Nemoto, she shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of sections 242 and 243 of the Immigration and Nationality Act. In the event that the marriage between the above-named persons shall occur within three months after the entry of the said Kiiko Nemoto, the Attorney General is authorized and directed to record to the lawful admission for permanent residence of the said Kiiko Nemoto as of the date of the payment by her of the required visa fee.

Approved September 2, 1958.

8 U.S.C. 1252,
1253.

Private Law 85-761

AN ACT

For the relief of the estate of L. L. McCandless, deceased.

September 2, 1958
[H. R. 11200]

L. L. McCandless,
estate.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the trustees of the estate of L. L. McCandless, deceased, the sum of \$65,894.29. The payment of such sum shall be in full settlement of all claims against the United States arising out of the activities of the Armed Forces of the United States on and after December 7, 1941, with respect to the ranch operated by such trustees in the districts of Waianae and Waialua, Island of Oahu, Territory of Hawaii. Such activities resulted in the loss of cattle, livestock, and other personal property belonging to such estate, as well as the loss of certain leases of real estate issued by the Territory of Hawaii, all such loss as found by the United States District Court for the Territory of Hawaii as follows: (a) two hundred and eighty-seven head of cattle lost, \$12,915; (b) cost to plaintiffs of recovering stray cattle, \$2,079; (c) two hundred pigs, \$3,000; (d) two horses, \$250; (e) loss of five hundred bags, four hundred bags of algaroba beans and two hundred redwood posts, \$190; (f) value of general leases 1740 and 1741 for four and one-third years, \$41,460.29; (g) rental value of house and guest cottage, \$6,000; total, \$65,894.29: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved September 2, 1958.

Private Law 85-762

AN ACT

For the relief of Paul E. Nolan.

September 2, 1958
[H. R. 12144]

Paul E. Nolan.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Paul E. Nolan, Westbury, New York, is relieved of liability to pay to the United States the sum of \$2,830.90, which was paid to him as salary in con-

nection with his employment as a hydrologic field assistant by the Department of the Interior from October 31, 1955, to August 28, 1956, both dates inclusive, in violation of section 2 of the Act of July 31, 1894, as amended (5 U. S. C. 62). In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given for the amount for which liability is relieved by this Act.

Approved September 2, 1958.

43 Stat. 245.

Private Law 85-763

AN ACT

For the relief of Ernest T. Stephens.

September 2, 1958
[H. R. 12154]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Ernest T. Stephens, of Pensacola, Florida, is relieved of all liability to pay to the United States the sum of \$3,894.64, representing reimbursement of gross compensation paid him for work at the United States Naval Air Station, Pensacola, Florida, by the United States Government for the employment period of December 19, 1956, until February 17, 1958: *Provided,* That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Ernest T.
Stephens.

Approved September 2, 1958.

Private Law 85-764

AN ACT

For the relief of Mr. and Mrs. Alto Ross and children and for E. B. Ard and his daughter, Mrs. Joan Ard Nichols.

September 2, 1958
[H. R. 12207]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay out of any money in the Treasury not otherwise appropriated, the sum of \$5,749 to Alto Ross, of Bainbridge, Georgia; the sum of \$1,500 to Mrs. Alto (Audrey) Ross, of Bainbridge, Georgia; the sum of \$1,750 to Alto Ross, the natural and legal guardian of Gloria Ann Ross, of Bainbridge, Georgia; the sum of \$1,500 to Alto Ross, the natural and legal guardian of Terry Ross, of Bainbridge, Georgia; and the sum of \$500 to Alto Ross, the natural and legal guardian of Bobby Nell Ross, of Bainbridge, Georgia; the sum of \$2,500 to Joan Ard Nichols (married and now of age), of Bainbridge, Georgia; the sum of \$404 to E. B. Ard, of Bainbridge, Georgia, as reimbursement for medical expenses incurred because of injuries to his then minor and unmarried daughter, Joan Ard, in full and final settlement of the claims of the named individuals against the United States, arising out of an accident involving a United States Army vehicle which occurred on United States Highway numbered 84 about four miles west of Bainbridge, Georgia, on October 1, 1954. The operator of the Army vehicle in that accident has been determined not to have been acting within the scope of his employment, and the claims based on the accident are not cognizable under the Federal Tort Claims Act, provisions now set out in

Alto Ross and
others.

62 Stat. 982,
28 USC 2671 et
seq.

title section 2, paragraph 28, of the United States Code: *Provided*, That no part of the amounts appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with the claims covered by this Act, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved September 2, 1958.

Private Law 85-765

September 2, 1958
[H. R. 12906]

AN ACT
For the relief of Anneliese Ottolenghi.

Anneliese Ottolenghi.
66 Stat. 182.
8 USC 1182.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 212 (a) (6) of the Immigration and Nationality Act, Anneliese Ottolenghi may be issued a visa and admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of such Act, under such conditions and controls which the Attorney General, after consultation with the Surgeon General of the United States, Public Health Service, Department of Health, Education, and Welfare, may deem necessary to impose: *Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act: *Provided further*, That the exemption provided for in this Act shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

8 USC 1183.

Approved September 2, 1958.

Private Law 85-766

September 2, 1958
[H. R. 13437]

AN ACT
For the relief of Bernard H. English and John E. Hayden

Bernard H. English.
John E. Hayden.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Bernard H. English and John E. Hayden, employees of the Interstate Commerce Commission, the sums of \$100 each. Such sums represent counsel fees incurred by these employees in defending court actions against them to recover damages for alleged slander, instituted because of statements alleged to have been made by them in the course of their duties as employees of the Interstate Commerce Commission: *Provided*, That no part of the amounts appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved September 2, 1958.

Private Law 85-767

JOINT RESOLUTION
For the relief of certain aliens.September 2, 1958
[H. J. Res. 659]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Attorney General is authorized and directed to cancel any outstanding orders and warrants of deportation, warrants of arrest, and bonds, which may have issued in the cases of Mrs. Persfoni Angelo Pritsos, Dennis McGill, Lorenzo Ramirez-Jimenez, Giuseppe Calabro, and Felipe Ollama. From and after the date of the enactment of this Act, the said persons shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and orders have issued.

Mrs. Persfoni A.
Pritsos and others.

SEC. 2. For the purposes of the Immigration and Nationality Act, Peter Henry Reich and Domenico Spagnoletti shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fees: *Provided*, That suitable and proper bonds or undertakings, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act.

Peter H. Reich
and Domenico
Spagnoletti.
66 Stat. 163.
8 USC 1101 note.

8 USC 1183.

Ewald Fritz.

SEC. 3. For the purposes of the Immigration and Nationality Act, Ewald Fritz shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee: *Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act. Upon the granting of permanent residence to such alien as provided for in this section of this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

8 USC 1183.

Quota deduction.

SEC. 4. For the purposes of the Immigration and Nationality Act, Sister Ignatia (Marie Nicodemia Wilhelmina Kohlmann), Sister Charlotte (Maria J. Matthijssen), Sister Laurentia (Johanna Gertrude Theresia Smeets), Sister Bernardine (Maria Hendrika Hege-man), Sister Petronella (Johanna Monica Plasmans), and Sister Raymonde (Wilhelmina Grada Weijn) shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this section of this Act, the Secretary of State shall instruct the proper quota-control officer to deduct the required numbers from the appropriate quota for the first year that such quota is available.

Sister Ignatia
and others.Quota deduc-
tions.

Approved September 2, 1958.

Private Law 85-768

JOINT RESOLUTION

To waive certain provisions of section 212 (a) of the Immigration and Nationality Act in behalf of certain aliens.

September 2, 1958
[H. J. Res. 661]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 212 (a) (6) of the Immigration and Nationality Act, Laibeck Teitelbaum and Gunars Steprans-Staprans may be issued

Laibeck Teitel-
baum and Gunars
Steprans-Staprans.
66 Stat. 182.
8 USC 1182.

visas and admitted to the United States for permanent residence if they are found to be otherwise admissible under the provisions of that Act, under such conditions and controls which the Attorney General, after consultation with the Surgeon General of the United States Public Health Service, Department of Health, Education, and Welfare may deem necessary to impose: *Provided*, That suitable and proper bonds or undertakings, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act.

8 USC 1183.
Mirjam Haye and
Francesca Magaz-
zeni.
8 USC 1182.

SEC. 2. Notwithstanding the provision of section 212 (a) (1) of the Immigration and Nationality Act, Mirjam Haye and Francesca Magazzeni may be issued visas and admitted to the United States for permanent residence if they are found to be otherwise admissible under the provisions of that Act: *Provided*, That suitable and proper bonds or undertakings, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act.

8 USC 1183.

SEC. 3. The exemptions provided for in this Act shall apply only to grounds for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

Approved September 2, 1958.

Private Law 85-769

September 2, 1958
[H. J. Res. 675]

JOINT RESOLUTION

To facilitate the admission into the United States of certain aliens, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, Jose Nicolas Villador shall be held and considered to be the natural-born alien minor child of Sergeant and Mrs. Ramon Villador, citizens of the United States.

Jose N. Villador.
66 Stat. 169, 180.
8 USC 1101,
1155.

SEC. 2. In the administration of the Immigration and Nationality Act, Masadeh Mogannam shall be deemed to have been born in Jordan.

Masadeh Mogan-
nam.
8 USC 1101 note.
Lee W. Soon.
8 USC 1101,
1155.

SEC. 3. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Lee Wing Soon, shall be held and considered to be the natural-born alien child of Mr. Cheu Shing Lee, a citizen of the United States.

Maria R. R.
Pereira.
8 USC 1101,
1155.

SEC. 4. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Maria Rosa Romao Pereira, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Domingos Pereira, Junior, citizens of the United States.

Theodoros
Chokas and others.
8 USC 1101,
1155.

SEC. 5. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor children, Theodoros Chokas, Ioannis Chokas and Efronsini Chokas, shall be held and considered to be natural-born alien children of Theodore and Tasia Chokas, citizens of the United States.

Alfred N. Mor-
gan.
8 USC 1101,
1155.

SEC. 6. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, Alfred Nathaniel Morgan shall be held and considered to be the natural-born alien minor child of Verna Morgan, a citizen of the United States.

Lee Y. Kil.
8 USC 1101,
1155.

SEC. 7. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Lee Young Kil, shall be held and considered to be the natural-born alien child of Mrs. Lillian Alma Moore, a citizen of the United States.

SEC. 8. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, Marcelino, Adelaida, Medardo, and Manuel Rocamora shall be held and considered to be the natural-born alien minor children of Master Sergeant Albert B. Rocamora, a citizen of the United States.

Marcelino Rocamora and others.
8 USC 1101,
1155.

SEC. 9. In the administration of the Immigration and Nationality Act, Joyce Lee, the fiancée of Jui-Sheng Hsieh, a permanent resident of the United States, shall be eligible for a visa as a nonimmigrant temporary visitor for a period of three months: *Provided*, That the administrative authorities find that the said Joyce Lee is coming to the United States with a bona fide intention of being married to the said Jui-Sheng Hsieh and that she is found otherwise admissible under the immigration laws. In the event the marriage between the above-named persons does not occur within three months after the entry of the said Joyce Lee, she shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of sections 242 and 243 of the Immigration and Nationality Act. In the event that the marriage between the above-named persons shall occur within three months after the entry of the said Joyce Lee, the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Joyce Lee as of the date of the payment by her of the required visa fee.

Joyce Lee.
8 USC 1101 note.

8 USC 1252,
1253.

SEC. 10. For the purposes of the Immigration and Nationality Act, Mrs. Lena F. Shelton, the widow of a United States citizen, shall be deemed to be within the purview of section 101 (a) (27) (A) of that Act, and the provisions of section 205 of the said Act shall not be applicable in this case.

Lena F. Shelton.
66 Stat. 169, 180.
8 USC 1101,
1155.

SEC. 11. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Milka Drobac, shall be held and considered to be the natural-born alien child of Mrs. Stella Drobac, a citizen of the United States.

Milka Drobac.
8 USC 1101,
1155.

SEC. 12. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor children, Michalena and Nunzio Trabona, shall be held and considered to be the natural-born alien children of Mrs. Josephine Falcone, a citizen of the United States.

Michalena and
Nunzio Trabona.
8 USC 1101,
1155.

SEC. 13. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Carrie Whang, shall be held and considered to be the natural-born alien child of Mrs. Mary Lou Gordon, a citizen of the United States.

Carrie Whang.
8 USC 1101,
1155.

SEC. 14. For the purposes of the Immigration and Nationality Act, Kinji House shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee.

Kinji House.
8 USC 1101 note.

SEC. 15. The natural parents of the beneficiaries of sections 3, 5, 11, 12, and 14 of this Act shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Approved September 2, 1958.

Private Law 85-770

AN ACT

To confer jurisdiction upon the United States Court of Claims to hear, determine, and render judgment upon the claim of Auf der Heide-Aragona, Incorporated, of West New York, New Jersey.

September 2, 1958
[S. 552]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That jurisdiction is hereby conferred upon the Court of Claims to hear, determine, and

Auf der Heide-Aragona, Inc.

render judgment upon the claim of Auf der Heide-Aragona, Incorporated, of West New York, New Jersey, as to the liability of the United States, if any, either legal or equitable, for losses alleged to have been sustained by the said Auf der Heide-Aragona, Incorporated, of West New York, New Jersey, as the result of the performance of a contract numbered VAc-1185, dated July 25, 1941, entered into with the Veterans' Administration.

SEC. 2. Notwithstanding any statute of limitations or lapse of time, suit upon such claim may be instituted by the claimant within one year after the date of enactment of this Act. Proceedings for the determination of such claim and review thereof, and payment of any judgment thereon, shall be had as in the case of claims over which such court has jurisdiction under section 1491 of title 28 of the United States Code.

SEC. 3. Nothing contained in this Act shall be construed as an inference of liability on the part of the United States Government.

Approved September 2, 1958.

62 Stat. 940.

Private Law 85-771

AN ACT

For the relief of Doctor Brant Bonner.

September 2, 1958
[S. 2469]

Dr. Brant Bonner.

54 Stat. 1170,
8 USC 801 note.

66 Stat. 239, 258.
8 USC 1421,
1448.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Doctor Brant Bonner, who lost United States citizenship under the provisions of section 404 (b) of the Nationality Act of 1940, may be naturalized by taking, prior to one year after the date of enactment of this Act, before any court referred to in subsection (a) of section 310 of the Immigration and Nationality Act or before any diplomatic or consular officer of the United States abroad, an oath as prescribed by section 337 of such Act. From and after naturalization under this Act, the said Doctor Brant Bonner shall have the same citizenship status as that which existed immediately prior to its loss.

Approved September 2, 1958.

Private Law 85-772

AN ACT

For the relief of Laszlo Cseri, Dorothy Margarethe Hadjisky, Maria Miceli, and Francesco Riso.

September 2, 1958
[S. 3028]

Laszlo Cseri,
66 Stat. 182,
8 USC 1182.

37 USC 401 note.
8 USC 1183.

Dorothy M. Hadjisky and others.
8 USC 1182.

8 USC 1183.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 212 (a) (1) of the Immigration and Nationality Act, Laszlo Cseri may be issued a visa and be admitted to the United States for permanent residence if otherwise admissible under the provisions of that Act: *Provided,* That if the beneficiary is not entitled to medical care under the Dependents' Medical Care Act (70 Stat. 250), a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the Immigration and Nationality Act.

SEC. 2. Notwithstanding the provision of section 212 (a) (4) of the Immigration and Nationality Act, Dorothy Margarethe Hadjisky, Maria Miceli, and Francesco Riso may be issued visas and admitted to the United States for permanent residence if they are found to be otherwise admissible under the provisions of that Act: *Provided,* That suitable and proper bonds or undertakings, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act.

SEC. 3. The exemptions provided for in this Act shall apply only to grounds for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

Approved September 2, 1958.

Private Law 85-773

AN ACT

For the relief of Carl Ebert and his wife, Gertrude Ebert.

September 2, 1958
[S. 3276]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 352 (a) of the Immigration and Nationality Act shall be held to have been and to be inapplicable to Carl Ebert and his wife, Gertrude Ebert: *Provided,* That they return to the United States to reside within three years following the date of the enactment of this Act.

Carl Ebert and
wife.
66 Stat. 269.
8 USC 1484.

Approved September 2, 1958.

Private Law 85-774

AN ACT

For the relief of Vivian D. Giesey.

September 2, 1958
[S. 3287]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Civil Service Commission is authorized and directed to pay, out of any money in the civil service retirement and disability fund, to Vivian D. Giesey, an annuity equal to the annuity which she would have received under the provisions of the Civil Service Retirement Act of May 29, 1930, as amended, if her husband, William C. Giesey, had continued to serve as an employee of the United States until his death on September 29, 1954, and had retired on that date, the said William C. Giesey having served as an employee of the United States for approximately twenty years until he was separated from Federal employment on July 31, 1954.

Vivian D.
Giesey.

46 Stat. 468.
5 USC 691 note.

(b) There shall be deducted and withheld from the annuity authorized under the first section of this Act an amount equal to the amount of any refund of contributions which have been made on account of the death of the said William C. Giesey.

Approved September 2, 1958.

Private Law 85-775

AN ACT

For the relief of Marie Inette Konomos.

September 2, 1958
[S. 3503]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Marie Inette Konomos, shall be held and considered to be the natural-born alien child of John S. Konomos and Wilma I. Konomos, citizens of the United States: *Provided,* That no natural parent of the beneficiary, by virtue of such relationship, shall be accorded any right, status, or privilege under the Immigration and Nationality Act.

Marie I. Kono-
mos.
66 Stat. 169, 180.
8 USC 1101,
1155.

Approved September 2, 1958.

Private Law 85-776

September 2, 1958
[S. 3818]

AN ACT

For the relief of Vicenta Garcia y Puente.

Vicenta Garcia
y Puente.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Attorney General is authorized and directed to cancel any outstanding order and warrant of deportation, warrant of arrest, and bonds, which may have issued in the case of Vicenta Garcia y Puente. From and after the date of the enactment of this Act, the said Vicenta Garcia y Puente shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrant and orders have issued.

Approved September 2, 1958.

Private Law 85-777

September 2, 1958
[S. 3915]

AN ACT

For the relief of Chiyoko Yoshimoto.

Chiyoko Yoshi-
moto.
66 Stat. 163.
8 USC 1101 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Chiyoko Yoshimoto, the fiancée of Theodore T. Oyler, a citizen of the United States, shall be eligible for a visa as a nonimmigrant temporary visitor for a period of three months: Provided, That the administrative authorities find that the said Chiyoko Yoshimoto is coming to the United States with a bona fide intention of being married to the said Theodore T. Oyler and that she is found otherwise admissible under the immigration laws. In the event the marriage between the above-named persons does not occur within three months after the entry of the said Chiyoko Yoshimoto, she shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of sections 242 and 243 of the Immigration and Nationality Act. In the event that the marriage between the above-named persons shall occur within three months after the entry of the said Chiyoko Yoshimoto, the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Chiyoko Yoshimoto as of the date of the payment by her of the required visa fee.

Approved September 2, 1958.

8 USC 1252,
1253.

Private Law 85-778

September 2, 1958
[S. 4032]

AN ACT

For the relief of Mercedes Svaldi.

Mercedes Svaldi.
66 Stat. 182.
8 USC 1182.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of section 212 (a) (1) of the Immigration and Nationality Act, Mercedes Svaldi may be issued a visa and admitted to the United States if she is found to be otherwise admissible under the provisions of that Act: Provided, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of said Act: Provided further, That this exemption shall apply only to grounds for exclusion of which the

8 USC 1183.

Department of State or the Department of Justice has knowledge prior to enactment of this Act.

Approved September 2, 1958.

Private Law 85-779

AN ACT

For the relief of Harold Pangelinan.

September 2, 1958
[S. 4113]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of paragraph (4) of section 212 (a) of the Immigration and Nationality Act, Harold Pangelinan may be issued a visa and be admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of such Act: *Provided,* That if the said Harold Pangelinan is not entitled to medical care under the Dependents' Medical Care Act (70 Stat. 250), a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the Immigration and Nationality Act. This Act shall apply only to grounds for exclusion under such paragraph known to the Secretary of State or the Attorney General prior to the date of the enactment of this Act.

Approved September 2, 1958.

Harold Pangelinan.
66 Stat. 182.
8 USC 1182.

37 USC 401 note.

8 USC 1183.

Private Law 85-780

AN ACT

For the relief of Mr. and Mrs. Carmen Scoppettuolo.

September 6, 1958
[H. R. 4059]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mr. and Mrs. Carmen Scoppettuolo of Belleville, New Jersey, the sum of \$1,540. Payment of such sum shall be in full settlement of all claims of the said Mr. and Mrs. Carmen Scoppettuolo against the United States by reason of the expenses incurred by them in making a visit to the United States Military Cemetery St. Laurent (Normandy), France. The Department of the Army had erroneously informed them that their son, Private First Class James V. Scoppettuolo, was buried there: *Provided,* That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved September 6, 1958.

Mr. Carmen Scoppettuolo and wife.

Private Law 85-781

AN ACT

For the relief of Arthur LeRoy Brown.

September 6, 1958
[S. 165]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any statute of limitations or lapse of time, the jurisdiction con-

Arthur L. Brown.

62 Stat. 933.

ferred upon the United States District Court for the Southern District of Mississippi by subsection (b) of section 1346, title 28, United States Code, is hereby extended to a civil action, which may be commenced not later than one year after the enactment of this Act, asserting any claim or claims of Arthur LeRoy Brown of Purvis, Mississippi, against the United States for money damages arising out of personal injuries and property damage sustained by him in an accident which occurred near Camp Shelby, Mississippi, on February 26, 1942, between a United States Army vehicle and a vehicle owned and operated by the said Arthur LeRoy Brown.

Approved September 6, 1958.

Private Law 85-782

September 6, 1958
[S. 2146]

AN ACT

For the relief of William F. Peltier.

William F.
Peltier.
38 USC 2701.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purposes of title 7 of the Veterans' Benefits Act of 1957 (71 Stat. 115), authorizing payments to certain disabled veterans for the purchase of automobiles, William F. Peltier, a totally disabled veteran of World War II who lost a hand as the result of a service-incurred injury, shall be deemed to have filed his application for this benefit within the time limit prescribed in section 705 of title 7 of the Veterans' Benefits Act of 1957: *Provided,* That the said William F. Peltier shall file an application for such benefits within one year of the effective date of this Act.

38 USC 2705.

Approved September 6, 1958.

Private Law 85-783

September 6, 1958
[S. 3321]

AN ACT

For the relief of George E. Ketchum.

George E.
Ketchum.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$5,000 to George E. Ketchum of Cheyenne, Wyoming, in full settlement of all claims of the said George E. Ketchum against the United States for injuries incurred by said George E. Ketchum on August 15, 1957, at Warren Air Base, Cheyenne, Wyoming, when he was thrown from a painter's scaffold and permanently injured due to the action of a member of the Armed Forces: *Provided,* That payment made under this Act shall not be subject to any right of subrogation or claim for reimbursement in whole or in part under any contract of insurance, and no payment made hereunder shall absolve any insurer of any obligation under any such contract: *And provided further,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved September 6, 1958.

Private Law 85-784

AN ACT

For the relief of Mary F. C. Leute, the widow of Joseph Henry Leute.

September 6, 1958
[S. 4214]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of section 5 of the Act entitled "An Act to make certain increases in the annuities of annuitants under the Foreign Service retirement and disability system", approved May 1, 1956 (70 Stat. 125), Joseph Henry Leute, a vice consul of the United States who died on August 5, 1909, while en route to a new assignment with the Foreign Service, shall be deemed to have been a participant under the Foreign Service retirement and disability system within the meaning of such section at the time of his death.

Mary F. C. Leute.

22 USC 1079d.

Approved September 6, 1958.

CONCURRENT RESOLUTIONS

CONCURRENT RESOLUTIONS

SECOND SESSION, EIGHTY-FIFTH CONGRESS

JOINT MEETING

January 9, 1958
[H. Con. Res. 231]

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Thursday, January 9, 1958, at 12:30 o'clock postmeridian, for the purpose of receiving such communications as the President of the United States shall be pleased to make to them.

Communications
from President.

Passed January 9, 1958.

NATIONAL JUNIOR ACHIEVEMENT WEEK

January 23, 1958
[S. Con. Res. 58]

Whereas it was the initiative, the sense of individual dignity, and the determination to mold their own futures that motivated those who founded this Nation; and

Whereas Junior Achievement, Incorporated, through its learning-by-doing program, is inculcating those ideals in American youth by helping them to set up and operate their own small-scale business enterprises; and

Whereas their experience in running Junior Achievement companies will provide these young people with a heightened understanding of the privileges and duties of citizenship and better prepare them to assume the responsibilities of community leadership; and

Whereas thousands of American businessmen voluntarily give unstintingly of their time, their counsel, and their experience for the benefit of the members of Junior Achievement; and

Whereas it is understood that the week beginning January 26, 1958, and ending February 1, 1958, will be observed as National Junior Achievement Week: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the President of the United States is authorized and requested to issue a proclamation designating the week of January 26, 1958, through February 1, 1958, as National Junior Achievement Week and urging all citizens of our country to salute the activities of Junior Achievers and their volunteer adult advisers through appropriate ceremonies.

National Junior
Achievement
Week.

Agreed to January 23, 1958.

February 13, 1958
[H. Con. Res. 266]

REENROLLMENT OF H. R. 8038

Ante, p. A7.

Resolved by the House of Representatives (the Senate concurring), That the President of the United States is hereby requested to return to the House of Representatives the enrolled bill (H. R. 8038), for the relief of Margie C. Stewart; that if and when such bill is returned by the President, the action of the Speaker of the House of Representatives and of the President of the Senate in signing such bill is hereby rescinded; and that the Clerk of the House of Representatives is hereby authorized and directed, in the reenrollment of such bill, to make the following changes: On page 1, line 9 of the House engrossed bill, strike out “, such compensation to be paid at the rate received on the date of removal less any amounts earned by her through other employment during such period or paid to her as unemployment compensation”.

Passed February 13, 1958.

February 19, 1958
[S. Con. Res. 28]

WATER RESOURCES OF COLUMBIA RIVER

Printing as
Senate document.

Resolved by the Senate (the House of Representatives concurring), That there shall be printed as a Senate document a compilation of materials relating to legislative and administrative action of the Federal and State governments in connection with the development of the water resources of the Columbia River and its tributaries. Such compilation shall be prepared under the direction and supervision of the Senate Committee on Interior and Insular Affairs.

SEC. 2. There shall be printed five thousand additional copies of such Senate document, of which one thousand copies shall be bound in cloth and four thousand copies shall be bound in paper. One-half of such additional copies shall be for the use of the Senate Committee on Interior and Insular Affairs and one-half of such additional copies shall be for the use of the House Committee on Interior and Insular Affairs.

Agreed to February 19, 1958.

February 19, 1958
[S. Con. Res. 57]

JOINT COMMITTEE ON WASHINGTON METROPOLITAN PROBLEMS

71 Stat. B50.

Resolved by the Senate (the House of Representatives concurring), That the Joint Committee on Washington Metropolitan Problems as authorized by House Concurrent Resolution 172, agreed to August 29, 1957, is hereby authorized to make expenditures from February 1, 1958, through January 31, 1959, which shall not exceed \$80,000, to be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the joint committee.

Agreed to February 19, 1958.

February 24, 1958
[S. Con. Res. 66]

CORRECTION OF S. 1805

Ante, p. A7.

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill (S. 1805) for the relief of Acme Bag and Burlap Company and others, the Secretary of the Senate be, and he is hereby, authorized and directed to make the following corrections, namely, on page 5, in lines 1 and 2 of the engrossed bill, strike out “No part of the amount appropriated in this Act in excess

of 10 per centum thereof” and in lieu thereof insert: “Not more than 10 per centum of any payment provided for by this Act”; and

On page 5, line 4, strike out “this claim” and in lieu thereof insert “the claim for which such payment is made”.

Agreed to February 24, 1958.

UNKNOWN AMERICANS OF WORLD WAR II AND KOREAN CONFLICT

March 6, 1958
[H. Con. Res. 242]

Resolved by the House of Representatives (the Senate concurring), That the rotunda of the United States Capitol may be used from May 28, 1958, through May 30, 1958, both dates inclusive, for the remains of the unknown American of the Second World War and of the unknown American of the Korean conflict to lie in state, and for appropriate proceedings and ceremonies in connection therewith.

Capitol rotunda.
Remains of un-
known Americans.

Passed March 6, 1958.

“FOREIGN TRADE POLICY”

March 6, 1958
[H. Con. Res. 246]

Resolved by the House of Representatives (the Senate concurring), That there be printed for the use of the Committee on Ways and Means, House of Representatives, two thousand additional copies of the compendium of papers entitled “Foreign Trade Policy—Compendium of Papers on United States Foreign Trade Policy Collected by the Staff for the Subcommittee on Foreign Trade Policy of the Committee on Ways and Means”.

Printing of addi-
tional copies.

Passed March 6, 1958.

NATIONAL LIBRARY WEEK

March 14, 1958
[H. Con. Res. 226]

Whereas the Congress of the United States has recognized the vital educational and cultural role of libraries in the United States by the enactment of the Library Services Act, approved June 19, 1956; and Whereas the Library Services Act is now in operation in forty-three of the forty-eight States as a means of finding ways of bringing adequate public library service to some twenty-seven million Americans, largely in rural areas, hitherto without such service or with totally inadequate service; and

Whereas State and local governments, professional associations, and citizen's groups recognize that much remains to be done to improve the availability of the full resources of the printed word to all of our people for education, self-improvement, cultural advancement, and fulfilling the responsibilities of citizens in a democracy; and

Whereas the National Book Committee and the American Library Association, in cooperation with numerous other citizens' organizations, business and professional groups, and voluntary associations, have designated the week of March 16-22, 1958, as the first National Library Week; and

Whereas National Library Week will increase support for libraries from the highest levels of leadership in the civic, economic, professional, and cultural life of the United States; will expose the need for the extension and improvement of school and public library services; will offer opportunities for librarians to work more closely with newspaper, magazine, and advertising executives in broadening the use of printed materials; will attract wider public attention to library services through features in national media; and will promote prestige for reading itself by showing the vital role the printed

word can play in the fun of reading aloud in the family, the rewards of reading as a leisure-time activity, and the contribution of reading to career advancement: Therefore be it

National Li-
brary Week.

Resolved by the House of Representatives (the Senate concurring), That the President is authorized and requested to issue a proclamation designating the seven-day period beginning on March 16, 1958, and ending on March 22, 1958, both dates inclusive, as "National Library Week", and calling upon the people of the United States to observe such week with appropriate ceremonies.

Passed March 14, 1958.

March 19, 1958
[S. Con. Res. 68]

ACCELERATION OF PUBLIC WORKS

Public works.
Acceleration of
construction.

Resolved by the Senate (the House of Representatives concurring), That since there is substantial unemployment in many areas of the country; since some of the productive facilities of our economy are idle and many are only partially utilized; since permitting an economic downturn to continue unchecked makes it less responsive to corrective action; and since there are many authorized and urgently needed civil construction projects for which substantial appropriations have already been made;

It is hereby declared to be the sense of the Congress that all such construction programs for which funds have been appropriated should be accelerated to the greatest practicable extent so as to achieve the desirable objectives of reducing unemployment, putting our productive facilities to fuller use, and moving forward the date of completion of these projects which will contribute greatly to enhanced national productivity and continued economic growth and prosperity.

The Congress commends the President and the executive agencies for such action as they have taken to accelerate these programs.

Agreed to March 19, 1958.

March 19, 1958
[S. Con. Res. 69]

MILITARY CONSTRUCTION PROJECTS

Military instal-
lations.
Acceleration of
construction.

Resolved by the Senate (the House of Representatives concurring), That since there is substantial unemployment in many areas of the country; since some of the productive facilities of our economy are idle and many are only partially utilized; since permitting an economic downturn to continue unchecked makes it less responsive to corrective action; and since there are many authorized and urgently needed military construction projects for which substantial appropriations have already been made;

It is hereby declared to be the sense of the Congress that all such military construction programs for which funds have been appropriated should be accelerated to the greatest practicable extent so as to achieve the desirable objectives of reducing unemployment, putting our productive facilities to fuller use, and moving forward the date of completion and availability of these projects which are vital to our national defense.

The Congress commends the President and the executive agencies for such action as they have taken to accelerate these programs.

Agreed to March 19, 1958.

ADJOURNMENT

March 27, 1958
[H. Con. Res. 303]

Resolved by the House of Representatives (the Senate concurring),
That when the two Houses adjourn on Thursday, April 3, 1958, they stand adjourned until 12 o'clock meridian, Monday, April 14, 1958.
Passed March 27, 1958.

STATUE OF MARIA SANFORD IN STATUARY HALL

March 28, 1958
[S. Con. Res. 64]

Resolved by the Senate (the House of Representatives concurring),
That the statue of Maria Sanford, presented by the State of Minnesota, to be placed in the Statuary Hall collection, is accepted in the name of the United States, and that the thanks of the Congress be tendered said State for the contribution of the statue of one of its most eminent citizens, illustrious for her leadership in education; and be it further

Maria Sanford,
statue.
Acceptance.

Resolved, That a copy of these resolutions, suitably engrossed and duly authenticated, be transmitted to the Governor of Minnesota.
Agreed to March 28, 1958.

STATUE OF MARIA SANFORD IN CAPITOL ROTUNDA

March 28, 1958
[S. Con. Res. 65]

Resolved by the Senate (the House of Representatives concurring),
That the Minnesota Statehood Centennial Commission of the State of Minnesota is hereby authorized to place temporarily in the rotunda of the Capitol a statue of the late Maria Sanford, of Minnesota, and to hold ceremonies in the rotunda on said occasion; and the Architect of the Capitol is hereby authorized to make the necessary arrangements therefor.

Maria Sanford,
statue.

Agreed to March 28, 1958.

REENROLLMENT OF S. 2120

March 31, 1958
[S. Con. Res. 75]

Resolved by the Senate (the House of Representatives concurring),
That the President of the United States is requested to return to the Senate the enrolled bill (S. 2120) to authorize the Secretary of the Interior to construct, rehabilitate, operate, and maintain the lower Rio Grande rehabilitation project, Texas, Mercedes division.

Ante p. 82.

If and when the said bill is returned by the President, the action of the Presiding Officers in signing same shall be deemed rescinded, and the Secretary of the Senate is authorized and directed, in the reenrollment of said bill, to make the following correction:

In line 2 of section 3 of the House engrossed amendment, after the words "to lands", insert "in this project".

Agreed to March 31, 1958.

"GENERAL REVENUE REVISION OF 1958"

April 3, 1958
[H. Con. Res. 305]

Resolved by the House of Representatives (the Senate concurring),
That there be printed for the use of the Committee on Ways and Means, House of Representatives, four thousand additional copies of the general revenue revision hearings entitled "General Revenue Revision of 1958".

Printing of
hearings.

Passed April 3, 1958.

April 17, 1958
[S. Con. Res. 77]

FEDERAL LEGISLATURE OF THE WEST INDIES

Whereas it is the policy of the Government of the United States to favor the orderly evolution of peoples and nations to self-determination throughout the world; and

Whereas the people of the United States support the concept that other peoples should have an opportunity freely to choose their own destiny under circumstances which will enable them to assume and maintain an equal station among the nations of the world; and

Whereas The West Indies is comprised of those islands of Jamaica, Barbados, Trinidad and Tobago, Grenada, Dominica, Saint Vincent, Saint Lucia, Antigua, Barbuda, Saint Christopher, Nevis and Anquilla, and Montserrat, having an area of more than eight thousand square miles and a population of over three million; and

Whereas the United Kingdom by order in Council, July 31, 1957, provided for the establishment of The West Indies (Federation) and

Whereas the Federal Legislature of The West Indies will be officially convened for the first time at Port of Spain, Trinidad, The West Indies, on April 22, 1958: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress of the United States extends its most cordial greetings to the Federal Legislature of The West Indies on this historic occasion, and expresses the earnest hope that the Federal Legislature and the people of The West Indies will enjoy continuing success in their new status, and reaffirms the friendship of the United States for the people of The West Indies.

Agreed to April 17, 1958.

The West Indies.
Greetings from
U. S.

April 30, 1958
[S. Con. Res. 71]

STATUE OF MARIA L. SANFORD

Resolved by the Senate (the House of Representatives concurring), That the proceedings at the presentation, dedication, and acceptance of the statue of Maria L. Sanford, to be presented on November 12, 1958, by the State of Minnesota in the rotunda of the Capitol, together with appropriate illustrations and other pertinent matter, shall be printed as a Senate document. The copy for such Senate document shall be prepared under the supervision of the Joint Committee on Printing.

SEC. 2. There shall be printed five thousand additional copies of such Senate document, which shall be bound in such style as the Joint Committee on Printing shall direct, and of which one hundred copies shall be for the use of the Senate and one thousand nine hundred copies shall be for the use of the Members of the Senate from the State of Minnesota, and five hundred copies shall be for the use of the House of Representatives and two thousand five hundred copies shall be for the use of the Members of the House of Representatives from the State of Minnesota.

Agreed to April 30, 1958.

Printing of presentation proceedings.

April 30, 1958
[H. Con. Res. 308]

“TRADE AGREEMENTS EXTENSION ACT OF 1958”

Resolved by the House of Representatives (the Senate concurring), That there be printed for the use of the Committee on Ways and Means, House of Representatives, four thousand additional copies of the hearings entitled “Trade Agreements Extension Act of 1958”.

Passed April 30, 1958.

Printing of additional copies.

ONE-HUNDREDTH ANNIVERSARY OF THE STATE OF MINNESOTA

May 1, 1958
[S. Con. Res. 86]

Resolved by the Senate (the House of Representatives concurring),
That the congratulations and best wishes of the Congress of the United States are hereby cordially extended to the State of Minnesota upon the occasion of the one-hundredth anniversary of the admission of the State of Minnesota into the Union.

Agreed to May 1, 1958.

HOUSE DOCUMENT NO. 232, 84TH CONGRESS

May 21, 1958
[H. Con Res. 17]

Resolved by the House of Representatives (the Senate concurring),
That there shall be printed for the use of the House of Representatives five hundred thousand additional copies of House Document Numbered 232, Eighty-fourth Congress, with emendations.

Passed May 21, 1958.

Printing of additional copies.

“OUR AMERICAN GOVERNMENT. WHAT IS IT?
HOW DOES IT FUNCTION?”

May 21, 1958
[H. Con. Res. 228]

Resolved by the House of Representatives (the Senate concurring),
That, (a) with the permission of the copyright owner of the book “Our American Government—1,001 Questions on How It Works”, with answers by Wright Patman, published by Scholastic Magazines, Incorporated, there shall be printed as a House document the pamphlet entitled “Our American Government. What Is It? How Does It Function?”. In addition to the usual number there shall be printed 2,000 copies for use and distribution by each Member of Congress.

Printing as House Document.

(b) As used in this concurrent resolution the term “Member of Congress” includes a Member of the Senate, a Member of, and a Delegate to, the House of Representatives, and the Resident Commissioner from Puerto Rico.

“Member of Congress”.

Passed May 21, 1958.

UNKNOWNNS OF WORLD WAR II AND KOREA

May 22, 1958
[S. Con. Res. 90]

Resolved by the Senate (the House of Representatives concurring),
That the Sergeant at Arms of the Senate and the Sergeant at Arms of the House of Representatives are each hereby authorized and directed to purchase a floral wreath to be placed by the catafalques bearing the remains of the Unknowns of World War II and Korea which are to lie in state in the Rotunda of the Capitol of the United States from May 28 to May 30, 1958, the expenses of which shall be paid from the contingent funds of the Senate and the House of Representatives, respectively.

Floral wreaths. Authorization to purchase.

Agreed to May 22, 1958.

CORRECTION OF S. 734

June 17, 1958
[S. Con. Res. 93]

Resolved by the Senate (the House of Representatives concurring),
That in the enrollment of the bill (S. 734), to revise the basic compensation schedules of the Classification Act of 1949, as amended,

Ante, p. 212.

and for other purposes, the Secretary of the Senate is authorized and directed to make the following correction:

In the sixth line of the salary schedule in section 6 (a) (3) strike out "8,955" and insert in lieu thereof "8,755".

Agreed to June 17, 1958.

June 24, 1958
[H. Con. Res. 343]

UNITED STATES EXPRESSION OF SYMPATHY FOR HUNGARIANS

Whereas the revolt of the Hungarian people in 1956 against Soviet control was acclaimed by freedom loving people throughout the world; and

Whereas the suppression of the Hungarian revolt of 1956 by the armed forces of the Soviet Union was condemned by the General Assembly of the United Nations; and

Whereas the leader of the Hungarian Government and people in the unsuccessful revolt against Soviet oppression was induced to leave the sanctuary of the Yugoslavian Embassy in Budapest on promises of safe conduct and fair treatment on the part of the Hungarian Communist regime which was not in a position to take such action without the approval of the Soviet Union; and

Whereas these promises were treacherously ignored by Soviet forces and Imre Nagy was seized and held incommunicado; and

Whereas the Soviet imposed Communist regime of Hungary has now announced that Imre Nagy, together with his colleagues Miklos Gimes, Pal Maleter, and Jozsef Szilagyι have been tried and executed in secret; and

Whereas this brutal political reprisal shocks the conscience of decent mankind: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress of the United States that the President of the United States express through the organs of the United Nations and through all other appropriate channels, the deep sense of indignation of the United States at this act of barbarism and perfidy of the Government of the Soviet Union and its instrument for the suppression of the independence of Hungary, the Hungarian Communist regime; and be it further

Resolved, That it is the sense of the Congress of the United States that the President of the United States express through all appropriate channels the sympathy of the people of the United States for the people of Hungary on the occasion of this new expression of their ordeal of political oppression and terror.

Passed June 24, 1958.

Hungarians.
U. S. expression
of sympathy.

June 25, 1958
[S. Con. Res. 80]

STATUE OF CHARLES MARION RUSSELL IN STATUARY HALL

Resolved by the Senate (the House of Representatives concurring), That the statue of Charles Marion Russell, presented by the State of Montana, to be placed in the Statuary Hall collection, is accepted in the name of the United States, and that the thanks of the Congress be tendered said State for the contribution of the statue of one of its most gifted and colorful citizens, noted for his artistic skill; and be it further

Resolved, That a copy of these resolutions, suitably engrossed and duly authenticated, be transmitted to the Governor of Montana.

Agreed to June 25, 1958.

Charles M. Russell, statue.
Acceptance.

Copy to Governor of Montana.

STATUE OF CHARLES MARION RUSSELL IN CAPITOL ROTUNDA

June 25, 1958
[S. Con. Res. 81]

Resolved by the Senate (the House of Representatives concurring),
That the State of Montana is hereby authorized to place temporarily in the rotunda of the Capitol a statue of the late Charles Marion Russell, of Montana, and to hold ceremonies in the rotunda on said occasion; and the Architect of the Capitol is hereby authorized to make the necessary arrangements therefor.

Charles M. Russell, statue.

Agreed to June 25, 1958.

CORRECTION OF S. 2533

June 25, 1958
[S. Con. Res. 95]

Resolved by the Senate (the House of Representatives concurring),
That, in the enrollment of the bill (S. 2533) entitled "An Act to amend the Federal Property and Administrative Services Act of 1949 to authorize the Administrator of General Services to lease space for Federal agencies for periods not exceeding fifteen years, and for other purposes", the Secretary of the Senate be, and he is hereby, authorized and directed to make the following correction, namely: In the last line of House engrossed amendment numbered 4, strike out "37 Stat. 318" and insert "37 Stat. 718".

Ante, p. 294.

Agreed to June 25, 1958.

STATUE OF CHARLES MARION RUSSELL

June 27, 1958
[S. Con. Res. 82]

Resolved by the Senate (the House of Representatives concurring),
That the proceedings at the presentation, dedication, and acceptance of the statue of Charles Marion Russell, to be presented by the State of Montana in the rotunda of the Capitol, together with appropriate illustrations and other pertinent matter, shall be printed as a Senate document. The copy for such Senate document shall be prepared under the supervision of the Joint Committee on Printing.

Printing of proceedings as Senate document.

SEC. 2. There shall be printed three thousand additional copies of such Senate document, which shall be bound in such style as the Joint Committee on Printing shall direct, and of which one hundred copies shall be for the use of the Senate and one thousand two hundred copies shall be for the use of the Members of the Senate from the State of Montana, and five hundred copies shall be for the use of the House of Representatives and one thousand two hundred copies shall be for the use of the Members of the House of Representatives from the State of Montana.

Additional copies.

Agreed to June 27, 1958.

"CIVIL RIGHTS—1957"

June 27, 1958
[S. Con. Res. 87]

Resolved by the Senate (the House of Representatives concurring),
That there be printed for the use of the Committee on the Judiciary two thousand additional copies of the hearings of its Subcommittee on Constitutional Rights entitled "Civil Rights—1957", held during the Eighty-fifth Congress, first session.

Printing of additional copies of hearings.

Agreed to June 27, 1958.

July 11, 1958
[H. Con. Res. 175]

CODE OF ETHICS FOR GOVERNMENT SERVICE

Resolved by the House of Representatives (the Senate concurring),
That it is the sense of the Congress that the following Code of Ethics should be adhered to by all Government employees, including office-holders:

CODE OF ETHICS FOR GOVERNMENT SERVICE

Any person in Government service should:

1. Put loyalty to the highest moral principles and to country above loyalty to persons, party, or Government department.
2. Uphold the Constitution, laws, and legal regulations of the United States and of all governments therein and never be a party to their evasion.
3. Give a full day's labor for a full day's pay; giving to the performance of his duties his earnest effort and best thought.
4. Seek to find and employ more efficient and economical ways of getting tasks accomplished.
5. Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not; and never accept, for himself or his family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties.
6. Make no private promises of any kind binding upon the duties of office, since a Government employee has no private word which can be binding on public duty.
7. Engage in no business with the Government, either directly or indirectly, which is inconsistent with the conscientious performance of his governmental duties.
8. Never use any information coming to him confidentially in the performance of governmental duties as a means for making private profit.
9. Expose corruption wherever discovered.
10. Uphold these principles, ever conscious that public office is a public trust.

Passed July 11, 1958.

July 15, 1958
[H. Con. Res. 346]

CENTENNIAL ANNIVERSARY OF THE LINCOLN-DOUGLAS DEBATE

Whereas the debate between Abraham Lincoln and Stephen A. Douglas at Freeport, Illinois, in the Illinois senatorial contest of 1858 was one of the great and important events in the history of the United States; and

Whereas the centennial anniversary of the Lincoln-Douglas debate is to be appropriately commemorated at Freeport in August of 1958: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring),
That the Congress of the United States joins the city of Freeport in commemorating the centennial anniversary of the Lincoln-Douglas debate which was held in Freeport, Illinois, on August 27, 1858.

SEC. 2. A copy of this resolution, suitably engrossed and duly authenticated, shall be transmitted to the Governor of Illinois, and the president of the Lincoln-Douglas Society, Freeport, Illinois.

Passed July 15, 1958.

Lincoln-Douglas
debate.
Centennial in
Freeport, Ill.

Copy to Gov-
ernor of Illinois.

PEACEFUL EXPLORATION OF OUTER SPACE

July 23, 1958
[H. Con. Res. 332]

Whereas man is standing upon the threshold of a new era of space exploration; and

Whereas it is the devout wish of all peoples everywhere, in every nation, in every environment, that the exploration of outer space shall be by peaceful means and shall be dedicated to peaceful purposes; and

Whereas the United States as a nation and as a people favors the peaceful solution of all international problems: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress of the United States believes that the nations of the world should join in the establishment of plans for the peaceful exploration of outer space, should ban the use of outer space for military aggrandizement, and should endeavor to broaden man's knowledge of space with the purpose of advancing the good of all mankind rather than for the benefit of one nation or group of nations;

Outer space.
Peaceful ex-
ploration.

That it is the sense of the Congress:

That the United States should strive, through the United Nations or such other means as may be most appropriate, for an international agreement banning the use of outer space for military purposes;

That the United States should seek through the United Nations or such other means as may be most appropriate an international agreement providing for joint exploration of outer space and establishing a method by which disputes which arise in the future in relation to outer space will be solved by legal, peaceful methods, rather than by resort to violence;

That the United States should press for an international agreement providing for joint cooperation in the advancement of scientific developments which can be expected to flow from the exploration of outer space, such as the improvement of communications, the betterment of weather forecasting, and other benefits; and

That the Congress respectfully requests the President to effectuate in every way possible the objectives set forth in this resolution.

Passed July 23, 1958.

"PHYSICAL RESEARCH PROGRAM AS IT RELATES TO THE FIELD OF ATOMIC ENERGY"

July 24, 1958
[H. Con. Res. 325]

Resolved by the House of Representatives (the Senate concurring), That the Joint Committee on Atomic Energy be authorized to have printed for its use ten thousand copies of the public hearings on "Physical research program as it relates to the field of atomic energy", held by the Subcommittee on Research and Development during the Eighty-fifth Congress, second session; and be it further

Printing of
copies of hear-
ings.

Resolved, That the Joint Committee be authorized to have printed ten thousand copies of the report on the above hearings; and be it further

Resolved, That the Joint Committee be authorized to have printed two thousand copies of the index of the above hearings.

Passed July 24, 1958.

July 28, 1958
[H. Con. Res. 344]

Printing as
House document.

Additional
copies.

BIOGRAPHICAL DIRECTORY OF THE AMERICAN CONGRESS

Resolved by the House of Representatives (the Senate concurring), That there shall be compiled and printed, with illustrations as a House document, in such style and form as may be directed by the Joint Committee on Printing, a revised edition of the Biographical Directory of the American Congress up to and including the Eighty-sixth Congress (1774-1960); and that six thousand five hundred additional copies shall be printed, of which four thousand four hundred copies shall be for the use of the House of Representatives, one thousand six hundred copies for the use of the Senate, and five hundred copies for the use of the Joint Committee on Printing.

Passed July 28, 1958.

July 29, 1958
[S. Con. Res. 83]

DEPORTATION SUSPENSIONS

Resolved by the Senate (the House of Representatives concurring), That the Congress favors the suspension of deportation in the case of each alien hereinafter named, in which case the Attorney General has suspended deportation pursuant to the provisions of section 244 (a) (5) of the Immigration and Nationality Act (66 Stat. 214; 8 U. S. C. 1254 (c)):

- A-10150440, Herrmann, William Ernst.
- A-1607807, Latva, Karl Assari.
- A-2752014, Nagae, Toshiyoshi.
- A-2183058, Ritchie, Anna.
- A-2429881, Rotzer, John.
- A-2476554, Akelaitis, Anthony Peter.
- A-5591361, Brisbeno-Cerano, Pablo.
- A-2154168, Gerard, Thursa Bashey.
- A-4296775, Philippou, Michael.
- A-5077628, Abrams, William.
- A-1884341, Billeck, Mike.
- A-1223150, Franzone, Peter.
- A-8765622, Ramos-Alonzo, Valentin.
- A-4753944, Souza, Manuel Francis.
- A-1024497, Strk, Ilija.
- A-4317593, Vir, David.
- A-8844394, Waulke, Samuel S.
- A-5940048, Wienski (Wiensky), Nicholas.
- A-5858232, Contreras-Munoz, Jose.
- A-5969807, Cehringer, Henry Charles.
- A-5472840, Derymonjian, Oskan.
- A-4285329, Heeney, William Michael Francis.
- A-4765082, Lledo, Jaime Cano.
- A-5987889, Pietzak, Joseph Adam.
- A-5093624, Anthonis, Frank.
- A-3090457, Butler, Anna Lucretia.
- A-4335159, Gugenhan, Frederick.
- A-4011582, Luper, Max.
- A-3007376, Orosco, Nabor.
- A-1199762, Thompson, Arthur Fisher.
- A-4792609, Tima, Emery James.
- A-5418531, Kuch, Bronislaw.
- A-2746556, Nunez-Arreguin, Francisco.
- A-4539823, Sailer, Johann N.
- A-1852300, Valdastrri, Joseph.
- A-10139136, Weiner, Benjamin.

A-2807195, Burnett, John Lionel.
 A-1229447, Echevarria, Felipe.
 A-5048277, Geller, Samuel.
 A-5052632, Israel (Izrael), Joseph.
 A-5511254, Sollano (Sallano), Salvatore.
 A-5592838, Sonneborn, Herbert Joseph.
 A-1895860, Tellez-Lara, Salvador.
 A-5967610, Toy, Nee.
 A-4656191, Wantroba (Watroba), Thomas.
 A-4717588, Zukowski, Antonina.
 A-4282074, Krawczuk, Peter.
 A-2471862, Miszer, Ignatz.
 A-8925175, Rich, Martha Lucille.
 A-4926883, Leonelli, Eldo.
 A-10255683, Ross, Maurice.
 A-1899483, Bravo, Lucio.
 A-3073370, Consiglio, Anthony.
 A-4495275, Evans, Julia.
 A-6151475, Lowenthal, Philip Herman.
 A-2053517, Aalto, George.
 A-8890731, Constante-Fregoso, Rogilio.
 A-10458255, Espinosa-Delgado, Miguel.
 A-3818164, Jugloff, Theodore Louis.
 A-1453355, Naftaniel, Nick.
 A-10155976, Sederes, James George.
 A-3339304, Brini, Pasquale Luigi.
 A-2129962, Flores, Lino B.
 A-2157328, Suarez, Ysidro, Jr.
 A-4760319, Ho, Chu Hum.
 A-6038920, Liedtke, Fred.
 A-2481240, Poretz, Leo.
 A-3411085, Tornello, Michael.
 A-6487465, Valenti, Rocco.
 Agreed to July 29, 1958.

JESUS ANGEL-MORENO

July 29, 1958
[S. Con. Res. 92]

Resolved by the Senate (the House of Representatives concurring), That the Congress, in accordance with section 246 (a) of the Immigration and Nationality Act (8 U. S. C. A. 1256 (a)), withdraws the suspension of deportation in the case of Jesus Angel-Moreno (A-8065711) which was previously granted by the Attorney General and approved by the Congress.

66 Stat. 217.

Agreed to July 29, 1958.

STATUE OF DR. FLORENCE RENA SABIN

August 6, 1958
[S. Con. Res. 104]

Resolved by the Senate (the House of Representatives concurring), That the proceedings at the presentation, dedication, and acceptance of the statue of Doctor Florence Rena Sabin, to be presented by the State of Colorado in the rotunda of the Capitol, together with appropriate illustrations and other pertinent matter, shall be printed as a Senate document. The copy for such Senate document shall be prepared under the supervision of the Joint Committee on Printing.

Printing of proceedings as Senate document.

Additional
copies.

SEC. 2. There shall be printed five thousand additional copies of such Senate document, which shall be bound in such style as the Joint Committee on Printing shall direct, and of which one hundred copies shall be for the use of the Senate and one thousand six hundred copies shall be for the use of the Members of the Senate from the State of Colorado, and five hundred copies shall be for the use of the House of Representatives and two thousand eight hundred copies shall be for the use of the Members of the House of Representatives from the State of Colorado.

Agreed to August 6, 1958.

August 6, 1958
[S. Con. Res. 107]

“INQUIRY INTO SATELLITE AND MISSILE PROGRAMS”

Printing of
hearings.

Resolved by the Senate (the House of Representatives concurring), That there shall be printed for the use of the committee, one thousand additional copies of parts 1 and 2 of the hearings before the Preparedness Investigating Subcommittee of the Senate Armed Services Committee, entitled “Inquiry Into Satellite and Missile Programs.”

Agreed to August 6, 1958.

August 7, 1958
[S. Con. Res. 112]

REENROLLMENT OF S. 359

Ante, p. 596.

Resolved by the Senate (the House of Representatives concurring), That the President of the United States be, and he is hereby, requested to return to the Senate the enrolled bill (S. 359) to permit desert land entries on disconnected tracts of lands which, in the case of any one entryman, form a compact unit and do not exceed in the aggregate three hundred and twenty acres; that if and when said bill is returned, the action of the Presiding Officers of the two Houses in signing said bill shall be deemed to be rescinded; and the Secretary of the Senate be, and is hereby, authorized and directed to reenroll said bill with the following changes, namely:

On page 2, line 9, of the engrossed bill, strike out all after “person” down through and including “Interior.” in line 11, and insert: “shall be sufficiently close to each other to be managed satisfactorily as an economic unit, as determined under rules and regulations issued by the Secretary of the Interior.”

On page 3, line 5, of said engrossed bill, strike out all after “section” down through and including “Interior.” in line 7, and insert: “shall be sufficiently close to each other to be managed satisfactorily as an economic unit, as determined under rules and regulations issued by the Secretary of the Interior.”

Agreed to August 7, 1958.

August 8, 1958
[H. Con. Res. 372]

REENROLLMENT OF H. R. 13209

Ante, p. 603.

Resolved by the House of Representatives (the Senate concurring), That the President of the United States is hereby requested to return to the House of Representatives the enrolled bill (H. R. 13209), to provide for adjustments in the lands or interests therein acquired for the Albani Falls Reservoir project, Idaho, by the reconveyance of certain lands or interests therein to the former owners thereof; that if and when such bill is returned by the President, the action of the Speaker of the House of Representatives and of the President of the Senate in signing such bill is hereby rescinded; and that the Clerk of the House of Representatives is hereby authorized and directed, in the

reenrollment of such bill, to make the following changes: On page 3, line 21 of the House engrossed bill, strike out "for" and insert in lieu thereof "from".

Passed August 8, 1958.

HALL OF FAME FOR AGRICULTURE

August 11, 1958
[H. Con. Res. 295]

Whereas many of our bravest men and most valiant soldiers were of an agricultural background; and
Whereas the Founding Fathers of this Republic and many of its most eminent leaders were farmers; and
Whereas agriculture has played a dominant role in the rise of our country to greatness; and
Whereas there now exist halls of fame recognizing the glorious past for the baseball player, the cowboy, and others; and
Whereas the ox yoke, the bull-tongue plow, the hand-forged iron kettle, and the sod house represent the evolution of agricultural technology in this country and the difficulties which a determined people faced and successfully overcame in improving their way of life; and
Whereas our American heritage should be preserved and tribute should be paid to the great men and women who over the years have helped to make American agriculture the most productive in the world: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that there be established and maintained, as a memorial to the important role played by agriculture in the development of our Nation, a Hall of Fame for Agriculture, wherein there will be collected and preserved for posterity relics, artifacts, and other evidence and data relating to agriculture and the great contributions it has made and continues to make in the rise to greatness of our country; and the Congress does hereby commend, encourage, and sanction the efforts to establish such a hall of fame.

Hall of Fame for
Agriculture.

Passed August 11, 1958.

DEPORTATION SUSPENSIONS

August 12, 1958
[S. Con. Res. 67]

Resolved by the Senate (the House of Representatives concurring), That the Congress favors the suspension of deportation in the case of each alien hereinafter named, in which case the Attorney General has suspended deportation for more than six months:

- A-6013531, Conrad, John Eddy.
- A-6854175, Khan, Young.
- A-5609821, Lago, Manuel.
- A-8024172, Romero-Garcia, Jose Esteban.
- A-5919886, Karlquist, Karl Runar.
- A-10375272, Ming, Dan Ah.
- A-4994479, Schmidt, Anton.
- A-4778249, Tapia-Palacios, Leandro.
- A-7927373, Antoncich, Anthony Joseph.
- A-5270094, Grammatikos, Nicolaos T.
- A-4403972, Li, Ru-Chao.
- A-6899735, Garcia-Travesi, Carlos.
- A-3470764, Hicks, Prudence.
- A-3535360, Ares, Leonide Ituarte.
- A-5987407, Gavaletz, James.

A-8001256, Kim, Lim Hong.
 A-9561104, Yan, Sang.
 A-2482835, Ali, Manan Bin.
 A-8976987, Olvera-Gonzalez, Juan Manuel.
 A-9836556, Tamm, Salme.
 A-8996122, Jing, Yee Fong.
 A-6859008, Ornelas-Alvarado, Carlos.
 A-7390668, Fong, Ng Ben.
 A-6590561, Lopez, Vincent Manuel.
 A-5091348, Panzani, Natale.
 A-3247674, Pellegrini, Fert.
 A-7266069, Wong, Henry.
 A-10256415, Freund, Eva.
 A-9652037, Muk, Fong.
 A-2627821, Reinhardt, Fritz Willy.
 A-9752493, Juan, Han Heng.
 A-2716669, Pena-Morales, Victor.
 A-4276892, Yang, Fuh Yu.
 Agreed to August 12, 1958.

August 12, 1958
 [S. Con. Res. 113]

REENROLLMENT OF S. 4002

Ante, p. 687.

Resolved by the Senate (the House of Representatives concurring), That the President of the United States be, and he is hereby, requested to return to the Senate the enrolled bill (S. 4002) to authorize the Gray Reef Dam and Reservoir as a part of the Glendo unit of the Missouri River Basin project; that if and when said bill is returned, the action of the Presiding Officers of the two Houses in signing said bill shall be deemed to be rescinded; and the Secretary of the Senate be, and is hereby, authorized and directed to reenroll said bill with the following change, namely:

In lines 12 and 13 of the engrossed bill, strike out "submitted and approved by the Secretary of the Interior" and insert: "approved by the Secretary of the Interior and submitted to the President and the Congress".

Agreed to August 12, 1958.

August 13, 1958
 [H. Con. Res. 321]

GRANTING OF PERMANENT RESIDENCE TO CERTAIN ALIENS

Resolved by the House of Representatives (the Senate concurring), That the Congress approves the granting of the status of permanent residence in the case of each alien hereinafter named, in which case the Attorney General has determined that such alien is qualified under the provisions of section 6 of the Refugee Relief Act of 1953, as amended (67 Stat. 403; 68 Stat. 1044):

50 USC app.
 1971d.

A-8153600, Basch, Herman.
 A-10255826, Bilici, Stefan.
 A-10256997, Boullen, Eugenie (nee Eugenia Melania Trumauer).
 A-10073241, Chang, Chi Hsuan.
 A-6967266, Chao, Yao-Ting or Irene Yao-Ting Chao.
 A-9526176, Chee, Lok.
 A-7462164, Chen, Frank Ming-Chen.
 A-6992028, Chen, Stephen Shu-Hua.
 A-7777045, Ching, Peter Pan-Shih or Peter P. S. Ching.
 A-7071963, Chiou, Huei Chen or Sister Theresa Mary Chiou.
 A-6904319, Chou, Carl Nai Wen.

- A-6848623, Chou, Pei Chi.
 0300-464138, Chow, Wei Teh.
 A-6083902, Diao, Kai-I also known as Kenneth Diao.
 A-9518855, Ding, Ngiam Hai also known as Ngiam Ah Hai.
 A-5993457, Fok, Wai Yuen also known as Fok Wai Yuen.
 A-7386136, Fung, Choi-Kai Joyce (now Hung).
 A-6281490, Gi-Ming, Shien.
 A-7476728, Gregory, Evelyn Alexander.
 A-7828957, Hamza, Milos.
 A-7828958, Hamza, Jirina.
 A-9730789, Heng, Loy Wang.
 A-3653325, Ho, Ching or Ho Ching.
 A-6973660, Hsi, Leo Leonard Te-Kee or Te-Kee Hsi.
 A-7463500, Huang, Chang Chiang.
 A-7436710, Huang, Ching Wai.
 A-10634040, Huang, Tso Chiu.
 A-8935458, Huang, Hsin Chou.
 A-4380982, Klikos, Miroslav Antonin.
 A-9825359, Kreft, Frank.
 A-8877776, Krneta, Jovo alias Girolamo Baldi.
 A-10060228, Lechich, Dominick.
 A-8153698, Lee, Maria Pao-Hsin.
 A-6457466, Lee, Si Yu aka Francis S. Y. Lee.
 A-7071962, Li, Chun Hsia or Sister Elizabeth Ann Li.
 A-6904311, Li, Min Hsin.
 A-7197265, Lichtman, Lester formerly Ladislaw Lichtman.
 A-6275288, Lin, Teh Ping.
 A-6967743, Lin, Shih-Chia Chen.
 A-7357783, Liu, Hsien Chou.
 A-6904312, Liu, Tse Chi.
 A-9653780, Loy, Chong or Loy Chong.
 A-7457664, Meszaros, Julia.
 A-7962334, Moscovic, Dora.
 A-9564547, Ning, Bai Ah.
 A-6848119, Pan, Huo-Hsi.
 A-7073694, Phares, Olga (nee Kosciukiewicz).
 A-10255990, Puss, Vendelin.
 A-9702528, Siew, Yao or Sang Siow or Siew Sang.
 A-10125287, Soon, Chin Wing.
 A-6083861, Tang, Yung-Chien.
 A-9769869, Tew, Tan Boon.
 A-7250897, Ting, Robert Chin-Yao.
 A-10135655, Tomson, Martin.
 A-9542545, Wan, Lee Lin.
 A-7282998, Wang, Sally Bei-Fong or Sally Wang.
 A-6847731, Wang, Tien Chuan.
 A-7850781, Wang, Chan-Pao Hsu.
 A-8103726, Chen, Franklin Yueh-Kun.
 A-7462163, Chen, William Ming-Cheh.
 A-7879901, Chu, Yang Ming.
 A-10054867, Goldblat, Fajwel also known as Felix Fibich.
 A-10256870, Goldblat, Judyta Berg also known as Judith Fibich.
 A-7298907, Huang, Yen Yu.
 A-6752079, Kleinberger, Salomon.
 A-6752080, Kleinberger, Blima Blanca.
 A-6967294, Lu, Kuang-Huan.
 A-7052508, Ma, John Ta-Jen also known as John T. Ma or Ta-Jen Ma.

- A-7961399, Pao, Shih Kuo also known as James Shih-Kuo Pao.
 A-6848682, Sih, Nan Sze.
 A-6624714, Sze, Wei Tseng.
 A-7948622, Tang, Yun Shou or Edward Tang or Edward Y. S. Tang.
- A-7247117, Teitelbaum, Isak.
 A-5094926, Wang, Chuan Yuang also known as Tanner Wang.
 A-7456033, Werdyger, David.
 A-10256483, Werdyger, Malvina.
 A-7274347, Woo, Henry Kuo Chuan.
 A-10259861, Wu, Cheng Tsu.
 A-7368967, Wu, Marjory Min-Yen.
 A-6975565, Wu, Te-Heng.
 A-6855615, Yao, Ven Chen.
 A-10143707, Yee, Ting Sun.
 A-10143708, Wong, Lan Coke.
 A-10143709, Yee, Kock Chue.
 A-10143712, Yee, Kock Wei.
 A-10143713, Yee, Wei Goon.
 A-10143715, Yee, Kock Lan.
 A-6986480, Yeh, Frances Tsu-Yi Cheng.
 A-6694194, Ying, Tao Chen also known as Stephen Tao Chen Ying.
 A-6819620, Ying Mildred Wu (nee Mildred Chien Hwa) Wu.
 A-10053774, Yong, Lai or For Yong or Lai Lung.
 A-10135610, Yu, Chin Ziang also known as Charles Yu.
 A-7366164, Yuan, Tung Li.
 A-7366165, Yuan, Hui Hsi.
 A-7193592, Zissu, Iancu.
 A-6976769, Zissu, Eugenia (nee Wentraub).
 A-10259134, Chao, Lee Sih.
 A-7288302, Cheng, Samuel or Kuo Yue Cheng.
 A-7133245, Chin, Yang Sih also known as Steve S. C. Yang, or Sih Chin Yang.
- A-6811398, Jankowski, Zbigniew.
 A-9657674, San, Lam.
 A-6958601, Yee, Rose or Gum-Yuen Yee.
 A-5869760, Ivanac Krist.
 A-7389499, Wei, Charles Whua-Fu.
 A-6881735, Wu Tien Hsiang Tu also known as Julia Tu Wu.
 A-6626309, Morel, Marta.
 A-6627930, Morel, Isabel.
 A-7099115, Cheng, Yi-Jong or Yi Jong Cheng or John Tung Cheng.
- A-6918487, Dobroliuboff, Victor John also known as Victor J. Doberly.
 A-6918488, Dobroliuboff, Helen (nee Helen Antonoff) also known as Helen Dobely.
- A-8091959, Tung, Shih-Tsin.
 A-10491938, Tung, Nei-Chu.
 A-10491940, Tung, Pao-Ho.
 A-7285976, Chang, Chien-Hsin.
 A-10245366, Hsu, Kan also known as Ko Ding Hsu also known as Chang Sang.
- A-10236079, Shun, Chu also known as Chiu Mo Cheong.
 A-10044761, Yenovkian, Leonora Levon.
 A-7247342, Hsieh, Jui-Chang.
 A-6958651, Kwang, Ching-Wen.
 A-6967576, Liu, Yung-Tsu.

A-11046594, Mow, Sun Wah.
 A-9733991, Shio, Han-Sun.
 A-6033416, Wang, Tien Shan.
 A-9753687, Yue, Tsing-See.
 A-10135748, Chan, Siu-Ching.
 A-9245733, Ching, Pui.
 A-6903682, Jakab, Salamon.
 A-7395167, Tang, Robert Cheng-Wei.
 A-5927903, Wong, Ah Sai.
 A-6712037, Hu, Kwoh Hsien.
 A-7910399, Kao, Hans Chuan.
 A-6737210, Lee, Thomas Ming-Lung.
 A-7865355, Keh, (Edward) Shou Shreu.
 A-7865356, Keh, Martha Mei Sing (nee Chen).
 A-6848016, Teng, Paul or Paul Chien Yao Teng.
 A-9801087, Yin, Chow Kwong.
 A-6967269, Chow, Tsing Tai also known as Howard T. Chow.
 A-6967273, Ku, Anna Marie.
 A-10290389, Tung, Chang Chien.
 A-6081266, Hsu, James Pei-Chung.
 A-8091343, Sing, Leung or Leung Sui Wah Chan.
 A-7210285, Olas, Pavol Jozef.
 A-10256998, Leung, Chun.
 A-9764946, On, Lo.
 A-8248567, Blaszkowski, Henryk.
 A-9777521, Kuan, Ho.
 Passed August 13, 1958.

NEVADA CENTENNIAL CELEBRATION

August 16, 1958
 [S. Con. Res. 52]

Whereas June 8, 1959, marks the one hundredth anniversary of the first significant discovery of silver in the United States at the Comstock Lode, Virginia City, State of Nevada: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress extends greetings and felicitations to the citizens of the State of Nevada, and particularly to the Nevada Centennial Committee, upon the occasion of their commemorative celebration of the one hundredth anniversary of the first significant discovery of silver in the United States.

Agreed to August 16, 1958.

CORRECTION OF H. R. 13132

August 20, 1958
 [H. Con. Res. 380]

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House of Representatives, in the enrollment of the bill (H. R. 13132) to amend the District of Columbia Teachers' Salary Act of 1955, is authorized and directed—

Ante, p. 1004.

(1) in the amendment to section 4 of the Act of August 5, 1955 (House engrossed bill, page 6, line 18), to strike out "salary Class" and insert in lieu thereof "salary class";

(2) in the amendment to section 4 of the Act of August 5, 1955 (House engrossed bill, page 6, line 21), to strike out "possess" and insert "possesses";

(3) in the amendment to section 13 of the Act of August 5, 1955 (House engrossed bill, page 14), in the table, in Per diem

step 2 for Principal, senior high school, strike out "25.57" and insert in lieu thereof "27.57";

(4) in the amendment to section 15 of the Act of August 5, 1955 (House engrossed bill, page 16, line 4), strike out "inserting at the end of the first sentence 'ex-' and insert in lieu thereof "inserting immediately before the period at the end of the first sentence 'ex-'".

Passed August 20, 1958.

August 20, 1958
[S. Con. Res. 116]

EURATOM

Whereas the United States of America has instituted a program of international cooperation to make available to cooperating nations the benefits of peaceful applications of atomic energy; and

Whereas the United States of America and the European Atomic Energy Community (EURATOM) have entered into an agreement providing for cooperation in programs designed to advance the peaceful application of atomic energy: Therefore be it

Resolved by the Senate (the House of Representatives concurring), That pursuant to the provisions of sections 11 (1) and 124 of the Atomic Energy Act of 1954, as amended, the agreement between the Government of the United States of America and the European Atomic Energy Community (EURATOM), signed at Brussels on May 29, 1958, and at Washington on June 19, 1958, concerning cooperation between the parties in programs for the advancement of the peaceful application of atomic energy, be and hereby is approved. This resolution does not constitute approval or disapproval of the memorandum of understanding, or any other agreements which have not been formally approved or authorized by the Congress.

Agreed to August 20, 1958.

Atomic energy.
Peaceful appli-
cation.
68 Stat. 922, 940.
42 U S C 2014,
2154.

August 22, 1958
[S. Con. Res. 37]

BASEBALL HALL OF FAME

Whereas baseball is universally recognized as the American national sport, a sport that in the more than one hundred years of its existence has captured the imagination and zeal of most of our youth and has spread to other lands; and

Whereas millions of Americans have participated either as players or spectators in countless school, college, community, or professional leagues since Abner Doubleday conceived the first game of "town ball" in 1839 in Cooperstown, New York; and

Whereas modern American baseball teams have achieved wide acclaim in exhibition tours in foreign lands and have been generally accepted as among our finest good will ambassadors abroad; and

Whereas baseball epitomizes our highest ideals of sportsmanship and fair play; and

Whereas there was established in 1938 at Cooperstown, near the site of the first game, the Baseball Hall of Fame; and

Whereas the Baseball Hall of Fame is the shrine of the game's immortals whose exploits are there preserved for the inspiration of future generations: Therefore be it

Resolved by the Senate (the House of Representatives concurring), That the Congress hereby recognizes the Baseball Hall of Fame at Cooperstown, New York, as a memorial to individuals who have made outstanding contributions to the sport of baseball and as a fitting and valuable institution for the collection and preservation of famous tokens and other evidences and data relating to our national game.

Agreed to August 22, 1958.

Baseball Hall of
Fame, Coopers-
town, N. Y.

STATUE OF DR. FLORENCE RENA SABIN IN STATUARY HALL

August 22, 1958
[S. Con. Res. 102]

Resolved by the Senate (the House of Representatives concurring), That the statue of Doctor Florence Rena Sabin, presented by the State of Colorado, to be placed in the Statuary Hall collection, is accepted in the name of the United States, and that the thanks of the Congress be tendered such State for the contribution of the statue of one of its most eminent citizens, illustrious for her work in the field of medicine; and be it further

Dr. F. R. Sabin,
statue.
Acceptance.

Resolved, That a copy of these resolutions, suitably engrossed and duly authenticated, be transmitted to the Governor of Colorado.

Copy to Gov-
ernor of Colorado.

Agreed to August 22, 1958.

STATUE OF DR. FLORENCE RENA SABIN IN CAPITOL ROTUNDA

August 22, 1958
[S. Con. Res. 103]

Resolved by the Senate (the House of Representatives concurring), That the State of Colorado is hereby authorized to place temporarily in the rotunda of the Capitol a statue of the late Doctor Florence Rena Sabin, of Colorado, and to hold ceremonies in the rotunda on such occasion; and the Architect of the Capitol is hereby authorized to make the necessary arrangements therefor.

Dr. F. R. Sabin,
statue.

Agreed to August 22, 1958.

UNITED NATIONS

August 22, 1958
[S. Con. Res. 109]

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that consideration should immediately be given by the General Assembly of the United Nations to the development, within its permanent structure, of such organization and procedures as will enable the United Nations promptly to employ suitable United Nations forces for such purposes as observation and patrol in situations that threaten international peace and security.

United Nations.
Establishing
forces.

Agreed to August 22, 1958.

FINAL REPORT OF SUBCOMMITTEE ON DISARMAMENT

August 22, 1958
[S. Con. Res. 111]

Resolved by the Senate (the House of Representatives concurring), That the final report of the Subcommittee on Disarmament of the Committee on Foreign Relations, under authority of S. Res. 241, agreed to January 29, 1958, shall be printed as a Senate document, with illustrations, and that two thousand additional copies shall be printed for use of the Committee on Foreign Relations.

Printing of re-
port as Senate
document.

Agreed to August 22, 1958.

CORRECTION OF S. J. RES. 135

August 22, 1958
[S. Con. Res. 121]

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Senate be, and he is hereby, authorized and directed, in the enrollment of the joint resolution (S. J. Res. 135) providing for the construction by the Department of the Interior of demonstration plants for the production, from saline or brackish waters, of water suitable for agricultural, industrial, municipal, and other beneficial consumptive uses, to strike out, in the language agreed to by the conferees on House amendment numbered 15, in the second sentence beginning with the word "Unobligated", the numeral "1956" and in lieu thereof insert "1952".

Ante, p. 1706.

Agreed to August 22, 1958.

August 23, 1958
[S. Con. Res. 122]

SIGNING OF ENROLLED BILLS, ETC.

Resolved by the Senate (the House of Representatives concurring),
That notwithstanding the sine die adjournment of the two Houses, the Speaker of the House of Representatives and the President of the Senate be, and they are hereby, authorized to sign enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

Agreed to August 23, 1958.

August 24, 1958
[S. Con. Res. 123]

ADJOURNMENT SINE DIE

Resolved by the Senate (the House of Representatives concurring),
That the two Houses of Congress shall adjourn on Sunday, August 24, 1958, and that when they adjourn on said day, they stand adjourned sine die.

Agreed to August 24, 1958.

PROCLAMATIONS

PROCLAMATIONS

NATIONAL FARM-CITY WEEK, 1957

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

August 31, 1957
[No. 3198]

A PROCLAMATION

WHEREAS it is fitting that all citizens, rural and urban, should recognize their interdependence in contributing to the strength, character, and prosperity of our Nation; and

WHEREAS it is increasingly important that the public should understand the mutuality of interests of those who live on farms and those who live in cities; and

WHEREAS the productivity of the farms and of urban labor and business continues to provide the food, the tools, the services, and the goods that afford our citizens the highest standard of living in the world; and

WHEREAS the Congress, by a joint resolution approved August thirty-first, 1957, has designated the week of November 22 to November 28, 1957, as National Farm-City Week, and has authorized and requested the President to issue a proclamation calling for suitable observance of that week:

71 Stat. 559.

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby call upon the people throughout the country to participate fully in the observance of the period from November 22 to November 28, 1957, as National Farm-City Week; and I request the Department of Agriculture, the land-grant colleges, the Agricultural Extension Service, and all other appropriate agencies and officials of the Government, to cooperate with National, State, and local farm organizations and other groups in the several States and counties in preparing and carrying out programs for the appropriate observance of National Farm-City Week, including plans for public meetings, discussions, exhibits, pageants, and press, radio, and television features, with special emphasis on notable achievements by rural groups and individuals, local, State, and National, and on the enrichment of American country living through adequate cultural, spiritual, educational, recreational, and health facilities for both rural youth and rural adults.

National Farm-City
Week, 1957.

I also request urban groups to join in this observance, along with farm groups, as evidence of our appreciation of all those on the farms and in the cities of this Nation who have worked so well in providing us with the food, the fiber, and the products that we need and enjoy.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this thirty-first day of August, in the year of our Lord nineteen hundred and fifty-seven, and
[SEAL] of the Independence of the United States of America the one hundred and eighty-second.

DWIGHT D. EISENHOWER

By the President:
JOHN FOSTER DULLES,
Secretary of State.

AMERICAN EDUCATION WEEK, 1957

September 6, 1957
[No. 3199]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS education has advanced the national welfare by enriching our culture, by providing a surer foundation for our freedoms, and by helping to prepare our citizens for the demands of each new age; and

WHEREAS our educational institutions have lifted the people of each generation to higher levels of personal living and have trained them for greater service to their fellow men; and

WHEREAS Americans are proud of their educational system and have shown their determination to widen the road to opportunity by maintaining the highest standards of scholarship:

American Educa-
tion Week, 1957.

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby designate the period from November 10 to November 16, 1957, as American Education Week, and I urge our people to enter fully into its observance. Let them demonstrate their appreciation of the work of our Nation's teachers, and let them show their active support for every program designed to improve our schools and colleges, which are firmly engaged in building a better and a stronger Nation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this sixth day of September in the year of our Lord nineteen hundred and fifty-seven,
[SEAL] and of the Independence of the United States of America the one hundred and eighty-second.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

IMPOSING AN IMPORT QUOTA ON TUNG OIL

September 9, 1957
[No. 3200]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS, pursuant to section 22 of the Agricultural Adjustment Act, as amended (7 U.S.C. 624), the Secretary of Agriculture advised me there was reason to believe that tung oil is being, and is practically certain to continue to be, imported into the United States under such conditions and in such quantities as to render or tend to render ineffective, or materially interfere with, the price-support program undertaken by the Department of Agriculture with respect to tung nuts and tung oil, or to reduce substantially the amount of products processed in the United States from domestic tung nuts or tung oil with respect to which such program of the Department of Agriculture is being undertaken; and

62 Stat. 1248.

WHEREAS, on March 21, 1957, I caused the United States Tariff Commission to make an investigation under the said section 22 with respect to this matter; and

7 USC 624.

WHEREAS the said Tariff Commission has made such investigation and has reported to me its findings and recommendation made in connection therewith; and

WHEREAS, on the basis of the said investigation and report of the Tariff Commission, I find that tung oil is being, and is practically certain to continue to be, imported into the United States under such conditions and in such quantities as to render or tend to render ineffective or materially interfere with the said price-support program with respect to tung nuts and tung oil, and as to reduce substantially the amount of products processed in the United States from domestic tung nuts or tung oil with respect to which such program is being undertaken; and

WHEREAS I find and declare that the imposition of the quantitative limitations on imports of tung oil hereinafter proclaimed is shown by such investigation of the Tariff Commission to be necessary in order that the entry of tung oil will not render or tend to render ineffective, or materially interfere with, the said price-support program, or reduce substantially the amount of products processed in the United States from tung nuts or tung oil; and

WHEREAS I find that the quantitative limitations hereinafter proclaimed will not reduce the permissible total quantity of tung oil which may be entered to proportionately less than 50 per centum of the average annual quantity of tung oil entered during the representative period November 1, 1952 to October 31, 1956, inclusive; and

WHEREAS the allocation of the quotas among foreign supplying countries as hereinafter prescribed will assure an equitable distribution of the imports of tung oil which may be entered hereunder, based upon the proportion of imports for consumption that such foreign countries supplied during the said representative period:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, acting under and by virtue of the authority vested in me by the said section 22 of the Agricultural Adjustment Act, as amended, do hereby proclaim—

1. That for the period commencing September 9, 1957, and ending October 31, 1958, the total quantity of tung oil entered shall not exceed 26,000,000 pounds, of which no more than 846,066 pounds shall be entered before October 1, 1957, and no more than 1,154,000 pounds shall be entered during each of the succeeding four calendar months of said period;

2. That for the 12 month period commencing November 1, 1958, and ending October 31, 1959, the total quantity of tung oil entered shall not exceed 26,000,000 pounds, of which no more than 6,500,000 pounds shall be entered during the first quarter of said period;

3. That for the 12 month period commencing November 1, 1959, and ending October 31, 1960, the total quantity of tung oil entered shall not exceed 26,000,000 pounds, of which no more than 6,500,000 pounds shall be entered during the first quarter of said period;

4. That of the 26,000,000 pounds of tung oil specified in paragraphs 1, 2, and 3, respectively, not more than 22,100,000 pounds shall be the product of Argentina, nor more than 2,964,000 pounds shall be the product of Paraguay, nor more than 936,000 pounds shall be the product of other foreign countries; that of the 846,066 pounds specified in paragraph 1, not more than 719,156 pounds shall be the product of Argentina, nor more than 96,452 pounds shall be the product of Paraguay, nor more than 30,458 pounds shall be the product of other foreign countries; that of the 1,154,000 pounds specified in paragraph 1, not more than 980,900 pounds shall be the product of Argentina, nor more than 131,556 pounds shall be the product of Paraguay, nor more than 41,544 pounds shall be the product of other foreign countries; and, that of the 6,500,000 pounds specified in paragraphs 2 and 3, respectively, not more than 5,525,000 pounds shall be the product of Argentina, nor more than 741,000 pounds shall be the product of

Tung oil.
Import quota.

Quantitative limita-
tions.
7 USC 624.

Argentina, Paraguay
and other foreign coun-
tries.

Paraguay, nor more than 234,000 pounds shall be the product of other foreign countries.

"Entered".

As used in this proclamation, the term "entered" means "entered, or withdrawn from warehouse, for consumption."

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this ninth day of September in the year of our Lord nineteen hundred and fifty-seven,
[SEAL] and of the Independence of the United States of America the one hundred and eighty-second.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

GENERAL PULASKI'S MEMORIAL DAY, 1957

September 12, 1957
[No. 3201]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS, soon after the adoption of our Declaration of Independence, Count Casimir Pulaski, a Polish patriot, came from across the seas to join our army of freedom; and

WHEREAS, he quickly distinguished himself in battle; was made Brigadier General by the Continental Congress and formed the cavalry Legion which bore his name; and

WHEREAS on October 9, 1779, while leading his troops in an attempt to divide the enemy forces at Savannah, he received a grievous wound from which he died two days later, thus sacrificing a young life which gave promise of further contributions to the cause of liberty; and

WHEREAS, in acknowledgment of our debt to General Pulaski for his valorous conduct in our War for Independence, it is fitting that we pay tribute to his memory on the one hundred and seventy-eighth anniversary of his death:

General Pulaski's
Memorial Day, 1957.

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby proclaim Friday, the eleventh day of October, 1957, as General Pulaski's Memorial Day; and I invite the people of this Nation to observe the day with appropriate commemorative ceremonies. I also direct that the flag of the United States be displayed on all Government buildings on that day in honor of the memory of General Casimir Pulaski.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twelfth day of September in the year of our Lord nineteen hundred and fifty-seven,
[SEAL] and of the Independence of the United States of America the one hundred and eighty-second.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

VETERANS DAY, 1957

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

September 21, 1957
[No. 3202]

A PROCLAMATION

WHEREAS the people of this Nation are grateful to the veterans of our Armed Forces who have faithfully discharged the duties of citizenship and nobly served in times of national peril; and

WHEREAS among the resources from which our country draws her strength we hold in high esteem the more than twenty-two million living veterans of our military, naval, and air services, and we treasure the freedom preserved for us by the sacrifice of many; and

WHEREAS the Congress by an Act approved June 1, 1954 (68 Stat. 168), expanded the significance of November 11, theretofore declared a legal holiday and observed as Armistice Day, by designating it as Veterans Day in honor of our veterans:

5 USC 87a.

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby call upon our citizens to observe Monday, November 11, 1957, as Veterans Day, in tribute to those who have thus added strength to the Nation and in renewed dedication to their work, building peace with honor among all nations.

Veterans Day, 1957.

I also direct the appropriate officials of the Government to arrange for the display of the flag of the United States on all public buildings on Veterans Day.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-first day of September in the year of our Lord nineteen hundred and fifty-seven,
[SEAL] and of the Independence of the United States of America the one hundred and eighty-second.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

COLUMBUS DAY, 1957

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

September 21, 1957
[No. 3203]

A PROCLAMATION

WHEREAS Christopher Columbus, on his voyage of discovery, made known the existence of a new and wondrous land, with matchless opportunities for mankind; and

WHEREAS throughout the ensuing centuries the continents of the world have moved closer together in time and space, by means of modern communication and transportation, thus becoming ever more interdependent and aware of their critical need for a just and lasting peace; and

WHEREAS the imagination and daring of Christopher Columbus aroused the interest and enlisted the aid of many long ago, and continue to encourage all who believe in freedom and in the promise of distant horizons; and

WHEREAS, in commemoration of the life and work of Columbus the Congress of the United States, by a joint resolution approved April 30, 1934 (48 Stat. 657), has authorized and requested the

36 USC 146.

President to issue a proclamation designating October 12 of each year as Columbus Day:

Columbus Day,
1957.

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do by this proclamation designate Saturday, the twelfth day of October, 1957, as Columbus Day; and I invite the people of this Nation to observe that day with appropriate ceremonies in commemoration of the four hundred and sixty-fifth anniversary of the sighting of land by Columbus and his crew on October 12, 1492.

I also direct that the flag of the United States be displayed on all public buildings on that day in honor of Christopher Columbus.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-first day of September in the year of our Lord nineteen hundred and fifty-[SEAL] seven, and of the Independence of the United States of America the one hundred and eighty-second.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

OBSTRUCTION OF JUSTICE IN THE STATE OF ARKANSAS

September 23, 1957
[No. 3204]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Central High
School, Little Rock,
Ark.
Obstruction of justice.

WHEREAS certain persons in the State of Arkansas, individually and in unlawful assemblages, combinations, and conspiracies, have wilfully obstructed the enforcement of orders of the United States District Court for the Eastern District of Arkansas with respect to matters relating to enrollment and attendance at public schools, particularly at Central High School, located in Little Rock School District, Little Rock, Arkansas; and

WHEREAS such wilful obstruction of justice hinders the execution of the laws of that State and of the United States, and makes it impracticable to enforce such laws by the ordinary course of judicial proceedings; and

WHEREAS such obstruction of justice constitutes a denial of the equal protection of the laws secured by the Constitution of the United States and impedes the course of justice under those laws:

Command to dis-
perse.

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States, under and by virtue of the authority vested in me by the Constitution and statutes of the United States, including Chapter 15 of Title 10 of the United States Code, particularly Sections 332, 333 and 334 thereof, do command all persons engaged in such obstruction of justice to cease and desist therefrom, and to disperse forthwith.

70A Stat. 15, 16.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Newport, Rhode Island this twenty-third day of September in the year of our Lord nineteen hundred and [SEAL] fifty-seven and of the Independence of the United States of America the one hundred and eighty-second.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

NATIONAL EMPLOY THE PHYSICALLY HANDICAPPED WEEK, 1957

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

September 26, 1957
[No. 3206]

A PROCLAMATION

WHEREAS equal opportunity for employment is basic to our belief in human dignity and should never be denied any qualified person because of physical impairment; and

WHEREAS our expanding economy requires more workers, the useful employment of all who are able and willing to work; and

WHEREAS the physically handicapped, with the aid of expanded rehabilitation and training programs, are able to perform many of the skilled and demanding tasks essential to our social and economic progress; and

WHEREAS the full use of this source of manpower depends upon better understanding on the part of employers, fellow employees and all our citizens across the land; and

WHEREAS the Congress, by a joint resolution approved August 11, 1945 (59 Stat. 530), designated the first week in October of each year as National Employ the Physically Handicapped Week:

36 USC 155.

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do call upon the people of our Nation to observe the week beginning October 6, 1957, as National Employ the Physically Handicapped Week. I also urge our citizens to remember, throughout the year, that by their interest and efforts many handicapped persons can be assisted to economic independence and active participation in our productive way of life.

National Employ
the Physically Hand-
icapped Week, 1957.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-sixth day of September in the year of our Lord nineteen hundred and fifty-seven, and of the Independence of the United States of America the one hundred and eighty-second.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

IMMIGRATION QUOTA—FEDERATION OF MALAYA

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

October 10, 1957
[No. 3206]

A PROCLAMATION

WHEREAS under the provisions of section 202(a) of the Immigration and Nationality Act, each independent country, self-governing dominion, mandated territory, and territory under the international trusteeship system of the United Nations, other than independent countries of North, Central, and South America, is entitled to be treated as a separate quota area when approved by the Secretary of State; and

66 Stat. 176.
8 USC 1152.

WHEREAS under the provisions of section 201(b) of the Immigration and Nationality Act, the Secretary of State, the Secretary of Commerce, and the Attorney General, jointly, are required to determine the annual quota of any quota area established pursuant to the provisions of section 202(a) of the said Act, and to report to the President the quota of each quota area so determined; and

8 USC 1151.

8 USC 1152.

WHEREAS the Federation of Malaya was on August 31, 1957, granted independence by the Government of the United Kingdom within the British Commonwealth of Nations; and

8 USC 1151.

8 USC 1151.

WHEREAS the Secretary of State, the Secretary of Commerce, and the Attorney General have reported to the President that in accordance with the duty imposed and the authority conferred upon them by section 201(b) of the Immigration and Nationality Act, they jointly have made the determination provided for and computed under the provisions of section 201(a) of the said Act, and have fixed, in accordance therewith, an immigration quota for the Federation of Malaya as hereinafter set forth:

Federation of Malaya. Immigration quota.

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, acting under and by virtue of the authority vested in me by the aforesaid act of Congress, do hereby proclaim and make known that the annual quota of the quota area hereinafter designated has been determined in accordance with the law to be, and shall be, as follows:

Area No.	Quota area	Quota
89	Federation of Malaya.....	100

66 Stat. 163. 8 USC 1101 note.

66 Stat. c36.

The establishment of an immigration quota for any quota area is solely for the purpose of compliance with the pertinent provisions of the Immigration and Nationality Act and is not to be considered as having any significance extraneous to such purpose.

Proclamation No. 2980 of June 30, 1952, entitled "Immigration Quotas", is amended by the addition of the immigration quota for the Federation of Malaya as set forth in this proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this tenth day of October in the year of our Lord nineteen hundred and fifty-seven and of [SEAL] the Independence of the United States of America the one hundred and eighty-second.

DWIGHT D. EISENHOWER

By the President:

CHRISTIAN A. HERTER,
Acting Secretary of State.

SECOND WORLD METALLURGICAL CONGRESS

October 10, 1957
[No. 3207]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

71 Stat. 565.

WHEREAS the Congress of the United States, by joint resolution approved August 31, 1957, has extended its official welcome to the overseas metal scientists who will attend the Second World Metallurgical Congress to be held at Chicago, Illinois, from November 2 to November 8, 1957, under the sponsorship of the American Society for Metals; and

WHEREAS the world's growing demand for metal emphasizes the need for the conservation of our present resources and for the discovery and development of new sources of supply; and

WHEREAS the meeting of the Second World Metallurgical Congress will encourage the free exchange of scientific information

among the metallurgists of the world and stimulate the search for minerals and for improved techniques in the field of metallurgy; and

WHEREAS the joint resolution requests the President to grant recognition to the World Metallurgical Congress and to the American Society for Metals for its sponsorship of this world gathering of metallurgical scientists, and to call upon officials and agencies of the Government to assist and cooperate with such congress:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby extend recognition to the Second World Metallurgical Congress and commend the American Society for Metals for initiating and sponsoring this meeting. I also extend the welcome of this Government to the Congress and to the scientists attending its proceedings, and I request that all Federal departments and agencies assist and cooperate with the Second World Metallurgical Congress as occasion may warrant.

Second World Metallurgical Congress.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this tenth day of October in the year of our Lord nineteen hundred and fifty-seven, and [SEAL] of the Independence of the United States of America the one hundred and eighty-second.

DWIGHT D. EISENHOWER

By the President:

CHRISTIAN A. HERTER,
Acting Secretary of State.

THEODORE ROOSEVELT CENTENNIAL YEAR

OCTOBER 27, 1957—OCTOBER 27, 1958

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

October 22, 1957
[No. 3208]

A PROCLAMATION

Theodore Roosevelt loved America with impassioned devotion and served her greatly in public office and as a private citizen. As President of the United States, his name is associated with epochal readjustments in the relations of government and industry, with the policy of conservation which he established, with the building of the Panama Canal, and with the peace that ended the Russo-Japanese War. His appeals to conscience sank deep into the American heart and mind and wrought enduring changes.

A man of rich gifts in many fields, at home alike in the world of books, the world of politics, and in the wild waste spaces where adventure called, he was historian and ranchman, huntsman and naturalist, Rough Rider, preacher, family man, and explorer. His contemporaries cherished him as a two-fisted fighter who loved life, loved people, feared nobody, and was as much at ease with kings as with cowboys, a wielder alike of the winged phrase and of the sledge hammer, a dangerous antagonist, and an unforgetting, unforgettable friend.

Upon us who stand outside the circle of time in which men felt his personal spell, Theodore Roosevelt exercises a different and, perhaps, a deeper power. We see, and claim for our own, the word, the spirit, and the example that survive for us in this teacher of the principles underlying democratic institutions—this summoner to participation in the procedures of free government, adjuring us, as he entreated the men and women of his own time, to accept the responsibilities of free

citizenship. He was a man on fire for his country, who kindles fires in our hearts. He was a prophet, calling upon us to fulfill our responsibilities not only for the sake of our own Nation and people but for the sake of those, throughout the world, who look to us for hope, inspiration, and leadership.

Theodore Roosevelt
Centennial Year, 1957-
1958.

71 Stat. 617.

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, in consonance with a request made by the Congress in its joint resolution approved by me on September 4, 1957 (Public Law 85-297), do hereby call upon the American people to observe the one hundredth anniversary of Theodore Roosevelt's birth throughout the centennial year beginning October 27, 1957, by appropriate activities and ceremonies, by the study of his life and teachings, and above all, by individual, personal rededication to those responsibilities of American citizenship which he so zestfully fulfilled.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 22nd day of October in the year of our Lord nineteen hundred and fifty-seven, and
[SEAL] of the Independence of the United States of America the one hundred and eighty-second.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

IMPOSING A FEE ON IMPORTS OF ALMONDS

October 23, 1957
[No. 3209]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

62 Stat. 1248.

WHEREAS, pursuant to section 22 of the Agricultural Adjustment Act, as amended (7 U.S.C. 624), the Secretary of Agriculture advised me there was reason to believe that shelled almonds and blanched, roasted, or otherwise prepared or preserved almonds are practically certain to be imported into the United States under such conditions and in such quantities as to render or tend to render ineffective, or materially interfere with, the marketing-order program of the Department of Agriculture, under Federal Marketing Order No. 9, with respect to almonds, or to reduce substantially the amount of products processed in the United States from domestically produced almonds with respect to which such program of the Department of Agriculture is being undertaken; and

7 USC 624.

WHEREAS, on June 27, 1957, under the authority of the said section 22, I caused the United States Tariff Commission to make an investigation with respect to this matter; and

7 USC 624.

WHEREAS, in accordance with the said section 22, as implemented by Executive Order No. 7233 of November 23, 1935, the said Commission has made such investigation and has reported to me its findings and recommendations made in connection therewith; and

WHEREAS, on the basis of the said investigation and report of the Tariff Commission, I find that shelled almonds and blanched, roasted, or otherwise prepared or preserved almonds (not including almond paste) are practically certain to be imported into the United States during the period from October 1, 1957, to September 30, 1958, both dates inclusive, under such conditions and in such quantities as

to render or tend to render ineffective, or materially interfere with, the said program of the Department of Agriculture; and

WHEREAS I find and declare that the import fee hereinafter proclaimed is shown by such investigation of the said Commission to be necessary in order that the entry, or withdrawal from warehouse, for consumption of the said products will not render or tend to render ineffective, or materially interfere with, the said program of the Department of Agriculture:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, acting under and by virtue of the authority vested in me by the said section 22 of the Agricultural Adjustment Act, as amended, do proclaim that shelled almonds and blanched, roasted, or otherwise prepared or preserved almonds (not including almond paste) entered, or withdrawn from warehouse, for consumption during the period from October 23, 1957, to September 30, 1958, both dates inclusive, in excess of an aggregate quantity of five million pounds, shall be subject to a fee of ten cents per pound but not more than fifty per centum ad valorem. Such fee shall be in addition to any other duties imposed upon the importation of such almonds.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-third day of October in the year of our Lord nineteen hundred and fifty-seven, [SEAL] and of the Independence of the United States of America the one hundred and eighty-second.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

THANKSGIVING DAY, 1957

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

November 8, 1957
[No. 3210]

A PROCLAMATION

At the autumnal season of the year our hearts move us to follow the wise and reverent custom, inaugurated by our Pilgrim Fathers more than three centuries ago, of setting aside one special day for expressions of gratitude to a merciful Providence for the blessings bestowed upon us.

It behooves us to dwell upon the deep religious convictions of those who formed our Nation out of a wilderness, and to recall that our leaders throughout the succeeding generations have relied upon Almighty God for vision and strength of purpose.

As a Nation we have prospered; we are enjoying the fruit of our land and the product of our toil; we are making progress in our efforts to translate our national ideals into living realities; and we are at peace with the world, working toward that day when the benefits of freedom and justice shall be secured for all mankind.

For such blessings let us be devoutly thankful, and at the same time let us be sensitive and responsive to the obligations which such great mercies entail.

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, having in mind the joint resolution of Congress approved December 26, 1941, which designates the

Thanksgiving Day,
1957.

55 Stat. 862.
5 USC 87b.

Almonds.
Import fee.

7 USC 624.

fourth Thursday in November of each year as Thanksgiving Day, do hereby call upon our people to observe Thursday, November 28, 1957, as a day of national thanksgiving. On that day let all of us, in accordance with our hallowed custom, foregather in our respective places of worship or in our homes and offer up prayers of thanks for our manifold blessings. Let the happiness which stems from family reunions on Thanksgiving Day be tempered with compassion and inspired by an active concern for those less fortunate in our own country and in other lands; and let us ask God's continuing help and guidance in our conduct, both as individuals and as a Nation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this eighth day of November in the year of our Lord nineteen hundred and fifty-seven, [SEAL] and of the Independence of the United States of America the one hundred and eighty-second.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

WITHDRAWAL OF TRADE AGREEMENT CONCESSION ON SPRING CLOTHESPINS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

1. WHEREAS, pursuant to the authority vested in the President by the Constitution and the statutes, including section 350 of the Tariff Act of 1930, as amended (19 U.S.C. 1351), on October 10, 1949 he entered into a trade agreement providing for the accession to the General Agreement on Tariffs and Trade (61 Stat. (Pts. 5 and 6) A7, A11, and A2051) of certain foreign countries, including the Kingdom of Denmark and the Kingdom of Sweden, which trade agreement consists of the Annecy Protocol of Terms of Accession to the General Agreement on Tariffs and Trade, dated October 10 1949, including the annexes thereto (64 Stat. (Pt. 3) B141):

2. WHEREAS Schedule XX in Annex A of the said trade agreement for accession became a schedule to the said General Agreement in accordance with paragraph 3 of the said trade agreement for accession;

3. WHEREAS, by Proclamation No. 2867 of December 22, 1949 (3 CFR, 1949 Supp., 55), the President proclaimed such modification of existing duties and other import restrictions of the United States and such continuance of existing customs or excise treatment of articles imported into the United States as were then found to be required or appropriate to carry out the said trade agreement for accession, which proclamation has been supplemented by several proclamations, including Proclamation No. 2884, of April 27, 1950 (3 CFR, 1950 Supp., 28);

4. WHEREAS the first item 412 in Part I of the said Schedule XX reads in pertinent part as follows:

Tariff Act of 1930, paragraph	Description of Products	Rate of duty
412	Spring clothespins.....	10¢ per gross

November 9, 1957
[No. 3211]

69 Stat. 165.

64 Stat. B303.

64 Stat. B146.

64 Stat. A380.

64 Stat. A390.

64 Stat. A401.

5. WHEREAS, in accordance with Article II of the said General Agreement and by virtue of the said proclamation of April 27, 1950, the United States rate of duty applicable to spring clothespins described in the said first item 412 is 10 cents per gross, as specified in the said first item 412, which duty reflects the tariff concession granted in the said General Agreement with respect to such clothespins;

61 Stat. A14.
64 Stat. A401.

6. WHEREAS the United States Tariff Commission has submitted to me a report of its investigation No. 57 under section 7 of the Trade Agreements Extension Act of 1951, as amended (19 U.S.C. 1364), on the basis of which investigation and a hearing held in connection therewith the Commission has found that, as a result in part of the duty reflecting the concession granted in the said General Agreement, spring clothespins described in the said first item 412 are being imported into the United States in such increased quantities, both actual and relative, as to cause serious injury to the domestic industry producing like products;

69 Stat. 166.

7. WHEREAS I find that in order to remedy the serious injury to the said domestic industry it is necessary that there be applied, for an indefinite period, a duty of 20 cents per gross on spring clothespins described in the said first item 412;

64 Stat. A401.

8. WHEREAS the rate of duty on spring clothespins expressly fixed by statute (Tariff Act of 1930, paragraph 412) is 20 cents per gross, which rate of duty would be applicable to spring clothespins described in the said first item 412 if the tariff concession set forth in the said first item 412 were withdrawn;

46 Stat. 630.

9. WHEREAS, to carry out the exclusive trade agreement with Cuba (61 Stat. (Pt. 4) 3699) and the note to the items specified in Part II of the said Schedule XX, spring clothespins the product of Cuba are included as item 412 in the list set forth in the ninth recital of Proclamation No. 2764 of January 1, 1948 (3 CFR, 1948 Supp., 11), as amended by Part III of Proclamation No. 3105 of July 22, 1955 (3 CFR, 1955 Supp., 36), wherein a rate of duty of 8 cents per gross is specified for such spring clothespins;

64 Stat. B345.

62 Stat. 1465.

69 Stat. C48.

10. WHEREAS, upon the withdrawal of the concession set forth in the said first item 412, it will be appropriate to carry out the said exclusive trade agreement with Cuba and the said trade agreement for accession to increase the rate of duty on spring clothespins the product of Cuba to 18 cents per gross:

64 Stat. A401.

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, acting under the authority vested in me by section 350 of the Tariff Act of 1930, as amended, and by section 7(c) of the Trade Agreements Extension Act of 1951, as amended, and in accordance with the provisions of Article XIX of the said General Agreement on Tariffs and Trade and with the provisions of the said exclusive trade agreement with the Government of the Republic of Cuba, do proclaim that, effective after the close of business on December 9, 1957, and until the President otherwise proclaims—

Spring clothespins.
Withdrawal of concession.

19 USC 1351; 1364.

61 Stat. A58.

Withdrawal.

(a) The said first item 412 in the said Schedule XX shall be withdrawn, and Proclamation No. 2867 of December 22, 1949, as supplemented, shall be suspended insofar as it applies to the said first item 412;

64 Stat. A401.

64 Stat. A380.

(b) The rate of duty specified for item 412 in the ninth recital of the said proclamation of January 1, 1948, as amended by Part III of the said proclamation of July 22, 1955, shall be changed from "8 cents per gross" to "18 cents per gross".

Change in rate of duty.
62 Stat. 1465; 69 Stat. C48.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 9th day of November in the year of our Lord nineteen hundred and fifty-seven, [SEAL] and of the Independence of the United States of America the one hundred and eighty-second.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

MODIFICATION OF TRADE AGREEMENT CONCESSION AND ADJUSTMENT
OF RATE OF DUTY ON SAFETY PINS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

1. WHEREAS, pursuant to authority vested in the President by the Constitution and the statutes, including section 350 of the Tariff Act of 1930, as amended (19 U.S.C. 1351), on October 30, 1947 he entered into a trade agreement with certain foreign countries, which trade agreement consists of the General Agreement on Tariffs and Trade and the related Protocol of Provisional Application thereof, together with the Final Act Adopted at the Conclusion of the Second Session of the Preparatory Committee of the United Nations Conference on Trade and Employment (61 Stat. (Parts 5 and 6) A7, A11, and A2051);

2. WHEREAS item 350 in Part I of Schedule XX (Geneva-1947) annexed to and made a part of the said General Agreement reads in pertinent part as follows:

Tariff Act of 1930, paragraph	Description of Products	Rate of duty
350	Pins with solid heads, without ornamentation, including hair, safety, hat, bonnet, and shawl pins; and brass, copper, iron, steel, or other base metal pins, with heads of glass, paste, or fusible enamel; all the foregoing not plated with gold or silver, and not commonly known as jewelry: Safety pins.....	22½% ad val.

3. WHEREAS, in accordance with Article II of the said General Agreement and by virtue of Proclamation No. 2761A of December 16, 1947 (61 Stat. 1103), the United States rate of duty applicable to safety pins described in the said item 350 is 22½ per centum ad valorem, as specified in the said item 350, which duty reflects the tariff concession granted in the said General Agreement with respect to such product;

4. WHEREAS the United States Tariff Commission has submitted to me a report of its investigation No. 53 under section 7 of the Trade Agreements Extension Act of 1951, as amended (19 U.S.C. 1364), on the basis of which investigation, including a hearing held in connection therewith, the Commission has found that as a result in part of the duty reflecting the concession granted in the said General Agreement safety pins described in the said item 350 are being imported into the United States in such increased quantities, both actual and relative, as to cause serious injury to the domestic industry producing like or directly competitive products;

November 29, 1957
[No. 3212]

69 Stat. 165.

61 Stat. A1205.

65 Stat. 74; 69 Stat. 166.

61 Stat. A1205.

5. WHEREAS the said Tariff Commission has recommended that the concession granted in the said General Agreement with respect to the safety pins be modified to permit the application to such safety pins of the increased rate of duty hereinafter proclaimed, which duty the said Tariff Commission found and reported to be necessary to remedy the serious injury to the domestic industry producing like or directly competitive products;

6. WHEREAS section 350 of the Tariff Act of 1930, as amended, authorizes the President to proclaim such modifications of existing duties or such additional import restrictions as are required or appropriate to carry out any foreign trade agreement that the President has entered into under the said section 350; and

7. WHEREAS, upon modification of the concession granted in the said General Agreement with respect to safety pins as recommended by the Tariff Commission, it will be appropriate, to carry out the said General Agreement, to apply to the said pins the rate of duty hereinafter proclaimed:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, acting under the authority vested in me by section 350 of the Tariff Act of 1930, as amended, and by section 7(c) of the Trade Agreements Extension Act of 1951, as amended, and in accordance with the provisions of the said General Agreement, do proclaim that, effective after the close of business on December 30, 1957 and until the President otherwise proclaims, the said item 350 in Part I of Schedule XX (Geneva-1947) shall be modified by substituting the rate "35% ad val." for the rate "22½% ad val."

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 29th day of November in the year of our Lord nineteen hundred and fifty-seven, [SEAL] and of the Independence of the United States of America the one hundred and eighty-second.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

UNITED NATIONS HUMAN RIGHTS DAY, 1957

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS December 10, 1957, marks the ninth anniversary of the proclamation by the General Assembly of the United Nations of the Universal Declaration of Human Rights as a common standard of achievement for all nations and all peoples, and will be observed throughout the world as a time to increase understanding of that great document; and

WHEREAS December 15, 1957, marks the one hundred and sixty-sixth anniversary of the adoption of our Bill of Rights as the first ten amendments to the Constitution of the United States; and

WHEREAS the fundamental rights and freedoms which are our heritage as Americans—freedom of speech and of the press, freedom of assembly and association, freedom of conscience and religious worship, the right to fair trial and equal treatment under law—are recognized by peoples throughout the world as foundations of liberty and justice; and

19 USC 1351.

Safety pins.
Modification of rate
of duty.

19 USC 1351, 1364.

61 Stat. A1205.

December 7, 1957
[No. 3213]

WHEREAS the new resources which have come into being as the result of the scientific and technical advances of our time give new hope for the fulfillment of human needs and greater enjoyment of human rights:

United Nations
Human Rights Day,
1957.

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby proclaim December 10, 1957, as United Nations Human Rights Day; and I call upon the citizens of the United States to honor this day by reading and studying the Universal Declaration of Human Rights and the Bill of Rights in the Constitution of the United States, that we may be reminded of our privileges and responsibilities as a people dedicated to the principles of freedom. Let us draw strength from our own experience of liberty to use our new resources for the benefit of all mankind. Let us reaffirm our faith in the individual, and let us as members of the brotherhood of all free men strengthen and defend the blessings of liberty for this generation and for generations to come.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this seventh day of December in the year of our Lord nineteen hundred and fifty-seven,
[SEAL] and of the Independence of the United States of America the one hundred and eighty-second.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

DETERMINING 1-(2 MORPHOLINOETHYL)-4-CARBETHOXY-4-PHENYL-PIPERIDINE, AND *d*-2, 2-DIPHENYL-3-METHYL-4-MORPHOLINO-BUTYRYL-PYRROLIDINE, TO BE OPIATES

December 10, 1957
[No. 3214]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS section 4731(g) of the Internal Revenue Code of 1954 provides in part as follows:

68A Stat. 558.
26 USC 4731(g).

“OPIATE.—The word ‘opiate’, as used in this part shall mean any drug (as defined in the Federal Food, Drug, and Cosmetic Act; 52 Stat. 1041, section 201(g); 21 U.S.C. 321) found by the Secretary or his delegate, after due notice and opportunity for public hearing, to have an addiction-forming or addiction-sustaining liability similar to morphine or cocaine, and proclaimed by the President to have been so found by the Secretary or his delegate. * * *”;

AND WHEREAS the Secretary of the Treasury, after due notice and opportunity for public hearing, has found that each of the following-named drugs has an addiction-forming or addiction-sustaining liability similar to morphine, and that in the public interest this finding should be effective immediately:

1-(2 Morpholinoethyl)-4-carbethoxy-4-phenylpiperidine.
d-2, 2-Diphenyl-3-methyl-4-morpholino-butylpyrrolidine.

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby proclaim that the Secretary of the Treasury has found that each of the aforementioned drugs has an addiction-forming or addiction-sustaining liability similar to morphine and that in the public interest this finding should be effective immediately.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States to be affixed.

Determination of cer-
tain drugs as opiates.

DONE at the City of Washington this tenth day of December in the year of our Lord nineteen hundred and fifty-seven, [SEAL] and of the Independence of the United States of America the one hundred and eighty-second.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

EXTENDING THE PERIOD FOR THE ESTABLISHMENT OF ADEQUATE SHIPPING SERVICE FOR, AND DEFERRING EXTENSION OF THE COASTWISE LAWS TO, CANTON ISLAND

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

December 12, 1957
[No. 3215]

A PROCLAMATION

WHEREAS section 21 of the Merchant Marine Act, 1920 (41 Stat. 997; 46 U.S.C. 877), provides:

"That from and after February 1, 1922, the coastwise laws of the United States shall extend to the island Territories and possessions of the United States not now covered thereby, and the board [United States Shipping Board] is directed prior to the expiration of such year to have established adequate steamship service at reasonable rates to accommodate the commerce and the passenger travel of said islands and to maintain and operate such service until it can be taken over and operated and maintained upon satisfactory terms by private capital and enterprise: *Provided*, That if adequate shipping service is not established by February 1, 1922, the President shall extend the period herein allowed for the establishment of such service in the case of any island Territory or possession for such time as may be necessary for the establishment of adequate shipping facilities therefor * * *";

and

WHEREAS the authority of the United States Shipping Board was vested in the Department of Commerce pursuant to section 12 of Executive Order No. 6166 of June 10, 1933; and

WHEREAS section 204 of the act of June 29, 1936, 49 Stat. 1987, transferred such authority to the United States Maritime Commission; and

46 USC 1114.

WHEREAS this authority was transferred to the Secretary of Commerce by section 204 of Reorganization Plan No. 21 of 1950; and

64 Stat. 1276, 1277.

WHEREAS an adequate shipping service to accommodate the commerce and the passenger travel of Canton Island has not been established as provided in the aforesaid section 21 of the Merchant Marine Act, 1920; and

46 USC 877.

WHEREAS the extension of the coastwise laws of the United States to Canton Island, as provided in the aforesaid section, is dependent upon the establishment of such adequate shipping service; and

WHEREAS by various proclamations the period for the establishment of an adequate shipping service for Canton Island was extended to January 1, 1958, and the extension of the coastwise laws of the United States to the Island was deferred to that date:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, under and by virtue of the authority vested in me by the aforesaid section 21 of the Merchant Marine Act, 1920, do hereby declare and proclaim that the period for the establishment of an adequate shipping service for Canton Island is extended until further notice by proclamation of the President, and that the extension of the coastwise laws of the United States to Canton Island

Canton Island.
Shipping service and
U.S. coastwise laws.

46 USC 877.

is deferred until it is declared by proclamation of the President that such adequate shipping service has been established.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twelfth day of December in the year of our Lord nineteen hundred and fifty-seven,
[SEAL] and of the Independence of the United States of America the one hundred and eighty-second.

DWIGHT D. EISENHOWER

By the President:

CHRISTIAN A. HERTER,
Acting Secretary of State.

SEVENTY-FIFTH ANNIVERSARY OF THE CIVIL SERVICE ACT

January 13, 1958
[No. 3216]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

22 Stat. 403.
5 USC 632 *et seq.*

WHEREAS the Federal civil-service system was established by the Civil Service Act of January 16, 1883, and will be seventy-five years old on January 16, 1958; and

WHEREAS the enactment of that act and the establishment thereunder of a merit system of employment within the Federal Government have given impetus to the establishment of similar systems at State, county, and municipal levels of government; and

WHEREAS a strong civil service, based on the merit principle, is now recognized as an essential factor in stable, responsible government in the United States, as well as in many other countries; and

WHEREAS the seventy-fifth anniversary of the Civil Service Act is an appropriate time to salute the Civil Service of the United States and to increase public knowledge and understanding of its importance in our system of self-government;

Seventy-fifth Anniversary of the Civil Service Act.

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby call upon the people of the United States to participate in the observance of the seventy-fifth anniversary of the Civil Service Act on January 16, 1958, and throughout the ensuing year.

I also call upon the heads of Federal departments and agencies, governors, mayors, and other public officials, as well as leaders of industry and labor and members of all public-spirited groups, to study our Federal, State, and local civil-service systems, with a view to their continuous improvement in every way possible, and to arrange appropriate ceremonies in honor of the public service of our able and devoted civil servants throughout the country.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this thirteenth day of January in the year of our Lord nineteen hundred and fifty-eight,
[SEAL] and of the Independence of the United States of America the one hundred and eighty-second.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

SAINT LAWRENCE SEAWAY CELEBRATION

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

January 15, 1958
[No. 3217]

A PROCLAMATION

WHEREAS the completion of the Saint Lawrence Seaway in 1959 will mark the inauguration of a new era of direct transoceanic waterborne commerce between inland ports of the Great Lakes of North America and the far-flung ports of the world; and

WHEREAS, from January 1 to December 31, 1959, the City of Chicago in the State of Illinois will celebrate the completion of the Saint Lawrence Seaway inviting attention to the importance of the Seaway and the North American ports that it will serve;

WHEREAS the program of the Saint Lawrence Seaway Celebration at Chicago will include the Pan American Games of 1959, a Festival of the Americas, and an International Fair and Exposition which have for their purpose the promotion of international understanding and the display of the products of the world; and

WHEREAS the Congress, by a joint resolution approved August 30, 1957, 71 Stat. 512, authorized the President of the United States, by proclamation or in such other manner as he might deem proper, to invite the States of the Union and foreign countries to participate in the Saint Lawrence Seaway Celebration to be held at Chicago during 1959 for the purpose of promoting foreign and domestic commerce and fostering good will among nations:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby invite the States of the Union and foreign countries to participate in the programs of the Saint Lawrence Seaway Celebration to be held at Chicago, Illinois, in 1959.

St. Lawrence Seaway
Celebration.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this fifteenth day of January in the year of our Lord nineteen hundred and fifty-eight, and of the Independence of the United States of America the one hundred and eighty-second.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

PAN AMERICAN DAY AND PAN AMERICAN WEEK, 1958

January 22, 1958
[No. 3218]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS on April 14, 1958, the twenty-one American Republics will celebrate the sixty-eighth anniversary of the founding of a bureau for inter-American cooperation which, as the Pan American Union, now serves as the permanent Organ and General Secretariat of the Organization of American States; and

WHEREAS the evolution of the Organization of American States into its present form has been accompanied by an ever-increasing solidarity of the peoples of the Republics of the Western Hemisphere; and

Pan American Day
and Pan American
Week, 1958.

WHEREAS the Organization, as one of the important associations of free nations, contributes to hemispheric defense and to the advancement of international peace and the ideals of freedom:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby proclaim Monday, April 14, 1958, as Pan American Day, and the period from April 14 to April 20, 1958, as Pan American Week; and I invite the Governors of the States, Territories, and possessions of the United States of America and the Governor of the Commonwealth of Puerto Rico to issue similar proclamations.

I also urge our citizens and all interested organizations to join in the appropriate observance of Pan American Day and Pan American Week, in testimony of the steadfast friendship which unites the people of the United States with the people of the other American Republics.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 22nd day of January in the year of our Lord nineteen hundred and fifty-eight, and of [SEAL] the Independence of the United States of America the one hundred and eighty-second.

DWIGHT D. EISENHOWER

By the President:

CHRISTIAN A. HERTER,
The Acting Secretary of State.

NATIONAL JUNIOR ACHIEVEMENT WEEK, 1958

January 24, 1958
[No. 3219]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the Junior Achievement program, with the encouragement of American businessmen, is giving many young people of our Nation an opportunity to gain an early insight into the problems of industry and business; and

WHEREAS the experience gained by American youth in organizing and conducting their own small business enterprises and meeting every day business problems will assist them in later life and enlarge their understanding of the privileges and duties of citizenship and the responsibilities of community leadership; and

WHEREAS businessmen of local communities are voluntarily giving of their time, their counsel and their experience in aid of these junior enterprises; and

WHEREAS the Congress, by Senate Concurrent Resolution 58, agreed to January 23, 1958, has requested the President to issue a proclamation designating the week beginning January 26, 1958, as National Junior Achievement Week:

Ante, p. 83.

National Junior
Achievement Week,
1958.

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby designate the week of January 26 through February 1, 1958, as National Junior Achievement Week; and I urge all our citizens to observe the week by honoring Junior Achievers and their volunteer adult advisers through appropriate ceremonies.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 24th day of January in the year of our Lord nineteen hundred and fifty-eight, and of the Independence of the United States of America the one hundred and eighty-second.

DWIGHT D. EISENHOWER

By the President:

CHRISTIAN A. HERTER,
Acting Secretary of State.

TERMINATING THE QUOTA ON IMPORTS OF SHORT HARSH OR
ROUGH COTTON

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

January 28, 1958
[No. 3220]

A PROCLAMATION

WHEREAS on February 1, 1947, the President issued Proclamation No. 2715 (3 CFR, 1943-1948 Comp., p. 102) under the authority of section 22 of the Agricultural Adjustment Act, as amended (7 U.S.C. 624), limiting the quantity of harsh or rough cotton having a staple of less than three-fourths of one inch in length which might be entered, or withdrawn from warehouse, for consumption in any year commencing September 20 in 1946 and in subsequent years; and

61 Stat. 1049.

62 Stat. 1248.

WHEREAS subsection (d) of the said section 22 provides that after investigation, report, finding, and declaration in the manner provided in the case of a proclamation issued pursuant to subsection (b) of the said section 22, any proclamation or provision thereof may be terminated by the President whenever he finds and proclaims that the circumstances requiring the proclamation or provision thereof no longer exist; and

7 USC 624.

WHEREAS the United States Tariff Commission has made a supplemental investigation under the provisions of subsection (d) of the said section 22 and has reported to me its findings and recommendations made in connection therewith; and

7 USC 624.

WHEREAS, on the basis of such supplemental investigation and report of findings and recommendations of the said Tariff Commission made in connection therewith, I find that the circumstances requiring the quota established for the said harsh or rough cotton by the said Proclamation No. 2715 of February 1, 1947, no longer exist:

61 Stat. 1049.

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, under the authority vested in me by the said section 22 of the Agricultural Adjustment Act, as amended, do hereby proclaim that the provisions of the said Proclamation No. 2715 of February 1, 1947, establishing an import quota on harsh or rough cotton having a staple of less than three-fourths of one inch in length are hereby terminated, effective immediately: *Provided, however,* that the modification made by the said proclamation of Proclamation No. 2351 of September 5, 1939, by deleting therefrom, wherever they appeared therein, the words "and chiefly used in the manufacture of blankets and blanketing" shall continue in full force and effect.

Harsh or rough
cotton.
Termination of im-
port quota.

61 Stat. 1049.

54 Stat. 2640.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE in the City of Washington this 28th day of January in the year of our Lord nineteen hundred and fifty-eight, and of [SEAL] the Independence of the United States of America the one hundred and eighty-second.

DWIGHT D. EISENHOWER

By the President:

CHRISTIAN A. HERTER,
Acting Secretary of State.

LAW DAY, 1958

February 3, 1958
[No. 3221]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS it is fitting that the people of this Nation should remember with pride and vigilantly guard the great heritage of liberty, justice, and equality under law which our forefathers bequeathed to us; and

WHEREAS it is our moral and civic obligation, as free men and as Americans, to preserve and strengthen that great heritage; and

WHEREAS the principle of guaranteed fundamental rights of individuals under the law is the heart and sinew of our Nation, and distinguishes our governmental system from the type of government that rules by might alone; and

WHEREAS our Government has served as an inspiration and a beacon light for oppressed peoples of the world seeking freedom, justice, and equality for the individual under laws; and

WHEREAS universal application of the principle of the rule of law in the settlement of international disputes would greatly enhance the cause of a just and enduring peace; and

WHEREAS a day of national dedication to the principle of government under laws would afford us an opportunity better to understand and appreciate the manifold virtues of such a government and to focus the attention of the world upon them:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby designate Thursday, May 1, 1958, as Law Day.

I urge the people of the United States to observe the designated day with appropriate ceremonies and activities; and I especially urge the legal profession, the press, and the radio, television, and motion-picture industries to promote and to participate in the observance of that day.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this third day of February in the year of our Lord nineteen hundred and fifty-eight, and of [SEAL] the Independence of the United States of America the one hundred and eighty-second.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

Law Day, 1958.

RED CROSS MONTH, 1958

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

February 7, 1958
[No. 3222]

A PROCLAMATION

WHEREAS the American National Red Cross has served the American people and the cause of human welfare for more than seventy-five years; and

WHEREAS the Red Cross, through its blood program, benefits thousands in our hospitals, and, through additional programs of first aid, water safety, and home nursing, provides the people of our communities, including children of school age, with essential training in health, safety, and citizenship; and

WHEREAS, in addition to its aid to civilians, the Red Cross also serves our armed forces at home and overseas; and

WHEREAS the violent disasters of recent years, in which volunteers of the Red Cross heroically helped stricken communities and families, have dangerously reduced the organization's material resources:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America and Honorary Chairman of the American National Red Cross, do hereby designate March 1958 as Red Cross Month; and I urge all Americans to honor the Red Cross during that month and to support its magnificent services throughout the year.

Red Cross Month,
1958.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this seventh day of February in the year of our Lord nineteen hundred and fifty-eight,
[SEAL] and of the Independence of the United States of America the one hundred and eighty-second.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
The Secretary of State.

OREGON CENTENNIAL CELEBRATION, 1959

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

February 14, 1958
[No. 3223]

A PROCLAMATION

WHEREAS patriotic Americans, with pioneer endeavor and heroic endurance, created a basis for self-government in a fertile territory of the Northwest; and

WHEREAS Oregon, on February 14, 1859, in recognition of the achievements of its people, was admitted into the Union as the thirty-third State of the United States; and

WHEREAS the year 1959 will mark the one hundredth anniversary of statehood for Oregon, known as the Beaver State, and the Legislative Assembly of that State has provided for a Centennial Celebration to commemorate the anniversary in a fitting and a proper manner; and

WHEREAS this Celebration, which will include the Oregon Centennial Exposition and International Trade Fair, will bring to the attention of the Nation and the world the resources of the Northwest,

will stimulate industry, will promote trade and peaceful relationships with other peoples, and will serve as a reminder of the rich and historic heritage of the land at the end of the Oregon Trail; and

Ante, p. 3.

WHEREAS the Congress of the United States, by a joint resolution approved February 4, 1958, authorized the President of the United States to issue a proclamation calling upon the people to commemorate with appropriate ceremonies the one hundredth anniversary of the admission of Oregon into the Union:

Oregon Centennial
Celebration, 1959.

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, pursuant to the joint resolution of Congress and the request of the Governor of Oregon, do hereby call upon the American people to observe the one hundredth anniversary of Oregon's admission to statehood throughout the centennial year beginning February 14, 1959, by appropriate activities and ceremonies. I also invite the States of the Union, and our Territories and possessions to participate in the Celebration which will be held at Portland, Oregon, in 1959.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this fourteenth day of February in the year of our Lord nineteen hundred and fifty-eight,
[SEAL] and of the Independence of the United States of America the one hundred and eighty-second.

DWIGHT D. EISENHOWER

By the President:

CHRISTIAN A. HERTER,
Acting Secretary of State.

NATIONAL DEFENSE TRANSPORTATION DAY, 1958

March 4, 1958
[No. 3224]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the United States of America has the greatest transportation system—by land, by sea, and by air—that has ever been developed anywhere in the world; and

WHEREAS this system is essential to the expansion of our commerce, to the moving of the products of our farms and factories, to the logistic support of our armed forces in times of national emergency, and to the welfare and security of all our people; and

WHEREAS it is fitting that we should give full recognition to the significance of our transportation system and to the importance of maintaining its facilities, so that it may continue to serve our needs in times of peace and in the defense of our country; and

36 USC 160.

WHEREAS the Congress, by a joint resolution approved May 16, 1957 (71 Stat. 30), has requested the President annually to issue a proclamation designating the third Friday of May of each year as National Defense Transportation Day:

National Defense
Transportation Day,
1958.

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby designate Friday, May 16, 1958, as National Defense Transportation Day, and I urge all our people on that day to collaborate in appropriate activities and ceremonies with the various branches of the transportation industry and with representatives of the armed forces and other Governmental agencies.

I also invite the Governors of the States to provide for the observance of National Defense Transportation Day in such manner as will afford an opportunity for the people of each community to recognize and appreciate fully the importance of a great modern transportation system, in their daily lives and in our national defense.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 4th day of March in the year of our Lord nineteen hundred and fifty-eight and of [SEAL] the Independence of the United States of America the one hundred and eighty-second.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

AMENDMENT OF PROCLAMATION No. 3160, RELATING TO CERTAIN
WOOLEN TEXTILES

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

March 7, 1958
[No. 3225]

A PROCLAMATION

1. WHEREAS, by Proclamation No. 3160 of September 28, 1956 (3 CFR, 1956 Supp., p. 44), the President announced the invocation by the Government of the United States of America of the reservation contained in the note to item 1108 in Part I of Schedule XX annexed to the General Agreement on Tariffs and Trade (61 Stat. (pt. 5) A11, A1274), and proclaimed that the ad-valorem part of the rate applicable to fabrics described in item 1108 or item 1109(a) in Part I of Schedule XX to the General Agreement on Tariffs and Trade (61 Stat. (pt. 5) A 1274), or in item 1109(a) in Part I of Schedule XX to the Torquay Protocol to the General Agreement on Tariffs and Trade (3 UST (pt. 1) 615, 1186), entered, or withdrawn from warehouse, for consumption in excess of certain quantities would be 45 per centum; and

71 Stat. c12.

2. WHEREAS I find that, effective January 1, 1958, it will be appropriate to carry out the said General Agreement on Tariffs and Trade that the ad-valorem part of the rate be 30 per centum ad valorem in the case of any of the fabrics described in the said item 1108 or 1109(a) in Part I of Schedule XX to the said General Agreement on Tariffs and Trade which are described in paragraph (a) of the seventh recital of the said proclamation of September 28, 1956, as amended by paragraph 2 of this proclamation:

61 Stat. A1274.

71 Stat. c12.

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, acting under and by virtue of the authority vested in me by the Constitution and the Statutes, including section 350 of the Tariff Act of 1930, as amended (ch. 474, 49 Stat. 943; ch. 269, 59 Stat. 410; ch. 169, 69 Stat. 162; 19 U.S.C. 1351) do proclaim that the said proclamation of September 28, 1956, is hereby amended as follows:

Woolen textiles.
Amendment of
Proc. No. 3160.

71 Stat. c12.

1. The sixth recital is deleted.

2. The seventh recital is amended to read as follows:

"7. WHEREAS I find that following December 31, 1957, until otherwise proclaimed by the President, it will be appropriate to carry out the trade agreements specified in the first and third recitals of this proclamation that

61 Stat. A1274. “(a) the ad-valorem part of the rate be 30 per centum ad valorem in the case of any of the fabrics described in the said item 1108 or item 1109(a) in Part I of Schedule XX to the General Agreement on Tariffs and Trade set forth in the second recital of this proclamation which are

“(i) hand-woven fabrics with a loom width of less than 30 inches, or

“(ii) serges, weighing not over 6 ounces per square yard, and nuns’ veilings and other woven fabrics, weighing not over 4 ounces per square yard; all of the foregoing described in this clause (ii) wholly or in chief value of wool of the sheep, valued at over \$4 per pound, in solid colors, imported to be used in the manufacture of apparel for members of religious orders, and

61 Stat. A1274. “(b) that the ad-valorem part of the rate be 45 per centum ad valorem in the case of any other of the fabrics described in the said item 1108 or item 1109(a), or in the case of any of the fabrics described in the said item 1109(a) in Part I of Schedule XX to the Torquay Protocol set forth in the fourth recital of this proclamation,

19 USC 1351. 61 Stat. A1274. excepting in each case articles dutiable at rates applicable to such fabrics by virtue of any provision of the Tariff Act of 1930, as amended, other than paragraph 1108 or 1109(a), if any of the foregoing fabrics described in this recital are entered, or withdrawn from warehouse, for consumption in any calendar year after that total aggregate quantity by weight of such fabrics which shall have been notified by the President to the Secretary of the Treasury, and published in the *Federal Register*, has been so entered or withdrawn during such calendar year; which quantity the President shall have found to be not less than 5 per centum of the average annual production in the United States during the three immediately preceding calendar years of fabrics similar to such fabrics; and”

3. Paragraph 1 is amended to read as follows:

“1. In order to carry out the said trade agreements specified in the first and third recitals of this proclamation, until otherwise proclaimed by the President, the ad-valorem part of the rate which shall be applied to the said fabrics described in the seventh recital of this proclamation entered, or withdrawn from warehouse, for consumption in excess of a quantity notified to the Secretary of the Treasury pursuant to that recital shall be the percentage ad valorem specified for such fabrics in the recital;”

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this seventh day of March in the year of our Lord nineteen hundred and fifty-eight, and [SEAL] of the Independence of the United States of America the one hundred and eighty-second.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

NATIONAL LIBRARY WEEK

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

March 15, 1958
[No. 3226]

A PROCLAMATION

WHEREAS throughout our national history free access to the printed word has been essential to educational and cultural advancement, to economic and technological development, and to the intelligent participation of the citizen in the affairs of our country; and

WHEREAS the libraries of our country play a major role in advancing these ends, and in enriching the life of our Nation, by bringing to the people informational, cultural, and recreational materials of all kinds; and

WHEREAS our cherished freedom to read has little meaning where books and other printed materials are not available; and

WHEREAS numerous national and local organizations are interested in focusing public attention on the services and resources of our libraries and their contribution to the civic welfare and cultural advancement of our Nation; and

WHEREAS the Congress by a concurrent resolution of March 14, 1958, has requested the President to issue a proclamation setting aside the period beginning on March 16 and ending on March 22, 1958, as National Library Week, and calling upon the people of the United States to observe such week with appropriate ceremonies:

Ante, p. 35.

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby designate the week beginning March 16 and ending March 22, 1958, as National Library Week; and I urge the fullest possible participation in the observance of that week by the people of the United States. Let National Library Week be a time for the appraisal of community needs for library services and of the means for meeting them, for encouraging the development of a better-read, better-informed citizenry, and for rededication to that fine public service that has always been characteristic of the libraries of America.

National Library
Week.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 15th day of March in the year of our Lord nineteen hundred and fifty-eight, and of [SEAL] the Independence of the United States of America the one hundred and eighty-second.

DWIGHT D. EISENHOWER

By the President:

CHRISTIAN A. HERTER,
Acting Secretary of State.

CANCER CONTROL MONTH, 1958

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

March 26, 1958
[No. 3227]

A PROCLAMATION

WHEREAS efforts to control and eliminate cancer constitute a public service to the people of this Nation and to all mankind; and

WHEREAS recent progress against this disease has made it possible to save the lives of one out of every three cancer sufferers, thereby

contributing much to the health, happiness, and productivity of our citizens; and

WHEREAS achievement of the goal of controlling and eliminating cancer demands the unrelenting efforts of research scientists, physicians, and official and voluntary health agencies, together with the enlightened cooperation of the public; and

36 USC 150.

WHEREAS the Congress, by a joint resolution approved March 28, 1938 (52 Stat. 148), authorized and requested the President to issue annually a proclamation setting apart the month of April of each year as Cancer Control Month:

Cancer Control Month, 1958.

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby proclaim the month of April 1958 as Cancer Control Month; and I invite the Governors of the States, Territories, and possessions of the United States to issue similar proclamations. I also urge the medical profession, the communication industries, and all concerned groups to unite during the appointed month in the furtherance of programs for the control of cancer.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 26th day of March in the year of our Lord nineteen hundred and fifty-eight, and of [SEAL] the Independence of the United States of America the one hundred and eighty-second.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

ENLARGING THE TUMACACORI NATIONAL MONUMENT, ARIZONA

March 28, 1958
[No. 3228]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

35 Stat. 2205.

WHEREAS the Tumacacori National Monument in Santa Cruz County, Arizona, established by Proclamation No. 821 of September 15, 1908, contains the ruins of the Tumacacori Mission, built largely of burned brick and cement mortar and one of the oldest Spanish missions in the Southwest; and

WHEREAS the Southwestern Monuments Association has offered to donate to the United States, for inclusion in such monument, a tract of land adjacent thereto containing the ruins of a lime kiln which was a part of the original mission establishment and which is likewise of historic interest; and

WHEREAS it appears that it would be in the public interest to include such tract of land, hereinafter described by metes and bounds, and the ruins thereon in the Tumacacori National Monument:

Tumacacori National Monument, Ariz.
Inclusion of land.

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, by virtue of the authority vested in me by section 2 of the act of June 8, 1906, 34 Stat. 225 (16 U.S.C. 431), do proclaim that, subject to valid existing rights, the following-described tract of land shall, upon acquisition of title thereto by the United States, be added to, and become a part of the Tumacacori National Monument:

Being a part of the southeast quarter, section 30, Township 21 South, Range 13 East, Gila and Salt River Meridian, and beginning at a point on the north boundary line of Tumacacori National Monument as established by Proc-

lamation No. 821 of September 15, 1908, from which the northwest corner of the said monument bears west 125 feet; thence, east, 70 feet, along the said boundary line; north, 92 feet; west, 70 feet; and south, 92 feet, to the point of beginning; containing 0.15 acres, more or less.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this monument, and not to locate or settle upon any of the lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 28th day of March in the year of our Lord nineteen hundred and fifty-eight, and of the Independence of the United States of America the one hundred and eighty-second.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
The Secretary of State.

DETERMINING ALPHA AND BETA 3-ETHYL-1-METHYL-4-PHENYL-4-PROPIONOXYPIPERIDINE TO BE OPIATES

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS section 4731(g) of the Internal Revenue Code of 1954 provides in part as follows:

“OPIATE.—The word ‘opiate’, as used in this part shall mean any drug (as defined in the Federal Food, Drug, and Cosmetic Act; 52 Stat. 1041, section 201 (g); 21 U. S. C. 321) found by the Secretary or his delegate, after due notice and opportunity for public hearing, to have an addiction-forming or addiction-sustaining liability similar to morphine or cocaine, and proclaimed by the President to have been so found by the Secretary or his delegate. * * *”;

WHEREAS the Secretary of the Treasury, after due notice and opportunity for public hearing, has found that each of the following-named drugs has an addiction-forming or addiction-sustaining liability similar to morphine, and that in the public interest this finding should be effective immediately:

α -3-Ethyl-1-methyl-4-phenyl-4-propionoxypiperidine
 β -3-Ethyl-1-methyl-4-phenyl-4-propionoxypiperidine;

AND WHEREAS a previous finding with respect to the beta isomeric form of the drug, described in Proclamation No. 2851 of August 26, 1949, and discovered to have been prematurely made, has been withdrawn by the Secretary of the Treasury as of August 26, 1949, and replaced by the above-described finding:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby proclaim that the Secretary of the Treasury has found that each of the following-named drugs has an addiction-forming or addiction-sustaining liability similar to morphine, and that in the public interest this finding should be effective immediately:

α -3-Ethyl-1-methyl-4-phenyl-4-propionoxypiperidine
 β -3-Ethyl-1-methyl-4-phenyl-4-propionoxypiperidine

And I do further proclaim that a previous finding with respect to the beta isomeric form of the drug, described in Proclamation No. 2851 of August 26, 1949, and discovered to have been prematurely made, has been withdrawn by the Secretary of the Treasury

March 28, 1958
[No. 3229]

68A Stat. 558.
26 USC 4731(g).

63 Stat. 1290.

Determination of
certain drugs as
opiates.

63 Stat. 1290.

as of August 26, 1949, and replaced by the finding herein proclaimed; and the said Proclamation No. 2851 is modified accordingly.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States to be affixed.

DONE at the City of Washington this 28th day of March in the year of our Lord nineteen hundred and fifty-eight, and of the Independence of the United States of America the one hundred and eighty-second.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

WORLD TRADE WEEK, 1958

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS world trade is vital to the economic growth and national security of the United States; and

WHEREAS the export trade of the United States provides employment for millions of Americans and is an indispensable outlet for the products of our farms and factories; and

WHEREAS imports into the United States help to keep factory wheels turning and assembly lines moving for our national defense, and are essential to the domestic economy of our Nation; and

WHEREAS world trade contributes to the economic strength and development of the free nations of the world, and is therefore a powerful force for the advancement of peace:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby proclaim the week beginning May 18, 1958, as World Trade Week; and I request the appropriate officials of the Federal Government and of the several States, Territories, possessions, and municipalities of the United States to cooperate in the observance of that week.

I also urge business, labor, agricultural, educational, and civic groups, as well as the people of the United States generally, to observe World Trade Week with gatherings, discussions, exhibits, ceremonies, and other appropriate activities designed to promote continuing awareness of the importance of world trade to our economy and our relations with other nations.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 7th day of April in the year of our Lord nineteen hundred and fifty-eight, and of the Independence of the United States of America the one hundred and eighty-second.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

April 7, 1958
[No. 3230]

World Trade Week,
1958.

NATIONAL FARM SAFETY WEEK, 1958

April 8, 1958
[No. 3231]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the health, prosperity, and well-being of our rural families are vital to the strength of the Nation; and

WHEREAS accidents suffered by the rural inhabitants of our land result in thousands of injuries and deaths each year and constitute a serious social and economic problem; and

WHEREAS experience has shown that these accidents can be reduced through educational programs directed towards safety precautions in the homes, in the fields, and on the highways:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby call upon the people of the Nation to observe the week beginning July 20, 1958, as National Farm Safety Week, and I urge all farm families and all persons allied with agriculture to join in a continuing campaign to prevent needless accidents in the homes, in the fields, and on the highways.

I also request all persons and organizations interested in the welfare of farm people to support and participate in National Farm Safety Week.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 8th day of April in the year of our Lord nineteen hundred and fifty-eight, and of the [SEAL] Independence of the United States of America the one hundred and eighty-second.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

National Farm
Safety Week, 1958.

UNITED STATES WORLD TRADE FAIR

April 9, 1958
[No. 3232]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the Second Annual United States World Trade Fair is to be held at New York, New York, from May 7 to May 17, 1958, inclusive, for the purposes of exhibiting and promoting the sale of foreign and domestic products to the American trade and to the public; and

WHEREAS the Congress, by a joint resolution approved March 28, 1958 (72 Stat. 70), has authorized the President, by proclamation or in such other manner as he may deem proper, to invite the States of the Union and foreign countries to participate in the Second Annual United States World Trade Fair; and

WHEREAS this exhibition and trade gathering will tend to encourage further development of international trade and to foster friendly relations among participating nations:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby invite the States of the Union and foreign countries to participate in the Second Annual United States World Trade Fair to be held in the Coliseum in New York, New York, from May 7 to May 17, 1958, inclusive.

United States World
Trade Fair.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 9th day of April in the year of our Lord nineteen hundred and fifty-eight, and of the [SEAL] independence of the United States of America the one hundred and eighty-second.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

CHILD HEALTH DAY, 1958

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the children of today will tomorrow shape the destiny of the world; and

WHEREAS the spiritual, mental, and physical well-being of our children is essential to the enrichment of their growing years and to the strength of their maturity; and

WHEREAS the Congress, by a joint resolution of May 18, 1928 (45 Stat. 617), authorized and requested the President of the United States to issue annually a proclamation setting apart May 1 as Child Health Day and calling for appropriate observance of that day; and

WHEREAS Child Health Day is also a fitting time for the people of the United States to observe a Universal Children's Day, as recommended by a resolution of the United Nations General Assembly, and to salute the work which the United Nations, through its specialized agencies, and the United Nations Children's Fund are doing to build better health for the coming generations:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby designate Thursday, the first day of May 1958, as Child Health Day, and I invite all persons and all agencies and organizations interested in the welfare of children to use that day as an occasion for rededication to those objectives designed to protect and promote the healthy growth of all children.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this ninth day of April in the year of our Lord nineteen hundred and fifty-eight, and of [SEAL] the Independence of the United States of America the one hundred and eighty-second.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

April 9, 1958
[No. 3233]

36 USC 143.

Child Health Day,
1958.

NATIONAL MARITIME DAY, 1958

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

April 10, 1958
[No. 3234]

A PROCLAMATION

WHEREAS a strong American Merchant Marine is essential to the economy and security of the free world; and

WHEREAS 1958 marks the year in which the keel of the N.S. *Savannah*, the world's first nuclear-propelled merchant ship, will be dedicated by the people of the United States to peaceful trade and commerce; and

WHEREAS the Congress, by a joint resolution approved May 20, 1933 (48 Stat. 73), designated May 22 as National Maritime Day, in commemoration of the departure from Savannah, Georgia, on May 22, 1819, of a vessel, also named the *Savannah*, on the first trans-oceanic voyage by any steamship, and requested the President to issue a proclamation annually calling for the observance of that day:

36 USC 145.

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby urge the people of the United States to honor our Merchant Marine on Thursday, May 22, 1958, by displaying the flag of the United States at their homes or other suitable places; and I direct the appropriate officials of the Government to arrange for the display of the flag on all Government buildings on that day. I also request that all ships sailing under the American flag dress ship on the twenty-second day of May in tribute to the American Merchant Marine.

National Maritime
Day, 1958.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this tenth day of April in the year of our Lord nineteen hundred and fifty-eight, and of the Independence of the United States of America the one hundred and eighty-second.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
*Secretary of State.*WITHDRAWAL OF TRADE AGREEMENT CONCESSION ON CERTAIN
CLINICAL THERMOMETERS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

April 21, 1958
[No. 3235]

A PROCLAMATION

1. WHEREAS, pursuant to the authority vested in him by the Constitution and the statutes, including section 350 of the Tariff Act of 1930, as amended (19 U.S.C. 1351), the President, on April 21, 1951, entered into a trade agreement providing, among other things, for the accession to the General Agreement on Tariffs and Trade (61 Stat. (Parts 5 and 6) A7, A11, and A2051) of certain foreign countries, which trade agreement consists of the Torquay Protocol to the General Agreement on Tariffs and Trade, including the annexes thereto, hereinafter referred to as the "Torquay Protocol" (3 UST 615);

69 Stat. 165.

2. WHEREAS Schedule XX in Annex A to the said Torquay Protocol (3 UST 1125) became a schedule to the said General Agree-

ment in accordance with paragraph 3 of the Torquay Protocol (3 UST 616);

3. WHEREAS, by Proclamation No. 2929 of June 2, 1951 (65 Stat. c12), the President proclaimed such modification of existing duties and other import restrictions of the United States and such continuance of existing customs or excise treatment of articles imported into the United States as were then found to be required or appropriate to carry out the Torquay Protocol, which proclamation has been supplemented by several notifications of the President to the Secretary of the Treasury, including a notification of September 10, 1951 (3 CFR, 1951 Supp., p. 537), as amended by a notification of September 20, 1951 (3 CFR, 1951 Supp., p. 539);

4. WHEREAS item 218 (a) in Part I of the said Schedule XX (3 UST 1144) reads as follows:

Tariff Act of 1930, paragraph	Description of Products	Rate of duty
218 (a)	Biological, chemical, metallurgical, pharmaceutical, and surgical articles and utensils of all kinds, including all scientific articles, and utensils, whether used for experimental purposes in hospitals, laboratories, schools or universities, colleges, or otherwise, all the foregoing (except articles provided for in paragraph 217 or 218 (e), Tariff Act of 1930), finished or unfinished, wholly or in chief value of glass-----	42½% ad val.

65 Stat. c12.

52 Stat. 1077.
19 USC 1001.

5. WHEREAS, in accordance with Article II of the said General Agreement and by virtue of the said proclamation of June 2, 1951, and the said notification of September 10, 1951, as amended, the United States rate of duty applicable to clinical thermometers, finished or unfinished, wholly or in chief value of glass, provided for in paragraph 218 (a) of the Tariff Act of 1930 and included in the said item 218 (a), is 42½ per centum ad valorem, as specified in the said item 218 (a), which duty reflects the tariff concession granted in the said General Agreement with respect to such products;

65 Stat. 74.

3 UST 1144.

6. WHEREAS the United States Tariff Commission has submitted to me a report of its Investigation No. 63 under section 7 of the Trade Agreements Extension Act of 1951, as amended (19 U.S.C. 1364), on the basis of which investigation and a hearing duly held in connection therewith the said Commission has found that, as a result in part of the duty reflecting the concession granted thereon in the said General Agreement, clinical thermometers, finished or unfinished, wholly or in chief value of glass, provided for in the said item 218 (a), are being imported into the United States in such increased quantities, both actual and relative, as to cause serious injury to the domestic industry producing like or directly competitive products;

7. WHEREAS the said Tariff Commission has further found that in order to remedy the serious injury to the said domestic industry it is necessary that there be applied to such thermometers, for an indefinite period, a duty of 85 per centum ad valorem, and has recommended the withdrawal, for an indefinite period, of the tariff concession granted in the said General Agreement with respect to such thermometers; and

52 Stat. 1077.

8. WHEREAS the rate of duty on such thermometers expressly fixed by statute in paragraph 218 (a) of the Tariff Act of 1930 (19 U.S.C. 1001) is 85 per centum ad valorem, which rate of duty will become applicable to such thermometers if the tariff concession thereon, set forth in the said item 218 (a), is withdrawn:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, acting under the authority vested in me by section 350 of the Tariff Act of 1930, as amended, and by section 7 (c) of the Trade Agreements Extension Act of 1951, as amended, and in accordance with the provisions of Article XIX of the said General Agreement on Tariffs and Trade, do proclaim that, effective after the close of business on May 21, 1958, and until the President otherwise proclaims, the tariff concession granted in the said General Agreement with respect to clinical thermometers, finished or unfinished, wholly or in chief value of glass, provided for in said item 218 (a), shall be withdrawn, and the said Proclamation No. 2929 of June 2, 1951, and the said notification of September 10, 1951, as amended by the said notification of September 20, 1951, shall be suspended insofar as they establish a rate of duty to be applied to the clinical thermometers provided for in the said item 218 (a) on which the concession is withdrawn by this proclamation.

Clinical thermometers.
Tariff concession withdrawal.

19 USC 1351, 1364.
61 Stat. A58.

3 UST 1144.
65 Stat. c12.
3 CFR, 1951 Supp., pp. 537, 539.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 21st day of April in the year of our Lord nineteen hundred and fifty-eight, and of the [SEAL] Independence of the United States of America the one hundred and eighty-second.

DWIGHT D. EISENHOWER

By the President:

CHRISTIAN A. HERTER,
Acting Secretary of State.

IMPOSING IMPORT QUOTAS ON TUNG NUTS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

April 28, 1958
[No. 3236]

A PROCLAMATION

WHEREAS, pursuant to section 22 of the Agricultural Adjustment Act, as amended (7 U.S.C. 624), the Secretary of Agriculture advised me he had reason to believe that tung nuts are practically certain to be imported into the United States under such conditions and in such quantities as to render ineffective, or materially interfere with, the price-support program undertaken by the Department of Agriculture with respect to tung nuts and tung oil, or to reduce substantially the amount of products processed in the United States from domestic tung nuts or tung oil with respect to which such program of the Department of Agriculture is being undertaken; and

62 Stat. 1248.

WHEREAS, on February 19, 1958, I caused the United States Tariff Commission to make an investigation under the said section 22 with respect to this matter; and

7 USC 624.

WHEREAS the said Tariff Commission has made such investigation, and has reported to me its findings and recommendation made in connection therewith; and

WHEREAS, on the basis of the said investigation and report of the Tariff Commission, I find that tung nuts are practically certain to be imported into the United States under such conditions and in such quantities as to interfere materially with the said price-support program; and

WHEREAS I find and declare that the imposition of the limitations on imports of tung nuts hereinafter proclaimed is shown by such investigation of the Tariff Commission to be necessary in order that

the entry of tung nuts will not materially interfere with the said price-support program; and

Ante, p. c4.

WHEREAS, on September 9, 1957, I issued Proclamation No. 3200 (22 F. R. 7265) limiting the quantity of tung oil that may be entered, or withdrawn from warehouse, for consumption during the periods specified in that proclamation; and

WHEREAS I find that the limitations on imports of tung nuts hereinafter proclaimed will not reduce the permissible total quantity of tung nuts which may be entered, or withdrawn from warehouse, for consumption to proportionately less than 50 per centum of the average annual quantity of tung nuts entered during the representative period from November 1, 1952, to October 31, 1956, inclusive:

Tung nuts.
Import restriction.

7 USC 624.

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, acting under and by virtue of the authority vested in me by section 22 of the Agricultural Adjustment Act, as amended, do hereby proclaim that no tung nuts shall be permitted to be entered, or withdrawn from warehouse, for consumption in any quota period specified in the proclamation of September 9, 1957, after the total aggregate quantity of tung nuts and tung oil entered, or withdrawn from warehouse, for consumption in any such quota period has reached, in terms of oil, the equivalent of the quota for tung oil specified in that proclamation for such quota period. For the purposes of this proclamation the oil content of tung nuts shall be computed on the basis of 15.9 pounds for each 100 pounds of whole nuts, and on the basis of 35.8 pounds of oil for each 100 pounds of decorticated nuts.

Ante, p. c4.

In order to assure equitable treatment to supplying countries, all tung oil and tung nuts entered, or withdrawn from warehouse, for consumption pursuant to the proclamation of September 9, 1957, or this proclamation, shall have been a direct shipment destined to the United States on an original through bill of lading from the country of production.

Ante, p. c4.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 28th day of April in the year of our Lord nineteen hundred and fifty-eight, and of the [SEAL] Independence of the United States of America the one hundred and eighty-second.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

NATIONAL YOUTH FITNESS WEEK

April 30, 1958
[No. 3237]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the youth of our Nation constitutes one of our most valuable assets; and

WHEREAS the scientific and technological advances of recent years have eased the problems and hardships of everyday living and have lessened the need for physical activity on the part of our young people, with a consequent adverse effect on the health of our Nation; and

WHEREAS the Chairman of the President's Council on Youth Fitness, established in July 1956 to stimulate existing programs and to initiate other measures tending to enhance the fitness of American youth, has recommended that the week beginning June 1, 1958, be designated as National Youth Fitness Week; and

WHEREAS the fitness of our young people can be promoted through the determined and constant effort of all our citizens, both young and old:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby proclaim the week beginning June 1, 1958, as National Youth Fitness Week.

National Youth Fitness Week, 1958.

I request officials of the Government, and I urge American parents, as well as business, labor, agricultural, educational, religious, and civic groups, to use all appropriate means during that week to promote programs and activities which will better the mental, social, spiritual, and physical fitness of the youth of America to the end that we may assure the continuing strength and well-being of our Nation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 30th day of April in the year of our Lord nineteen hundred and fifty-eight, and [SEAL] of the Independence of the United States of America the one hundred and eighty-second.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

MOTHER'S DAY, 1958

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

May 7, 1958
[No. 3238]

A PROCLAMATION

WHEREAS the spirit of motherhood adds strength and grace to the children of men; and

WHEREAS by precept and example the mothers of America have a daily opportunity to shape the lives and destinies of our citizens; and

WHEREAS, in recognition of their place in our homes and in our hearts, we are wont to pay special homage to our mothers on one day of each year; and

WHEREAS the Congress, by a joint resolution approved May 8, 1914 (38 Stat. 770), gave official recognition to this annual observance by designating the second Sunday in May of each year as Mother's Day, and by requesting the President to issue a proclamation calling for the celebration of that day;

36 USC 142.

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby request the observance of Sunday, the eleventh day of May, 1958, as Mother's Day; and I direct that the flag of the United States be displayed on all Government buildings on that day.

Mother's Day, 1958.

I also call upon the people of the Nation to display the flag at their homes or other suitable places on Mother's Day, as a public demonstration of our esteem for the mothers of our land; and to reaffirm on that day our gratitude for the heritage of love and honor our own mothers have bequeathed to each one of us.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 7th day of May in the year of our Lord nineteen hundred and fifty-eight, and of the [SEAL] Independence of the United States of America the one hundred and eighty-second.

DWIGHT D. EISENHOWER

By the President:

CHRISTIAN A. HERTER,
Acting Secretary of State.

MINNESOTA CENTENNIAL CELEBRATION, 1958

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the story of Minnesota stirs the imagination and warms the hearts of all who hold our history dear; and

WHEREAS on May 11, 1858, Minnesota added her bright star to the flag of our Nation to become the thirty-second State of the Union; and

WHEREAS the centenary of this richly endowed Commonwealth, celebrated as the "Star of the North", will be commemorated with appropriate ceremonies by its citizens and by the Nation; and

WHEREAS the Congress, by a joint resolution approved May 9, 1958, has authorized and requested the President to issue a proclamation calling upon the people of the United States to celebrate the anniversary of Minnesota's statehood:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, pursuant to the joint resolution of Congress, do hereby call upon the American people to observe Sunday, May 11, 1958, the one hundredth anniversary of the admission of Minnesota into the Union, with ceremonies designed to honor that State and its people.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 9th day of May in the year of our Lord nineteen hundred and fifty-eight, and of the [SEAL] Independence of the United States of America the one hundred and eighty-second.

DWIGHT D. EISENHOWER

By the President:

CHRISTIAN A. HERTER,
Acting Secretary of State.

FOURTH INTERNATIONAL AUTOMATION CONGRESS AND EXPOSITION

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the Fourth International Automation Congress and Exposition is to be held at New York, New York, from June 9 to June 13, 1958, for the purpose of exhibiting products used in increasing production, decreasing cost, and improving the standard of living all over the world; and

May 9, 1958
[No. 3239]

Ante, p. 105.

Minnesota Centennial
Celebration, 1958.

May 9, 1958
[No. 3240]

WHEREAS the Congress, by a joint resolution approved April 11, 1958, has authorized the President of the United States of America to invite the several States and foreign countries to take part in the Fourth International Automation Congress and Exposition; and

Ante, p. 85.

WHEREAS the Automation Congress and Exposition will provide an opportunity for the exchange of information on new developments in automation, thereby promoting foreign and domestic commerce and fostering friendly relations among participating nations:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby invite the several States and foreign countries to participate in the Fourth International Automation Congress and Exposition to be held in the Coliseum at New York, New York, from June 9 to June 13, 1958.

Fourth International Automation Congress and Exposition.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 9th day of May in the year of our Lord nineteen hundred and fifty-eight, and of the [SEAL] independence of the United States of America the one hundred and eighty-second.

DWIGHT D. EISENHOWER

By the President:

CHRISTIAN A. HERTER,
Acting Secretary of State.

FLAG DAY, 1958

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

May 12, 1958
[No. 3241]

A PROCLAMATION

The annual celebration of the birthday of our flag, adopted by the Continental Congress on June 14, 1777, has become a cherished national custom.

It is fitting that we should observe this anniversary by solemn contemplation of the meaning of the flag we honor. We should remember that it is emblematic of our Nation itself; that our aspirations, our principles, our whole character as a people are symbolized in the Stars and Stripes.

We should recall that under its protecting folds generations of Americans have lived and worked to establish the foundations of our Nation's greatness, and people of varied heritage, creed, and race have found surcease from oppression.

In recognition of the importance of a yearly commemoration of our flag, the Congress, by a joint resolution approved August 3, 1949 (63 Stat. 492), designated June 14 of each year as Flag Day and requested the President to issue annually a proclamation calling for its observance.

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby direct that the flag of the United States be displayed on all Government buildings on Saturday, June 14, 1958, and I call upon the people to observe that day with suitable ceremonies, including the display of the flag at their homes and other appropriate places.

Flag Day, 1958.

I also urge all our citizens to give special thought on Flag Day to their duties and obligations as well as to their rights and privileges as Americans under our national ensign, to the end that they may rededicate themselves to the principles of freedom and justice for which our flag and our country stand.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 12th day of May in the year of our Lord nineteen hundred and fifty-eight, and of [SEAL] the independence of the United States of America the one hundred and eighty-second.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

PRAYER FOR PEACE, MEMORIAL DAY, 1958

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

It has long been our custom, on Memorial Day of each year, to visit the graves of those who have served our Nation in battle, and to pay homage to their memory.

Remembering their sacrifices, and knowing the ever-present threat of war which casts its shadow across the future, our hearts are filled with a yearning for peace.

Acknowledging in truth that only through divine guidance can we secure the requisite groundwork of justice and understanding for the attainment of a peaceful world, we turn to Almighty God in supplication for His aid.

In manifestation of this need, the Congress provided, in a joint resolution approved May 11, 1950, that Memorial Day should be set aside as a day for Nation-wide prayer for permanent peace, and requested the President to issue a proclamation calling upon the people of the United States to observe each Memorial Day in that manner.

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby proclaim Memorial Day, Friday, the thirtieth day of May, 1958, as a day of prayer for permanent peace, and I designate the hour beginning in each locality at eleven o'clock in the morning as the period in which all of us may unite in prayer for strength to work unceasingly toward the goal of permanent peace on earth.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 17th day of May in the year of our Lord nineteen hundred and fifty-eight, and [SEAL] of the Independence of the United States of America the one hundred and eighty-second.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

May 17, 1958
[No. 3242]

64 Stat. 158.

Memorial Day,
1958.
Prayer for peace.

DISPLAY OF THE FLAG OF THE UNITED STATES AT HALF-STAFF UPON
THE OCCASION OF THE RETURN AND FINAL INTERMENT OF TWO
UNKNOWN AMERICANS KILLED IN THE SECOND WORLD WAR AND
IN THE KOREAN CONFLICT

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

May 17, 1958
[No. 3243]

A PROCLAMATION

WHEREAS on this Memorial Day, in the National Cemetery at Arlington, the remains of two unknown Americans who gave their lives in service overseas during the Second World War and during the Korean conflict, will be interred; and

WHEREAS these two Unknown Americans represent almost eighty thousand Americans killed in the Second World War and more than eight thousand Americans killed in the Korean conflict whose bodies lie unidentified in resting places abroad; and

WHEREAS their two caskets will arrive in the City of Washington on May 28, 1958, to lie in state in the rotunda of the United States Capitol until final interment:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby direct that the flag of the United States be flown at half-staff on all buildings, grounds, and naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions, and at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations, when customarily flown, on May 28, May 29, and May 30, 1958.

United States flag
display, May, 1958.

As a sign of our national gratitude and concern, I also urge my fellow citizens to display our country's flag at half-staff at their homes and other appropriate places during this period.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 17th day of May in the year of our Lord nineteen hundred and fifty-eight, and of the Independence of the United States of America the one hundred and eighty-second.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

NATIONAL OLYMPIC WEEK, 1958

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

June 4, 1958
[No. 3244]

A PROCLAMATION

WHEREAS the XVIIth Olympic Games of the modern era will be held in Rome, Italy, beginning August 25 and ending September 11, 1960; the Winter Games will be held at Squaw Valley, California, from February 19 to March 1, 1960; and the Pan American Games will be held in Chicago, Illinois, from August 27 to September 7, 1959; and

WHEREAS in these games men and women of more than seventy nations, and of many races, creeds, and cultural backgrounds, will be brought together to match their athletic abilities against one an-

other under established rules of sportsmanship which offer an equal opportunity for all; and

WHEREAS the Olympic and the Pan American Games of past years have contributed in a unique way to greater understanding and mutual respect among the peoples of the world; and

WHEREAS the United States Olympic Association is presently engaged in obtaining maximum support for the teams representing the United States at these three athletic events; and

WHEREAS the Congress by a joint resolution approved June 4, 1958, has authorized and requested the President of the United States to issue a proclamation designating the week beginning October 13, 1958, as National Olympic Week:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby designate the week beginning October 13, 1958, as National Olympic Week; and I urge all our citizens to give their full support to the XVIIth Olympic Games, to the Olympic Winter Games of 1960, and to the Pan American Games of 1959 so that the United States will be fully and adequately represented in these games.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 4th day of June in the year of our Lord nineteen hundred and fifty-eight, and of the [SEAL] Independence of the United States of America the one hundred and eighty-second.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

NATIONAL SAFE BOATING WEEK, 1958

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS our people in increasing numbers are taking part in boating activities on the waters of the Nation, and it is estimated that approximately twenty-eight million will participate in such activities during 1958; and

WHEREAS safety is essential for the full enjoyment of boating, and safe boating practices will result in the saving of many lives and in the avoidance of injuries and property damage; and

WHEREAS the Congress, by a joint resolution approved June 4, 1958, has authorized and requested the President of the United States to proclaim annually the week which includes July 4 as National Safe Boating Week:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby designate the week beginning June 29, 1958, as National Safe Boating Week.

I urge boating organizations, the boat industry, Government agencies, and all other organizations and all individuals interested in boating, to join in the observance of National Safe Boating Week; and I ask them to do their utmost during that week and throughout the year to make boating a safe and enjoyable activity.

I also invite the Governors of the States, Territories, and possessions of the United States to provide for the observance of National Safe

Ante, p. 181.

National Olympic
Week, 1958.

June 4, 1958
[No. 3245]

Ante, p. 179.

National Safe Boat-
ing Week, 1958.

Boating Week in order to focus universal attention on the importance of safe boating practices.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 4th day of June in the year of our Lord nineteen hundred and fifty-eight, and of the [SEAL] Independence of the United States of America the one hundred and eighty-second.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

UNITED NATIONS DAY, 1958

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

June 13, 1958
[No. 3246]

A PROCLAMATION

WHEREAS for the purpose of maintaining international peace and promoting the advancement of all peoples the United States of America joined in founding the United Nations; and

WHEREAS in working for a durable world order of freedom and justice, the firm support of the United Nations has always been a fundamental element of our foreign policy; and

WHEREAS the United Nations is keenly aware that the world is on the threshold of a new age of scientific technology which holds great hopes and grave perils for mankind; and

WHEREAS the United Nations provides an unique international forum and constantly seeks to improve its machinery for collective security and the peaceful settlement of disputes; and

WHEREAS the General Assembly of the United Nations has resolved that October twenty-fourth, the anniversary of the coming into force of the United Nations Charter, should be dedicated each year to making known the purposes, principles, and accomplishments of the United Nations:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby urge the citizens of this Nation to observe Friday, October 24, 1958, as United Nations Day by means of community programs which will demonstrate their faith in the United Nations and contribute to a better understanding of its aims, problems, and accomplishments.

United Nations Day,
1958.

I also call upon the officials of the Federal and State Governments and upon local officials to encourage citizen groups and agencies of the press, radio, television, and motion pictures, to engage in appropriate observance of United Nations Day throughout the land in cooperation with the United States Committee for the United Nations.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this thirteenth day of June in year of our Lord nineteen hundred and fifty-eight, and of [SEAL] the Independence of the United States of America the one hundred and eighty-second.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

CITIZENSHIP DAY AND CONSTITUTION WEEK, 1958

June 20, 1958
[No. 3247]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS our government of the people, by the people, and for the people is cherished by all American citizens; and

WHEREAS this government is guaranteed by the Constitution of the United States of America, signed at Philadelphia on September 17, 1787, and secured by the travail, stamina and wisdom of American patriots; and

WHEREAS it is ever imperative that all our citizens, both native-born and naturalized, understand the significance of this great document so that they may give life and meaning to its principles; and

36 USC 153.

WHEREAS by a joint resolution approved February 29, 1952 (66 Stat. 9), the Congress designated the seventeenth day of September of each year as Citizenship Day in commemoration of the signing of the Constitution and in recognition of all our citizens who have come of age and all who have been naturalized during the year; and

36 USC 159.

WHEREAS by a joint resolution approved August 2, 1956 (70 Stat. 932), the Congress requested the President to designate the week beginning September 17 of each year as Constitution Week, a time for study and observance of the acts which resulted in the formation of the Constitution; and

WHEREAS the aforesaid resolutions of the Congress authorize the President to issue annually a proclamation calling for the observance of Citizenship Day and Constitution Week:

Citizenship Day and
Constitution Week,
1958.

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, call upon the appropriate officials of the Government to display the flag of the United States on all Government buildings on Citizenship Day, September 17, 1958; and I urge Federal, State, and local officials, as well as all religious, civic, educational and other organizations, to arrange for appropriate ceremonies on Citizenship Day to strengthen a better understanding of our rights and our responsibilities as citizens of the United States.

I also designate the period beginning September 17 and ending September 23, 1958, as Constitution Week; and I urge the people of the United States to observe that week with appropriate ceremonies and activities in their schools and churches and in other suitable places, so that they may manifest their gratitude for that historic week in September 1787 during which our Constitution was signed, delivered to the Continental Congress, and made known to the people.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twentieth day of June in the year of our Lord nineteen hundred and fifty-eight, and of [SEAL] the Independence of the United States of America the one hundred and eighty-second.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

IMMIGRATION QUOTA—UNITED ARAB REPUBLIC

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

June 20, 1958
[No. 3248]

A PROCLAMATION

WHEREAS under the provisions of section 202(a) of the Immigration and Nationality Act, each independent country, self-governing dominion, mandated territory, and territory under the international trusteeship system of the United Nations, other than independent countries of North, Central, and South America, is entitled to be treated as a separate quota area when approved by the Secretary of State; and

66 Stat. 175.
8 USC 1152.

WHEREAS under the provisions of section 201(b) of the Immigration and Nationality Act, the Secretary of State, the Secretary of Commerce, and the Attorney General, jointly, are required to determine the annual quota of any quota area established pursuant to the provisions of section 202(a) of that act, and to report to the President the quota of each quota area so determined; and

8 USC 1151.

8 USC 1152.

WHEREAS the United Arab Republic was on February 25, 1958, recognized *de jure* by the United States; and

WHEREAS the Secretary of State, the Secretary of Commerce, and the Attorney General have reported to the President that in accordance with the duty imposed and the authority conferred upon them by section 201(b) of the Immigration and Nationality Act, they jointly have made the determination provided for and computed under the provisions of section 201(a) of that act; and have fixed, in accordance therewith, an immigration quota for the United Arab Republic as hereinafter set forth:

8 USC 1151.

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, acting under and by virtue of the authority vested in me by the aforesaid act of Congress, do hereby proclaim and make known that the annual quota of the quota area hereinafter designated has been determined in accordance with the law to be, and shall be, as follows:

United Arab Republic.
Immigration quota.

Area No.	Quota area	Quota
90	United Arab Republic.....	100

The establishment of an immigration quota for any quota area is solely for the purpose of compliance with the pertinent provisions of the Immigration and Nationality Act and is not to be considered as having any significance extraneous to such purpose.

66 Stat. 163.
8 USC 1101 note.

Proclamation No. 2980 of June 30, 1952, entitled "Immigration Quotas", is amended by the abolishment of the immigration quotas established for Egypt and Syria and by the addition of the immigration quota for the United Arab Republic as established by this proclamation.

66 Stat. c36.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twentieth day of June in the year of our Lord nineteen hundred and fifty-eight, and
[SEAL] of the Independence of the United States of America the one hundred and eighty-second.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

ENLARGING THE CAPITOL REEF NATIONAL MONUMENT, UTAH

July 2, 1958
[No. 3249]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS it appears that the public interest would be promoted by adding to the Capitol Reef National Monument, Utah, certain adjoining lands needed for the protection of the features of geological and scientific interest included within the boundaries of the monument and for the proper administration of the area:

Enlarging the Cap-
itol Reef National
Monument, Utah.

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, by virtue of the authority vested in me by section 2 of the act of June 8, 1906, 34 Stat. 225 (16 U.S.C. 431), do proclaim that, subject to valid existing rights, (1) the lands now owned by the United States within the exterior boundaries of the following-described tracts of lands are hereby added to and made a part of the Capitol Reef National Monument, and (2) the State-owned and privately-owned lands within those boundaries shall become parts of the monument upon acquisition of title thereto by the United States:

SALT LAKE MERIDIAN

T. 29 S., R. 5 E.,

Sections 1 and 2, those portions not previously included in the Monument.

T. 29 S., R. 6 E.,

Sections 5, 6, 9, and 16, those portions not previously included in the Monument;

Sections 7, 8, and 17, those portions lying north of Sulphur Creek;

Section 26, SW $\frac{1}{4}$ and S $\frac{1}{2}$ NW $\frac{1}{4}$.

T. 30 S., R. 7 E.,

Section 20, NW $\frac{1}{4}$ SE $\frac{1}{4}$ (except S $\frac{1}{2}$ S $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$) and NE $\frac{1}{4}$ SE $\frac{1}{4}$ (except S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$).

containing 3,040 acres, more or less.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

Nothing herein shall prevent the movement of livestock across the lands included in this monument under such regulations as may be prescribed by the Secretary of the Interior and upon driveways to be specifically designated by said Secretary.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this second day of July in the year of our Lord nineteen hundred and fifty-eight, and of [SEAL] the Independence of the United States of America the one hundred and eighty-second.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

INDEPENDENCE DAY, 1958

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

July 3, 1958
[No. 3250]

A PROCLAMATION

WHEREAS of all the days in the year, the primary one to us—as a Nation—is the 4th of July, the anniversary of the signing of our Declaration of Independence; and

WHEREAS on this day we renew our allegiance to the Union, to the principles of self-government, and to the spirit of freedom which is the source of its strength, deeply aware that in many quarters of the globe this freedom is now threatened as never before; and

WHEREAS the freedom of mankind is indivisible and our land must play a central part in defending and developing the wellsprings of freedom, not only for ourselves, but for our friends and allies; and

WHEREAS this is the year which marks the hundredth anniversary of the birth of Theodore Roosevelt, a champion of the highest ideals of American citizenship; and

WHEREAS by a joint resolution approved July 3, 1958 (S. J. Res. 159) the Congress authorized and requested the President to proclaim July 4, 1958 as a day of rededication to the responsibilities of free citizenship:

Ante, p. 296.

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, confident that July 4th will be observed as an occasion for traditional ceremony and civic festivities, call upon the people of the United States to observe this day as the beginning of a national year of dedication to the goals of free men. Let us use our liberty with honor and purpose, sharing it with our fellow citizens and, as free and responsible Americans, building a just and peaceful world for our children here at home and for our neighbors around the world.

Independence Day,
1958.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this third day of July in the year of our Lord nineteen hundred and fifty-eight, and of the
[SEAL] Independence of the United States of America the one hundred and eighty-second.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

MODIFYING THE IMPORT QUOTA ON LONG-STAPLE COTTON

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

July 7, 1958
[No. 3251]

A PROCLAMATION

WHEREAS on September 5, 1939, the President, under the authority of section 22 of the Agricultural Adjustment Act, as amended (7 U.S.C. 624), issued a proclamation (No. 2351; 3 CFR, Cum. Supp., p. 113) limiting the quantities of certain cotton and cotton waste which might be entered, or withdrawn from warehouse, for consumption, which proclamation was suspended in part or modified by proclamations of December 19, 1940 (No. 2450; 3 CFR, Cum. Supp., p. 205), March 31, 1942 (No. 2544; 3 CFR, Cum. Supp., p. 294), June 29, 1942 (No. 2560; 3 CFR, Cum. Supp., p. 308), February 1,

62 Stat. 1248.

54 Stat. 2640.

54 Stat. 2769,
56 Stat. 1944, 1963.

61 Stat. 1049, 1079;
62 Stat. 1534;
63 Stat. 1294;
64 Stat. A434, A440;
65 Stat. C23;
70 Stat. C46.

1947 (No. 2715; 3 CFR, 1943-48, Comp., p. 102), June 9, 1947 (No. 2734; 3 CFR, 1943-48, Comp., p. 116), July 20, 1948 (No. 2800; 3 CFR, 1943-48, Comp., p. 217), September 3, 1949 (No. 2856; 3 CFR, 1949 Supp., p. 45), October 4, 1950 (No. 2905; 3 CFR, 1950 Supp., p. 57), October 12, 1950 (No. 2907; 3 CFR, 1950 Supp., p. 61), June 29, 1951 (No. 2934; 3 CFR, 1951 Supp., p. 35), and June 29, 1956 (No. 3145; 3 CFR, 1956 Supp., p. 34); and

54 Stat. 2640.

WHEREAS under the proclamation of September 5, 1939, as suspended in part and modified, the quantity of cotton having a staple of $1\frac{1}{2}$ inches or more in length which may be entered, or withdrawn from warehouse, for consumption in any year beginning August 1 may not exceed 45,656,420 pounds; and

7 USC 624.

WHEREAS, pursuant to subsection (d) of section 22 of the Agricultural Adjustment Act, the United States Tariff Commission has made a supplemental investigation to determine whether changed circumstances require the further modification of the proclamation of September 5, 1939, to carry out the purposes of the said section 22; and

WHEREAS the Commission has transmitted to me a report of its findings and recommendations made in connection with its supplemental investigation:

Long-staple cotton.
Import quota.

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby find and proclaim, on the basis of the supplemental investigation and report of the United States Tariff Commission, that changed circumstances require the further modification, as hereinafter provided, of the said proclamation of September 5, 1939, in order to carry out the purposes of section 22 of the Agricultural Adjustment Act, as amended. Accordingly, under the authority vested in me by such section, I hereby further modify the said proclamation of September 5, 1939, so that of the total quantity of 45,656,420 pounds of cotton having a staple of $1\frac{1}{2}$ inches or more in length which may be entered, or withdrawn from warehouse, for consumption during the year beginning August 1, 1958, and in any subsequent year beginning August 1, not more than 39,590,778 pounds shall consist of cotton having a staple of $1\frac{1}{2}$ inches or more in length, and not more than 6,065,642 pounds shall consist of cotton having a staple of $1\frac{1}{2}$ inches or more but less than $1\frac{1}{4}$ inches in length: *Provided*, that of such 6,065,642 pounds, not more than 1,500,000 pounds shall consist of harsh or rough cotton (except cotton of perished staple, grabbots, and cotton pickings), white in color and having a staple of $1\frac{1}{2}$ inches or more in length, and not more than 4,565,642 pounds shall consist of other cotton.

7 USC 624.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this seventh day of July in the year of our Lord nineteen hundred and fifty-eight and of [SEAL] the Independence of the United States of America the one hundred and eighty-third.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

NATIONAL DAY OF PRAYER, 1958

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

August, 1, 1958
[No. 3252]

A PROCLAMATION

Our fathers trusted in God, and they were not confounded. Believing that all men are "endowed by their Creator with certain unalienable Rights," they conquered the wilderness, built homes, charted the course of free institutions, and defended their liberties against forces which threatened from within and from without.

In our time, buffeted by unprecedented changes and challenged by an aggressive denial of Divine Providence, we have continuing need of the wisdom and strength that come from God, and we shall always find our highest satisfaction in a steadfast purpose to know and to do His will.

In this spirit, the Congress, by a joint resolution approved April 17, 1952 (66 Stat. 64), has provided "That the President shall set aside and proclaim a suitable day each year, other than a Sunday, as a National Day of Prayer, on which the people of the United States may turn to God in prayer and meditation at churches, in groups, and as individuals."

36 USC 185.

It is a privilege to carry out this resolution, and I accordingly set aside Wednesday, the first day of October 1958, as a National Day of Prayer; and I call upon my fellow Americans and all who may be visitors in our country, each according to his own faith, to join in prayer for our Nation and for all mankind, and especially:

National Day of
Prayer, 1958.

First, that we may be humbly mindful that this Nation, under God, arrived at its present position by the toil and sacrifice of many citizens who subordinated personal interests to the common welfare and passed on to us a heritage with which we are singularly blessed;

Second, that we may have Divine guidance in our efforts to lead our children in the paths of truth and to provide a healthy environment in which they may grow in body, mind, and spirit;

Third, that we may ever exercise a compassionate concern for human suffering, whether at home or in distant lands, and that we may strive to alleviate hunger, eradicate disease, and advance the well-being of our neighbors;

Fourth, that we may be saved from blinding pride and from any act hurtful to the concord of free nations joined in building a just and durable peace under the guiding hand of Almighty God;

And, finally, that we may have courage to move forward in the unconquerable spirit of a free people, strong in faith, having a will to endure the burdens which have been given us to carry in our day, and to work toward goals of human betterment which may be attained only beyond our span of years.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this first day of August in the year of our Lord nineteen hundred and fifty-eight, and of [SEAL] the Independence of the United States of America the one hundred and eighty-third.

DWIGHT D. EISENHOWER

By the President:
JOHN FOSTER DULLES,
Secretary of State.

FIRE PREVENTION WEEK, 1958

August 6, 1958
[No. 3253]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS fire-prevention practices by the American people can avert much human suffering and save great loss of property; and

WHEREAS each citizen should contribute wholeheartedly to effective fire-prevention work urgently needed in every community of our land:

Fire Prevention
Week, 1958.

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby designate the week beginning October 5, 1958, as Fire Prevention Week.

I call upon the people to promote programs for the prevention and control of fires; and I urge State and local governments, the American National Red Cross, the Chamber of Commerce of the United States, and business, labor, and farm organizations, as well as schools, civic groups, and public-information agencies, to share actively in observing Fire Prevention Week. I also direct the appropriate agencies of the Federal Government to assist in this national effort to reduce the loss of life and property resulting from fires.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this sixth day of August in the year of our Lord nineteen hundred and fifty-eight, and of [SEAL] the Independence of the United States of America the one hundred and eighty-third.

DWIGHT D. EISENHOWER

By the President:

CHRISTIAN A. HERTER,
Acting Secretary of State.

ENLARGING THE FORT PULASKI NATIONAL MONUMENT, GEORGIA

August 14, 1958
[No. 3254]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the Fort Pulaski National Monument on Cockspur Island at the mouth of the Savannah River, Georgia, was established by Proclamation No. 1713 of October 15, 1924, upon the site of the old fortifications on that island, and, as enlarged by the act of June 26, 1936, 49 Stat. 1979, includes certain adjacent areas on the island formerly under the jurisdiction of the Secretary of War; and

43 Stat. 1968.

WHEREAS the Cockspur Island Lighthouse Reservation, situated on a small island near the southeasterly shore of Cockspur Island, contains an old abandoned lighthouse which is contemporary with Fort Pulaski and should be preserved because of its historic interest; and

WHEREAS such reservation has been declared excess to the needs of the Department of the Treasury, and has been reported to the General Services Administration for disposition; and

WHEREAS the General Services Administration is agreeable to the transfer of such reservation to the Department of the Interior for inclusion in the Fort Pulaski National Monument; and

WHEREAS a small Federally owned island, known as Daymark Island, containing approximately 1.5 acres of land at high tide, situated close to the northeastern shore of Cockspur Island and gradually becoming an accretion thereto, is required for the proper care, protection, and management of the objects of historic interest situated within the area of the Fort Pulaski National Monument; and

WHEREAS it appears that it would be in the public interest to reserve the Cockspur Island Lighthouse Reservation and Daymark Island, as hereinafter described, as parts of the Fort Pulaski National Monument:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, by virtue of the authority vested in me by section 2 of the act of June 8, 1906, 34 Stat. 225 (16 U.S.C. 431), do proclaim that, subject to valid existing rights, the following-described lands are hereby added to, and reserved as parts of, the Fort Pulaski National Monument, and shall be subject to all laws, rules, and regulations applicable to that monument:

Fort Pulaski National Monument, Ga.
Inclusion of land.

(1) That certain tract of land, about 1 acre in area, known as the Cockspur Island Lighthouse Reservation, situate near the south end of Cockspur Island at Latitude 32°01' N., and Longitude 80°53' W., and

(2) That certain tract of land, about 1.5 acres in area, known as Daymark Island and depicted on U.S. Coast and Geodetic Survey Chart C.&G.S. 440, Savannah River-Wassaw Sound, Revised 12/23/57, being an undesignated island in shoal water at Latitude 32°02' N., and Longitude 80°53' W. on the right bank of the Savannah River.

This proclamation shall become effective upon the effective date of the transfer of the Cockspur Island Lighthouse Reservation, as described herein, to the Department of the Interior.

Effective date.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of these lands and not to locate or settle upon any part thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this fourteenth day of August in the year of our Lord nineteen hundred and fifty-eight, [SEAL] and of the Independence of the United States of America the one hundred and eighty-third.

DWIGHT D. EISENHOWER

By the President:

CHRISTIAN A. HERTER,
Acting Secretary of State.

RESTORATION OF TRADE AGREEMENT CONCESSION AND REDUCED RATE OF DUTY WITH RESPECT TO HATTERS' FUR—TERMINATION OF PROCLAMATION NO. 2960

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

August, 14, 1958
[No. 3255]

A PROCLAMATION

1. WHEREAS, pursuant to the authority vested in him by the Constitution and the statutes, including section 350(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1351), the President, on October 30, 1947, entered into a trade agreement with certain foreign countries, which consists of the General Agreement on Tariffs and Trade and the related Protocol of Provisional Application thereof, together with the Final Act Adopted at the Conclusion of the Second Session of the Preparatory Committee of the United Nations Conference on Trade and Employment (61 Stat. (Parts 5 and 6) A7, A11, and A2050),

69 Stat. 165.

and by Proclamation No. 2761A of December 16, 1947 (3 CFR, 1943-1958 Comp., p. 139), proclaimed such modifications of existing duties and other import restrictions of the United States and such continuance of existing customs or excise treatment of articles imported into the United States as were then found to be required or appropriate to carry out such trade agreement on and after January 1, 1948;

2. WHEREAS item 1520 in Part I of Schedule XX (Geneva-1947) of the General Agreement on Tariffs and Trade read as follows:

Tariff Act of 1930, paragraph	Description of Products	Rate of duty
1520	Hatters' furs, or furs not on the skin, prepared for hatters' use, including fur skins carotod.....	15% ad val.

3. WHEREAS, after investigation and report to the President by the United States Tariff Commission pursuant to section 7 of the Trade Agreements Extension Act of 1951 (19 U.S.C. 1364), the President by Proclamation No. 2960 of January 5, 1952 (3 CFR, 1952 Supp., p. 18), invoked Article XIX of the General Agreement and modified the tariff concession therein with respect to the products described in the said item 1520 by substituting for the rate "15% ad val." the rate "47½¢ per lb., but not less than 15% nor more than 35% ad val.", effective February 9, 1952;

4. WHEREAS, pursuant to Proclamation No. 2960, since February 9, 1952, the products described in item 1520 have been subject to the rate of duty of 47½ cents per pound, but not less than 15 per cent nor more than 35 per cent ad valorem; and

5. WHEREAS, after investigation, including a hearing, pursuant to paragraph 2 of Executive Order No. 10401 of October 14, 1952 (3 CFR, 1952 Supp., p. 105), the United States Tariff Commission has reported to me its finding that the modification of the concession as set forth in the third recital of this proclamation by Proclamation No. 2960 no longer remains necessary in order to prevent or remedy serious injury or the threat thereof to the domestic industry producing products like or directly competitive with the products described in item 1520 and has recommended that the original concession, as set forth in the second recital of this proclamation, be restored in full:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, acting under the authority vested in me by section 350 of the Tariff Act of 1930, as amended, and in accordance with the provisions of section 7 of the Trade Agreements Extension Act of 1951, as amended, and of Article XIX of the General Agreement on Tariffs and Trade, do hereby terminate the said Proclamation No. 2960, effective at the close of business September 13, 1958, to the end that item 1520 as originally set forth in Part I of Schedule XX (Geneva-1947) of the General Agreement on Tariffs and Trade shall thereafter be applied in accordance with the provisions of the said Proclamation No. 2761A of December 16, 1947.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this fourteenth day of August in the year of our Lord nineteen hundred and fifty-eight, and of the Independence of the United States of America the one hundred and eighty-third.

DWIGHT D. EISENHOWER

By the President:

CHRISTIAN A. HERTER,
Acting Secretary of State.

61 Stat. 1103.

61 Stat. A1305.

65 Stat. 74.

66 Stat. c16.

61 Stat. A58.

66 Stat. c16.

66 Stat. c16.

61 Stat. A1305.

Termination of
Proclamation No.
2960.

19 USC 1351.

19 USC 1364.

61 Stat. A58.

66 Stat. c16.

61 Stat. A1305.

61 Stat. 1103.

NATIONAL EMPLOY THE PHYSICALLY HANDICAPPED WEEK, 1958

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

August 20, 1958
[No. 3256]

A PROCLAMATION

WHEREAS with respect for the God-given dignity of each individual and in keeping with the American tradition of helping others to help themselves, we appreciate the importance of useful employment; and

WHEREAS our physically handicapped citizens want to make their maximum contribution to the strength of our land and they have proved their ability as skilled and productive workers; and

WHEREAS the continued development of our country requires an ever-enlarging effort by all our people: both able-bodied and physically handicapped; and

WHEREAS the Congress, by a joint resolution approved August 11, 1945 (59 Stat. 530), has designated the first week in October of each year as National Employ the Physically Handicapped Week, and has requested the President to issue a proclamation each year calling for the observance of that week:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do call upon the people of our Nation to observe the week beginning October 5, 1958, as National Employ the Physically Handicapped Week.

National Employ
the Physically Hand-
icapped Week, 1958.

I also call upon the Governors of States, mayors of municipalities, Federal and other public officials, leaders of industry and labor, and members of all concerned organizations to take part in this observance. I particularly urge all employers to give the physically handicapped equal consideration for retention in their jobs as well as for employment, and I request our citizens to remember, throughout the year, that by their interest and assistance many handicapped persons can achieve economic independence and active participation in the total life of the national community.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 20th day of August in the year of our Lord nineteen hundred and fifty-eight, and of [SEAL] the Independence of the United States of America the one hundred and eighty-third.

DWIGHT D. EISENHOWER

By the President:

CHRISTIAN A. HERTER,
Acting Secretary of State.

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